FRIDAY, 11 OCTOBER 1996

Mr SPEAKER (Hon. N. J. Turner, Nicklin) read prayers and took the chair at 9.30 a.m.

PETITIONS

The Clerk announced the receipt of the following petitions—

Homosexuals, Legislation

From **Mr Carroll** (435 signatories) requesting the House to reject the Commonwealth Powers (Amendment) Bill or any similar Queensland legislation that might either refer to the Federal Government the State powers over property rights of "defacto marriage" parties or homosexual pairs or create any additional right for homosexuals.

Citizens' Rights

From **Mr Carroll** (2,382 signatories) requesting the House to support the principle that all members of our community have a right to live safely and securely in the community of their choice.

Trinity Beach Bus Service

From **Ms Warwick** (266 signatories) requesting the House (a) to maintain in its present form the route and frequency of the bus service for Trinity Beach and (b) consider increasing the frequency and enlarging the field of operation to include residential areas that are presently further than 500 metres from the bus route.

Trinity Beach Bus Service

From **Ms Warwick** (239 signatories) requesting the House to instruct the bus company to divert buses from quiet residential streets (Madang, Moresby, Petersen) to main Trinity Beach Road.

Gun Control Laws

From **Mrs Wilson** (2,725 signatories) requesting the House to consider the personal protection and freedom and the right of the law-abiding citizen to own and use firearms for any lawful purpose without having to prove specific need.

Petitions received.

MINISTERIAL STATEMENT

Queensland Health Scholarship Program

Hon. M. J. HORAN (Toowoomba South—Minister for Health) (9.33 a.m.), by leave: I seek leave of the House to make a ministerial statement about a significant funding boost to the undergraduate scholarship program. The Queensland Health Scholarship Program has been in operation for 52 years and provides financial support for undergraduate students in health disciplines during their university study in return for a period of bonded service in rural locations.

These scholarships were originally available in medicine and dentistry. More recently, the scheme was widened to include pharmacy students and allied health disciplines, including physiotherapy, occupational therapy, speech pathology, podiatry, social work and psychology. The annual allocation based on the 1995-96 model was for up to 40 scholarships in medicine, 11 in dentistry, two in pharmacy, five in allied health disciplines and one in psychology, although the actual number allocated to each professional group varies from year to year.

Under the previous Labor Government, the budget for this important program was frozen at $1.088m for each year from 1993-94 to 1995-96. In the year 1992-93, the budget for the Health Scholarship Program had been $1.015m. Of the $1.088m budgeted in 1995-96 by the previous Labor Government for this program, only $1.022m was expended. In response to this situation, the coalition Government has allocated an additional $1.3m to fully fund the program to its capacity each year, commencing 1996-97. This initiative will more than double the available funding for the Queensland Health Undergraduate Scholarship Program and bring the total 1996-97 budget—exclusive of rollovers—to $2.388m.

This scholarship program has been of vital importance to both support the training of those in financial need and to supply health professionals to rural Queensland through placement arrangements after graduation. The additional funds will also enable a review of the money paid to scholarship holders at a time when the Commonwealth has increased the HECS fees paid by students. The coalition Government has a commitment to the rural scholarship program as an important contribution to maintaining and improving the rural health work force. This additional funding will ensure the continuation of the program

and maximise the support given to future rural health professionals.

MINISTERIAL STATEMENT

Attack on Student, Cairns North State School

Hon. R. J. QUINN (Merrimac—Minister for Education) (9.35 a.m.), by leave: I rise to give the House details of yesterday's horrific attack on a six-year-old primary school student in Cairns. At about 1.30 p.m. yesterday, it seems that a person unknown to staff walked into the grounds of Cairns North State School and poured petrol over a student before setting the child on fire with a cigarette lighter. The principal and teachers immediately rushed to the boy's assistance and were themselves burned as they battled to put out the flames. These staff—and the principal, Michael Aitken, in particular—are to be commended for their brave and selfless actions.

The alleged offender then presented himself to a policeman who was working nearby. That person has been charged with attempted murder and is expected to appear in court this morning. The student, Tjandamurra O'Shane, was flown to Brisbane late last night, where he is now being treated in the intensive care unit at Royal Children's Hospital. Counselling arrangements have already been organised for students and staff, and I have called for a full report on the matter. The director-general of my department, Mr Frank Peach, is flying to Cairns on my behalf this morning to provide on-the-spot support as required, and to personally assess the situation. Contrary to earlier speculation, this cruel attack does not seem to have been racially motivated. Nor, to the best of our knowledge, does the alleged offender from Adelaide have any known association with the local school community or my department.

I know I speak for everyone in this House in voicing our outrage at this terrible atrocity. Our hearts go out to this young boy, his family and the whole school community, which is reeling from the shock of yesterday's abhorrent events. At this stage, we are still unsure what led to this random act of madness, but how anyone could commit such a vicious attack is beyond any thinking person's comprehension. For today, however, I would ask all members to direct their thoughts and compassion to that little boy lying in the Royal Children's Hospital this morning—and his deeply traumatised family.

MINISTERIAL STATEMENT

School Cleaners

Hon. R. J. QUINN (Merrimac—Minister for Education) (9.38 a.m.), by leave: As a result of a compromise deal offered to the Miscellaneous Workers Union on 4 September to end the dispute relating to the future of school cleaners, my department has been working with union officials to progress this matter. As part of this process, some 3,744 letters were sent to school cleaners, withdrawing dismissal notices and calling for expressions of interest in accepting voluntary early retirement packages.

Mr Hollis: Did you apologise as well?

Mr SPEAKER: Order! The member for Redcliffe!

Mr QUINN: I ask the member to listen. I am pleased to report that some 3,608 replies were received by the cut-off point at close of business yesterday. This represented a 96 per cent response rate.

Honourable members might recall the Premier's statement throughout last month's industrial campaign, when he said that the Government anticipated that as many as 1,200 school cleaners were interested in leaving the service voluntarily. That statement has proven to be conservative. Today, I am able to advise the Premier and the House that 2,152 school cleaners have indicated their desire to leave the cleaning service. Those 2,152, or 60 per cent of cleaners, no longer want their jobs. I must say that makes the union's 90,000-signature petition all the more of an achievement, and an even bigger con job pulled on the people of Queensland. It demonstrates how effectively they conned the media in this State, except for an astute few who saw past the controversy to the substance of this issue. It also makes me wonder how the member for Cook could suggest, as he did in yesterday's press, that the petition contained the signatures of 6,000 school cleaners. As I said, more than 2,150 school cleaners have indicated their willingness and, in many cases, their keenness to go.

Our arrangement with the Miscellaneous Workers Union is to achieve the enterprise bargaining agreement levels agreed to by that union and the previous Labor Government in 1994. That will allow for about 900 voluntary early retirement packages to be distributed. Unfortunately, the intransigence of the Miscellaneous Workers Union—which ruled out even partial privatisation—means that all those who want to go will not be able to go. Well

over 1,000 school cleaners who have indicated their desire to leave will not be able to. Offers of VER packages were due to be posted this coming Monday. However, because the union has been unable to deliver on a key component of the arrangement, that cannot occur. This delay will jeopardise the already tight time frame the Government is working within, after showing good faith by initiating the process.

MINISTERIAL STATEMENT

Hotel Accommodation Rental Bonds

Hon. R. T. CONNOR (Nerang—Minister for Public Works and Housing) (9.42 a.m.), by leave: A recent much-publicised incident at a Surfers Paradise hotel highlights the need for hoteliers to consider imposing holiday accommodation rental bonds. These bonds should make school leavers and footballers on end-of-season trips think twice before destroying property. The providers of accommodation should not lose sight of the fact that they are eligible to charge those bonds. That message should be even clearer to hoteliers after the headline-grabbing incident in Surfers Paradise where police were called to settle a dispute involving 26 Sydney footballers. Hotel management reported rooms were damaged during the footballers' visit and an additional night's accommodation was unpaid for.

It is important that Queensland holiday letting owners and accommodation providers understand there is protection against such alleged incidents. What I am saying is that this is a trial and that the industry must use it or lose it. The State Government recently approved an amendment to the Residential Tenancies Act that allows holiday letting providers, like those affected in Surfers Paradise, to hold bond moneys from clients during specified times of the year. Initially, a two-year trial has been introduced where a refundable bond is charged and held by the owner or property manager as protection against damage or rent owing. Although it is not compulsory to take part in the trial, it marks a new phase in Queensland's property management industry which has for years reported incidents of damage or rental loss.

Holiday letting problems usually occur at certain vacation times and are usually caused by a small group of visitors. For this reason, the trial is operating throughout 1996 and 1997 within the local authority boundaries of the Gold Coast, Caloundra, Maroochy, Noosa, Whitsunday and Cairns. The trial has been set up in such a way that it ensures any form of discrimination in the way bonds are charged is unlawful. This means people considered to be high-risk tenants could not be singled out from the rest of the community. This trial also offers owners and managers the freedom to choose whether they want to charge holiday letting bonds or not. The bond moneys may not compensate for the heartache involved but could certainly deter would-be vandals or allow some monetary compensation if a problem occurs.

QUESTION TIME

Mr FITZGERALD (Lockyer—Leader of Government Business) (9.43 a.m): I wish to advise the House of the absence of the Treasurer and the Minister for Mines and Energy from question time. I understand that pairs have been granted and I thank the Opposition for that. I understand that there is a dispute.

CITIZEN'S RIGHT OF REPLY

Mr FITZGERALD (Lockyer—Leader of Government Business) (9.44 a.m.), by leave: I move, without notice—

"That—

(a) The following requirements and provisions set out in this motion relating to a citizen's right-of-reply be adopted;

(b) the provisions take effect from the passing of this resolution;

(c) the provisions continue in force unless and until amended or revoked by the Legislative Assembly in this or a subsequent Parliament.

(1) Where a submission is made in writing to the Speaker by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified—

   (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and

   (b) requesting that the person be able to incorporate an

appropriate response in Hansard,

and the Speaker is satisfied—

(c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Members' Ethics and Parliamentary Privileges Committee; and

(d) that it is practicable for the Members' Ethics and Parliamentary Privileges Committee to consider the submission under this resolution,

the Speaker shall refer the submission to that Committee.

(2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.

(3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the Legislative Assembly to that person or corporation.

(4) In considering a submission under this resolution, the Committee shall meet in private session.

(5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.

(6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.

(7) In its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following recommendations:

(a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or

(b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in Hansard,

and shall not make any other recommendations.

(8) A document presented to the Legislative Assembly under paragraph (5) or (7)—

(a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and

(b) shall not contain any matter the publication of which would have the effect of—

(i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or

(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

(9) A corporation making a submission under this resolution is required to make it under their common seal."

Motion agreed to.

PERSONAL EXPLANATION

South Bank Fees

Ms BLIGH (South Brisbane) (9.45 a.m.): I rise to correct statements attributed to me in this morning's *Courier-Mail* in which it is claimed that I alleged officers of the Premier's Department were investigating user fees and charges for South Bank. *Hansard* records that I made those claims about officers of the Department of Public Works and Housing, and

I urge the Premier to find out what his Minister was up to before he is further humiliated on this issue.

OVERSEAS VISIT

Report

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (9.45 a.m.): I have pleasure in tabling my report on a visit to the United States, Japan, India and Indonesia from 9 to 28 August this year. The trip aimed to uncover trade and investment opportunities for Queensland. This report details a range of major opportunities for Queensland business, including road and port construction, coal, movies, technology and eco-tourism and significant manufacturing and export opportunities in India.

Since returning to Queensland I have been in direct contact with a number of Ministers and directors-general in the Queensland Government as well as business leaders to specifically point out the opportunities that are available to them. I am pleased that the Premier has agreed to my request that he or a senior Minister travel to India next month to attend the New Horizons business forum, which can be very productive for our State.

I visited South Carolina, which is next to Atlanta, to learn how that State gained benefits from the 1996 Olympics. I am pleased that, as a result, the Queensland Government is sending an officer to South Carolina to pursue that process further. Following my subsequent meetings with the Director-General of Sport in India and with Indonesia's Deputy Minister for Youth Affairs and Sport, I can inform the House that both countries are giving consideration to sending teams to train in Queensland prior to the Sydney Olympics. I understand that Mr Veivers' director-general will shortly visit Indonesia for further talks. The discussions outlined in this report will hopefully lead to considerable business activity for Queensland.

I am pleased to work with the Government to ensure that those contacts do bear fruit. Moreover, this trip, especially the US leg, has given me valuable insight into how Queensland should be attracting investment and trade opportunities. This will be a cornerstone of the policies that will lead the Labor Party back to Government in Queensland so that economic growth, stability and vision can replace the Borbidge/Sheldon incompetence and stagnation.

NOTICE OF MOTION

Heiner Inquiry

Hon. M. J. FOLEY (Yeronga) (9.46 p.m.): I give notice that I will move—

"That this House—

Notes that the Heiner Inquiry was so poorly constituted that it led to Crown Law advice that people giving evidence to it could be sued for defamation, a problem which led to the forced closure of the inquiry;

Condemns the Government for having excluded from the terms of reference of its inquiry an examination of this gross error by the National Party Government in 1989;

Calls on the Government not to waste any more of the public's money on further inquiries into the issue;

But instructs that, if more money is wasted on yet another inquiry into this farce, the Government do the job properly by including in the terms of reference an examination of the National Party Government's role in causing the ensuing problems;

Further, that this House—

Notes that page 208 of the Morris Report lists all the eminent lawyers who had already examined the allegations of Mr Harris and Mr Reynolds, saying that "If there is any substance at all in the allegations made by Mr Harris and Mr Reynolds, that can only be on the basis that there is a widespread web of corruption which not only exists within the Queensland Police Service, but which extended or extends to the Fitzgerald Inquiry, the Office of the Director of Prosecutions, the Criminal Justice Commission, the Parliamentary Criminal Justice Committee and at least two officers of the New South Wales Police."

And deplores the fact that this Government was so blinded by its desire to embarrass the former Labor Government that it, too, believed there was substance in the allegations and calls on the Government to reveal how much public money was spent on this ridiculous goose chase."

QUESTIONS WITHOUT NOTICE

Effect of Tax Increases on Tourism

Mr BEATTIE (9.49 a.m.): I refer the Premier to an advertisement in the *Cairns Post*

of 25 September, which bemoans Federal and State Government tax increases and blames them for the sale of 20 premium tourism businesses. I table that advertisement for the information of the House. In the light of the fact that Cabinet this week approved an increase in national park commercial tour permit fees of 300 per cent, an increase in the kangaroo harvest licence fee of 163 per cent, the temporary commercial tour permit fee to Fraser Island of 400 per cent, the tour operator fee to Moreton Island by 100 per cent, the fee for a tour operator's vehicle to Moreton Island by 200 per cent, the national park camping fee for families by 33 per cent and the whale watching fee per person by 20 per cent, I ask: why should more small businesses be forced to the wall by the Premier's brazen high-taxing policies to help pay for his politically motivated inquiries?

Mr BORBIDGE: In reply to the Leader of the Opposition, I am advised by the Minister for the Environment that those particular increases were not approved by Cabinet on Monday.

Cost of Inquiries

Mr BEATTIE: I refer the Premier to the endless number of inquiries being conducted by his Government, and I ask: how much did the report headed by the Treasurer's and Christopher Skase's lawyer, Tony Morris, cost? Has the Premier now costed the Borbidge witch-hunt into the CJC? What funding has he set aside for the third inquiry into the Heiner case? How many more politically motivated inquiries does the Premier have planned? As the total cost of these inquiries now approaches $5m, is it not true that, with Queensland's record high unemployment rate, the only job creation schemes that the Premier has are these inquiries so that his lawyer mates can get paid $3,000 a day?

Mr BORBIDGE: I thank the Leader of the Opposition for his question. I will deal firstly with the unemployment rate and his concern for the unemployed people of Queensland before I turn to the other matters.

I think that all Queenslanders should have been heartened yesterday by the release of the ABS labour force statistics for September, which showed that employment grew by 6,600 persons in seasonally adjusted terms in September compared with a national fall of 34,100. I am also pleased to report to the House that, since the coalition Government was elected in February 1996, in trend terms 22,900 jobs have been created in Queensland. For Australia as a whole, over the same period 49,800 jobs have been generated. If the Leader of the Opposition wants to talk about job creation in Queensland, I say that during the life of this Government Queensland has generated nearly half of all new jobs created in Australia over that seven-month period—46 per cent.

I am the first to admit that creating 46 per cent of all new jobs across Australia is not good enough. I am the first to admit that we have a lot of work to do. However, this Government is tackling the issues. This Government is working on a number of major projects that languished under six years of Labor administration. I refer to projects such as the North West Gas Pipeline, Korea Zinc and negotiations with Comalco being at an advanced stage. This Government is once again reasserting Queensland's position as the growth State of Australia.

It is interesting to note that the sensitivity of honourable members opposite is such that we have had this little smear campaign against Mr Tony Morris, QC. Firstly, it is being suggested that because Mr Morris might have represented someone, he cannot represent anyone else. I remind the Leader of the Opposition of information published on 25 July 1987 in the *Courier-Mail* when Mr Justice Tony Fitzgerald was retained by the Labor Party to look at the electoral laws in Queensland. Despite his appointment, that did not stop the National Party Government of the day proceeding to appoint Mr Fitzgerald to head a commission of inquiry.

However, let me tell the Leader of the Opposition who else Mr Tony Morris, QC, has represented in this Parliament: the member for Waterford, Mr Tom Barton; the member for Cleveland, Darryl Briskey; and, in fact, the former Speaker of the Parliament has been represented by Mr Tony Morris, QC.

Mr BARTON: I rise to a point of order. The Premier is misrepresenting the position. Mr Morris was hired by the Clerk of the Parliament to represent the PCJC at that point in time.

Mr BORBIDGE: Talk about the "Quick Draw McGraw" opposite! Mr Morris, QC, was commissioned to represent the Parliamentary Criminal Justice Committee before the Hanson inquiry. Did the honourable member opposite oppose that? Did he say, "I do not want Tony Morris representing me?" Did he say that? The honourable member for Waterford did not! The honourable member for Cleveland did not, and the former Speaker of this place did not.

If one applied the logic of the Leader of the Opposition, one could only presume that a doctor who operated on my foot could not operate on the foot of the Leader of the Opposition because he might be tarnished. The hypocrisy of honourable members opposite is breathtaking. We saw that yesterday. I remind the House of the breathtaking leadership that we saw yesterday from the Leader of the Opposition when the report into the allegations by Mr Kevin Lindeberg, Mr Gordon Harris and Mr John Reynolds was tabled. When the report raised serious questions about the conduct of the previous Labor Government, what did the Leader of the Opposition do? He jumped to his feet and said, "There is nothing adverse in it about me. I am all right. I am in the clear", and he dumped all his mates in it. What leadership! What loyalty! After the abysmal leadership, or lack of leadership, that we saw from the Leader of the Opposition yesterday, it is no wonder that all the former Ministers of the Goss Government were having a Cabinet reunion.

I make the point to the Leader of the Opposition that the recommendations made in this very substantial and independent inquiry relate to allegations of criminal offences. Those recommendations say that it is open to conclude that section 129 of the Criminal Code was breached. That carries a maximum prison sentence of three years. The report goes on to say that it is open to conclude that section 132 and section 140 of the Criminal Code were breached. That involves potential sentences of up to two years. The report goes on to refer to other elements of the Criminal Code. Is the Leader of the Opposition seriously suggesting that, when a report is commissioned which suggests that there may well be some criminality, we should ignore it? Is he suggesting that we should ignore it?

Mr BEATTIE: I am happy to answer that question which is directed to me.

Mr SPEAKER: We are having question time; we are not having a debate. If the member has a point of order, he should state his point of order.

Mr BEATTIE: My point of order is that if the report is prepared by two political shonks to serve the Premier's agenda——

Mr SPEAKER: There is no point of order.

Mr BORBIDGE: This matter can be resolved today.

Mr Purcell interjected.

Mr SPEAKER: Order! I warn the honourable member for Bulimba. There are too many interjections in the Chamber. I now warn him.

Mr BORBIDGE: Mr Speaker, thank you for your protection. This matter can be resolved today. If the Leader of the Opposition, as the current leader of the Labor Party, is prepared to authorise the release of relevant Cabinet documentation and submissions, it can be resolved today.

We are seeing a continuation of the character assassination that has been the hallmark of the Labor Party. It did not like the Commission of Audit, so it set upon the commissioners. It did not like the workers' compensation report, so it set upon Mr Kennedy. It does not like this particular report and, despite the fact that Mr Morris, QC, was good enough to represent the member for Waterford, was good enough to represent the former Speaker and was good enough to represent the member for Cleveland and other members of the Parliamentary Criminal Justice——

Mr BARTON: I rise to a point of order. I ask the Premier to withdraw those comments because I have already explained that Mr Morris was hired to represent the PCJC before the Hanson inquiry. In terms of the internal deliberations of the PCJC—they stay there. However, in terms of the hiring of Mr Morris—he was hired by the Clerk of the Parliament. I ask the Premier to take note of that, withdraw the comment and stop making that false allegation.

Mr SPEAKER: The honourable member finds the remarks in which the Premier indicated that he personally was represented offensive. He has asked for a withdrawal.

Mr Fouras interjected.

Mr SPEAKER: Order! I warn the member for Ashgrove under Standing Order 123A.

Mr BORBIDGE: If the honourable member takes exception to that particular statement of fact, then I withdraw. I make the point that the honourable member was quite happy——

Mr BEATTIE: I rise to a point of order. The Premier previously indicated to the House that I had been critical of Jim Kennedy. That is simply untrue and I seek it to be withdrawn. I have not been critical of Jim Kennedy. The Premier could not lie straight in bed.

Mr SPEAKER: Order! I ask the honourable member to withdraw that term.

Mr BEATTIE: I was talking about his bed posture. I withdraw.

Mr BORBIDGE: I am not aware that I said that the Leader of the Opposition attacked Mr Kennedy. I said "members of the Labor Party"; the royal "we".

Mr SPEAKER: I did not hear the comment, but I ask the Premier to finish his answer. It has gone on long enough.

Mr BORBIDGE: In conclusion, I emphasise that Mr Morris was good enough to represent the Parliamentary Criminal Justice Committee, of which honourable members of the Labor Party were members. They were happy to have that representation and they were happy to accept it.

Workers Compensation Fund

Mr SPRINGBORG: Can the Honourable Minister for Training and Industrial Relations answer concerns——

Opposition members interjected.

Mr SPRINGBORG: I will start the question again, to get another round of mock indignation from the other side. Can the Minister answer concerns being raised about the accuracy of the actuarial projects for the Workers Compensation Fund?

Mr SANTORO: I thank the honourable member for his question, because I think the answer has much currency in view of the many statements that have been made about the actuaries, both within this place and, more recently, outside of this place. I am pleased to inform the House that the actuaries have, in fact, confirmed their preliminary advice, which was the subject of my ministerial statement on Wednesday, 4 September, of a central estimate plus 10 per cent prudential margin to give an outstanding claims liability at 30 June 1996 of $1.411 billion. This figure results in a probable unfunded liability at 30 June of $313m. This unfunded liability is based on projections of the final amounts payable as a result of injuries which occurred up to 30 June. It should be obvious to everybody—workers, employers, unions, lawyers, and even those opposite—that it is necessary to estimate this figure, given the fact that the claims resulting from these injuries are yet to be finalised.

It is vitally important that all who are interested in this issue—and I hope that honourable members still are—particularly those with a vested interest, accept that actual figures are not and will not be available for some years. Criticism based on not having actual figures is unrealistic and, in fact, counterproductive. Also counterproductive are the claims made by a number of people—who, I might add, should know better—that because the fund is currently running a cash surplus, everything is okay and there is not a problem. For example, in a media release on Wednesday, the Law Society cited the budgeted cash surplus of $370m for this financial year. The president of the society, Mr Hugh Grant, said—

> "It seems the crisis predicted for the fund may never actually eventuate if this rate of surplus continues."

This is the type of argument that Christopher Skase tried to sell to his creditors during the financial madness of the 1980s. One can picture the scene: the bill is due and payable in five years' time and it will amount to nearly $1.5 billion. The bank manager asks, "Where is the $1.5 billion going to come from?" Skase says, "Don't you worry, mate. It will be there. I will have about $1 billion." The creditors say, "But we really want $1.5 billion." Skase replies, "Don't worry, mate. I've got about $370m and don't worry about the shortfall."

For members opposite and the Law Society, I say again so that all can hear it: there is not a current cash crisis with the fund. The problem faced by the fund will not hit home for several years, but it is now—and I stress "now"—that we have to make changes to prevent it becoming a cash crisis in the future. If we do not act now to fix the problem, it will—and I repeat "will"—get worse and the solution will—and again I repeat "will"—become as painful as it has been in Labor States where this Labor Party's mates bankrupted the workers' compensation system and did not do anything to fix it.

The opponents of the reforms must realise, if they do not already realise it, or if they do realise it but perhaps are just too selfish to admit it, that the problem is real and it is getting worse. Having said that, the actuaries have stated that the probability of this provision being sufficient to cover the cost of the outstanding claims, when they eventually are finalised, is about 70 per cent. This means that at this level of probability there is about a one-in-three chance that there will be insufficient funds to meet the board's obligations. The actuaries have stated that, typically, a provision with a probability of sufficiency of 75 per cent to 80 per cent would be adopted. If the more prudent figure of 80 per cent were adopted, the provision required increases by $123m, which would increase the projected deficit to $436m. If provision was

made to give only a one-in-ten chance of underproviding for the payment of outstanding claims to 30 June 1996, the projected deficit would be $565m.

If we were to be 90 per cent certain of having sufficient reserves to pay the bills when they come in, the deficit would be more than half a billion dollars at the end of the last financial year, and honourable members may not like to hear this, but it is still increasing at the rate of at least $2.5m per week. Those who do criticise Commissioner Kennedy, as the Premier said, should listen to this: when Commissioner Kennedy said that the deficit was likely to exceed $290 billion, some groups said that this was extreme. I ask the House: who was giving better advice, the minimalists or the realists?

In closing, I will address briefly the concerns expressed to me by the Law Society that the actuaries' figures cannot be accepted because they are based on unaudited data that refers particularly to the issue of multiple notifications. That particular issue has been clarified and the board has provided the figures and the substantiation to totally knock that argument out of the ring.

I am pleased to be able to advise the House that I provided Coopers & Lybrand with a copy of the Law Society's concerns as expressed to me regarding common law intimations for their use as a brief for an audit of the board's processes for intimations of common law claims. The auditors have advised me that they found—and I ask honourable members to listen to this—no significant discrepancies in the data which would indicate that the conclusions reached by the actuaries in their evaluation of outstanding claims liability required any material adjustment. The actuaries have advised that the isolated exceptions noted in the audit do not materially change their report or opinion of the provision required. In accordance with the accountability of this Government, I table the actuaries' final advice and auditors' reports.

Minister for Health

Mr MULHERIN: In directing a question to the Minister for Health, I refer to the plight of an 11-year-old visually impaired lad in Mackay who was born with bilateral congenital cataracts, forcing him to wear special contact lenses. I have written to the Minister on 24 May, 1 August and 18 September seeking his help to provide money to replace his broken lenses, but the Minister has refused to reply. Does the Minister treat all people who contact his office so arrogantly? How can he deny funding to this boy when he sits in a Cabinet that is only too willing to fritter away millions of dollars on inquiries to settle old political scores? I table the correspondence.

Mr HORAN: I thank the honourable member for his question. I give him a guarantee that today I will personally check to see whether those letters have come in, and I will give him a reply straightaway.

Elective Surgery Waiting Lists

Mr CARROLL: I direct a question to the Honourable the Minister for Health. We have heard Opposition allegations about elective surgery cancellations at both the Princess Alexandra and Royal Brisbane Hospitals. I ask: can he tell us the facts about elective surgery waiting lists?

Mr HORAN: Yesterday in this House, the member for Fitzroy and the member for Mount Gravatt made certain allegations about cancellations of surgery. Today I want to expose the twisted allegations that they have made and the total lack of regard that they have shown for the facts, the staff and the other patients at the hospital.

Firstly, I will deal with the member for Fitzroy. No-one in the Health Department would feel anything other than deep regret that a lady from Dysart has had her operation cancelled on two occasions. That surgery could not be undertaken by a general surgeon; it was specialised surgery that had to be performed at the Royal Brisbane Hospital. We are fortunate to have visiting specialists to perform these operations. On both of those days, there were full-day lists. On the first day, the list went from 8.35 a.m. to 6.30 p.m. That was a 10-hour list. On the second day, there was another 10-hour list, from 8.45 a.m. to 7.35 p.m.

This is where we come to the facts. This is what the member for Fitzroy was not prepared to tell the House. The people on the waiting list ahead of this person had operations for extensive bowel cancer that took up to five hours. When a surgeon puts scalpel to skin, he does not know whether that operation will take two or three hours or, in this case, five hours.

Mrs EDMOND: I rise to a point of order. The Minister is misleading the House. The surgeon did not object to operating. The surgeon said that the theatres were being closed because the Minister cut the funding.

Mr SPEAKER: Order! The honourable member made her point; I will now make mine. I have had enough of the persistent

interjections. I now warn the honourable member for Mount Coot-tha under Standing Order 123A.

Mr HORAN: The surgeon did not say that. In fact, we have opened the theatres at that hospital and at the PA.

During the first 10-hour session, the lives of two people were saved. The lives of three people were saved on the next day. Does the member think that the surgeon should have continued operating for another four or five hours after he operated for 10 hours straight to save people's lives? What is needed in this place is a bit of honesty from members opposite. They should admit that this great system saved the lives of five people. During two 10-hour sessions, five Queenslanders' lives were saved, yet the member complained about that. What a disgrace!

Honourable members interjected.

Mr SPEAKER: Order! It is late in the week. I know that honourable members want to get this out of their system. I have let it run for a little while. Fortunately, there are not many people in the public gallery to listen to what is going on at the moment. We will have some order now. I have warned three honourable members. I will do more than that if this keeps going on.

Mr HORAN: In conclusion—in respect of the lady from Dysart, I know that the hospital is seriously concerned that those operations preceding hers took——

Mr Nuttall interjected.

Mr SPEAKER: Order! I warn the member for Sandgate under Standing Order 123A.

Mr HORAN:—such an extensive time. They have given me a commitment that that will be taken into special consideration. But we have to be fair, that is, if there are people on the operating table undergoing life-saving operations, the surgeon has to complete those first. On those two days, individual operations took up to five hours.

Mr Hollis interjected.

Mr SPEAKER: Order! I warn the member for Redcliffe under Standing Order 123A.

Mr Pearce: Are you feeling hurt? Are you feeling wounded?

Mr HORAN: No. I feel concerned for the staff who save the lives of Queenslanders.

Then we heard the member for Mount Gravatt claiming that an operation had been cancelled five times. She has shown disregard for the staff at the Princess Alexandra Hospital, who are doing marvellous work. They are reducing the time that people wait for surgery.

Ms Spence interjected.

Mr SPEAKER: Order! I warn the member for Mount Gravatt under Standing Order 123A.

Mrs EDMOND: I rise to a point of order. It was the staff who advised us to take up this matter because of their problems with the budget that the PA Hospital has received.

Mr SPEAKER: Order! There is no point of order. I ask the honourable member to resume her seat. The member has already been warned under Standing Order 123A. I give the member her final warning.

Mr HORAN: In the case of this patient, the hospital undertook, because of the circumstances, to see that she would have her operation within six weeks. On 11 September, after examination, she was placed on a waiting list and was able to have arrangements made to go into hospital on 23 September for an operation on 24 September. On the night of 23 September——

Mr SPEAKER: Order! I ask the Honourable Minister to complete his answer.

Mr HORAN: I will complete it by showing how there were not five cancellations; really, in effect, there was one. She had the flu. The medical opinion was that it would have been dangerous to perform the operation. The honourable member wants the operation to go ahead regardless——

Ms Spence interjected.

Mr SPEAKER: Order! This is the final warning for the member for Mount Gravatt.

Mr HORAN: She might have died. Based on a medical opinion with respect to her having the flu, the operation was cancelled. The second operation was scheduled for 30 September. The week before, a world-renowned professor of surgery from Oxford was to visit the PA Hospital. He came out during the week that included 30 September. Over that week, for the first time in Australia, he taught the surgeons at the PA Hospital the pallidotomy process to treat and cure people with Parkinson's disease. As a result, the surgery in the morning sessions in the neurosurgery theatre were cancelled, and all they did that week were malignant tumours. This lady's tumour was benign. That was the reason for that cancellation. Queenslanders with Parkinson's disease can now be operated

on and cured. That is a great advance for this State.

Mr SPEAKER: Order! I ask the Minister to finalise his answer.

Mr HORAN: I am finalising my answer. In the end, the operation was booked for a day on which there was surgery interstate, so it was changed to three days later, and it will occur.

Government Inquiries and Reviews

Mr ELDER: In directing a question to the Premier, I refer to the 137 inquiries and reviews which his Government has set up since February. I table that list for the information of the House. I ask: at the Premier's meeting with Rupert Murdoch yesterday, did he raise with the Premier his public concerns about the number of public inquiries being held by Governments in Australia, and that he felt Governments should govern? When is the Premier going to start governing, or is he just going to instruct his Transport Minister to change the logo on Queensland number plates to "Queensland—State of Inquiry"?

Mr BORBIDGE: It speaks volumes for the intellect of honourable members opposite when they read the cartoons each morning to work out what questions they will ask in Parliament.

In reply to the honourable member—discussions that I have with other people are generally a matter between those people and myself, but if it makes the honourable member sleep easier tonight, I can tell him that Mr Murdoch did not express that concern to me. I was able, however, during that meeting to brief Mr Murdoch on the many exciting things that are happening in Queensland. Of course, News Corporation plays a very vital role in the development and the economic life of the State of Queensland.

I find fascinating all the concern that is festering over the other side. The inquiry members opposite are worried about is the inquiry we might be about to call. Earlier today our friend "Rumpole", the honourable member for Yeronga, read a five-minute notice of motion—in his normal brief and succinct manner—on why the Government should not proceed in regard to an inquiry in relation to matters tabled yesterday. Just in case it did not sink in——

Mr Beattie: Did Christopher Skase's lawyer give you different advice, did he?

Mr BORBIDGE: I am not casting aspersions on the member for Waterford's lawyer, and I suggest the honourable member does not, either.

I know that honourable members opposite do not really want this inquiry. All of a sudden, it is a waste of money. I find it interesting that other inquiries apparently have not been a waste of money. In regard to the Lindeberg allegations, the report states that it is open to conclude that there have been breaches of the Criminal Code for offences such as: section 132, conspiring to defeat justice, up to seven years' imprisonment; section 129, destroying evidence, up to three years; section 140, attempting to pervert justice, two years; abuse of office, two years; subsection 92(1), disobedience of statute law, up to one year. But the former Attorney-General, that great civil libertarian who was involved in a Cabinet that destroyed the careers of certain whistleblowers in this State, somehow thinks that there should not be an inquiry into matters that he was the subject——

Mr FOLEY: I rise to a point of order. Firstly, the report does not state that any Cabinet was guilty of any unlawful conduct. Secondly, for the information of the Premier, I point out that I was chairing a parliamentary committee at the relevant time to clean up the corruption that his Government left when it was last in power.

Mr BORBIDGE: I got my Attorneys-General mixed up; it was the honourable member for Murrumba. I thank the honourable member for correcting me.

If the Leader of the Opposition, the Deputy Leader of the Opposition and the shadow Attorney-General are saying that there should not be inquiries made in regard to these particular allegations, again I say: the matter can be resolved easily, that is, by the current Leader of the Opposition agreeing to the release of the Cabinet documents in question.

Debate interrupted.

PRIVILEGE

Parliamentary Criminal Justice Committee; Statements by Premier

Mrs BIRD (Whitsunday) (10.24 a.m.): I rise on a matter of privilege suddenly arising. Earlier and again a few moments ago, the Premier made the comment that no Labor member of the PCJC objected to Tony Morris' appointment to represent all members of the multi-party PCJC in matters regarding the

Hanson inquiry. As a member of the PCJC at that time, it is of serious concern to me that the Premier has been informed of internal workings and confidential discussions of the PCJC. I ask that the matter be referred to the Privileges Committee for investigation.

Mr SPEAKER: Order! I call the honourable member for Albert.

Debate resumed.

QUESTIONS WITHOUT NOTICE

Brisbane Watch-house

Mr BAUMANN: I ask the Minister for Police, Corrective Services and Racing: could he please advise the House what reforms have been implemented to date in relation to improving the situation for prisoners and staff at the Brisbane watch-house? The reforms I refer to precede the planned replacement of that facility.

Mr COOPER: I thank the honourable member for the question and for his interest in this matter. I like to try to keep the House informed as to how things are going in watch-houses in south-east Queensland in particular but also in watch-houses throughout the State. As members are aware, when we first came to Government I issued a directive that the 31-day rule for prisoners in watch-houses should be cut to a week. That has been done. To all intents and purposes, for the last seven or eight months we have adhered to that. We are soon reaching the point where the maximum stay will be three days, which is what we want to achieve. There is no use saying we are going to do that if we cannot actually deliver, but we are getting there. I believe that that has worked extremely well.

As a matter of interest—up to August 1995 under the Goss Government, the average length of stay of prisoners in watch-houses was 48 days. Since we have come to office, the average length of stay has been 15 days. It can be seen that there has been a dramatic improvement in that time. Over the last six years—during the time of the Labor Government—it was not unusual for prisoners to be detained in watch-houses for up to 50 days. Those days have now gone. We are making sure that we reserve watch-houses for their intended use: people coming through so that they can be cleaned out and go to the respective prisons as and when that can be done.

As to fine defaulters—we know that quite often many fine defaulters would like the facilities to be able to pay their fines. We have installed an EFTPOS facility and a fine option order clerk in the city watch-house so that, if they want to, people can pay their fines and move on rather than serving a period of detention. As to other areas of improvement in the watch-house situation—arrangements are currently being made for trained nursing staff to visit regularly the city watch-house and also other watch-houses throughout Queensland to assist Government medical officers. Quite obviously, many people who go through the watch-house system require medical attention, and we are making sure that they get it. The matter of Aboriginal and Torres Strait Islander prisoners is an ongoing issue. Police liaison officers are available. There are four Murris stationed at the city watch-house and there are others right across the State. They can make a tremendous difference to Aboriginal and Islander people. We are making very sure that those people also receive the sort of treatment that is warranted.

We are also making sure that clearances of QCSC prisoners from watch-houses in the south-east corner can be accelerated to the point where arrangements are being implemented to process all prisoners in south-east Queensland through the Brisbane City watch-house so that we can move those people through as and when required. Quite often, some of them will have to remain in the watch-house in order to attend court. Nevertheless, in the main, those people are being moved out to the relevant facilities so that they can begin their sentences. As far as we are concerned, the situation is improving. It will never be perfect, but we are keeping a constant watch on it. We will continue to implement improvements while we bring forward the construction program for the new facility in order to cater for the higher number of people coming through the prison system as a result of tougher penalties and sentences.

PARLIAMENTARY PROCEDURES AND SITTING HOURS

Mr FITZGERALD (Lockyer—Leader of Government Business) (10.30 a.m.), by leave: I cannot let the "Comment" piece by Peter Morley in today's *Courier-Mail* go unchallenged. This Government has instituted a range of parliamentary reforms designed to make this place work more effectively. For a start, up until today, there has been only one late-night sitting of this Parliament, and I cannot guarantee what will happen today. For the first time in a political generation, Parliament is adjourning at a sensible hour, meaning better consideration of legislation

and better conditions for staff working in this place. Honourable members will be aware of the legendary late-night sittings employed by the previous Government. Do honourable members remember sitting till 2 a.m. and beyond on Tuesday nights, 2 a.m. and beyond on Wednesday nights, after midnight on Thursday nights and then all day Friday?

This Government has provided the Opposition with an opportunity to raise matters of interest prior to question time. One hour is set aside every day for Opposition business during which members opposite can debate Private Members' Bills and move and debate motions—initiatives never provided by our predecessors. There is a full one-hour question time every sitting day, except when the Parliament meets on a Friday. In his "Comment" piece today, Mr Morley said—

> "The abuse ended when Labor came to power. Its term saw adequate time allowed for the consideration of Bills. On occasions, it gagged debate but the passage of a bill through all stages in the one day only occurred with the concurrence of the then Opposition."

Mr Morley has a short and erroneous memory. I will refer to but a few Bills pushed through this place by the former Labor Government without the support or concurrence of the Opposition. The Lang Park Trust Amendment Bill was rushed through all stages in one day. The vitally important Freedom of Information Bill was rammed through in one day. So, too, was the Australian Financial Institutions Commission Bill. Do honourable members remember the way in which the massive number of amendments to the Industrial Relations Act were rammed through? The Criminal Code and other amendment Bills were rammed through. The Nature Conservation Amendment Bill was rammed through. What about the Heritage Buildings Protection Amendment Bill?

If Mr Morley and others believe deep in their heart of hearts that the activities in this place yesterday amount to a return to the bad old days, then it is clear that they need not look back as far as the 1980s for precedents.

CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 10 October (see p. 3297).

Mr NUTTALL (Sandgate) (10.32 a.m.): I wish to place on record my strong opposition to the Criminal Justice Legislation Amendment Bill that is before the House. In my address to the Chamber today, I intend to deal with several issues that are being affected by this Bill. This Bill attacks the CJC, it attacks the Parliamentary Criminal Justice Committee and it attacks the Fitzgerald reforms.

It is incorrect and improper to say that this Bill is just about attacking the CJC. It is not just about attacking the CJC; it is about attacking the whole reform process that this State has undergone since 1989. That process has been painful but necessary. Now is not the time to be winding the clock back to the bad old days. I intend to address each of those areas on an individual basis.

Firstly, the area that I wish to address is the CJC itself. I am mindful of my role as the deputy chair of the Parliamentary Criminal Justice Committee and I will refrain from commenting on deliberations of that committee. Since the National/Liberal Party came into Government in this State in February this year, on a regular basis it has attacked the performance of the CJC. It has continued to attack the senior officers of the CJC to the extent that neither the Premier nor the Chair of the PCJC will give their unqualified support to Mr Clair as Chairman of the CJC. As deputy chair of the PCJC, I am a strong supporter of the Criminal Justice Commission and I am a strong supporter of its leader, Mr Frank Clair. It is a pity that neither the Chair of the PCJC nor the Premier of this State are prepared to give such unqualified support to Mr Clair.

Not only have we seen an attack on Mr Clair; we have also seen allegations made by the honourable member for Broadwater in relation to Mr Le Grand, which is a matter that will go before the judicial inquiry that is to be established. On a regular basis, we have seen an attack on the operations of the CJC. We have seen a continued daily attack in the media on the credibility of the investigations of the CJC, and now we have another review of previous outcomes of CJC investigations.

Obviously, when the CJC carries out investigations and brings down findings, those findings will never please all the people involved. Because an outcome, when it is brought down, does not please some people, this Government decides to review that outcome by way of a further investigation. All that does is rake it over the hot coals, and it is a costly exercise for the taxpayers of this State.

The CJC is monitored and reviewed probably more than any other crime-fighting

body in this country. The record of the inquiries into the operations of the CJC and the monitoring of its operations clearly shows that that body is continually reviewed. That brings me to the role of the PCJC. In the past, the PCJC has played an important role in monitoring the operations of the CJC, and I intend to address the problems that the current Parliamentary Criminal Justice Committee presently faces while trying to do its job.

Under the Criminal Justice Act, the committee is required to conduct reviews of the CJC and to monitor its operations. On a bi-monthly basis, the Parliamentary Criminal Justice Committee meets with the Criminal Justice Commission, including the head of the commission, directors of the commission and other deputy commissioners of the commission. In those deliberations, the committee probes and questions the operations of the CJC. As I said, that is done on a bi-monthly basis and, of course, at various other times when the committee believes it necessary. There are difficulties with some of the matters being examined by the committee, and I will address those matters shortly.

The judicial inquiry into the CJC has been public and I am bitterly opposed to it because it takes away the role of the Parliamentary Criminal Justice Committee. It is a requirement of the Criminal Justice Act that the Parliamentary Criminal Justice Committee conduct a three-yearly review of the CJC. The ludicrous situation is that the judicial inquiry, under its terms of reference—and I will come to them shortly—will conduct investigations into the operations of the CJC. Under the current Criminal Justice Act, the Parliamentary Criminal Justice Committee must conduct a three-yearly review of the Criminal Justice Commission.

Mr Foley: Another inquiry.

Mr NUTTALL: The member is right—another inquiry.

An honourable member interjected.

Mr NUTTALL: That has not started yet. It is a requirement of the Criminal Justice Act that the parliamentary committee conduct a three-yearly review of the CJC but, at the same time, the judicial inquiry will be conducting its own review of the CJC. It shows the ridiculous situation in which the Government has placed both the inquiry and the PCJC. It is just not sensible to have an all-party parliamentary committee do a three-yearly review and, at the same time, have a judicial inquiry doing the same type of thing.

This brings me to the terms of reference of the judicial inquiry. I do not intend to go through each and every one of the terms of reference, but if one did go through them one would find that all of those matters could be handled by the Parliamentary Criminal Justice Committee and, indeed, should be handled by the Parliamentary Criminal Justice Committee. The heart is being ripped out of the Parliamentary Criminal Justice Committee. One will have to question the future role of that committee if, on a continuing basis, inquiries that should be conducted by the all-party Parliamentary Criminal Justice Committee are referred to the Executive Government, which in turn establishes a judicial inquiry into the operations of the Criminal Justice Commission.

There is another issue that needs to be brought to the attention of the House in this debate. In all other jurisdictions where we have crime-fighting authorities in this country—that is, the National Crime Authority, which comes under the jurisdiction of the Commonwealth Government; the Independent Commission Against Corruption, which comes under the New South Wales Government; and the Anti-Corruption Commission, which comes under the Western Australian Government—all of those crime-fighting bodies are monitored and reviewed by an all-party parliamentary committee. So it is not unusual for an all-party parliamentary committee to be reviewing the operations of crime-fighting bodies. Indeed, that is the norm in this country. As such, we should be enhancing the role of the PCJC, not detracting from its role—as this judicial inquiry will do.

I have said before that the Parliamentary Criminal Justice Committee has continued to be frustrated in carrying out its role. It is on the public record that we have had differences of opinion in that committee. However, the bottom line is that the Criminal Justice Act requires us to do a certain job. The Government members on that committee are abrogating their responsibility in that, when we do endeavour to do our job under the Criminal Justice Act, they refer certain matters back to the Executive Government.

There is one problem that I feel is not being addressed and should be addressed by the Government. Indeed, if the Government did address this problem we would not, in my view, need the judicial inquiry into the operations of the Criminal Justice Commission and other matters. In July this year, the all-party parliamentary committee tabled a report to the Legislative Assembly of Queensland. It was report No. 34 of July 1996, which shows

the outstanding Parliamentary Criminal Justice Committee recommendations which we have asked the Government to address. If the Government was to address the recommendations in that report, I believe that that would certainly make the CJC more accountable in certain areas and make the operations of the CJC, the PCJC and the Criminal Justice Act work in a better frame.

The recommendations in that report, which was put before the Parliament in July this year, are not just those of the current PCJC; they include some outstanding recommendations of the last two Parliamentary Criminal Justice Committees. There are over 50 recommendations in that report which, to this stage, still have not been addressed by this Parliament. If people question the operations of the Criminal Justice Commission, and if the matters in this report had been addressed by the Government, it would make the Criminal Justice Act work better, as I have said, and make the Criminal Justice Commission more accountable. That is the bottom line. The tool for making the CJC work better is before the Parliament now. What we need is for the Attorney-General and the Government to pick up this report and to act on it so that we do have a more accountable process.

No-one has ever said that the CJC is perfect. No-one has ever said that the model that was established by the Government under the terms of the Fitzgerald report was set in stone and should be there forever and a day. Indeed, that has been the reason that we have had three-yearly reviews. That has been the reason the PCJC has continued to monitor the operations of the CJC. We have come up with a number of recommendations to make that model a better one, but the Government continues to ignore the recommendations that are put before the Parliament.

I want to move on to the Fitzgerald reforms and what is happening with those reforms. In chapter 10 of his report, in particular pages 307 to 309, Mr Fitzgerald makes a number of comments regarding the Parliamentary Criminal Justice Committee and the Executive Government. On page 307 he says—

> "The administration of criminal justice should be independent of Executive controls.
>
> . . .
>
> One mechanism which is sometimes adopted to retain a measure of control over such a body is the constitution of a parliamentary committee to monitor its operations."

What we are seeing and what we have seen over the past few months is those controls going back to the Executive Government and being taken away from this all-party parliamentary committee. As I said at the start of my speech, this is an attack not only on the CJC but also on the Fitzgerald process and the Fitzgerald reforms.

On page 309 of his report, Mr Fitzgerald says—

> ". . . executive authority and connection with the CJC must be limited to what is necessary to finance it, provide administrative and resource needs, and that necessary for public financial and other accounting purposes."

He goes on to say—

> "For those purposes, but not otherwise, a Minister should be responsible for the CJC."

But what we have now is the Minister directly intervening in the operations of the CJC, which is clearly in contradiction of the Fitzgerald reforms and the Fitzgerald process. This is a sad day for the people of Queensland. What we are doing here is winding back the clock.

There is a particular clause in the Bill that is of grave concern to me. I know that this issue has been addressed by the shadow Attorney-General. I refer to clause 132B (3)(b) on page five of the Bill before the House. I hope that the shadow Attorney-General will question the Attorney-General about this at the Committee stage. I am going to ask the Attorney-General whether that clause of the Bill removes parliamentary privilege for members of the PCJC in terms of its dealing with the CJC.

Dr Watson: No.

Mr NUTTALL: That is a matter of opinion. If one reads the clause, one will see that it can be interpreted that, in the case of matters deliberated between the CJC and the PCJC, a judicial inquiry will have the power to call members of the PCJC and the CJC and require minutes and records of deliberations between those two bodies. If that is the case, that is an enormously dangerous precedent. That would muzzle not only the PCJC and the CJC but also all parliamentary committees, because they would be fearful that similar legislation might be introduced into the House that would require them to divulge their deliberations, which at the time they believed were covered by parliamentary privilege. I ask the Attorney-General to address that issue

during the Committee stage of this Bill, because it is a serious matter that needs to be addressed.

Mr Beanland: I will do that.

Mr NUTTALL: I thank the Attorney-General for that indication.

My concern is for the future role of the all-party parliamentary committee. Under its terms of reference, the judicial inquiry will examine the role of the PCJC. I believe it is improper and wrong that an outside body should examine the operations of an all-party parliamentary committee that has been established by this Parliament. This is bad legislation which has been rushed in. It is a shame that it is being pushed through the House in the way that it is today.

Mr CAMPBELL (Bundaberg) (10.52 a.m.): I rise in this debate to voice my concern about the way this legislation has been brought before the House and also about its ramifications, particularly the aspect relating to parliamentary privilege. Ever since the introduction of the original criminal justice legislation, I have been concerned that we, as members of Parliament, did forgo aspects of parliamentary privilege. At the time I believed that it was improper and incorrect. It is even more improper that an outside body, such as the chairman of the commission, can decide whether action should be taken against members of a parliamentary committee of this House for the way they act as members of that committee. It has been a principle of the Westminster system that any allegedly wrong action of a member of a parliamentary committee is brought back to the Parliament for it to decide what action should be taken. It should always be referred back to the Members' Ethics and Parliamentary Privileges Committee.

I remember the Wallah case and the disgraceful actions of the CJC when it was investigating possible leaks. It was prepared to subpoena members of the parliamentary committee but did not have the guts to take on the newspaper or journalists. When journalists claimed journalistic privilege and refused to answer, the commission backed off; but when it came to the privileges of members of the House, it was prepared to attack on all levels. One can talk about freedom of speech for the media and journalists, but the most important freedom of speech is for the people through their representatives in this Parliament. We are forgoing that freedom of speech every time we allow another body to impose sanctions on the actions of members of this House. Sometimes we may feel that members may go too far under parliamentary privilege, but the numbers of times that that has occurred have been few. The positive work that has been achieved by members of Parliament through the use of privilege outweighs any problems that have occurred.

To suspend Standing Orders to bring on the legislation at this time was an inappropriate use of Standing Orders. That was not proper or appropriate because this legislation is not urgent. I can see no reason why this legislation had to be rushed in when it relates to a review of events that did not happen yesterday. The review will deal with events that occurred over the past few years. There is no reason to give priority to this Bill over the Public Service Bill, which has to be implemented to ensure that appointments to the Public Service can be made. I believe that that legislation has greater importance. The Weapons Amendment Bill, which was supposed to be passed as part of national legislation, was given a lower priority than this Bill—a Bill that did not need to be passed today. If the inquiry starts next month or the month after, that would not make any real difference to anything except the political expediency of the present Government.

The member for Mount Ommaney stated that our opposition to the suspension of Standing Orders was a smokescreen. The Opposition was asking only that parliamentary standards, the proper procedures of this House, be followed. Every time that this Government has asked that Standing Orders be suspended to allow a Bill to go through as a matter of urgency, the Opposition has agreed. Standing Orders were suspended to allow the Bill to go through all stages in the following cases: the Central Queensland Coal Associates Agreement Bill, the Electricity Amendment Bill, the Plant Protection Amendment Bill, and the Local Government (Robina Town Centre Planning Agreement) Bill. The Opposition allowed those suspensions of Standing Orders because the Bills were regarded as urgent. This is clearly not a matter of urgency.

The inquiry will be conducted by retired judges. I have been in this place when we have received decisions of judges and retired judges. At one time those people were held in very high regard by the public. I was a member of Parliament at the time of the Vasta decision. Retired judges spent thousands of dollars and brought down a report that said, "Sack Vasta". There was no way in the world that we, as members of Parliament, could say, "No, we are not going to go along with that decision." How could we as mere humble

backbenchers and members of Parliament say that we would not accept the recommendations of that committee of inquiry and not sack Vasta? We would have been absolutely crucified by the media if we had not accepted that recommendation. When I spoke to that Bill——

Dr Watson: Do you think it would have been any better if you had a parliamentary committee come out and say that?

Mr CAMPBELL: It may not have.

Mr Foley: That is a fair point. What about the damage to the judiciary on the way through?

Mr CAMPBELL: Yes. The Super League case and the decision of Burchett has shown that most members of the public do not really follow the decisions of judges, but the ordinary person followed the Super League decision. I wondered how Burchett got it so wrong. How could one judge get it so wrong that three judges would wipe that decision?

As members of Parliament, we have coming to us people who believe that they have not been treated fairly or who are seeking different decisions. It is very difficult when we know that justice has not been done because of technicalities because some are prepared to put protecting the judiciary behind those technicalities before justice for ordinary people. I have seen that happen so often.

I return to the concern that I have about the motion, which was cut short in an inappropriate and improper way. Because of that, the legislation did not go before the Scrutiny of Legislation Committee. That means that the Opposition now has to move an amendment to ensure that the privileges of our Parliament are not eroded further. The Government should really support those amendments. We must ensure that there is not further erosion of our parliamentary privileges and of the parliamentary committee system. There should be bipartisan support for the Opposition's amendments to protect parliamentary committees and their deliberations.

I have to say that I find it hard to accept that we appoint 76-year-old plus people to review these matters. It is a bit like the case of still having Arthur Tunstall involved with the Olympic committee. He is an international embarrassment. Why is there not someone younger who can do these jobs? I make those remarks just out of a matter of interest. I do not mind those comments going in *Hansard*.

There have always been concerns about the actions of the CJC. Actually, I think that the CJC is now a fairer body. It provides more natural justice. However, it does not provide more natural justice to members of Parliament than it has in the past. I can remember that the first thing that the CJC did was to shred the Special Branch files. An article in the *Sunday Mail* of 19 November 1989 titled "Secrets to the shredder" states—

> "All Queensland police Special Branch political files which do not relate to terrorists or violent political groups are to be destroyed under the supervision of the Criminal Justice Commission."

At that time, there were people who believed that they should have known what was on their files and how they were treated. But no, the CJC forgot the rights of the individuals, and just let those files go.

I will refer to some further matters. How about the time the CJC investigated the poor little workers of the Water Resources Commission in Bundaberg? At the time, the whistleblowers were such vindictive people that they ratted on their mates for using timber that was thrown away and for using facilities to do an oil change. After spending thousands of dollars, this CJC probe ends in a $44.07 charge. That is why we need a PCJC to keep the CJC on the straight and narrow. In relation to this matter, an article in the *Courier-Mail* of 21 February 1994 stated—

> "The Criminal Justice Commission spent five months investigating two Bundaberg public servants before they were charged with theft of motor oil worth $2.07 and rotting timber valued at $42."

That did not happen last week; that happened years ago. I think it is important that we make sure that that does not happen again. I am really going to welcome this inquiry because, if anyone has anything to answer for, it is Bingham. If the inquiry looks at the way in which Bingham treated the people of Queensland, I will welcome it. However, I would also like this inquiry to be carried out properly. There is no reason to have the inquiry held as a matter of urgency; it could have been done in a fair time. It is just going to be a witch-hunt. We will see what happens.

I ask members to remember the denial of justice, the vindictiveness, the unprofessional and biased investigating and reporting and the inconsistent and favoured treatment that was meted out by the CJC under Bingham. As I said, I have always had concerns about the CJC Act. For example, as I said, the first thing that Newnham and Bingham did was to allow the shredding of the Special Branch files. How about the poker machine report and the

biased and unprofessional character assassination of Len Ainsworth? It was a denial of natural justice by the CJC simply because the then Opposition, those old conservatives, the National/Liberal Parties, never wanted the poker machines. So Bingham actually helped them in that way and denied Lennie Ainsworth natural justice. Now we can see that we have put in a good system. However, for over 12 months it was held up by the CJC. How about the public hearings into Corrective Services where public allegations were made about prostitution and drug running? Poor old Peter Brougham had his character assassinated through those public allegations. I do know that now there has been action in relation to the conflict of public and private hearings to ensure that there is natural justice. I believe that there was more personal vindictiveness during Bingham's time than there is now.

Do members remember the local government administration report which was made in that titillating and tantalising style of public reporting for the media? The CJC did not put any names in that report, but we spent weeks finding out who those supposed councillors were who were part of the report. How about the Gold Coast allegations and the report that amounted to a character assassination of a former member of this Parliament? Do members remember Trevor Coomber, the member for Currumbin? Bingham could just get up and say, "He was an unreliable witness." When one is made to answer questions, one is not too certain of what they are going to be and what impact they are going to have, yet the CJC can come back and just make those public statements.

How about the report relating to prostitution? It amounted to a poorly designed survey and questionnaire and it was of faulty construction so that the CJC got the answers that it wanted. Those are the things that have happened under the CJC. How about SP bookmaking? In that regard, the CJC was so unprofessional that it did not understand the basic concepts of SP bookmaking. I can say that, since the days of Hinze, I have known nothing about SP bookmaking. I place that on the record.

Another concern that I had about the CJC related to Operation Trident. I do not know whether members know of the fiasco over Operation Trident, which is still continuing. In relation to Operation Trident, the Police Commissioner had to say, "Sorry." An article in the *Courier-Mail* of December 1992 states—

> "Police Commissioner Jim O'Sullivan yesterday apologised to Queenslanders for the Operation Trident car-stealing fiasco.
>
> . . .
>
> Top police and the Criminal Justice Commission had praised Trident as 'an outstanding success'."

It was through the *Courier-Mail* that the CJC had to expose Operation Trident. I am concerned about this because, if a member of the PCJC had great reservations about that issue or believed that there was a cover-up, so much so that as a member of that committee he or she believed that he or she had to raise those issues in Parliament, he or she could not do it. Currently, because of the way in which the legislation is framed, if a member believed that something was not right, there is no way that he or she could effectively put that right. If any of that information relating to Operation Trident was disclosed in this House out of public interest, the Chairman of the CJC could have taken action to make a complaint, resulting in 12 months' gaol.

I have always believed that if a member came to the Parliament in good faith to expose something like that, it should be up to the Parliamentary Privileges Committee to say whether that member had acted appropriately or not—not up to the chairman of the commission. I have said that from day one. Under the CJC legislation, as members of the Parliament, we forwent a basic privilege of this House.

We should support the Opposition's amendments and make certain that we do not give away further privileges. If members of this House, especially backbenchers, do not fight for the privileges of this House, no-one will. I think it is very important that all members of the House realise that to do the job properly for the people of Queensland, we have to ensure that members can act for the people without any strings or ties.

It is very important that the Members' Ethics and Parliamentary Privileges Committee looks at what can be done to overcome that problem. What happened yesterday, which was linked to the Operation Wallah investigation, was disgraceful, but we let that go. However, other bodies that have investigated the actions of certain members of Parliament have done their jobs and have made decisions on how that job should be done. What has happened in the past will happen in the future. Regardless of which side of the House one is on now, that will change.

Government members can put as much pressure on us as they like, but we will do the same when we are re-elected at the next election. This legislation is inappropriate. Members of Parliament should ensure that we do not allow the processes of Parliament to be affected in this way.

The Government wants a committee to inquire into the CJC. However, I do not agree with the way it has gone about implementing that. I am sorry to say that, in effect, the Government has passed a motion of no confidence in the PCJC. If it was necessary, the PCJC should have implemented this review. It is not appropriate to have another body conduct the inquiry. The way that this commission has been established is improper and inappropriate, because we did not follow all of the procedures which have been set in place to maintain parliamentary standards. If we are not prepared to follow those standards on this occasion, they may not be followed on the next occasion. In that case, we could not complain if an outside body such as the media attacks us over what we do in this place. The amendments as proposed, which seek to protect the interests and privileges of this House, must be supported by all members.

Mr WELFORD (Everton) (11.12 a.m.): I rise to support the amendments of the Opposition shadow Attorney-General and to express my serious concerns about the way in which the Government is abusing the Parliament by ramming this legislation through the House in this way. The legislation itself is fundamentally flawed, not only in terms of law but also as a matter of principle. It is flawed in the way that it seeks to establish a framework for the Government to set up a shonky inquiry to do the Executive's bidding, by undermining public support for an independent agency which is the single bulwark of protection which divides the tyranny of the Executive and the tyranny of National Party Governments of old from the principled process of public access to independent agencies of review such as the CJC. The CJC has become the hallmark of modern, civilised Government in this State, following the former Labor Government.

The CJC and its role were held at arm's length and the commission's independence was respected. That independence, like the independence of so many other agencies of Government, is now being seriously questioned. This legislation is yet another bullet fired from the barrel of the Executive's armoury to undermine the independence of the CJC. The Government has manipulated both the timing and the purpose of the inquiry, because it does not want public scrutiny of the Carruthers report to occur. The Government wants to throw up as much dust and establish as much of a smokescreen as possible to confuse the issues so extensively that the true gravity of the conduct of the Police Minister, and the Premier for that matter, in signing the memorandum of understanding, which is the subject of the Carruthers inquiry, will not be put through proper public scrutiny. This legislation is aimed at creating a diversionary tactic by establishing a smokescreen to conceal proper public scrutiny of an important inquiry currently being conducted, the report of which is pending.

This inquiry is designed to place in question not only the comments of the chairman of the CJC, Mr Frank Clair, but also the very credibility of the CJC as an organisation. The inquiry is intended to cast a cloud of public suspicion and concern over the capacity of the CJC to perform its proper functions. It is designed to diminish the respect that the community must have for an independent agency like the CJC if it is to do its job properly. To use the words of an honourable QC, it is open to conclude that the conduct of the Government is deliberately designed to undermine the public credibility of the CJC. The course of action which the Government is pursuing is deliberately designed to undermine the credibility of the entire organisation of the CJC in the minds of the community.

However, that has been painted in quaint expressions of surprise and concern by the Attorney-General. The Attorney-General expressed surprise at the revelations—as he claimed—of the Estimates committee. However, he was himself responsible for placing those revelations before the Estimates committee. He walked out and claimed surprise at these sudden revelations, although the chairman of the CJC had advised him of the matters weeks before.

This is more of a reflection upon the competence of the Attorney-General than it is upon the alleged "surprise tactics" of the chair of the CJC. If, for one moment, the Attorney-General was to do his job and consult the CJC properly, he might act with some competence. If the Premier of the State was to do his job and properly consult with the CJC and its chair on issues of concern, instead of engaging in banter in the media as a guise behind which he can then justify a shonky inquiry of this kind, he might show some competence, too. However, the Premier is not competent either. The Attorney-General has engaged in a ruse of walking out of the Estimates committee and pretending that he is surprised by revelations

about which he had already been amply informed. He then used those revelations as an excuse to conduct what is a purely political inquiry.

The essential distinction which people in the community will soon grasp is that this inquiry is not the inquiry that the Attorney-General and the Government promised before last year's election. They promised an independent inquiry of review; this is not such an inquiry. This inquiry has been established in the context of comments made by the Attorney-General which were a direct criticism of the CJC and its chair. This is an inquiry in which the Attorney-General and the Government have conspired to appoint a person who has already expressed prejudicial comments about the CJC and its powers. This is an inquiry which is flawed from its outset. This is an inquiry which is without credibility. This is an inquiry which is being pursued solely for political purposes and not out of respect for any electoral promise whatsoever. That electoral promise could have been given effect at any time; it could have been given effect next year, or it could have been given effect at a time when the very issues upon which the credibility of this Executive depends were not before an inquiry.

This inquiry is fundamentally flawed in a number of respects, most particularly because of the motivation for its establishment at this point in time. The Executive arm of Government, in establishing this inquiry now, is very clearly motivated by a desire to divert attention from the Carruthers inquiry and to create a smokescreen behind which it can undermine the credibility of the outcome and recommendations which might flow from that inquiry. There is absolutely no other rational explanation for the timing of this further inquiry.

The Government was never going to be in breach of its electoral commitment by not conducting this inquiry at this point. Indeed, it is argued by us that this inquiry should not be established while the Government and its Executive members are under examination by an independent investigatory inquiry of the CJC itself. It is entirely inappropriate that, at the very time the CJC's own inquiry, the Carruthers inquiry, is still deliberating and is yet to report on members of the Executive, those members of the Executive resolve within Cabinet to conduct an inquiry into the CJC. It is a transparently fraudulent and shonky inquiry.

Going one step further in its rush to establish this inquiry and to create this slur upon the CJC as an institution, the Government then established an inquiry which it now finds, lo and behold, does not have the powers it needs to do its job. That is an indication of the extent of the desperation with which the Executive, and this Attorney-General in particular, have pursued this matter. They raced to establish an inquiry even without checking that it had the powers to do the job.

Mr Foley: All haste and no speed.

Mr WELFORD: All haste and no speed, as the shadow Attorney-General said. Again, that reflects markedly upon the competence of the Attorney-General, Mr Beanland. He simply does not have a clue. He knows what outcome he wants. He knows he wants a political outcome. He knows he does not want a proper and independent review of the CJC and its functions. If he did, he would have firstly had regard to the whole raft of reports of the Parliamentary Criminal Justice Committee.

Mr Foley: He didn't even tell the Police Minister when he became aware of the CJC's view of significant corruption of police by criminal elements.

Mr WELFORD: As the shadow Attorney-General points out, the Attorney-General is so incompetent that not only did he not read that report for himself but also, upon becoming aware of it, he did not report it to the Minister for Police. Clearly, this Attorney-General is not doing his job. He is incompetent and is incapable of doing his job properly.

The fact of the matter is that the Government—this Executive—is lurching from crisis to crisis. At every turn, the Government is establishing new inquiries in the hope of creating new confusion and undermining every independent agency of Government. Government members have already torn down the independent Local Government Commissioner. In a de facto way by undermining its budget, they have already torn down the independent Wet Tropics Management Authority, charged as it is with protecting one of the most outstanding natural assets on the planet. They tear down, attack and seek to undermine every agency of Government established to cast an independent eye over the Executive.

Mr Foley: The Litigation Reform Commission.

Mr WELFORD: Indeed. At the end of the day——

Mr Pearce: Do you think the Electoral Commissioner may be next?

Mr WELFORD: The Electoral Commissioner will probably be next. Let there

be no doubt that the Government—this Executive—will stop at nothing to give itself unbridled power and to conceal and protect itself from independent scrutiny. Government members do not want the scrutiny of independent agencies. They are returning to the days of the past when Bjelke-Petersen rode roughshod over the rights of citizens. They are going back to the days of the National Party of old, when the Liberal Party played second fiddle to the greatest fiddlers of all time. This is what this inquiry is about. These amendments are just another step in the process of establishing a flunkey inquiry to try to create the smokescreen of protection that they seek. Gagging this debate might seem a small matter to members of the Government, but one thing is clear. They are gagging this debate——

Mr FitzGerald: The debate is not gagged.

Mr WELFORD: The Government is trying to ram this legislation through without the usual seven days of public scrutiny.

Mr FitzGerald: That's not gagging.

Mr WELFORD: Talk about splitting hairs! The Leader of the House is playing a shonky game by saying that truncating the period of public scrutiny is not gagging the debate. Let it be properly examined in the public forums. Let the public have a say on this matter for seven days. Let it go to the Scrutiny of Legislation Committee or the Parliamentary Criminal Justice Committee. These are clear examples of ways in which this Government seeks to hide itself from scrutiny and independent review. Parliamentary committees are locked out. The Criminal Justice Commission is locked out. The rights of ordinary citizens of the community to survey the implications of this legislation for seven days are locked out. In every way possible, Government members have sought to conceal themselves from public scrutiny and from the scrutiny of independent agencies of the Government.

This legislation is a contempt of this Parliament. It is a contempt of the committees of the Parliament. It neglects the responsibilities and the spirit of the Fitzgerald reform process, which specifically contemplated that the Parliamentary Criminal Justice Committee would exercise the sole leadership responsibilities in determining the way in which the Criminal Justice Commission would be reviewed.

Did the Attorney-General consult the Criminal Justice Committee about the way in which the review of the Criminal Justice Commission should be conducted? Did the Attorney-General for one moment glance at the Criminal Justice Act to see what procedures that Act contemplated, either in its letter or in its spirit, for reviewing the Criminal Justice Commission? No, he did not. The evidence that he did not do so is clear: he did not pick up on the aspect for which he is now required to legislate so as to give his shonky political inquiry the wherewithal to carry out his bidding in seeking to undermine the respect and independence of the Criminal Justice Commission. He did not look at the legislation. He disregarded the very legislation for which he is the responsible Minister. In doing so, he not only bungled this legislation but also acted in contempt of this Parliament's laws and the spirit of the Fitzgerald reform process, as expressed in the Criminal Justice Act, which specifically contemplated that any process of review of the Criminal Justice Commission should be led and overseen by the Parliamentary Criminal Justice Committee.

One question that ought to be asked of the Attorney-General is: in respect of this review of the Criminal Justice Commission, in what way are the people of Queensland able to make the Government or this review accountable? In what way is this review accountable to the people of Queensland? Where is the report of this shonky inquiry going to go? Is it going to go into the bowels of the Attorney-General's Department? Is it going to go behind the closed doors of Cabinet? Are all its proceedings to be open? Are all its reports and documents to be on a public register? Are all its reasons to be disclosed publicly in the Parliament and debated here? None of those questions has been answered or is likely to be answered by this Government, because it knows that this inquiry has been established for improper motives. Government members know that this inquiry has been established for the deliberate purpose of seeking to save their hide from the independent review which agencies such as the Criminal Justice Commission ought to be carrying out.

At the end of the day, the Opposition will do everything in its power to expose the illicit and ill-conceived motives of the Government in conducting this inquiry and in establishing it and appointing to it a Chair who has a clear bias in its outcome. It is fundamentally flawed; it is totally inappropriate that an independent agency should be subject to review by people who have already expressed a lack of confidence in it. It is totally inappropriate that this Government should be setting up under the Executive arm of Government an agency

under its control and its direction to achieve the outcome which it seeks.

This is an appalling inquiry. It will never have the confidence of the Opposition; it ought not have the confidence of the community. Its results and its recommendations can never be trusted—as indeed this Government cannot be trusted to respect the independence of agencies of Government and units of its public administration. It is a gross perversion of the responsibilities of this Parliament to tolerate this sort of legislation, to tolerate this sort of inquiry, when there is already a law before the Parliament which provides for it. If this Government were serious about the way it wants to conduct this matter, then let it bring before the Parliament legislation which effectively abandons the CJC, of which it is so critical. If the Attorney-General is so critical of the CJC, he should at least have the courage to come in here and do the job on it that he wants to do, rather than getting other people to do his bidding.

Time expired.

Mr SCHWARTEN (Rockhampton) (11.32 a.m.): This is a brazen act of political expediency if ever I saw one. The fact is that there is no need to have this piece of legislation brought so hastily before this Parliament. There is no need for us to pervert the parliamentary process in the way this legislation has done thus far. There is no need for us to sabotage the role of the committees of this Parliament. If this matter was so urgent, why was it not the express desire of the Government to bring this place back next week? Why didn't the Government approach this side of the Parliament and ask us to come back next week? I have spoken to my colleagues on this side of the House, and each and every one of them would have been prepared to come back next week and forgo a later sitting. But was that put? No, it was not. In other words, there has been no attempt whatsoever to obey the basic role of this Parliament.

What is the process of this Parliament? It is like the sands of the hourglass: it is slow and it is careful. What we saw yesterday was the smashing of that hourglass and the spilling of the sands of caution all over the floor of this Parliament. We have seen a subversion of the parliamentary committees charged with looking over this legislation. The Government has had more trouble than the first settlers in terms of getting legislation through this Parliament. The Public Service Bill is a recent example of how it has been forced back to a committee of this Parliament to have its legislation checked. Yet here the Government goes merrily on its way, disregarding the seven days' notice which affords the people of my electorate and the rest of the people of Queensland the opportunity to review the antics and the intention of the Government. It seeks to bring through this legislation without even a tinker's cuss for those sorts of commitments to the people of Queensland. Shame upon the Government for that. It will be judged accordingly.

Not content with that yesterday—not content with putting the axe through the compulsory period allowed for members of this place and people outside to study the legislation and for the committees to do their work—the Government also applied the guillotine to the debate, so it once again effectively muzzled the people from my electorate from having their point of view expressed in this Chamber. It is a matter of regret that the member for Gladstone joined with the Government in denying me that opportunity yesterday—that she entitled members opposite to stop me from playing the role for which I was elected to this place: to stand up for my electorate and to express their views in this Chamber. That is a shame and a matter of a great deal of regret.

The next point I want to address is: why the urgency? Why is it so urgent that the whole process of this place be corrupted and that those principles be compromised? Of course, there is one reason for it, that is, to help those ancient ex-custodians of the law to get their hands in the till a little bit quicker than they otherwise would have. No doubt they are down to their last dinar and doing it a bit tough! I do not propose that that is the true reason, but no doubt it may have come into the thinking of some people on that side, who seem to be remarkably close to some of these people.

More importantly, I guess that the reason would be, to borrow the old adage of Sir Joh, a former Premier of this State: if you are going to give me a problem, I will give you a bigger one to worry about. Clearly the Government has a lot of problems on its plate, including the embarrassing spectacle of Cabinet Ministers being dragged down to have a fireside chat with Mr Carruthers, who, on behalf of the Criminal Justice Commission, is investigating claims of a sleazy and shabby and disgraceful deal that was entered into prior to the Mundingburra by-election. No doubt there is some anxiety in Government ranks, because previously another little inquiry was set up and certain Cabinet Ministers were once again

dragged before it and ultimately ended up in some places that they would rather not have been at the other end of the law-making process. No doubt that is fairly fresh in the minds of many on the other side of the House. Quite clearly, that is a fairly distasteful thing to be contemplated by members opposite.

Mr FitzGerald: A former member for Rockhampton was in a dreadful position also—Wright was his name. Dreadful!

Mr SCHWARTEN: What is the member trying to draw by that?

Mr FitzGerald: I'm just saying that there's a lot of people in places——

Mr SCHWARTEN: Precisely, and no-one has greater contempt for him than me. I also have great contempt for people such as the member's former colleagues, who corrupted this very place in the way that this Government is seeking to do today. The member should not try to draw the bow of Keith Wright around me. He is a most contemptuous individual and was duly dealt with by the law. There was no attempt on this side of the House to prevent that from occurring. Any despicable innuendo that the member wants to enter into in that regard, I am prepared to answer in full. Unlike what Sir Joh tried to do in terms of the Fitzgerald inquiry out at that Cabinet meeting in Roma where he tried to grab a hold of Bill Gunn and say to him, "This is a tiger that will bite you", there was no such attempt by us to protect a former colleague who engaged in disgraceful behaviour unbecoming of a member of this place. The member should not sit over there and pelt stones in that regard. As I said, I am happy to defend this Labor Government in that respect much more than I notice the member is prepared to defend Sir Joh in his disgraceful attempt to wind down the Fitzgerald inquiry.

The other point that I want to make relates to what the *Courier-Mail* has clearly illustrated today. This Government cannot manage to get a mine running in this State. In fact, I do not know what members opposite have done in this State since they came to Government. They have limped from crisis to crisis like some feeble geriatric since the day they started.

Mr Stoneman: What are you on about?

Mr SCHWARTEN: Speaking of feeble geriatrics—the member for Burdekin is a case in point. He is a classic example of what is wrong with this Government: feeble in mind and also in spirit. The *Courier-Mail* is awake to those opposite. This is how this Government runs this State. This is the only jobs plan it has, to create some extra jobs for some parasitic lawyers to give them a bit of extra money in the next few weeks. They are the only jobs this Government is creating. It is not worried about the 30-odd per cent youth unemployment in my electorate. If this Government thinks that the pundits are more interested in its dubious and politically inspired inquiries than they are in jobs, then it has another think coming.

This Government attacked Mr Clair for bringing before Estimates Committee B, via the Attorney-General, his concerns about a number of issues such as organised crime and possible drug corruption in some sections of the Police Service. Clearly, the clamp of taking finance away from the CJC has been applied to the throat of the CJC. However, that is not enough for this Government. It now puts in place some other organisation to deflect not only criticism of itself by the people of Queensland about the way that it manages things generally, but also to investigate the way in which the CJC does its business. In other words, this Government is saying to the people of Queensland that we need another highly paid watchdog over the two watchdogs that exist, that we need an open-ended inquiry—and an open-ended chequebook—that has a mandate to do as it jolly well pleases. This will not buy this Government one vote in this State. In fact, it will buy it a lot of scorn, and rightly so.

This legislation puts us in this place onto the slippery slope. We went through the last inquiry and we know the damage that that did to political institutions in this State—it brought them into disrepute. All politicians suffered as a result of that inquiry. This Government, with its political tinkering with the CJC, is about to do the same thing. That is the message that will be translated out in voter land. I do not believe that anybody will do the Government any favours as a result of it.

The Parliamentary Criminal Justice Committee, of which I was a member for a couple of years, is the body that is competent to investigate and make recommendations in this regard. Some members have said that it is not particularly competent or well enough resourced to carry out these sorts of inquiries. That is a remarkable thing to say.

Mr Foley: Six thousand dollars a day would help it along.

Mr SCHWARTEN: Yes, if $6,000 a day was spent on providing some advice to it, that would certainly help the committee to do its job quickly and thoroughly. However, that

funding is not forthcoming. If the Government was really fair dinkum about having a watchdog to oversee that committee, it would have provided the committee with the resources there and then to make sure that it considered those matters.

I am not one of those people who believes that the CJC is beyond reproach. Whenever I have said anything about the CJC previously, Government members bucketed me for doing so. I well recall having a few words to say about Sir Max Bingham on a previous occasion only to draw the scorn from people such as the now Premier for daring to make remarks about Mr Bingham's appropriateness to chair the inquiry. I stand by what I said. He was a former Liberal politician who could never give up the art of politics. He persisted in that line as chair of the CJC. He could not keep out of the media; he could not stop making remarks about various matters.

Mrs Woodgate: He was on the front page of the *Courier-Mail* telling Wayne Swan, then ALP secretary, who he should and shouldn't endorse.

Mr SCHWARTEN: I recall that. If that is not a political statement, nothing is. That occurred in the final stages of the travel rorts inquiry. He was telling the Labor Party whom it should endorse as candidates. If that is not a political statement I know not what is. I stand by anything I said about Sir Max Bingham and I will say it until the day that I die. No person in public life, let alone the chair of the CJC, is beyond the scrutiny of this place. I am not seeking to abrogate the right of this place to continue to do so, but that is what members opposite are doing. By proposing this judicial inquiry, they are taking away the right of this place to review the CJC in the way that Fitzgerald said we should. They are saying to an outside body of retired judges that it is their duty to do what we cannot. I do not believe that. I do not believe that a committee of this Parliament cannot adequately review the operations of the CJC.

There does need to be change, and I am sure that every member in this place could cite a case of how the CJC could do its job better. It certainly has had a rocky past, none so rocky as the time when Bingham was the Chair. I well recall—and the member for Bundaberg has already pointed this out—those embarrassing reports that ended up in the High Court of Australia where the CJC was done over seven-nil on the matter of natural justice being denied to Ainsworth and various others. That was an extremely expensive exercise for the CJC and it was a mistake made by none other than Bingham himself. I have said previously, and I will say it again, that an undergraduate from the worst law school in the world would not have made the same error of judgment as he did on that case. As I have said before, it is little wonder that he could not get anybody else to recommend him as a QC; he had to do it himself.

I would also like to mention what people are saying to me about——

Mr Welford: Don't die on us now.

Mr SCHWARTEN: I can assure the honourable member that I have no intentions of dying, even though it may give some members opposite some deal of delight to think that I may. A strong Labor heart beats inside this body and I am not about to see the Tories in any way or shape made happy by the expiration of that.

Mr Welford: They've got no heart.

Mr SCHWARTEN: They have got no heart and very little soul. Let me give my good friends opposite a bit of advice. Honourable members should try to imagine what the topic of conversation is down at the meatworks in Rockhampton today. Do they think perhaps that now that the workers would be gathered around after a hard shift—it would be about this time they are breaking for lunch—that upon their lips would be this wonderful judicial inquiry that this Government is proposing? Do they think that the boners would be saying, "By joves, Jimmy, do you believe that the great old National/Liberal Party Government of this State is going about a judicial inquiry into the CJC?"

Mr Hamill: I bet the boners do have a bone to pick with them, though.

Mr SCHWARTEN: They have a bone to pick; it is a little matter called workers' compensation. This inquiry is far more important than the workers' compensation and it is far more important than that little matter that their constituency is most interested in, that gun business, which we hope we will get to later today, and I will have a little something to say about that as well. The electors of this State must be very curious about why it is that workers' compensation is of less importance to this Government than putting a couple of old retired judges on $3,000 a day to look over the CJC.

Mrs Woodgate: Each.

Mr SCHWARTEN: The member is right, $3,000 a day each. That is mere pocket money for them, but it is a lot of money to my constituents who work in the meatworks at

Rockhampton. What does this Government hope to gain politically out of this inquiry? There can be only one undeniable reason: it is trying to get itself off the hook onto which it has placed itself. This Government is covering up its incompetence and its dishonesty; that is all it has stood for since it won Government. This Government has misled the people of Queensland. The hospital service that it said would be better has not improved one iota. It has tinkered around with the Workers Compensation Act, yet it is still not prepared to bring any legislation on it into this place, despite the fact that it promised otherwise. The Government promised to improve emergency services in my electorate. It has not done that.

Mr FitzGerald: The courthouse in Rocky.

Mr SCHWARTEN: The courthouse was arranged and budgeted for. I had the plans for it in my desk last year. That great political stunt of our lifetime is a great matter of mirth between the Attorney-General and me. The Government has also claimed the community health building, which is three-parts finished. All of those things have not washed well.

Mr Foley: They have no shame.

Mr SCHWARTEN: They have no shame. The people out there are looking very closely at this Government. They sense that the clock is being wound back every day. They sense that we are going back to a time when this whole State was embarrassed by the behaviour of its politicians. It is entirely regrettable that we have seen this sort of legislation rushed through this Parliament. It is reminiscent of the Electricity (Continuity of Supply) Act, which effectively put priests in this State in gaol for street marching and singing hymns in the street. We are back to that sort of spectacle. I say to this Government: you are playing with fire. You are seen out there by the electorate as limping——

Time expired.

Mr D'ARCY (Woodridge) (11.52 a.m.): Obviously, I oppose the inquiry.

Mr Carroll: I'm not surprised.

Mr D'ARCY: The member should not be surprised. It is an absolute waste of money.

Mr Carroll interjected.

Mr D'ARCY: The cowardly comments of the member for Mansfield show how badly the Government is reacting to this whole matter.

I want to discuss a series of issues. I commenced by saying that I oppose the inquiry, and I will give very good reasons for my opposition. These are as much personal reasons as they are party political reasons. Commonsense should apply in this place, but it does not. I mention the member for Gladstone. She is one of the people involved, and she has a vital role to play here because she is one person who can make up her mind.

This Government is asking the people of Queensland to spend a massive amount of money on retired judges conducting an inquiry when we already have a competent committee of parliamentarians who can undertake that task. If one asked the members of this House, on a party basis, whether or not the committee system works, unless we have absolutely no faith in ourselves, no faith in our job, no faith in parliamentarians and no faith in what the people of Queensland elected us for, we would make fools of ourselves if we did not say that we are more competent to conduct an inquiry than out-of-touch judges, particularly retired, out-of-touch judges. All members degrade themselves by not allowing the parliamentary system to work effectively and efficiently. That works for all Executive Governments.

I have been a backbencher of this Parliament for a long time—in fact, longer than any other member. All members of this Parliament must have the confidence of the people of Queensland who elect us—and elect us time and time again. We go out and listen to their problems. We hear them on a daily basis. But then we look at the silly decisions that judges make. And this Government is going to pay them extra money when it does not have to pay one cent for the committee members who are already in place. Those members are already paid. It is an absolute sham. I support the committee system. That is why I think this is a sham. Let me talk about the CJC.

Mr Carroll interjected.

Mr D'ARCY: The honourable member is probably the biggest fraud I have seen in this House. He is a coward. It is time that he stopped interjecting when sane, sensible, commonsense speeches are being made in this House. Let me talk about the CJC.

Mr CARROLL: I rise to a point of order. I find the remarks of the member for Woodridge untrue. I object to them and ask for them to be withdrawn.

Mr D'ARCY: I withdraw them.

The CJC has been one of those organisations with which I think every member of this House has had some problems. But the

people of Queensland have seen a necessity for the CJC. There are problems with the CJC; there always have been. It is a learning curve—a learning process. We have been through some horrendous times. If I were a member of that committee, there would certainly be some recommendations for changes. I have written to every head of the CJC, except the current one, suggesting certain changes, which I will outline in a minute. Had they been adopted, we would not be in this mess.

Let me outline some of my objections to the CJC. I hope no members make interjections, because these objections are of great import. These relate to things that have happened in the past, but they are things that have happened with the CJC that need airing now. Let me start with Sir Max Bingham. Most members here had some involvement with the travel rorts situation, which I think was mentioned today. That was one of the greatest farces of all time. What the CJC did was criminal. Most of us saw its operation at first-hand. There was no natural justice involved. Everyone understood what had happened. I am just going to outline a couple of instances in my own case. I have not had the opportunity to do this since that inquiry in 1991. There are a couple of examples that I want to outline to demonstrate how incompetent the CJC is—and was—and why it needs reform.

Sir Max Bingham wrote to my solicitors in 1991. I could table this letter. The letter was written during the inquiry, when all the information on what was happening was being leaked to the media on a daily basis. Sir Max said—

> "On 9 December 1991, I met with the Honourable the Premier to discuss what action, if any, he could take in respect of Government Members who were the subject of the Commission's Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements
>
> . . .
>
> In particular, we discussed the machinery which could be put in place to assist the repayment of monies by Members . . ."

I ask members to look at this from the point of view of all members who were involved at the time. They knew that that was not necessary and that the whole operation—and I got this from the people involved—was a fraud. The terms of reference applied to every member. That was eventually the end result of the report. Meanwhile, Sir Max Bingham was acting as God—as another member pointed out earlier—in trying to determine whether members should be endorsed and who should be endorsed. The letter states further—

> "On the following day (so and so) attended at Commission's offices. They provided the names of Government Members who had been identified by them as the subject of adverse comment in the report, and who had given their permission to the Commission providing the financial information necessary to calculate the amount"—

of expenditure, etc. Commission officers subsequently discussed these journeys and financial details—very clever of them—and came up with some figures. The letter continues—

> "After those discussions had concluded, the Commission received your letter by facsimile
>
> . . .
>
> The Commission faxed a copy of your letter . . . asking that in view of your correspondence . . . No such authority (existed from you).
>
> . . .
>
> Clearly, had the Commission been aware that your client had not provided the necessary authorisation, it would not have entered into the discussions described."

But they accepted an oral assurance that this had been given. I am talking about the Criminal Justice Commission. How stupid is Max Bingham? The letter continues—

> "Finally, I confirm that no official findings of misconduct have been made by the Commission in respect of your client outside of its published report."

I paid my legal expenses. I had to pay money back, as did every other member involved. It was a fraud.

Dr Watson: That was in the previous Parliament. That was in the Forty-fifth Parliament—no, the Forty-sixth.

Mr D'ARCY: The honourable member should keep out of it. It does not matter; the CJC has not changed. I am demonstrating that the CJC should be changed. I am pointing out some of their mistakes.

I refer to a part of a transcript from that CJC inquiry. Mr O'Regan, the chairman who followed Bingham, and Bingham were both present. At this part of the interview, O'Regan

was referring to Federal members and Cabinet Ministers. He asked me—

> ". . . but could you explain to me what that has to do with parliamentary business in Queensland?"

An hour later he stated—

> "Mr Rae and Mr Button were federal Ministers. What's the value of State Members talking to them, aside from party matters?"

That is the type of nonsense that the commission went on with. In reference to a trip from Launceston to Hobart, O'Regan stated—

> ". . . did you dally on the way . . ."

Obviously, he as never driven from Launceston to Hobart.

At the end of the day a reference was made to a speech in the House that he did not think was parliamentary business. I will quote from O'Regan and Bingham while they were spending hundreds of thousands of taxpayers' money and attacking members of Parliament.

Dr Watson: What did the PCJC do about it?

Mr D'ARCY: I will get to that, thank you.

I like this part of the transcript and I hope that I have time to get through it. Mr O'Regan stated—

> "You were shown a speech you made in Parliament about ladders for fish . . ."

My counsel stated—

> "He wasn't shown it, I referred him to a particular date."
>
> MR O'REGAN: Well, I call for it, please."

I think my counsel's response is lovely—

> "It is a matter of public record, really . . .
>
> I'll give the reference."

Eventually, the Chairman, Bingham, said—

> "I put it to you on the basis that what we are trying to elicit is the information which supports the claims that Mr D'Arcy has made so that judgements can be made about whether it related to parliamentary business or not."

My counsel stated—

> "Oh, I quite appreciate that. The only copy I've got has got yellow highlighting and personal notes on it. It is a Hansard . . ."

The Chairman, Bingham, said—

> "All right. Well, would you like to give us a page reference to it?"

Finally he was admitting that the *Hansard* of this Parliament might be a public record. I thought the response of my counsel was brilliant. He eventually said—

> "Certainly, yes. It's April Fools Day, 1987 . . ."

That transcript epitomises the nonsense of the CJC.

I turn to another member, who was not involved in the CJC travel inquiry, that is, the member for Kurwongbah. I believe the inconvenience that she suffered at that time should have been investigated. As many members may or may not remember, she was attacked by an innuendo made by a Pine Rivers Shire councillor in the lead up to the 1991 council elections. That claim, that she had leaked information from the Parliamentary Criminal Justice Commission to the media, was obviously false. A full investigation was undertaken, which continued for three months. At the time, she had visited Sir Max Bingham and Sir Max said, "We know it's not true, but we're going to have to investigate it under the Act." Some of those provisions of the Act were changed. The member was completely exonerated. In common with all of us in this place, however, she suffered at that time, because that issue was headlines in every paper in the country. She went through a very stressful period. She paid all her own solicitor's fees. The matter involved had never actually been discussed by the committee. Some members in this House ought to be very careful. If the correct procedure is followed, members should not even leak to Executive Government what happens in that committee. Obviously, some people have not read the Act. I suggest the member for Springwood be very careful about some of the things that he has been saying. He should obtain a copy of the Act and read it.

Mr Grice: The Hanson inquiry was no different.

Mr D'ARCY: There were heaps of them.

Another inquiry very close to my heart is the Trident inquiry, which was the greatest farce of all time. I happen to know a fair bit about it. Unfortunately, I cannot read into the record a letter about Jack Govic, who was gaoled as a result of that inquiry. Mr Beanland has a copy of that letter. I hope that he can do something for that gentleman. The stress that he has suffered has been absolutely horrendous. That letter was sent to the

Attorney-General and to former Attorney-Generals. I have not appreciated the fact that that man has not been able to obtain natural justice. He was gaoled. I will not read his letter because I do not have time. That is a tragic case.

I refer further to the Trident inquiry because I know a fair bit more about it than most people here. I have never said this in the House before. The Trident inquiry was also a farce. It was conducted by Sir Max Bingham and the CJC. They were in an area where they should not have been. They were doing things that they should not have done. They subverted the police force during that time. When Sattery, the officer who was reporting to them, was asked to report to his own chief in the police hierarchy, he did not do so; he claimed that the CJC had given him permission to ignore the hierarchical structure of the police force. His superior at the time, whom I know very well, documented that. When he returned for the documents, they had been shredded. The memorandums were missing from the Police Department. That was a frightful inquiry. People know what was done during Trident: the police were obtaining convictions by using criminals in a way that was totally and utterly against natural justice. I ask for some natural justice for Mr Jack Govic, although that will not solve any problems in the long term.

Leaks have always been a problem and that can be solved by this Parliament and by the committee. Changes have been made to the Criminal Justice Act, and in many cases the purpose of those changes was for ease of operation. However, we need many more changes. From day one, the change we needed to stop the leaks was an internal surveillance unit within the CJC. That is what I was suggesting when the CJC was established. That is the system in casinos and in every major organisation throughout the world; it is not the system in the CJC. Leaks would not occur if the CJC had an internal surveillance unit. Such a system could be set up today. I suggest that two officers, under an outside authority, work within the CJC. That authority would have the same powers as the CJC. Those officers would be able to monitor every member of the CJC through telephone bugs and every other mechanism that they could use within the building. That is carried out in every casino in Australia. Every other major organisation has an internal review. If necessary, that unit could report to the PCJC. That is the only way to stop the nonsense. Most of the problems with the CJC have been associated with people inside the CJC and outside of it leaking fallacious information to the media. That system should be established and then the leaks would be stopped.

Mr Woolmer interjected.

Mr D'ARCY: I do not have time.

I have written to previous PCJC chairmen, Mr Beattie and Mr Davies, about internal surveillance and I have made speeches about it. We need that commonsense approach.

I return to the party system. All parties of Executive Government want to muzzle committees. I was a member of the PAC. I was the subcommittee chairman of the inquiry into Aboriginal Affairs, as Mr Grice may remember. When that report was presented, the then Executive Government made very strong responses. It is not just members opposite; it applies in every party. The then Premier rose in the House and called that committee "the all-powerful PAC", as if it was running the Government. Members who have served on committees in this House know that committees are effective, and largely—if the Executive Government does not interfere with members and the committee members are not cowards—very effective in what they do if they have the right charter. I think that it should be a prerequisite for Executive members of Government that they serve on a committee and understand how they work.

Mr Hollis: Hear, hear!

Mr D'ARCY: Good. Basically, that would work in this case. Instead, we have the farce of the Government not trusting parliamentarians—and that means all my colleagues—to be able to come up with a commonsense solution to a problem that needs a commonsense solution. Instead, we are going to pass the matter off, in this instance, to some retired judges who are probably out of touch—and I checked with a couple of my top legal friends and I can say that there is not a lot of faith in the opinion of those two retired judges—at great cost to the Queensland public to achieve probably nothing; another report that can be filed. If the report is done by an internal committee, it would be placed before the members of this House and understood by the members of this House. That committee report would be an ongoing report that would create change.

It is my contention that, to some extent, the PCJC, in common with some of the other committees, has been muzzled in its operations and what it can do about surveillance of the operations of the CJC. Certainly, the major suggestion that I made originally was that there should be a

surveillance unit within the CJC. As with the operations of surveillance units in casinos, the members of that unit would not mix with the ordinary staff. They would not be part of the ordinary staff, they would be housed in a separate building or in a separate area and they would be changed regularly. It can be done, it is easy enough to do, and it should be done. It would save us in this place a lot of heartbreak and it would save the taxpayers of Queensland a fortune.

Debate interrupted.

PRIVILEGE

Question on Notice

Mr ARDILL (Archerfield) (12.12 p.m.): I seek to raise a matter of privilege suddenly arising under Standing Order 115 in relation to the ability of a Minister to alter the wording or edit the wording of a question that is put to him on notice. I believe that the matter should be corrected quickly.

I have received an answer today. The question has been changed, and I believe that it should be dealt with quickly to have it corrected before it goes into *Hansard* for the very reason that it could indicate that I am attacking employers of apprentices. I certainly was not doing that in the question. I table a copy of my original question, the question as it appeared exactly correct in the Notice Paper the following day, and the reply which I have received this morning in which the matter was changed.

I do not believe that a Minister has the right to edit the questions put to him or her on notice by members of this House. I think it is a very serious matter of privilege that any Minister would seek to change a question. I asked the Minister for Training and Industrial Relations—

> "What action does the Minister intend to take to recover due premiums which are not being paid by many employers who refuse to accept their responsibilities to the Workers Compensation Fund?"

It was a very simple question that deserved a simple answer. However, when the question was changed to bring in the apprenticeship scheme, it opened the matter up for the Minister to give a very longwinded answer to the question, including other extraneous matters that I had not sought information about. I table the papers.

CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed.

Hon. D. M. WELLS (Murrumba) (12.14 p.m.): In joining my colleagues who have spoken against this Bill, I want to say immediately that I think that some of them have been somewhat harsh and unkind towards the Honourable the Attorney-General. The Attorney-General is not an evil man; he is merely an incompetent man. The Honourable the Attorney-General is not hypocritical or insincere; he just holds a sincere and passionate conviction that the people of Queensland do not have the right to have the best guarantee against Executive corruption that could possibly be devised. The Honourable the Attorney-General is not a bad man; he is just keen to be good to too many of his cronies.

We have here a massive piece of ineptitude and incompetence by this honourable gentleman opposite. He came here with a proposal for the establishment of a commission of inquiry, but he came without the capacity for that commission of inquiry to inquire into the very thing that it was set up to inquire into. A minor oversight, one might have thought—a minor oversight which happened to miss the very object of the whole exercise. So the Attorney-General turned up like a tradesman without his tools to do a job that was far beyond his capacities. He turned up to draw the water away from the springs of our liberties, away from that guarantee of our liberty and guarantee of our Executive's incorruptibility, without an adequate bucket. At some stage or other, somebody must have said to him, "There is a hole in the bucket, dear Denver, dear Denver, there is a hole in the bucket, dear Denver I say." "With what shall we fix it?", he may have asked. The answer was, "Legislation. Come in with legislation and then railroad through the legislation, ramrod it through the Parliament. Put the legislation in, and that will make everything all right."

I do not know whether that is so. I do not know whether there is going to be any defect deriving from the fact that the legislation, which actually empowered the commission of inquiry to conduct the inquiry it was set up to undertake, was enacted after the establishment of the commission of inquiry. I do not know. I do not know whether the Honourable Attorney-General is going to experience any embarrassment over this particular blunder. He has not experienced a

great deal of embarrassment over the previous blunders that he has made. He seems to be impervious to that natural human emotion. He sits there throughout this debate gazing into the distance with an expression which varies from the lachrymose to the merely vacant, with everything seeming to wash over him. Nevertheless, he is doing what he has always sincerely believed that he ought to do.

On 4 August 1994 on the *7.30 Report*, Mr Beanland said—

> "After all it"—

that is the Fitzgerald inquiry—

> "recommended the abolition of the Special Branch. Now, there's very little difference, I contest, when we get into this, between having the Special Branch and the CJC starting to investigate people like this. Of course we know what's happening in the United States with Hoover and the FBI there, having investigated people."

Perhaps the Attorney-General's historical reference was a little bit out of time—at the time about which the honourable member speaks, Hoover had not been running the FBI for some time. Nevertheless, this reflects a view that he has had for a long time.

When members opposite were still in Opposition, I predicted that this member, this Attorney-General, would take action to get rid of the CJC. He was not alone in what he said. He was not alone in what he thought. The anti-CJC views of the Attorney-General were shared by many others. For example, Mr Deputy Speaker, the honourable member for whom you deputise said at the time that there should be a sunset clause to the CJC and he suggested that the $22m annual funding might be better spent establishing a House of review, a second Chamber to this House. He wanted to get rid of the CJC, and at the time he confirmed that I was not misquoting him when I suggested that.

So we have here the fulfilment of a longstanding but much understated wish by honourable members opposite to rid themselves of the CJC, to rid themselves of the best guarantee against Executive corruption that could possibly be devised. There is no guarantee that can be devised that will ensure that there will be no isolated instances of Executive corruption. So long as human nature remains imperfect, so long will that remain the case. However, institutionalised corruption can be kept at bay by having an organisation such as the CJC which is at arm's length from the Executive arm of Government. This legislation is about reducing the arm's length which stands between the Executive and the CJC. This legislation is about undermining the independence of the CJC.

It is worth noting that the legislation has been brought in ahead of its consideration by the Scrutiny of Legislation Committee. As a member of the Scrutiny of Legislation Committee, I have, of course, scrutinised the legislation. However, I would have liked to have heard the ideas of other members of the committee on the subject before speaking in this Parliament. I would, particularly, have liked to have heard the ideas of the member for Cunningham, the member for Gladstone and the member for Mundingburra, who always contribute to the considerations of the committee. Unfortunately, this opportunity was denied us because of the unseemly haste with which the Attorney-General has sought to paper over the blunder that he has committed.

This is not the first time that the Attorney-General has tried to railroad his legislation through the House without allowing the Scrutiny of Legislation Committee to examine it. He is sensitive to having his legislation scrutinised by the committee. He did the same thing with the juvenile justice legislation, and his move had to be pre-empted by the Scrutiny of Legislation Committee undertaking to hold an inquiry into the matter.

However, it is important to note what is at stake here. The role of the Scrutiny of Legislation Committee is valid only so long as it has a Bill to scrutinise. Once the Bill is enacted, the Scrutiny of Legislation Committee has no mandate to examine that piece of material. Consequently, the role of the Scrutiny of Legislation Committee can be completely undermined, simply by using the device which the Attorney-General is using here today, that is, ramming legislation through ahead of the Scrutiny of Legislation Committee having had the opportunity to do its statutory work. This is a particularly obnoxious, odious and deceitful way of undermining the role of a parliamentary committee. It is the use of a process to undermine the substance which has been deliberately set up by decisions of this Parliament. By the mere use of a procedural device——

Mr Connor: You are padding. You are running out.

Mr WELLS: Does the honourable member think so? I will go on to some other material in a moment. However, for the benefit

of the honourable member, who is slow on the uptake, I will make this point with as much acuity as I possibly can in the hope that, through the fog of his own thoughts, he may be able to grasp what I am saying: by the mere use of a procedural device, it is possible to actually undermine the work of this committee. So fragile is the democratic spirit which we infused into the Parliament by the establishment of that committee that it can be got rid off by means of this device.

In giving consideration to the effect on the fundamental legislative principles of this legislation, I had regard to a matter that was previously mentioned by the honourable member for Yeronga. The honourable member made the point that there are a large number of other statutes which import provisions of the Commissions of Inquiry Act of 1950. The consequence is that, if the Commissions of Inquiry Act is amended to read that the bodies that have the powers of a commission of inquiry can investigate the CJC, it follows that a very large number of other bodies can investigate the CJC.

The honourable member for Yeronga mentioned many of those bodies. I would like to read a list of Acts which cover at least some of those bodies which, having the powers of a commission of inquiry, will have the capacity to investigate the CJC. I will not give the dates of these Acts, because I know that the Minister's advisers will know them: the Law Reform Commission Act, the Medical Act, the Judges (Salaries and Allowances) Act, the Petroleum Products Subsidy Act, the Transport Infrastructure (Railways) Act, the Workplace Health and Safety Act, the Coroners Act, the Gas Act, the Occupational Therapists Act, the Optometrists Act, the Petroleum Act, the Podiatrists Act, the Psychologists Act, the Tow Truck Act, the Architects Act, the Chiropractors and Osteopaths Act, the Corrective Services Act, the Community Services (Aborigines) Act, the Community Services (Torres Strait) Act, the Dental Act, the Health Act, the Pharmacy Act, the Queensland Law Society Act, the Retail Shop Leases Act, the Speech Pathologists Act, the Veterinary Surgeons Act, the Auctioneers and Agents Act, the Casino Control Act of 1982, the Gaming Machines Act, the Loan Fund Companies Act, the Mental Health Act, the Motor Vehicles Safety Act, the State Development and Public Works Organisation Act—which might be of particular interest to the Minister who interjected—the Water Resources Act and the Physiotherapists Act. Those are at least some of the Acts which may very well now be capable of authorising an examination into the CJC.

This would be funny if there were not a serious side to it and I put it to the Parliament that there might very well be a serious concomitant of this. These are not powers which are being given to bodies but will never be used. They are not powers which could only be used in inconceivable circumstances or which could only be used in fanciful circumstances. These are powers which very well might be used.

Take, for example, the following situation: the Casino Control Division contacts the CJC in order to find out whether it knows anything about certain people, who might be applicants for a casino licence at some stage in the future, that that division ought to know about which would make it inappropriate for that licence to be granted. The CJC writes back and states, "The CJC has no information to the effect that there is any problem in granting a licence to these particular people." That is a real enough scenario and it is something that could very well occur. Imagine that the Minister who is responsible for that division gets nervous and wants more information, and so more is asked for. The CJC says, "We have no further information to give." Say they get really nervous and they suspect that there is probably something down there. Then, having the powers of a commission of inquiry, they immediately conduct an inquiry into the CJC and unearth a lot of unsubstantiated allegations which have been examined and dismissed by the CJC. As a result of that, somebody does not get a licence because somebody else has mischievously made allegations.

This is a realistic situation that could flow from the blunder which the Minister has made. That blunder exists not only in coming here without giving powers to the commission of inquiry that he had set up to inquire into what he had set it up to inquire into, the blunder also exists in the faultiness of the legislation. I hope that the Attorney-General will take this on board, because he knows, and many other members of this Parliament know, that the CJC constantly receives frivolous and vexatious complaints. These frivolous and vexatious complaints are often weeded out. Some members will recall considering an amendment to make it unlawful to make a frivolous and vexatious complaint to the CJC, or at least to give the CJC the power not to investigate frivolous and vexatious complaints. Nevertheless, it is constantly the case that people who have an axe to grind against somebody else make false allegations, either to the CJC or to the police. The Attorney-General himself knows that some mischievous

individual has made a complaint to the law enforcement authorities which resulted in their turning up at his house and suddenly realising where they were. These kinds of things happen all the time.

Giving the powers of a commission of inquiry to all of these bodies will, at some stage in the future, create a situation in which an inquiry will take place which will unearth a whole lot of gratuitous and false disinformation mischievously and wrongfully placed on the record by somebody who was simply trying to get at somebody else. The privacy and perhaps the economic or other rights of decent people will be violated as a result of the blunder which the Honourable the Attorney-General is about to perpetrate.

The right to immunity of people dealing with the CJC is likely to be diminished by this Bill. At the moment, under the Criminal Justice Act, people who give information, cooperate with or assist the CJC are inviolate. There is no way in which their identities can be confirmed. There are people who give information to the CJC, including information about organised crime, who would risk life and limb if it were not for the fact that they had that immunity from having their identity revealed. Yet the changes proposed in this legislation do not appear to guarantee that immunity to exactly the same extent. Consequently, this legislation diminishes the rights and liberties of individuals.

So much would I have said as a member of the scrutiny committee and so much would I have liked to have discussed with my colleagues on the Scrutiny of Legislation Committee if I had the opportunity to take on board their thoughts. Mr Deputy Speaker, as I said, the honourable members for Gladstone, Cunningham and, of course, Mundingburra would have undoubtedly been able to add to the thoughts which I have now been able to put before you.

The other aspect is the attack on the Parliamentary CJC. It was never the case when we were in Government that the Opposition could grasp that the oversight of the operations of the CJC was not in the hands of the Executive. Time after time, I was asked questions based on the assumption that the Attorney-General was responsible for the activities of the CJC. When I replied that that was a matter for the parliamentary committee, the guffaws from the Opposition were such as to reveal that they simply did not grasp, or could not accept within their souls, that the guarantee of the probity of that body was in the hands of the parliamentary committee.

The role of a Legislature in a Westminster system was significantly enhanced by the establishment of the Parliamentary CJC as the watchdog of the CJC. The CJC greatly enhanced our liberties in so far as it is the best guarantee against Executive corruption that could possibly be devised. It is the most independent commission in the Western World and it guarantees our liberties. That is why it is now under attack.

Debate, on motion of Mr Hamill, adjourned.

LYTTON BY-ELECTION

Return of Writ

Mr SPEAKER: Honourable members, I have to report that the writ issued by Her Excellency the Governor on 8 September 1996 for the election of a member to serve in the Legislative Assembly for the electoral district of Lytton has been returned with a certificate endorsed thereon by the returning officer of the election, on 5 October 1996, of Paul Thomas Lucas Esq. to serve as such member.

Member Sworn

Mr Lucas was introduced, took the oath of allegiance, and subscribed the roll.

CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed.

Hon. D. J. HAMILL (Ipswich) (12.37 p.m.):

> "In the last few days we have witnessed a further gulf between the actions and words of this Government. Members were given some 48 hours in which to consider the report and two days in which to debate it. Nothing much has changed since . . ."

Those are prophetic words, because they appear at page 5691 of the Queensland Parliamentary *Hansard* of 7 July 1989. Those words were spoken by none other than the then member for Toowong, who is now the Attorney-General in this place. At that time, the Attorney-General went on to further comment in relation to the Fitzgerald report—

> "The Fitzgerald report should have been introduced and allowed to lie on the

table of the House for a week so that all honourable members could sit down, examine it thoroughly and carefully and then, with considered views, return to this House to take part in the debate on it."

If the then member for Toowong thought that in 1989, why has he so departed from his belief in the parliamentary process that today we are debating fundamental changes to the Criminal Justice Commission, something which arose out of that Fitzgerald report? Further, this debate was brought on less than 24 hours after he introduced the far-reaching amendments before the House. The words of the then member for Toowong in 1989 and his deeds in 1996 show what a hypocritical position has been taken by the Liberal Party particularly, and by members of this Government in general, when it comes to the important process of the administration of law and criminal justice in this State.

As we go down memory lane for a little longer, I draw the attention of honourable members of the House to these words—

> "A major issue in criminal justice is what controls there should be over the administration, and to whom the controls should be entrusted."

My source continues—

> "Periodic reforms to the administration of criminal justice tend to provide for the introduction of substantially autonomous bodies, by which Parliament effectively places some matters beyond its control and the control of the Executive.
>
> One mechanism which is sometimes adopted to retain a measure of control over such a body is the constitution of a parliamentary committee to monitor its operations.
>
> Such a committee can provide an effective democratic mechanism to determine which controversies should be fully investigated to allay public concern."

It goes on to state—

> "The administration of criminal justice should be independent of Executive controls. It is an apolitical, vital public function. Such administration must be accountable for its activities and should be open to public review and accountable to the Parliament."

Those words come from page 307 of the Fitzgerald report, which investigated allegations and matters of corruption which had become endemic in the public administration of this State under years of conservative Government in this State. Yet those clear messages from Commissioner Fitzgerald are the very messages which this Attorney-General of such short memory has sought to undermine by bringing this legislation with such haste before the Parliament of Queensland.

I further remind the Attorney-General as to the reasons why Commissioner Fitzgerald was so emphatic as to the need for an independent body which was answerable to the Parliament and not the Executive. At page 308, Commissioner Fitzgerald in his report recommended the following—

> "A new entity is recommended, to be known as the Criminal Justice Commission, (CJC). It will be permanently charged with the monitoring, reviewing, co-ordinating and initiating reform of the administration of criminal justice. It will also fulfil those criminal justice functions not appropriately carried out by the police or other agencies."

What Commissioner Fitzgerald was referring to in those words was such areas of the Criminal Justice Commission's jurisdiction as the police misconduct jurisdiction. I trust that we all remember how, under the National Party, the police themselves were virtually entrusted to investigate police misconduct and malpractice. The National Party made sure, of course, that it vested with the Police Service—or the police force, as it was then known—the means of being able to cover up those very matters of misconduct and corruption which filled page after page after page in the report of the Fitzgerald commission of inquiry, much to the shame of Queensland and the shame of the political leadership of this State that presided over such corruption in its midst.

Mr Foley: And what they agreed to return to in the memorandum of understanding with the Police Union.

Mr HAMILL: Indeed, and I will come to that in a little more detail a little later.

Commissioner Fitzgerald at page 309 of his report stated—

> "A standing parliamentary committee, not charged with any other responsibility and known as the 'Criminal Justice Committee' should oversee the operations of the CJC."

He went on to say—

> "The exclusion or reduction of party political considerations and processes from the decision-making process with respect to the administration of criminal

> justice is an important consideration underlying the establishment of the CJC. Accordingly, executive authority and connection with the CJC must be limited to what is necessary to finance it, provide administrative and resource needs, and that necessary for public financial and other accounting purposes. For those purposes, but not otherwise, a Minister should be responsible for the CJC."

Fitzgerald makes it very clear that the Attorney-General's role should be only in relation to those matters of the budget and the financial accountability aspects of the CJC. He makes it very clear that the CJC shall report to the parliamentary committee. Yet what we see in the legislation before the House today, what we see from the political vendetta that has been run by this Attorney-General and the Premier and other Ministers, is nothing but a bold attempt to undermine the very independence of the Criminal Justice Commission and to bring it firmly under the wing of the Executive—the very thing that Commissioner Fitzgerald warned against in his report. What is this legislation seeking to do? The legislation is putting in place powers for one of the Government's new inquiries to undertake an inquiry into the CJC and, by so doing, deny the parliamentary committee—the all-party committee—its statutory responsibility to undertake any such review of the operation and powers of the Criminal Justice Commission.

By effectively seeking to neuter the Criminal Justice Commission, this National Party/Liberal Party coalition Government is simply trying to turn back the clock—turn back the clock to the good old/bad old days when sleazy deals with the police were the order of the day, the order of the day that was so evoked, if you like, by the sleazy memorandum of understanding, which, of course, has been the subject of inquiry by the Criminal Justice Commission through the actions of Commissioner Carruthers, and I daresay we will hear much more about that in the days and weeks ahead. Members opposite want to turn back the clock to the good old/bad old days when misconduct was institutionalised in the fabric of public administration in this State.

Their turning back of the clock in this way caused me also to go back and to have a look at some of the things that occurred in this place during 1988 and 1989 and some of the things that were said by honourable members. I must admit that I was singularly impressed by a speech delivered in this House in the context of the debate on the Electoral and Administrative Review Bill on 17 October 1989—a contribution with which I could not find any fault whatsoever. I quote from the speech of the honourable member for Ipswich from page 1,469 of *Hansard*. I stated in 1989—and, for the record, I will put it on the record again—

> "I remember when a number of members of the Opposition made the allegation that Ministers of the National Party Government in Queensland had their fingers in the till. Those remarks prompted a spate of litigation by Ministers of the Crown in this State—all funded, I might add, from the public purse—to quash the claims of the Opposition that Government in this State was corrupt and that Ministers had their fingers in the till.
>
> What happened to that litigation? The public of Queensland is paying dearly for the political action that was taken by members of the National Party Government to defend the so-called good name of the National Party Government in Queensland. This year"—

and that was 1989—

> "those writs, which were funded from the public purse, were discontinued because those very same people realised that, if taken into a court of law, those writs would be thrown out. The Government sought to minimise the losses to the public purse by paying the costs and discontinuing the actions. However, in itself that very action is quite reprehensible.
>
> In his report, Mr Fitzgerald drew attention to the fact that the public purse of Queensland was being plundered by National Party Ministers who were hell-bent on trying to score political points in an attempt to try and quell criticism of their woeful performance. That criticism was levelled by members of the Opposition who were discharging their responsibilities in the public interest."

I felt passionately about that at that time. Indeed, I was one of the members of the Opposition of those days who had a writ taken out against him by none other than that so-called "Colossus of Roads", that person who well and truly had his fingers in the till, the former member for South Coast and the disgraced former Minister for Main Roads and Racing, Mr Russ Hinze.

Mr Connor: A great opportunity to respond.

Mr HAMILL: I take the interjection of the more recently arrived member for Nerang. I will quote again from page 1,469——

Mr Connor: What was he convicted of?

Mr HAMILL: What was he convicted of?

Mr Connor: Exactly.

Mr HAMILL: The member should read the Fitzgerald report. In the case of the former Minister, Mr Hinze, he was taken from this earth before he was brought to account in the courts of law for his transgressions as a Minister of the Crown.

Mr Connor: No chance to defend himself.

Mr HAMILL: He had plenty of chance to defend himself. I will quote again from that speech I gave back in 1989, because this very issue was raised by other apologists for the endemic corruption which was all too apparent under the last conservative administration that sat on the Treasury benches in this place. I said—

> "In 1985"—

long before the present Minister for Public Works and Housing was in this place—

> "when I raised criticisms in this House about that Minister's activities in relocating a main road and suggested that the fundamental reason why that main road was relocated was at the behest of and for the enrichment of a family company of that former Minister, what happened to me? I raised those issues here and in public."

I had the guts to go out and tell the truth in the public arena and for my trouble, the then Minister, the former Minister for Main Roads, Mr Hinze, slapped a writ on me, and then he proceeded to act upon that writ, alleging that I defamed him. As Minister Connor has sought to do today, a former National Party member of this House did similarly back in 1989. He said, "What was the outcome?" The outcome was—and I have great pleasure in telling the member the outcome—that the Minister, Mr Hinze, knew that he had no grounds whatsoever. He actually withdrew his writ, he met my costs and had to pay his own costs. If that is not an admission that the action he took was of a political nature and one which was not really there to redress a genuine grievance that he may have had, I do not know what is.

That sort of action that was taken by Hinze was taken by the whole coterie of the National Party Government against Opposition members in those days, and it was specifically criticised by Mr Fitzgerald in his report at page 143, where he made these remarks—

> "A parliamentarian's role to review and constructively criticize Governmental activity could be hampered by being inhibited from speaking out publicly by threats of claims for damages. This is particularly so if the defamation actions which result are funded out of the public purse.
>
> The use of public resources at any time or in any way to inhibit or suppress the expression of opposing political opinion or a criticism of any administration is wholly objectionable. Those in public life must accept the risk of criticism even if it is at times, unfair, unfounded or even mischievous and couched in unflattering or abusive language. While personal abuse and wrong allegations are to be condemned, they do not justify the use of public resources to provide legal redress for individual members."

What has changed? Back in 1986, 1987, 1988 and 1989, members of the National Party Cabinet were abusing the legal process of the State by taking these spurious defamation actions against members of the Opposition to stifle freedom of speech, to deny members of the Opposition the opportunity to go out into a public forum and to tell the truth about the corruption which had eaten away at the entrails of Government in this State. Fitzgerald criticised that plundering of the public purse, and what the Government is doing today, through this spate of inquiries, is just another version of that tactic of 10 years ago. As I said, the spate of inquiries that we have had canvassed and that have been established—and this legislation is part of that agenda—is just the 1996 version of the corrupt activity of 1986 under Bjelke-Petersen.

These costly inquiries, where friends of the Government are rewarded for their duties at the rate of $3,000 a day to do the Government's dirty work, are just as reprehensible as plundering the public purse to take publicly funded defamation writs out against members of the public and members of the Opposition. That is not the end of it. These inquiries that are being established are, in some cases, matters which should properly be conducted by other bodies, as in the case of this very inquiry which is being empowered under the legislation that is before the House at present. We all know, and we all know that Government members know, that this investigation and monitoring of the CJC should be conducted by the all-party parliamentary committee. The Premier has been ranting and raving in this place about the reports he gets from these hired guns, from Chris Skase's

counsel—the counsel the Treasurer uses when she is having to explain her want of memory down at the Carruthers inquiry and the counsel who has suggested that there needs to be another massively expensive and publicly funded inquiry into matters which have already been twice investigated, and indeed investigated by the Criminal Justice Commission itself under none other than the then head of the commission, Sir Max Bingham.

I would have thought that, if there was a case to answer in relation to the Heiner allegations, Max would have found one. The Attorney-General knows that he did not. There was no case to answer and there is still no case to answer. The people of Queensland can see through these tactics for what they are, that is, another grubby, dirty, sleazy attempt to try to prosecute the National Party/Liberal Party political agenda at public expense and force this Government's political opponents—members of the Opposition—to personally incur significant legal costs as they attempt to defend their good name against the publicly funded onslaught of a Government which has no moral scruples, and which will use and abuse the legal process for its own political agenda.

I would have thought better of this Government. After all, the 1986-89 program of litigation against Opposition members should be remembered by those Cabinet Ministers who then sat around the table and who have been launching this lot. After all, Mr Borbidge, Mr Cooper, Mr Hobbs, Mr Lingard, Mr Littleproud, Mrs McCauley, Mr Perrett, Mr Slack and Mr Veivers were all around in those grubby days when the National Party tried to sue Opposition members and they were around the Cabinet table the other day when this latest pogrom was being launched. The Attorney-General, Mr Beanland, was in the House, too, during those days, when his party was in fact critical of the National Party Government for dipping its fingers in the till and using public funds to persecute Opposition members.

Time expired.

Sitting suspended from 12.57 to 2.30 p.m.

MINISTERIAL STATEMENT

Answer to Question on Notice

Hon. S. SANTORO (Clayfield—Minister for Training and Industrial Relations) (2.30 p.m.), by leave: I rise as a result of a matter of privilege raised by the honourable member for Archerfield whereby, if my understanding is correct, the honourable member suggested that I had altered a question on notice, namely question on notice No. 923. I wish to advise the House that my answer to the honourable member's question, which was due by 5 p.m. on Tuesday 15 October 1996 but was provided to the Bills and Papers Office yesterday, did in fact, when restating the question, contain the first line of another question on notice, namely, question on notice No. 915 from the member for Gladstone, in error.

I take this opportunity to assure the honourable member and the House that I did not knowingly alter the honourable member's question. I am confident that all reasonable members would accept that I would not be so foolish as to try to knowingly alter a question that has appeared on the Notice Paper and which I answered in less than the allotted 30 days. The cause was a simple clerical error in my department resulting from a cut and paste that was not detected.

Despite what I believe to be a most reasonable explanation, I should still like to apologise to the member for Archerfield for the obvious anguish and concern that this simple clerical error has caused him. I have resubmitted the answer to Bills and Papers with the offending line deleted.

Mr ARDILL: The reply that the Minister gave was in terms of the question as restated by his office. It contains quite a bit of extraneous matter which indicates that I had asked a question regarding the employers of apprentices—something that I had no intention of doing and strongly object to. Both the question and answer need correction.

Mr DEPUTY SPEAKER (Mr Laming): Order! I think I understood from the Minister's explanation that the honourable member would receive——

Mr SANTORO: We have resubmitted an answer. I assure the honourable member that, if he still finds the answer unsatisfactory, we will do whatever is necessary to do give him what he wants. Obviously, there was no intention on my part in any way to answer a question other than truthfully and as quickly as possible.

CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed.

Mr NUNN (Hervey Bay) (2.33 p.m.): The Fitzgerald inquiry produced a range of

guidelines and recommendations, not the least important of which was the formation of the Criminal Justice Commission. The establishment of the CJC was to have far-reaching effects on the lives of all Queenslanders. The CJC was to be the watchdog over corruption and corrupt practices in our State. After all, the Fitzgerald inquiry established beyond any doubt that corruption, cronyism and—I am being distracted by conversations on my left.

Mr Foley: It's remarkable that they won't debate the Bill, but they will chat among themselves.

Mr NUNN: It is interesting.

Mr Foley: They're not even debating the Bill. They're not prepared to defend their own Bill.

Mr NUNN: I found that to be quite interesting. I am wondering whether we could enliven the proceedings by conducting two or three debates around the Chamber!

I will start again. The Fitzgerald inquiry established beyond any doubt that corruption, cronyism and political patronage were running riot under the Government of the day and, indeed, had been the norm for a very long time.

Mr Schwarten interjected.

Mr NUNN: It is almost as though the member for Cunningham was able to read my thoughts and could predict what I was going to say next and feelings of guilt rushed upon him, so he felt the need to interject upon me. Bearing in mind that bears of little brain very rarely produce anything of substance, I forgive him any transgressions he may have brought upon the House today.

The revelations contained in the report on the inquiry demanded the establishment of a crime-fighting authority in Queensland which needed to be largely independent, fettered only by the requirement that it should be overseen by its parliamentary watchdog, the PCJC. The doctrine of the separation of powers demanded the insulation of the CJC from undue outside influence, and that was recognised by all people who were concerned that law and order would return to Queensland. The attempts by this Government to put the screws on the CJC will prove to be unwise. Indeed, there are murmurings already about the commission of inquiry into the CJC as the watchdog of Parliament. People question the motives behind the setting up of this inquiry and have come to the realisation that there is something not quite right about the whole affair.

This Bill, the Criminal Justice Legislation Amendment Bill 1996, was obviously conceived in haste and delivery is to be by caesarean section, as is demonstrated by the willingness of this Government to ram it through today. It is the forerunner of two dubious inquiries that will run hand in hand. The other inquiry, of course, is the Heiner inquiry, which seeks to rehash evidence given into the Heiner affair and which has already been the subject of two former inquiries. If the Attorney-General is so keen to go over old ground, he may care to establish an inquiry into matters arising out of the famous trial of Joh Bjelke-Petersen, which has never been settled adequately in the minds of Queenslanders. The Government could perhaps inquire into the allegations pertaining to that trial. This witch-hunt sets the precedent for such an inquiry and, since there is no sunset clause in any of the paraphernalia surrounding these matters, the way is left open for future Governments to have a few inquiries of their own.

Let us examine the objectives of the Bill. I quote from the Explanatory Notes—

> "The objectives of the Bill are:
>
> To ensure that Commissions of Inquiry established under the *Commissions of Inquiry Act 1950* have access to information and documents held by the Criminal Justice Commission and by its officers; and
>
> To provide that the Criminal Justice Commission and its officers are compellable to give evidence to such a Commission of Inquiry."

Mr Hamill: You left the bit out about turning back the clock.

Mr NUNN: I am extremely sorry about that. I will rectify that given the fullness of time.

It occurs to me that the wording is deliberately misleading and should read—

> "The objectives of the Bill are to institute a form of damage control to manage the fallout which will occur upon the release of the findings of Mr Carruthers and his recommendation with regards to his inquiries into the possibility of official misconduct and political bribery associated with the memorandum of understanding struck between senior officers of the Police Union and the coalition Government at the time of the Mundingburra by-election, and at the same time they will sound the death knell of the CJC."

I am reminded, of course, that the first act of the senior officers of the Police Union who conducted the campaign in Mundingburra was to revive the old Special Branch. What was the first act as they revived the old Special Branch? It was to use their favourite tool of verballing. They verballed the Labor Party by producing a bogus how-to-vote card, a bogus document, which they then proceeded to try to fit the Labor Party with, and it did not work.

Let coalition members be honest. They know that there is a strong possibility that Carruthers will bring down an adverse finding regarding some of the personalities involved. The Government is struggling for credibility and is aware that such a finding will certainly do to it what its members are endeavouring to do to the CJC. That the Government which shares representation on the PCJC with Labor members—but whose members have the casting vote—does not trust its own members to be able to oversee and pass judgment on the actions of the CJC heralds, I think, a very sad era for the committee system as a whole. This whole sorry business carries a high degree of risk and leaves the way open for this Government to bring on vengeful inquiries at the drop of a hat. It is wide open to abuse.

The section of the Explanatory Notes regarding the administrative cost to Government states—

> "In themselves, these amendments do not represent any specific expenditure on the part of Government. They are merely designed to facilitate the appearance of the Criminal Justice Commission and its officers before a Commission of Inquiry . . ."

Therefore, we do not have any idea of the cost to the taxpayers of these inquiries, and if they are simply to proceed until they produce a result that is satisfactory to the Government it is not hard, given an estimated cost of $10,000 a day, to see that important areas, such as Unmet Needs and mental health, will be starved of funds.

I oppose the Bill and I urge all thinking people to oppose the Bill. It will be a travesty and a blight upon the integrity of Queensland, which was new found after the Fitzgerald inquiry.

Hon. J. FOURAS (Ashgrove) (2.39 p.m.): I rise to oppose this legislation. This morning in this House, the Premier was carrying on in a rather childish way, saying that Anthony Morris, QC, was a legal adviser to the member for Waterford—implying that Mr Barton's membership of the parliamentary committee was the reason for that statement. Those were inane comments for a Premier to make. The mob opposite are behaving like an Opposition, and the Premier was behaving like an Opposition Leader.

We have this Government that is calling for inquiries to look into the past. We have this Government that is concerned about settling scores through judicial processes. That is not the role of the Government. Later I will explain why I think that it is against Westminster conventions to behave in that way. The role of the Government is to get out there and govern. This morning, I heard that, in September in Australia, 34,000 jobs have disappeared. The trend line for jobs in Queensland shows that they have been down for the past five months. It is a serious situation. If the unemployment level goes too high, we will lack social cohesion in this country and there will be tremendous and horrific social costs. Governments have a sworn responsibility to provide services in sectors such as health, education and police. They should provide outcomes for people and give people a fair go. That is what Government should be about. It should be about people and outcomes and a fair go.

Members opposite sit there with no majority in this House—relying on the member for Gladstone for their majority—and feel quite heartened that they are sitting on the Government benches. But they ought to be careful. I believe that the result in the Lytton by-election was a true signpost of what the people out there are thinking. They do not like this Government's economic management. As well, they do not like the fact that it is directionless; that it seems to have nowhere to go; and that all it seems to want to do is behave like an Opposition, trying to create chaos where none need exist. It is trying to create dissension when there is no need for it, and it has created a climate in which there is a lack of confidence in this Government. That lack of confidence will be shown in unemployment figures. The people out there are saying this to me. My constituents are certainly concerned about this lack of confidence in economic terms. They are also concerned about what the Government is trying to do with the CJC. I do not know how many people have said to me, "Mr Fouras, I think that mob in Government now are trying to nobble the CJC."

In this situation, we have overridden Standing Orders, because a Bill has been brought on without the usual time for members to study it properly, and it is being treated as urgent. Where is the urgency? We have been told that this is an urgent piece of

legislation. Does the inquiry have to start next week? Could it not start in three weeks' time. People know where the urgency comes from. I believe that it has something to do with an impending report by the CJC and Carruthers. I do not believe that the Leader of the House would be proud of himself in this situation. As to the number of days that Bills lie on the table—when the Goss Government was in power, it negotiated with the Opposition and brought on a Bill in this manner only with its permission. Sure, there is no doubt that the former Government used the guillotine towards the end of each session. I predict that the Leader of the House will do that, too. Because of the number of Bills on the Notice Paper and the Government's inability to carry the legislative program of this Parliament, that will happen.

Why was this Bill urgent? This Government wants the inquiry by Mr Connolly and Mr Ryan to commence as quickly as possible, which means next week. It found out through the back door. To his credit, the Attorney-General obviously can read, because he read an article in the *Courier-Mail* which stated that those commissioners are not going to have the power to call on the CJC. He has blundered, because he set up an inquiry without that inquiry having the legal power to do the very thing for which it was set up. Short of his being humiliated and short of letting the inquiry go for a couple of weeks, we now have this disgraceful situation in which we are treating this Bill as urgent.

I remember sitting in this House from 1977 to 1986. I had some very good friends who were members of the Liberal Party. I am sure that there are members opposite in the Liberal Party and the National Party who I would be happy to say are friends. But that is not the issue. I used to think that those Liberals in those days stood up for some degree of principle. I thought that the Attorney-General, being a Liberal, would not allow himself to do this at the behest of his National Party partners. I do not believe that he is behaving in any way like a true Liberal Attorney-General should behave in this Chamber.

I turn now to the Scrutiny of Legislation Committee. I am a great believer in the committee process. By virtue of this Bill being treated urgently, that committee cannot look at the Bill, because it will be passed before they can meet to have a look at it. Let us consider the position of the member for Gladstone, who is a member of that committee. During the debate, the shadow Attorney-General raised the issue of whether clause 3 of the Bill confers the powers upon the Connolly commission and upon other commissions of inquiry specifically appointed by the Governor in Council pursuant to the Commissions of Inquiry Act, or whether the power extends far beyond that to a substantial number of other bodies. I presume that, when members come to vote on this, the truly Independent member for Gladstone and a member of that committee would benefit if she had the results of deliberations of her colleagues on that committee. If they sought advice on what it meant, she could then convince herself that what the shadow Attorney-General said was nothing to worry about—that it was not a valid issue. I am not as legally trained as the shadow Attorney-General. If what he says is correct, it really is abominable. The shadow Attorney-General said—

> "It is contrary to the principles of good legislation that matters affecting the exercise of powers by royal commission should be dealt with in so cavalier a fashion."

That really says what this debate is all about. It really is cavalier to ram this down people's throats. It is all about petty politics. We have indecent haste without the benefit of scrutiny. This is a matter of serious concern for members. However, these sorts of actions will generate increasing concern in the electorate.

Members of the present and past PCJCs have reason to be concerned about this legislation. This represents a loss of privilege for what occurs during the deliberations of that committee. Its members could be ordered to go before the Connolly commission to disclose information. I would like to think that this matter will be addressed by the Attorney-General, because that situation would be absolutely unacceptable. The most serious issue is that, through this legislation, the Executive is taking over the role of the Parliament. Taking away one of the fundamentals of parliamentary democracy—the privilege that attaches to the deliberations of members within parliamentary committees—is absolutely disgraceful.

I turn now to what has been happening between the CJC and the current Government. We have seen an attempt by the current Government to discredit the CJC. I do not believe that members from my side of the House would want to argue that the CJC is beyond reproach or that it is beyond criticism. We have said that unequivocally. However, when we see the Attorney-General of the State coming out of a meeting with the CJC

chairman blustering like a 15-year-old schoolboy who has fallen in love for the first time—the hormones were running and he was all overexcited like that——

Mr Schwarten: He looked more like a cock coming out of a fowl house.

Mr FOURAS: I say to the member for Rockhampton that that is not a bad description. Basically, he said that he disagreed with what Carruthers said to the media. I know whom I believe. More than that, I think that during the Estimates committee this same Attorney-General went out of his way to be critical of Mr Clair, a senior public official who was only doing his duty before a parliamentary committee—being accountable and answering the questions that he was obliged to answer under the accountability process set up by the Government. One adds to that the fact that the Premier of the State cannot find even five minutes out of his busy schedule to see the chairman of the CJC. When one puts all of that together one understands why the Opposition is concerned.

Earlier, before this debacle exploded, the Labor Opposition through its leader, Peter Beattie, made efforts towards trying to get consensus, to get a bipartisan approach to the CJC. It did the best it could do. Of course, what happened was that the Labor Opposition was ignored.

I think that the CJC is a very fragile institution. I think that its respect will be maintained only if there is a bipartisan approach, particularly by the parliamentary committee, which is its watchdog. Some members of that committee are people who really have some respect for the committee process of this place. As I said before, I am concerned about setting up an inquiry in this way without the bipartisan support of the Opposition. If we were really fair dinkum about the CJC I believe that in days gone by this inquiry would have been set up in consultation with the Opposition of the day. It would have had bipartisan support and we would not have the problems that we have now.

It is a matter that is similar to other issues, such as the immigration issue. Migrants have come to this country; they have been accepted and they have had a fair go because there has been a bipartisan approach from both sides of politics. The moment that collapses, through the actions of people such as Pauline Hanson and Australians Against Further Immigration then, of course, as with institutions such as the CJC, it is in grave and perilous danger. As Peter Beattie said in his speech, the coalition is setting out to destroy Frank Clair, who is a public official. I remember hearing him say, "Who in their right minds would accept such an onerous position in the future? What person, who has any value or integrity, would accept it, particularly while that mob was in power?" Sure, the Government could get a yes-man.

Again, we ought to consider the costs of this inquiry. The other day while I was buying something from Woolies, which is across the road from my office, people asked me, "Mr Fouras, are those people in their seventies getting $3,000 a day? Aren't they already getting an indexed pension of $50,000 a year, or whatever it is worth? Gee, isn't it great to be a retired judge." Those people are appalled. The Government does not understand what people out there are saying about the selection of those people. Of course, I will talk particularly about the selection of Mr Connolly later. It is amazing.

Last night, the Opposition moved a motion for supplementary funding for the Services and Community Sector Award—the first award that those people who work in the community have ever had, the first time they have been given a fair salary—yet the member for Moggill talked about Budget integrity. There is no concern about Budget integrity with regard to paying the money for this inquiry. The member for Mulgrave said that Treasury is not a bottomless pit. There is no concern about Treasury being a bottomless pit in regard to this inquiry. I cannot miss the opportunity to say that I am concerned about the cutbacks and the rationalisation of the Police Service in my electorate. I know full well that the first intake of 40 cadets to the Police Academy, which was cancelled, and the 20 fewer cadets in the next intake could well and truly have been paid for by the money that we are wasting on this inquiry. Yesterday, the member for Mount Gravatt brought to our notice the fact that on five occasions a lady has been refused surgery because the Health Minister has not allocated enough money for operating theatres. These are very serious matters. But nothing is more concerning to me——

Mr Foley: I'm sure the Indooroopilly Skillshare that the Attorney-General supports would love to get that money that has been taken from them by the Federal Government.

Mr FOURAS: I am sure they would. I am really concerned that members opposite have not learned from the Australiawide embarrassment of their last two Premiers before the current Premier going before

commissions and saying that they did not understand the doctrine of the separation of powers. That lack of understanding is symptomatic of this situation. The Government is reducing the arm's length distance between the Executive and the CJC. It is diminishing the authority and powers of the CJC and, consequently, those of its parliamentary committee. I think that what the Government is doing in using its Executive power to pursue its predecessors, as I believe that is what this inquiry will do in relation to the Heiner matter, is not in the spirit of the Westminster convention. I think that is very dangerous stuff.

Of course, the people out there are asking, "Why can't the Government govern? Why do they not go ahead and carry on with projects and provide services for people? Why do they have to come up with this?"

As I said earlier in my speech, the Opposition does not object to the fact that Mr Connolly is a Liberal. However, he gave a legal opinion that was used in the defence of Police Minister Cooper. If one understood Westminster conventions, one would understand that, under those circumstances, that should disqualify him and make him ineligible to be appointed by the Government to scrutinise the CJC. That should be apparent in any decent man's mind. That is what the Opposition is saying about Mr Connolly. It is not talking about his values or his propriety; the Opposition is saying that he should be disqualified from heading the inquiry.

I will conclude by stating my concern about the Heiner documents. Again, we have the Government of the day having nothing more to do with its time than look back at a fiasco of its own making. National Party Minister Beryce Nelson set up the inquiry that resulted in the Heiner documents but, because she had not given the necessary legal immunities, there were serious concerns—and members should not underestimate them—about what should happen to those documents. The Cabinet of the day acted on advice. In fact, it went through the process of getting advice from the Crown Solicitor, of checking with the Archivist and getting advice from the department. What is the motive for the Labor Government to shred the documents? We have a witch-hunt but there is no motive. However, in regard to the CJC, we have a witch-hunt from those people opposite who have a motive—the Carruthers inquiry.

People understand the difference between petty and political witch-hunts that are without motives and witch-hunts that have motives. The Government is not going to win the praise of the public on this issue. The Premier can say to his backbenchers, "I have thrown you a lifeline." I am sure that they must be panicking by now over the inability of this Government to govern. The Premier could not help himself; in my life I have never met a man who has a greater propensity to purposely misrepresent something. He will misread something, and he will get away with it, but when he gets caught, he is shameless. He does not worry at all about it. Never in my lifetime have I seen anyone who can misread something to his advantage more than the Premier. Then when he is found out, he sits there as if nothing has happened.

We are having another costly inquiry into the CJC. The bottom line is that it is being done with malice, without forethought and without planning. It is not in the interests of the public of Queensland. Therefore, I am very pleased to say in this Parliament today that I strongly disapprove of it. I will be telling my electorate that we have a mob of cowboys opposite who really should be sent to Texas for a while rather than be given the onerous responsibility of providing honourable and good Government for the people of Queensland.

Mr ARDILL (Archerfield) (3 p.m.): In the debate yesterday, I was prepared to speak on the motion against putting this Bill before the House in such indecent haste, and a lot of my remarks will apply to that situation. However, firstly I pose a number of questions.

Why was there such indecent haste? Why was the matter left to the Leader of Government Business and the Attorney-General and Minister for Justice, in the absence of the Premier and almost all of the Ministers? They deserted the Attorney-General yesterday and left him to carry the situation. Why were no Government members listed to speak on either the motion yesterday or the Bill today? What is the problem? Why are they not willing to support this?

Mr Foley: They're ashamed to support it.

Mr ARDILL: Of course they are.

Mr Carroll: We just don't want to waste time, unlike some others.

Mr ARDILL: I thank the member for Mansfield for his illogical statement! More importantly, why does this Parliament have provision for legislation to lie on the table for a week and why is that provision being ignored on this occasion? Why do we have a Scrutiny of Legislation Committee?

Mr Schwarten interjected.

Mr DEPUTY SPEAKER (Mr Laming): Order! I cannot see the member for Rockhampton, but I can hear him. The member can only interject from his own seat.

Mr ARDILL: Why do we have a PCJC committee? Why is it not dealing with this matter? This Bill should have been considered by both the Scrutiny of Legislation Committee and the PCJC before it came before the House, and it still should be. We should be moving an amendment to the effect that the Bill be referred to those committees before we finally deal with it.

While we have concerns about this legislation, the Premier's statement yesterday on the Heiner inquiry shows just what is possible under his Premiership and why the people of Queensland should be more than worried; they should be panic-stricken. That statement was away with the fairies when we consider what is in the written report presented by the Premier's own specially picked investigators.

The *Australian* came close to the truth in an article in today's paper, but the *Courier-Mail*'s headlines and, more particularly, the flow chart provided were nowhere near the nub of the situation. For a start, Mr Heiner himself closed down the investigation—not the department, not the Cabinet, not the Labor Party and not this Parliament. The investigation was closed down by Mr Heiner because he knew that the evidence given did not have parliamentary privilege. He knew that the people who had been tricked by that into giving evidence were at risk of losing their houses and everything that they possessed. The department and the Minister took the only course open to clear up the mess created by the National Party of the day.

Once Mr Heiner had closed down the investigation, all the documents, tapes and evidence which put people in the invidious position of being at risk of losing everything that they possessed were destroyed. I also submit that that was done in the interests of Mr Coyne himself, because at that stage none of this information was public. Mr Coyne certainly was not unscathed once it did become public knowledge. The situation in the John Oxley establishment was anything but satisfactory, and it certainly does not show the leader of that group in a good light. Possibly, it shows him in a worse situation than the people he sought to sue.

The Bill will put the CJC under the scrutiny of an inquiry. There is absolutely no reason for that to happen in this way. As I have said, the Scrutiny of Legislation Committee should have given us advice on the legislation. I dare say that the chairman of that committee would have been quite dispassionate and done his job adequately. If that had happened, perhaps we would now be looking at some other course to follow. The obvious follow-up to an investigation of the legislation by the Scrutiny of Legislation Committee would be for the PCJC to inquire into the CJC. I do not say that an inquiry is not necessary. In fact, I would welcome the PCJC holding an inquiry into the commission at this point in time. I believe that the CJC is doing very well, but a number of mistakes have been made by the commission and other members have already mentioned some of those mistakes. The CJC's procedures should be looked at, and the PCJC was given that role by Fitzgerald and by this Parliament. The PCJC should be called upon to do that.

There is nothing to stop the PCJC from appointing adequate legal advisers without calling on party hacks, as has been done in this case with the appointment of people such as Mr Connolly and Mr Morris. The PCJC could quite easily have called on adequate legal advice from within the State to examine the CJC in detail. The Scrutiny of Legislation Committee does not have any trouble getting adequate legal advice on matters, nor does any other committee of this Parliament. It is quite feasible that the PCJC could hold an adequate public inquiry which would show up some of the inadequacies that have been indicated, and the proper steps could then be taken to change the Act.

However, the inquiry being instigated by the Government, particularly through the Attorney-General who does not have the right to do so, is nothing but a witch-hunt. At least one of the members of the inquiry has written many letters to the newspapers over the years, indicating his partisanship in favour of the Liberal Party. Nobody in Queensland, except perhaps members of the Liberal and National Parties, will have any confidence whatsoever in the findings of the inquiry. It is time that we look at it. It is incumbent upon this House to require that this legislation be passed to the two committees that I have named before it goes to a final vote of the House.

Mr DOLLIN (Maryborough) (3.10 p.m.): This Government has a multitude of reasons to vent its anger and frustration with the CJC. Its findings put members opposite out of Government in 1989 when it was exposed that Cabinet Ministers and Police Commissioner Lewis were involved in corruption up to their

necks. The Fitzgerald inquiry was sparked by a *Four Corners* program about protection for organised crime and by a series of articles in the *Courier-Mail*. That led to the gaoling of disgraced Police Commissioner Lewis, the court appearance of then Premier Sir Joh Bjelke-Petersen and five of his crooked Ministers.

Don Lane, Brian Austin—both former Liberals—and Leisha Harvey were all found guilty of misappropriation, or misusing taxpayers' money. In other words, they had their snouts in the public trough. Russ Hinze died before charges of corruption could be resolved. Sir Joh escaped through the grace of corrupt juror Luke Shaw. Several other senior business people and police were gaoled on corruption charges. Any wonder the Nationals are out to get the CJC! They desperately want to rid this State of the watchdog which to date has ensured that Queensland politicians and police have not returned to the blatant corruption, bribery and brown paper bags era prior to the Goss Labor Government. This coalition Government is fighting to destroy the watchdog that reins it in. The Government wants to be rid of it, and it will go to any lengths to do so.

The public wants to see the CJC remain powerful enough to keep Governments and police on the straight and narrow. Even National Party supporters in my electorate are saying to me, "Did they learn nothing from the past? It is evident they regained Government too soon; they are still tainted." This is coming from people who have been supporters of the National Party all of their lives. The people will not approve of some $50,000 a week being wasted on a smokescreen to cover up the secret deal signed by Premier Borbidge, Mr Cooper and Police Union President Gary Wilkinson, and which was viewed and agreed to by Mrs Sheldon.

This memorandum of understanding, as the Government likes to call it, would have given the Police Union the right to select the Commissioner of Police and other senior police officers and the power to investigate complaints of police misconduct—the police looking at the police again. Had the secret deal not been exposed, this State would have been right back to the Terry Lewis days. Almost on a daily basis, we hear in this House and in the media that the CJC is somehow out of line by investigating this memorandum of understanding; that it is political. Now the CJC itself is being investigated. I find that rather amazing. Was it not the member for Crows Nest, the Honourable Minister for Police, who called for the investigation into the Mundingburra affair? What did he and the Premier expect—a whitewash?

Mr Nunn: Wasn't he the one who lost a filing cabinet?

Mr DOLLIN: Yes, he did lose a filing cabinet. And while they are doing some investigations, they ought to see whether they can locate it; it is a pretty large object.

Mr Nunn: They are pretty hard to lose, aren't they?

Mr DOLLIN: I have never lost one, and I am pretty good at losing things—but I hang onto electorates.

The Government is not getting a whitewash, and that is the reason for this Bill. It expected a whitewash. This is nothing but a million-dollar smokescreen. This money could be better spent in Health. Perhaps then the Honourable the Minister for Health, Mr Horan, could continue to keep the Maryborough Wahroonga village and units open. And maybe the Honourable Mr Perrett could put aside some money to compensate the timber workers who will get sacked when he signs that agreement.

Mr Perrett interjected.

Mr DOLLIN: I knew I would catch a fish!

The people of Queensland need to keep a very careful watch on this Government, for if they allow it to remove the watchdog—the CJC—it will be back into corruption, bribery and travel rorts before we can say Jack Robinson. I will give honourable members just a couple of examples of what was the order of the day back in the eighties. On 4 March 1992, the *Courier-Mail* stated—

> "The Hon. Rob Borbidge, N.P. Member for Surfers Paradise, Opposition Leader. Three trips with a family member, all with limited documentation and detail of costs. They were 9 days in New Zealand, $2,747.00; four days in the Whitsundays, $1556.00; nine days in Townsville and Cairns, $3005.00. The New Zealand trip was taken over the new year period."

What a nice little holiday! It continued—

> "Mr Borbidge issued a statement explaining the Parliamentary business on each trip.
>
> The Hon. Member for Fassifern was forced to pay back $20,000 of taxpayers' money he had spent on a holiday in the UK."

This inquiry was called for by none other than Russell Cooper. I think the Honourable the

Minister will not call any more inquiries; he does not seem to do very well out of them. He was also involved in the travel rorts, and had to step down from the leadership of the National Party over that. The Honourable Rob Borbidge did him in then, and he will do him in again.

Mr DEPUTY SPEAKER: Order! I am being very patient. The member has referred to three members by name. The honourable member will refer to members by their correct title.

Mr DOLLIN: The "Honourable Rob Borbidge"; is that not allowed?

Mr DEPUTY SPEAKER: Order! The "Premier".

Mr DOLLIN: The Honourable Premier, Rob Borbidge. But he was not Premier when I was referring to him; he was the Leader of the Opposition then. The Honourable the Premier, Rob Borbidge, did him in then and he will do him in again. Coincidentally, it was the honourable member for Crows Nest, Mr Cooper, who asked the CJC to investigate those travel rorts. I believe that even a blind man on a galloping horse on a dark night could plainly see why this Government is hell-bent on doing in the CJC. It wants open slather to do as it would like without any watchdogs baying at its heels. God help Queensland if it is successful. I do not support the Bill.

Mr ROBERTS (Nudgee) (3.17 p.m.): I oppose the Bill and also wish to express some concern about the way in which it is being steamrolled through the House today. In particular, it is a disgrace that no Government members are prepared to express some views in this debate.

In my view, this Bill is being put through for no valid reason other than political expediency. The CJC has been in existence for several years, and the PCJC has a legitimate role and a right to undertake the review it will be undertaking very shortly. There is no reason why this legislation could not have waited until the proper processes of Parliament had taken their course. As a member of the Scrutiny of Legislation Committee, I am particularly concerned that that committee has not had an opportunity to examine what are quite significant matters arising from the provisions of this Bill.

The people of Queensland do not support the adoption of bullying tactics in this Parliament. The theatre may look good. It may make for good headlines in the newspaper and look good on television. However, it ultimately leaves a very sour taste in the mouths of voters and, in my view, has a very strong influence on the way in which people perceive the parliamentary process and also how they perceive politicians.

In this case, the perception and reality is that the Government has moved with undue haste to put in place a politically motivated piece of legislation to facilitate a witch-hunt which will take the focus off potentially damaging outcomes of the Carruthers inquiry and matters such as the tax increases outlined in the recent Budget. The Government has used its numbers to bypass proper scrutiny processes undertaken by the Scrutiny of Legislation Committee. I wish to make a couple of brief comments about the role of that committee.

That Scrutiny of Legislation Committee is required to scrutinise Bills and subordinate legislation by considering fundamental legislative principles and the lawfulness of particular subordinate legislation. In particular, the committee has a responsibility to comment on whether legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament. This legislation has the potential to impact enormously on the rights and liberties of individuals. In particular, it has provisions which affect the right to silence and the right not to self-incriminate oneself. It may also infringe on the rights of people who have given certain information to the CJC to have that information kept confidential, and it may also give other inquiries conducted by other bodies the powers to obtain information from the CJC. That matter in particular has been dealt with quite adequately by other speakers. These significant powers, which do affect the rights and liberties of individuals, should have been closely examined by the Scrutiny of Legislation Committee prior to this legislation being debated in this House. But that will not occur, because the Government has bullied its way through the parliamentary process in this case—and I think the people of Queensland would agree with this—in a most objectionable way.

The Government is prepared to spend $10,000 per day on a political witch-hunt but it cannot find the funds to pursue necessary improvements throughout the State. I want to illustrate that matter a little bit further by talking to issues arising in my electorate. The Government recently withdrew half a million dollars in funding for transport infrastructure improvements in my electorate, in particular, the Banyo and Boondall North Railway Stations. With respect to the Banyo railway

station—the Minister gave an answer to a question on notice in this place and committed $275,000 to the upgrade of that station.

Mr Woolmer: What has this got to do with the debate?

Mrs Woodgate: Because it's the money that you could be using. Use your brains, if you've got any.

Mr ROBERTS: That is correct. Rather than spending $10,000 per day on this inquiry, that money could have been put to good use in a range of electorates, but of course my interest today is in the electorate of Nudgee. Five weeks of that inquiry would have paid for the upgrade of Banyo station. The Minister has withdrawn that funding. Four weeks of the inquiry would have paid for the promised upgrade to Boondall North Railway Station.

What about cuts to local sporting clubs in respect to their training grants? This Government, in a very mean-spirited decision, cut almost $1,000 from the training grants that were given to local sporting clubs such as gyms and swimming clubs. One day of that inquiry would replace the funding cut from most of the organisations in my electorate. What about the Community Recreation Facilities Program? The Minister for Emergency Services and Sport has given me a clear acknowledgment in answers to questions on notice and also in correspondence that the communities in Zillmere and Geebung are in need of a community recreation centre. However, the money was withdrawn in the last Budget. If this inquiry runs to Christmas, the money spent on it would build a community recreation facility in Zillmere.

What about the funding for the community groups that have suffered financially as a result of the impact of the Social and Community Services Award?

Mrs Woodgate: They had their chance last night to give them that money and we all know how they voted.

Mr ROBERTS: That is correct—members opposite backed away from that opportunity at 100 miles an hour. That award is a very necessary improvement to the conditions of social and community workers and one which is long overdue. However, many community organisations are finding it difficult to meet the requirements, and the Government should have moved to provide that additional funding. As an example, the Nundah Community Centre in my electorate had to cut back many hours of community work as a result of the meanness of this Government in that area.

What about upgrades to schools? The Banyo High School needs more money spent on its manual arts facilities and its arts block. We need extra classroom space at Boondall State School. The grounds maintenance budget at the Northgate State School is insufficient. That school has a very large area to maintain, yet because of its small student numbers it does not meet the criteria for a full-time groundsperson. One day of that inquiry would have been sufficient to provide enough money to properly maintain the grounds at that school. What about extra money for shade structures at my schools? In particular, what about the Sunsmart Program? This Government, in another mean-spirited decision, withdrew funding for that program, yet it can find $10,000 a day to fund three legal people to conduct an inquiry. One day of the inquiry would have given schools in my electorate the opportunity to conduct the biggest Sunsmart Program that they had ever seen.

I have mentioned just a few areas in my electorate which have suffered as a result of cutbacks by this Government and which could have been addressed if the money that is going to be wasted on this inquiry was spent in the proper areas. The rush to pass this legislation, in my view, is an objectionable abuse of the parliamentary process. It will result in a waste of public moneys which should have been better spent, particularly on areas in my electorate.

Mr MULHERIN (Mackay) (3.25 p.m.): I rise to speak in opposition to the Criminal Justice Legislation Amendment Bill. The inquiry into the CJC is politically inspired. It is about Executive Government inquiring into the Criminal Justice Commission and usurping the legitimate role of the Parliamentary Criminal Justice Committee to inquire into and review the role of the independent Criminal Justice Commission. This is about winding back the clock to protect the Honourable the Premier and his Police Minister from any adverse findings of the Carruthers inquiry.

The inquiry into the Criminal Justice Commission will have far-reaching powers. The gazette notice is so broadly drafted that the inquiry will have the ability to examine anything the CJC has done or is doing, including the Carruthers inquiry. It will have the power to call into question or even overturn any adverse findings against the Honourable Police Minister. I contend that the Government has been seeking a way to protect the Police

Minister since it has become apparent that Carruthers could bring down an adverse finding against him.

Clause 110 of the Public Service Bill, until the Premier was forced to amend it, would have enabled him and his Government to interfere politically with the office of the Director of Public Prosecutions, who will have the responsibility of determining whether or not a prosecution would proceed as a result of an adverse finding by Carruthers. The Government has lost this opportunity because of the public outcry, and now it has hit on another way to protect the Police Minister. It is quite instructive to note that when the Attorney-General issued his media release he omitted to include in the details of the retired judges' achievements the fact that one of the retired judges, Mr Justice Connolly, served in this House as a member of the Liberal Party. What was the Attorney-General trying to hide?

I am not saying that a body such as the CJC, with enormous powers far beyond those of normal crime-fighting bodies, should not be reviewed from time to time. However, as I said earlier, the legitimate role of reviewing the CJC's powers is held by the PCJC and not by Executive Government. This is also about Executive Government diminishing the role of the committee system—a system established as a result of the excesses of the National/Liberal Governments in the seventies and eighties. I am a great believer in an all-party parliamentary committee system which provides checks and balances against Government excesses. The committee system of this Parliament was evolving into a very strong and effective mechanism of reviewing the decisions of Executive Government. This Bill is a clear signal that the Government wants to erode the powers of the committee system.

The action of this Government in introducing this legislation is a clear signal that it has no respect for this Parliament and, indeed, the committee system. It is determined to wind back the clock and take this House and the people of Queensland back to the bad old days pre-Fitzgerald when, under the Nationals and Liberals, Executive Government ruled this State by fear and intimidation. If the Government was fair dinkum about an inquiry into the CJC, it should have left that up to the parliamentary committee and should not have applied budget cuts to the CJC until the recommendations of an inquiry were tabled in this House. But what do we have? We have Executive Government cutting funding to this crime-fighting body before any recommendations are made by this politically inspired inquiry.

What will this inquiry cost the taxpayers of Queensland, and what will be the social benefits to the people of this State and, in particular, the people of my electorate? I believe that there will not be any social benefits to this State. We have been told that the inquiry will cost at least $10,000 per day or $50,000 per week and could last as long as 12 weeks, which means that the inquiry will cost at least $600,000—and judicial inquiries are notorious for going longer than originally intended. They often become a feeding frenzy for the legal profession. The only group that will derive any benefit from this inquiry is the legal profession.

This morning I brought to the attention of this House the callous and arrogant attitude of the Minister for Health in attending to the concerns of an 11-year-old vision-impaired constituent in Mackay. The constituent was born with bilateral congenital cataracts and has been forced to wear contact lenses, bifocal spectacles, use a monocle and a special magnifying glass to enable him to have any sort of vision. His parents have undergone considerable financial strain and personal anguish to enable their son to receive proper equipment and treatment.

On 24 May this year, I asked the Minister if he would give urgent—and I repeat, "urgent"—and favourable consideration to allowing funding to be granted through the public health system for the supply of new contact lenses. On 31 May, I received an acknowledgment from the Minister saying that I would have a reply as soon as possible. On 1 August—two months later—having received no reply, I again wrote to the Minister and six weeks later, having received not even an acknowledgment this time, I wrote to the Minister again on 18 September 1996 requesting a reply for my constituent by 25 September. To date, this arrogant and incompetent Minister has not even bothered to acknowledge my constituent. I suppose when the Minister does get around to responding to my correspondence—and it seems that the only way to get the Minister to respond is to embarrass him in question time—I will be told that there is no funding in the budget to provide my constituent with his contact lenses.

How can this Minister, who sits in a Cabinet that is only too willing to fritter away millions of dollars on inquiries to settle old political scores, deny funding to this boy? I will put it another way: with the amount of money

that the first day of the inquiry will cost, the public health system could provide my constituent and others like him with 14 pairs of contact lenses. If the inquiry goes for 12 weeks—and it will probably go longer—the public health system could have purchased some 860 pairs of contact lenses, which would have a huge social benefit for the visually impaired.

Another area where this money could be better spent is in the area of Unmet Needs. In his election promises to the parents of people with disabilities and their carers, the Premier promised that, if elected, he would ensure that the Family Services budget in the area of disabilities would receive funding of $34m per year every year for the next three years. What did these people get from the Honourable Premier and his Government? A lousy $8.6m over three years to help support families of people with disabilities!

Mrs Woodgate: That was the interest on $34m a year that they promised.

Mr MULHERIN: They have conned the people of Queensland. What was Contract Queensland about? Was it not about bringing a new era to the people of Queensland? Was it not about honouring election commitments and promises? Was it not about the Premier doing the honourable thing in resigning his commission if he and his Government failed to live up to their contract with the people of Queensland? The Premier has failed and he should do the honourable thing and resign.

The recent Unmet Needs Campaign lifestyle file published by the Unmet Needs Campaign Committee documented the lifestyles of 100 people throughout the State. Nineteen of these documented cases came from the Mackay region. I would like to inform this House of one of these documented cases concerning ageing parents Bunny and Daisy Matson of Mackay who have saved the taxpayers of this State millions of dollars in their care of their youngest son, Michael, who is 35 years old. The lifestyle file about their plight states—

> "Mr Eric (Bunny) Matson and Mrs Daisy Matson, live with their youngest son Michael, who is 35 years old.
>
> A couple of years ago whilst the family was seeking accommodation support from Intellectual Disability Services (I.D.S.) in Rockhampton, Mr Matson was 'flattened' by the response from the Department. Their advice was to 'Get a place (house or unit) and pay someone a small wage to care for Michael'. The Departmental Officer stated that there were no places . . . likely in Mackay or Rockhampton in the next 18 months to 2 years.
>
> Mr Matson will be 82 years old in November and Mrs Matson, who will be 77 years old in October stated that she is 'at least 90% blind'. The greatest concern they have today, is the same as has been with them for some years now, 'Michael is happy at home with us, but the worrying thing that is with us all the time, is this uncertainty. What is going to happen to Michael when we can no longer care for him?'
>
> The advice to 'Get a place' was heeded and Michael now rents a unit through the Dept. of Housing, Local Government and Planning. 'The unit is lovely and it's just around the corner from us, which is great.' Michael has 30 hours support each week through 'Life Enhancement' (an accommodation support service), funded through the Dept. of Families Youth and Community Care . . .
>
> Since March of last year Michael has spent Thursday nights in his unit (with a carer), in order that he may get familiar with the place. Michael is totally dependent and is easily stressed by unfamiliar places and people. He seems very happy to spend time in his unit, but he needs 'support' throughout the 24 hour day. Of the 168 hours in a week, Michael currently has support for only 30 of these hours and is therefore not able to live more 'independently' from his family home.
>
> Mr and Mrs Matson have done as much as they can to support Michael throughout his life to date, and they are happy to continue to do so for as long as they are able. The place to live in now is a reality, but the means to live is no closer now than it has ever been. Mr and Mrs Matson have managed to care for Michael without the need to place him in an institution and they fear that when they can no longer manage, an institution will be all that is available.
>
> There are no available places for Michael in the area that is familiar to him. There is an Endeavour Foundation Residential (group home) in the very street in which Michael lives. When Michael was 19 years old, and after 15 years involvement with the Endeavour Foundation (and its fundraising activities), the family sought accommodation for

Michael through the week . . . Initially, there was no response at all, and eventually the Psychologist advised the family that the Endeavour Foundation would not have a place for Michael because he could not care for himself to the required level.

Mr and Mrs Matson have done all they can for Michael for 35 years. They have done as suggested and attempted to settle Michael into familiar circumstances of his own. Michael has a unit because he needs a place to live. The family sees merit in a place to live, but the family sees merit in the group home option if it is able to provide the 24 hour support that Michael needs. Provided of course that people who live together are compatible.

Please take action to help this family to rid themselves of the fear of the future, and to add comfort and quality to their remaining years.

Michael needs 24 hour support, in Mackay.

Mr and Mrs Matson

Mackay."

As members can see, the needs of these people are real and urgent. The money which will be spent on this inquiry would be better spent on the Matsons and others like them. There are many more deserving causes in this State on which the money for this inquiry could be better utilised. Finally, as I said earlier, this inquiry is politically inspired and will be of no real social benefit to the people of Queensland.

Mrs CUNNINGHAM (Gladstone) (3.37 p.m.): The Bill before the House that amends the Criminal Justice Act 1989 has generated a lot of debate and there are a couple of matters I wish to clarify. The CJC has played a very important role in the State for a number of years. However, there appears to be a body of evidence to suggest that an ongoing review of the CJC is essential. It is also evident that the PCJC in some measure is inhibited in being able to adequately investigate the roles and functions of the CJC.

This Bill has been introduced to ensure that the inquiry is effective rather than cosmetic. The CJC has extensive powers. It has powers that greatly affect not only the workings of this Parliament, the Police Service and other Government departments but also the ordinary citizens of Queensland. Stories have been told in the media of individuals being taken from their homes in front of wives and children and, without being given the opportunity to make an explanation, they are taken off for secret questioning. The CJC has extensive powers and, over time, those powers must be reviewed. As I said, given those extensive powers, it is important that a review and a monitoring role is maintained, and I support the Bill for that reason.

I refer to the validity of the inquiry. Much has been made about the political basis of the inquiry. Not only will the results of the inquiry validate the inquiry but also the basis upon which those conclusions are drawn will be an indicator of the independence of that inquiry. They are the reasons behind my support for this Bill.

Mr T. B. SULLIVAN (Chermside) (3.39 p.m.): Corruption is the cancer that eats away at the democracy we enjoy in Australia. Our hard-fought rights and liberties, as well as the carefree lifestyle that we enjoy, can be destroyed by official corruption. When politicians, police and public servants carry out their tasks in a fair and honest manner, the citizens of this State are well served. On the other hand, if politicians, police and public servants act in a corrupt manner, the people of Queensland are poorly served and they become the victims of deceit and criminal activity.

I can recall Police Commissioner Frank Bischof, the police and the conservative politicians in the National Hotel fiasco involving prostitutes, payments and patronage. From 1958 to 1969, Frank Bischof was Police Commissioner and in all that time, under Country Party Premiers, supported by the Liberals, this sort of corruption became endemic. The National Hotel inquiry in 1963 and 1964 did not reveal the truth because of the way it was set up, because of who was appointed and because there was no political will to find the truth. During the late seventies and early eighties, corrupt practices flourished under Joh Bjelke-Petersen to the extent that his hand-picked Police Commissioner, Terry Lewis, was convicted of official corruption. The Tony Fitzgerald inquiry discovered how deep the corruption had become in many areas of Queensland's political, police and bureaucratic life. Only a corrupt juror, Luke Shaw, saved Joh Bjelke-Petersen from going to gaol. As a sideline, imagine if it had been Judge Pratt—Joh Bjelke-Petersen's first choice to chair the corruption inquiry—who had actually carried out the inquiry. There would have been a whitewash, and Queenslanders would never have known how deeply the corruption had been established in the Joh Bjelke-Petersen/Terry Lewis era. Today, I am

reminded of Premier Borbidge and his appointment of Mr Connolly to head an inquiry. Perhaps he is after the same sort of result.

Only under the CJC have Queenslanders had the confidence of knowing that they had a body that was looking after their basic rights. The CJC is not a law unto itself—as claimed by a desperate Premier Borbidge, who is trying to discredit the CJC to protect Russell Cooper, the Police Union and other National and Liberal operatives. The CJC is supervised by the Parliamentary Criminal Justice Committee. It is accountable to the Parliament, and the Attorney-General has special supervision of CJC operations.

Most politicians, police and public servants are honest, hardworking people who work to the best of their ability to serve the people of Queensland. However, a small percentage of people are corrupt, and we need checks and balances not only to detect an individual's corrupt behaviour but especially to prevent corruption from becoming entrenched. Honest police, public servants and politicians need not fear the CJC. There are checks and balances on the CJC itself, particularly in the form of the PCJC. It is a disgrace that Premier Borbidge will not use the PCJC to carry out its proper role to supervise the CJC. The constituents of Chermside do not want to see money wasted on politically motivated inquiries that are just political paybacks, but will cost up to $15,000 a day, at a time when this Government cannot find money for home and community care, community workers, sporting associations and the basic needs of our community.

By rushing this legislation through the Parliament, the National/Liberal Party Government is avoiding proper scrutiny by the whole Parliament, and particularly by the Scrutiny of Legislation Committee. Premier Borbidge, supported by Treasurer Sheldon and Ministers Cooper, Santoro, Horan and Lingard, is turning back the clock to the bad old days. We are coming closer and closer to the corrupt practices of Police Commissioners Frank Bischof and Terry Lewis and Ministers Don Lane and Russ Hinze.

The people of Queensland deserve the democracy they currently enjoy and the free lifestyle that has come about because of it. When corruption takes over, democracy is destroyed. We need a body such as the CJC to oversee the politicians, police and bureaucrats to ensure that they do not become corrupt. The Borbidge/Sheldon National/Liberal Party Government is to be condemned for its current activities.

Hon. D.E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (3.44 p.m.), in reply: In rising to reply, let me say at the outset that I have witnessed a lot of mock outrage during the course of this debate on this legislation to facilitate the inquiry. There has certainly been a lot of Labor bile forthcoming in relation to it and a great deal of insincerity. A large number of Opposition speakers have contributed to this debate. They made comments about the gag being applied. That is not the case. The gag certainly has not been applied to this debate.

Mention has been made of the Carruthers inquiry. Mr Carruthers, a retired New South Wales Supreme Court judge, finished his inquiry some weeks ago, I think, and we are now waiting for his report and recommendations. To suggest that in some way any inquiry now is going to change his mind, and particularly alter the judicial manner in which he might operate, casts a slur upon Mr Carruthers himself. He will operate without being influenced. To suggest otherwise is yet another slur. There is no way that Mr Carruthers will be influenced by other matters. It is quite clear that Mr Carruthers will not be influenced. I am sure that he will produce his report together with its recommendations in due course. If Labor is saying otherwise, then it is indicating that he is gullible and could be distracted in some way by some of these issues. That is humbug and nonsense. Mr Carruthers is a very astute person. For people to say that this inquiry is somehow going to deflect the attention of the public from any report that he might produce is a nonsense. The public will be out there watching for it when it comes out. I am sure that they will see the report. There is no way that it will not be made public. This is a very public issue. The inquiry was conducted in public. The report will be there for all the world to see.

Members heard from the Leader of the Opposition some time ago what he thought about any sort of inquiry cranking up to look at the Criminal Justice Commission. It is little wonder then that, with the outrageous attacks that the Leader of the Opposition made upon any prospective commissioners, the Labor Party is taking the position it has today. That position was well and truly set in concrete some time ago.

The issue of parliamentary privilege has been raised. This is a matter about which I was concerned well before it was raised in this Chamber. These issues were first raised with

me some days ago. The Bill is completely silent on the matter of parliamentary privilege. It is my clear intention that nothing be done to interfere with the operation of parliamentary privilege. Proposed new section 132A contains provisions which make certain persons associated with the Criminal Justice Commission compellable to give evidence to the inquiry. They are the persons listed in section 132A(2), which largely reflects those caught by the confidentiality requirements in section 132A(1). It does not refer to the members of the Parliamentary Criminal Justice Committee or any other members of the Parliament.

Section 132A(1) provides that the Commissions of Inquiry Act prevails over the Criminal Justice Act. As far as parliamentary privilege is concerned, that means that members of Parliament are no more amenable to appearing before this inquiry than they are before any other inquiry held under the Commissions of Inquiry Act. It does not add to or detract from the principles relating to parliamentary privilege in any way. Section 132B(3) does not compel anyone to give evidence to the inquiry. It gives certain protections to persons who give evidence to the inquiry, especially those who do so on a voluntary basis. It was considered necessary, for example, for whistleblowers. This House and members of the Parliament individually will still possess all rights flowing from parliamentary privilege.

I have here the opinion of the Crown law office, which I sought in relation to this issue. I thought that, although I had been given various opinions, I should get it in writing. I might read from this, because I think it is important and should be included in *Hansard*. It reads—

> "The first of the proposed amendments is to s.132A and is designed to remove any doubt about the application of s.132A to bodies that are clothed with the powers, authorities and jurisdiction of a Commission of Inquiry or which are deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1950. I note that in substance, I have already advised on a draft amendment"—

which I will come to shortly. The Crown law office stated further—

> "On the face of s.132B, I do not see that this provision could threaten parliamentary privilege.
>
> Section 132B(3)(b) makes it clear that a past or current member of the Parliamentary Committee established under the Criminal Justice Act 1989 . . . would not be in breach of s.132(3) of the CJ Act if they wilfully disclosed to the CJC Inquiry, knowledge that they had obtained from the Criminal Justice Commission as a member of the relevant Parliamentary Committee.
>
> Of course, the essential element of parliamentary privilege is freedom of speech in terms of Article 9 of the Bill of Rights 1688. This provision, ancient though it may be, is still applicable in Queensland by virtue of s.40A of the Constitution Act 1867.
>
> In essence, the parliamentary privilege of freedom of speech operates to afford to things spoken or written as part of the debates or proceedings in Parliament, immunity from being impeached or questioned in any Court or place outside of Parliament.
>
> The parliamentary privilege of freedom of speech is, generally speaking, primarily concerned with disclosures that are made either on the floor of the House or before some Committee of the Parliament by a Member of Parliament and, depending on how widely one interprets the term 'proceeding in Parliament', other related and ancillary actions.
>
> Bearing this in mind, I note that s.132B(3)(b) is concerned not with public disclosures, but with confidentiality and removing liability for any person who in assisting the CJC Inquiry breaches some legal requirement or some practice requiring that confidentiality is to be maintained. Given that the parliamentary privilege relating to freedom of speech is not concerned with confidentiality, the position, is in my view, that any issue of parliamentary privilege would continue to be dealt with in the usual way and would not be affected by s.132B.
>
> In this context, I note that during the National Hotel Royal Commission in 1963 that Mr CJ Bennett MLA objected to being cross-examined on the basis that he made a claim of parliamentary privilege. On that occasion, Mr Justice Gibbs ruled that the objection taken by Mr Bennett was correctly raised and Mr Bennett was not forced to answer questions in relation to a statement he had previously made in the Legislative Assembly. In addition, a Mr EJ Walsh MLA refused to attend before the National Hotel Royal Commission on the

basis that he would not be a party to a breach of parliamentary privilege. Again, Mr Justice Gibbs held that Mr Walsh should not be summoned to attend before the Royal Commission.

In making his determination, Mr Justice Gibbs referred to an earlier Queensland case of Royal Commission into Certain Crown Leaseholds (1956) QdR. 225 where Townley J. as Royal Commissioner held that a Member of the Senate could not be compelled to give evidence before a State Royal Commission where an objection was raised based on the grounds of parliamentary privilege.

I do not see why such a claim for parliamentary privilege could not continue to be made in respect of the conduct of the CJC Inquiry.

The only other aspect of parliamentary privilege that could possibly be relevant would be the privilege which would entitle a member of Parliament to decline to attend before a Court or Tribunal on a day on which the Legislative Assembly is in session. Again, in my view, there would be no adverse effect on this aspect of parliamentary privilege by any of the amendments contained in the Bill.

Indeed, given the fundamental importance of parliamentary privilege in relation to the workings of our system of democratic Government, it is likely that if any aspect of parliamentary privilege was to be curtailed, that quite specific amendments by the Parliament would be required.

As I have stated above, I do not consider that any of the sections of the Bill would have this legislative effect."

That is from the acting Crown Solicitor. Quite clearly, nothing in these amendments is in any way relating to the matter of parliamentary privilege. The amendments scrupulously do not impinge upon the issue. They do not interfere in any way with the present laws and the practice surrounding parliamentary privilege.

The application of the Commissions of Inquiry Act to boards such as those covered in the Podiatrists Act and the Physiotherapists Act again is a matter on which I have sought legal advice, because that is a matter of concern. I had been given advice previously, and I obtained some more advice in relation to this matter. I think I should read parts of that advice from Crown law, because it is important. The letter states—

"In my opinion, a Court would not hold that s.132A of the Bill would extend to such bodies as the Podiatrists Board and the Physiotherapists Board, the authority given by s.132A of the Bill. My reasons for reaching this conclusion are as follows:-

(1) In terms of s.132A of the Bill, subs. (2) refers to 'any summons or requirement of an inquiry chairperson under the Commissions of Inquiry Act 1950, s.5'. Furthermore, s.132A(5) makes it plain that the term 'inquiry chairperson' means the chairperson of any Commission of Inquiry under the Commissions of Inquiry Act 1950. These specific references contained in s.132A, in my view, indicate that that section is only to operate in respect of a Commission of Inquiry that is actually established under the Commissions of Inquiry Act 1950.

Boards such as the Podiatrists Board and the Physiotherapists Board, even though they are clothed with the powers, authorities, protection and jurisdiction of a Commission of Inquiry, are not as a matter of law, a Commission of Inquiry under the Commissions of Inquiry Act 1950.

(2) Furthermore, from reading the Explanatory Notes and the Second Reading Speech, it is quite clear, in my view, that the Bill did not intend to invest Boards such as the Podiatrists Board and the Physiotherapists Board with the rights provided for by s.132A. Of course, such extrinsic material can be resorted to in interpreting legislation where a provision is ambiguous or to confirm an interpretation conveyed by the ordinary meaning of the provision in the relevant statute, see s.14B of the Acts Interpretation Act 1954.

In my opinion, s.132A of the Bill will not operate to increase the powers given to a Board or other body established under its own legislation and which is invested with the powers, authorities, protection and jurisdiction of a Commission of Inquiry.

However, I have noted that in respect of certain statutory bodies that they can also be deemed to be a Commission of Inquiry within the Commissions of Inquiry

Act 1950. One example I have been able to locate . . . is the Gas Tribunal.

. . .

In respect of bodies that are actually deemed to be a Commission of Inquiry within the meaning of the Commissions of Inquiry Act 1950, the argument raised in respect of the Podiatrists Board and the Physiotherapists Board has more force. However, in my view, taking into account extrinsic material such as the Explanatory Memorandum and the Second Reading Speech, I am of the opinion that the better interpretation is that s.132A would be limited in its operation to a Commission of Inquiry that is actually established under the Commissions of Inquiry Act 1950.

If it was intended to remove any doubt concerning the application of s.132A of the Bill to those statutory Boards and bodies that are actually deemed to be Commissions of Inquiry under the Commissions of Inquiry Act 1950, rather than invested with the powers, authorities, protection and jurisdiction of a Commission of Inquiry, this could be achieved by a simple amendment to s.132A."

To make it perfectly clear, so that it is in the legislation, so that it is quite clear and up-front for all the world to see, so that there can be no need to resort to extrinsic material or to the second-reading speech or any other material, I am proposing to move an amendment that will clarify that issue. In that way, it will be quite apparent. That section applies only for the purpose of a commission of inquiry in the meaning of the Commissions of Inquiry Act section 3.

The confidentiality provisions of the CJC are being maintained under this legislation. These amendments are to facilitate the proper conduct of the inquiry. Amendments to the Criminal Justice Act and the Commissions of Inquiry Act follow advice from the Solicitor-General. In addition, suggestions have been forthcoming from the senior counsel appointed to assist the commission of inquiry to enable the commission to work effectively and efficiently.

I think the member for Ashgrove mentioned obtaining legal advice about the amendments. I assure the member for Ashgrove that last week advice was sought from the Solicitor-General in relation to aspects of the confidentiality clauses of the criminal justice legislation and advice was received on Monday in relation to that. Just as we suspected, there was need to make certain amendments to the legislation to incorporate those particular changes.

I think it is fair to say that we have reached this stage in relation to these amendments and this inquiry into the Criminal Justice Commission because of the need to have the CJC far more accountable than it has been to the parliamentary committee. Certainly, the parliamentary committee has put forward some suggestions but, over a period, the former Government never did anything about those suggestions. Consequently, we now have a range of other problems that have occurred in relation to that and other matters. Of course, there is a need to go on. We need to ensure that there is proper accountability, not only as far as that is concerned but also to consider certain roles and functions. If we consider what was proposed in 1991 by the member for Yeronga, we will see that proposals were put forward to the Parliamentary Criminal Justice Committee that certain matters should be investigated and referred from the CJC back to the Police Service at the appropriate time. Of course, those are some of the issues, no doubt, that will be considered by this particular commission of inquiry.

Of course, to suggest that there would not need to be a continuation of a body like the CJC, or the CJC itself, to continue the role of fighting corruption in this State is farcical. There will always need to be a body such as the CJC to ensure that there is not corruption occurring within the Queensland Police Service.

Many comments were made in relation to the CJC indicating that there was some corruption within the Police Service. If that is the case, the CJC has a duty to take action. It is not a matter for me. I am not the Minister responsible for the operational issues or operational roles of the CJC. If the CJC wishes to refer matters to the Police Minister to take other action, it is certainly within the ambit of the CJC to do so and it is quite appropriate for the CJC to do so. I am the accountable Minister for financial matters and administrative matters relating to the CJC, but certainly not its operational role.

One cannot help seeing a continuation of mock outrage from the Opposition in relation to several aspects of this matter. Every member who wanted to speak to this Bill has been given the opportunity to do so. Certainly, the Government has taken on board the need to ensure that everything is accountable and

to ensure that no inappropriate matters can be read into this legislation.

I think the legislation speaks for itself. I know that the Government desires, and I am sure that many members of the Opposition also desire, for the inquiry to get under way as soon as possible so it can be expeditious and completed as soon as possible as well as having the necessary authority to undertake this very worthwhile role. I commend the legislation to the Parliament.

Question—That the Bill be read a second time—put; and the House divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 42—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy.

The numbers being equal, Mr Speaker cast his vote with the Ayes.

Resolved in the **affirmative**.

Committee

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Clause 1, as read, agreed to.

Clause 2—

Mr ARDILL (4.09 p.m.): I have a number of questions for the Honourable the Attorney-General in relation to the changes to the Criminal Justice Act. The first question is: why were they not referred to the Scrutiny of Legislation Committee before they came to this place? Secondly, why was that committee not given an opportunity to consider them and offer advice? Thirdly, will the Attorney-General now consider asking that committee to look at the legislation before it is dealt with at this stage or at the third-reading stage? If not, why not?

Mr BEANLAND: In answer to the member's questions: I have indicated already—I think quite clearly—that the Government believes that there is a need to get on with the inquiry. I think that, as the Government does, the public of Queensland want to get it over and done with. In fact, it will be several weeks. It does not sit until the end of October. Of course, I say to the member that the Chamber gave us permission for this matter to proceed in this fashion. Clearly, the Chamber having given its permission, there has been a very lengthy debate and we have now moved to this particular stage of the passage of the legislation.

Mr J. H. SULLIVAN: I rise to express my disquiet at the matter that has been mentioned by a number of speakers in the debate today, and that is that this Bill was brought on prior to the Scrutiny of Legislation Committee having an opportunity to look at the issues that might be contained within it.

The Attorney-General wants to say blissfully that the Parliament gave its permission for that to be the case. Let me assure the Attorney-General that it has been my experience in this place that the majority of the members of this Parliament are not aware of the issues that are raised from time to time by the Scrutiny of Legislation Committee. That is not to criticise the members. I think that those who sit here are more concerned about outcomes than they are with processes. I believe that they are entitled to assume that the issues about which the committee concerns itself will be dealt with by the committee and will be raised in this Parliament by way of the Alert Digest, which is tabled every Tuesday morning.

In a sense, I believe that the Government used its numbers in order to bring this debate on without the legislation laying on the table of the House for the required six days. There are a couple of problems with that, as I have said previously. Under the Parliamentary Committees Act, once this legislation is passed it is not possible for the Scrutiny of Legislation Committee to comment on it at all. The Scrutiny of Legislation Committee can comment only upon Bills. Once this Bill becomes an Act, it is not possible for the committee to pursue the matter.

When this Bill was introduced on Wednesday, there was no indication that the Government regarded it as urgent. If the Government was fair dinkum, the Attorney-General could have spoken to the Chair of the Scrutiny of Legislation Committee and authorised him to advise the committee staff that the Government would be bringing this Bill on with more rapidity than is laid out in the Standing Orders and the committee could

have started to have a look at the issues. I make it plain to the Attorney-General and to all members of the Parliament that the committee does not want to try to bring down the Government's policy objectives. In fact, committee members studiously try to avoid getting onto the issue of policy objectives. However, as the member for Nudgee has discussed, some rights issues do arise in regard to this matter. It would have been possible for the Attorney-General, in the spirit of cooperation, to have told the committee that a report was required. The committee could then have provided the Parliament with a report, however hastily done, before the Bill was introduced into this place.

That was not possible because the committee heard about this debate only at about 11 a.m. yesterday. In that time, it has not been possible, for various reasons—which I do not think need to be aired in the Chamber—for the committee research director to examine this legislation, and our legal adviser at Griffith University has had only a preliminary look at it. Therefore, at this time the committee is not in a position to table any documentation. However, I believe that that is because the Attorney-General did not want it to. Quite clearly, if the Attorney-General wanted to have this debate in this time frame, he could still have authorised the chairman, as a member of the coalition party, to have that work undertaken and the committee could have presented a special report to the Parliament in relation to this Bill. This is not just any old Bill; it is quite a sensitive Bill. I remain incensed at the Government's lack of regard for this Parliament, as evidenced by the process that it has undertaken in relation to this matter.

I understood from the Attorney-General's summation that the legal advice that he received, which refuted the issues raised by the Opposition spokesman about the application of powers which derive from the Commissions of Inquiry Act, has come from Crown law. Is that correct?

First, I register my protest about the process that has been undertaken in relation to this Bill. Secondly, I ask whether the source of the Attorney-General's advice is Crown law.

Mr BEANLAND: I am happy to answer, although the answer might be more appropriate for the next clause. Yes, the advice I have received is from Crown law. I indicate that quite clearly. As I have also indicated, even though Crown law believes it to be beyond doubt, to put it beyond doubt within the legislation I have circulated an amendment to clause 3. I am sure all honourable members will have received that amendment. I deliberately distributed it after lunch so that it would not be lost and members would see it. I have been caught before with these things being lost when distributed in the morning.

Even though I have advice which stipulates quite clearly that we do not need to make any further amendments, so that there cannot be any arguments about powers relating to other boards—or whatever it might be—I will be moving an amendment to clause 3.

Mr FOLEY: Clause 2 makes it clear that the legislation amends the Criminal Justice Act. What consultation has the Attorney-General undertaken with the Criminal Justice Commission? What advice has he received from the Criminal Justice Commission in relation to the amendment of this Act and over what period has consultation with the Criminal Justice Commission occurred?

Mr BEANLAND: I have not received written advice from the Criminal Justice Commission in relation to this matter. We have certainly taken written advice from the Solicitor-General. There have been lengthy discussions with Crown counsel and the Crown law office in relation to these matters.

Mr FOLEY: I take it from the Attorney-General's answer that he has had no consultation with the Criminal Justice Commission in regard to this. That was my question and the question was not answered. The Attorney-General has referred to having received advice from the Solicitor-General and Crown law, but the specific question is: did the Attorney-General pick up the telephone and speak with Criminal Justice Commission members? Did he go out and see them or ask them to come and see him? Has he consulted with the Criminal Justice Commission in regard to this amendment to the Criminal Justice Act? If so, what was the feedback from the Criminal Justice Commission?

Mr BEANLAND: I have not personally seen Mr Clair in relation to these matters, nor any part-time commissioner. That is the question that the honourable member is asking. I understand that a departmental officer had discussions with the Criminal Justice Commission in relation to this matter.

Mr ARDILL: I ask the Attorney-General: why the undue haste? Why is it essential that this legislation be passed today, without being considered by the Scrutiny of Legislation Committee or the PCJC? The Attorney-General indicates that he received advice on

this matter from senior counsel appointed to assist the committee. Is the Attorney-General willing to table that information? If not, why not?

Mr ELLIOTT: I thank the Minister for the amendment he has moved, because I think it is important. We spoke to Crown law yesterday. Members of the committee discussed the situation, even though, for the reasons outlined by the deputy chairman of our committee a minute ago, we were not able to organise a formal meeting. But we did hold discussions with it. The advice of Crown law was that it was not necessary. I thank the Minister for doing that, anyway, because it will clear up the situation. That is important.

Mr WELLS: I wish to raise a question with the Honourable the Attorney-General. I refer to the fact that he has just said that the reason he wanted to bring in this legislation to remedy his administrative blunder this week rather than waiting until the next sitting of Parliament was that the next sitting of Parliament is not until the end of October and things could not wait for that long; the commission of inquiry had to get under way. I am anxious to try to reason with the Attorney-General. While he may be a stupid man, he is not the stupidest member of the Government, and I am hopeful that he will be responsive to some reason.

Mr BEANLAND: I rise to a point of order. I think the member knows better than that. I find the remark offensive and ask that it be withdrawn.

The CHAIRMAN: The Minister finds the remark offensive and asks that it be withdrawn.

Mr WELLS: Mr Chairman, I withdraw it. He is the stupidest member of the Government. What I wish to persuade the Honourable——

The CHAIRMAN: Order! The honourable member was asked to withdraw the remark, not to repeat it. I ask the honourable member to withdraw the remark.

Mr WELLS: Mr Chairman, I gave the direct Aristotelian contradictory to the proposition. However, I withdraw unconditionally out of respect for you and the high office which you now hold.

Relying on the limited intelligence of the Honourable the Attorney-General, I wish to try to persuade him of a point. He knows, as we all know, that when a commission of inquiry is established it takes time to administratively gear up for that commission of inquiry. The first few days and weeks of that commission of inquiry are involved in necessary preparation. Little time that would be occupied by the exercise of the powers which are now being imported as a result of this piece of legislation would be lost at all if he were to wait until the end of October for the commencement of the exercise of those powers. Consequently, it would be perfectly open to him to allow time for the Scrutiny of Legislation Committee to present a report to this Parliament and to have the matter considered as soon as the Parliament reconvened at the end of October. It would be perfectly administratively sound. He would lose very little time indeed. In those circumstances, I ask the Attorney-General: would he give further consideration to adjourning this matter until then so that at least in the Committee stage of this Bill we could have the benefit of the Scrutiny of Legislation Committee's views?

We have heard from a number of members of the Scrutiny of Legislation Committee in this debate, or at least in the second-reading debate, but notably those views were uneducated by the positive and enlightened contributions that we would have received from the members for Cunningham, Gladstone and, last but not least, Mundingburra, who were unable, because of the fact that they could not sit with the committee, to contribute their ideas to an Alert Digest. It would be of great benefit to this Parliament and to the democratic process, and it would be greatly beneficial to the people of this State, if that committee could report and if the Minister could be seen to be introducing legislation in the normal way rather than railroading it through. Consequently, I ask the Minister: will he give consideration to observing the democratic forms that the Chamber has established by its resolutions and adjourn this matter until it can be considered by the Scrutiny of Legislation Committee?

Mr T. B. SULLIVAN: The matters raised by the member for Archerfield were legitimate concerns about a very serious matter, and yet the Attorney-General totally refused to respond to him. Will the Attorney-General take those legitimate concerns seriously and give an answer, because they were questions that were on my mind as well?

Mr BEANLAND: I think I have already responded to them several times.

Mr ARDILL: In view of the fact that the Attorney-General refuses to answer those questions, I will put other questions to him. As it is not immediately apparent to all members on this side of the Chamber why there is so

much urgency and what good advice the Attorney-General has been given that caused him to treat this matter so swiftly and capriciously, perhaps he can explain to us whether he has explained these matters more succinctly and comprehensively to the tripartite coalition—the members of the National Party, the Liberal Party and the member for Gladstone—who are obviously so easily convinced that this Bill is an urgent matter which has to be dealt with at this late stage of the week.

Mr WELLS: In view of the fact that the Honourable the Attorney-General has not deigned to vouchsafe this Chamber an answer to the question I asked a little while ago, I would like to draw to the attention of the Chamber what is actually going on here. What the Attorney-General is doing is covering up a blunder. He came into this House on Tuesday morning crowing about a commission of inquiry that he was setting up, and he did not realise that he had set up a commission of inquiry that did not have the powers to do the job he was setting it up to do.

What happened? He has had to come in here with remedying legislation. His backbenchers, who a little while ago were catcalling and crowing about something I said to the Honourable the Attorney-General's detriment, might very well note that what they are doing here is being lobby fodder for an incompetent and blundering Attorney-General who is, by virtue of bringing in a piece of legislation which came about only in order to make good his own errors of the past, wasting their time on a Friday afternoon. This would not have been necessary if either he had the composure——

Mr J. H. Sullivan interjected.

Mr WELLS: I thank the honourable member. He had neither the composure to wait until the end of the month to remedy the defect that he had failed originally to notice, nor did he have the grace and the decency to allow the democratic forms of this Parliament to be observed. Rather, what he chose to do was to disgrace the office he holds by railroading through this piece of legislation. It may be that honourable members on the other side of the Chamber have not turned their mind in great detail to what is going on, but they should recognise that that is what is happening and that is what this Minister is doing.

Mr J. H. SULLIVAN: I am very conscious that the Attorney-General is choosing not to respond to the issues raised by members on this side of the Chamber. I am conscious that my colleague the member for Murrumba has made two attempts to get him to do so. Under the rules of debate, he is allowed to speak three times. By joining the debate at this point, I will allow my colleague the opportunity once again to plead with the Attorney-General to make some comment. I agree with what the member for Murrumba has said.

I will set to one side for a moment my protective role as a member of the Scrutiny of Legislation Committee. The only reason for this Bill being pushed through in such a hurry is that it is a mistake. If the Attorney-General was aware that he needed this legislation, he could have said so. When could he have said so? He could have said so when he advised us by press release that the Cabinet had made up its mind on what the terms of the inquiry would be but was not going to release them until it named the individuals who would serve on that inquiry. It may have been that, if he had done so, we would have been quite happily in a position to consider this legislation at the end of this month.

I do not see what the rush is, although the Attorney-General will not answer that quite reasonable inquiry from the member for Archerfield. As the member for Archerfield says, if there is a rush, it appears that 45 members of this Parliament are to be given the reason and the other 44 are not. That is a disgraceful situation. Forty-five members of Parliament are to be given the reason for the urgency and 44 are not. I wonder what the people of Queensland think of that.

The point that we really need to make is that this legislation is unprecedented, at least in the time that I have been a member of this Parliament. It is unprecedented because, for the first time since the establishment of the Scrutiny of Legislation Committee, its rights, its obligations and its duties have been tossed aside for expediency. What the expediency is, I do not know. Forty-five members might; 44 do not. This is the people's Parliament. Half of the representatives of the people want to know, and the Attorney is refusing to tell them. The Attorney should be condemned for that arrogance and that disregard for the rights of the representatives of half of the people of this State.

Mr FOURAS: I was not going to join this debate, but the comments by the previous speaker have prompted me to make a contribution. I want to make a number of points. It was the story by David Solomon in the *Courier-Mail* which pointed out that this commission of inquiry would lack the means to

gather the necessary information. While the member for Gladstone was giving the only non-Labor speech in the second-reading debate, I interjected and asked her how she justified the fact that she was happy to treat the legislation as urgent. Of course, she did not answer my interjection. If the member was convinced by the Attorney-General, she should have outlined the reasons for her conviction to all members.

If this legislation had lain on the table for the usual time, it would have meant that in two weeks' time we could have met again and passed it on Tuesday, 29 October, and the inquiry could have started the next day. What are people to think? Are they to think that the Attorney-General needs to have this inquiry well and truly going by next week, and why? The Attorney is saying it is urgent. He is saying that people are belting down his door saying that we have to get this over and done with. That is arrant nonsense. Never has this Parliament seen a judicial review as serious as this one being done so shoddily and with no purpose but short-term political ends. I believe that the history books will show that fact, and the Attorney will pay a very big price for his reluctance to take this side of the Chamber into his confidence.

Any issue concerning the CJC should be handled in a bipartisan manner. As I said in my contribution to the second-reading debate, the CJC is very fragile. It is a bit like the immigration debate: it must be approached in a bipartisan spirit. If a body such as the CJC does not have the respect of both sides of the Parliament and if decisions related to it are not made in a bipartisan way, then we are throwing the baby out with the bathwater. That is very sad. Perhaps that is what the Attorney wants—to throw the baby out with the bathwater—because he really does not care about accountability or the principle that the Executive, the public sector and people in public office should be subject to proper scrutiny. The Attorney's silence says a lot about his disdain for this institution. It is a shame that the Attorney-General is so arrogant and that he does not subscribe to the principles of the Westminster conventions. He really is hammering another nail into the coffin of accountability.

Mr WELLS: During his reply to the second-reading debate, the Honourable the Attorney-General appeared to be quoting from a legal opinion which I took to be a Crown law opinion. I ask: will he now table that opinion?

Mr BEANLAND: I want to respond to a couple of points. There is nothing new in amendments to the Commissions of Inquiry Act. It was amended a number of times, particularly during the Fitzgerald inquiry. It was amended in October 1987, April 1988, August 1988 and July 1989. So amendments to that legislation are not new—far from it.

A week has already transpired since the commission was set up. It has been made quite clear to members that the Government is desirous of getting the inquiry under way as soon as possible. We have Christmas and the new year period coming up. As much of this inquiry as can be taken care of well and truly before that holiday period, the better. We want the inquiry to be conducted as expeditiously as possible so that the recommendations, whatever they might be, are forthcoming.

The member for Murrumba asked me to table a Crown law opinion. I am happy to table both of the Crown law opinions from which I quoted, and I do so.

Clause 2, as read, agreed to.

Clause 3—

Mr BEANLAND (4.36 p.m.): I move the following amendment—

"At page 5, lines 7 to 10—

omit, insert—

'(4) This section—

(a) applies only for the purpose of a commission within the meaning of the Commissions of Inquiry Act 1950, section 3; and

(b) applies despite another provision of this or another Act.

'(5) In this section—

"inquiry chairperson" means the chairperson of a commission within the meaning of the Commissions of Inquiry Act 1950, section 3.'."

Mr FOLEY: This amendment moved by the Attorney-General and Minister for Justice and notified in the material circulated at half past 2 amounts to an admission by the Government that its legislation is flawed.

Mr Elliott interjected.

Mr FOLEY: I heard what the Attorney said. What I have looked at is what he has done. I make this point to the Chamber: it was only the Opposition, not the Government—and the Scrutiny of Legislation Committee was not given the chance——

Mr Elliott: We had an input into it yesterday.

Mr FOLEY: After the Opposition had raised this very problem. I make no criticism of

the committee; on the contrary, I welcome the activity of the committee, given the arrogant way in which the Government had gone about truncating the opportunity for consideration by the Parliament.

The point that I made in my speech during the second-reading debate was that the drafting of this legislation was in such broad terms that it left open the interpretation that other bodies which exercise the powers and authority of commissions of inquiry or which are deemed to be commissions of inquiry could be caught by this legislation. The amendment moved by the Minister has the same effect as the amendment which I circulated on behalf of the Opposition at 10.30 this morning when this debate resumed. I might point out that the Opposition, notwithstanding its limited resources, was able to consider this matter and circulate its amendment some four hours before the Government amendment saw the light of day in this Chamber.

What I say is this: the Opposition has pointed out a serious flaw in this Bill. I have heard the account given by the Minister of the Crown law advice. Let me deal with that. The basic concern that arises is that the breadth of new section 132A could catch other bodies which exercise the powers and authority of the——

Mr Ardill: As you pointed out yesterday.

Mr FOLEY: Yes, indeed. I note the interjection from the member for Archerfield—as I pointed out yesterday. This is the very reason why Governments should not rush through legislation that deals with the exercise of great powers that affect the rights and liberties of citizens. Yesterday, I pointed out that Acts such as the Physiotherapists Act provide, in that case in section 21(5)(a), that the Physiotherapists Board, in holding any inquiry or hearing any complaint under this section, shall have all the powers, authority, protection and jurisdiction of a commission of inquiry under the Commissions of Inquiry Act 1950 save such jurisdiction, powers, rights and privileges as are confined to a chairperson of a commission when that chairperson is a judge of the Supreme Court. In my view, this amendment is quite necessary.

Dr Watson: But not in the Crown Solicitor's view.

Mr FOLEY: That is so.

Dr Watson: That is also relevant.

Mr FOLEY: I have not quibbled with that. However, I make the point that the Crown law advice rests upon the limiting words that appear in subsection (5) of new section 132A that are set out in clause 3 of the Bill, the definition there being "the chairperson of any commission of inquiry under the Commissions of Inquiry Act 1950". It is upon that foundation that the Crown law advice rests. With great respect to Crown law, I draw the attention of the House to the provisions of subsection (1) of new section 132A, which is far broader in its terms. Subsection (1) provides—

> "The Commissions of Inquiry Act 1950 prevails over this Act."

That is expressed in very broad terms to the point where the limiting words that appear in the subsequent subsections do not have the limiting effect that has been argued for them. I am re-enforced in that view by the express words of subsection (2), which expresses itself in these terms—

> "Without limiting subsection (1), the commission or a person who is, or was, a commissioner, a commission officer or member of the commission's staff or other person engaged under section 66 must comply with any summons or requirement of an inquiry chairperson under the Commissions of Inquiry Act 1950, section 5."

That is to say that the drafting of this legislation expressly intends that the Commissions of Inquiry Act should prevail generally and that what follows is not by way of limitation. Accordingly, it is of great concern that this loophole would have been allowed through but for the vigilance of the Opposition.

The action by the Government in moving this amendment, which has the same effect as amendment No. 1 which was circulated in my name at 10.30 this morning, is quite necessary. It is particularly so in the case of those bodies which are deemed to be commissions of inquiry. I was unable to detect in the extrinsic material, and in particular in the Explanatory Notes and in the Minister's second-reading speech, material that would have assisted a court in arriving at what the Crown law officer regarded as the better opinion. At the very least, even on the Government's own case, there is an ambiguity in relation to a very important exercise of power affecting the liberty of the citizen and affecting the confidentiality of Criminal Justice Commission records.

I accuse the Government of indecent haste and I rely upon those Crown law advices which have been tabled which demonstrate at the very least that there is an ambiguity which should not have been there and which is only there because of the indecent haste with

which this legislation has been brought on. Were it not for the vigilance of the Opposition, this piece of amending legislation would have gone through without this further amendment to correct the problem and we may well have found ourselves in the position that other bodies not formally constituted as commissions of inquiry but exercising their powers, such as the Gas Tribunal or the Podiatrists Board, could at some future time have sought to exercise those powers in the way sought.

This is characteristic of a sloppy approach to the rights and liberties of the subject on the part of the Government. It is characteristic of the indecent haste with which it has sought to cover up its bungle in establishing this commission of inquiry. What an extraordinary joke! The Government brought the legislation into the Chamber because it bungled the setting up of the commission of inquiry. The anti-bungling legislation is itself bungled. Is there no end to the bungles in which the Government will engage itself?

Ms Bligh: This is the "bungle bungle" amendment.

Mr FOLEY: I thank the honourable member for South Brisbane. The Opposition will support this amendment and, accordingly, it will not be necessary for me to move amendment No. 1 circulated in my name. However, I draw to the attention of the House just how dangerous this practice is of the Government rushing in the legislation without even consulting the CJC.

Time expired.

Mr WELLS: During the debate on clause 1, I asked a question.

Mr FitzGerald: Clause 2, actually.

Mr WELLS: On debate on the previous clause I asked a question, and that question is just as relevant to this clause. Along with a number of other interested members, I was bitterly disappointed not to receive any sort of reply. I ask the Attorney again to table the legal opinion from which I understand he was quoting.

Mr BEANLAND: I have a copy for tabling.

Mr WELLS: I thank the Attorney.

Mr J. H. SULLIVAN: I have two quick questions for the Attorney. In this legislation, the Attorney provides for changes to the Criminal Justice Act that I do not believe need remain in the Act for all time. There are no sunset provisions. The Attorney-General will recall that, in the Budget debate, I quoted from a letter that he had had printed in the *Courier-Mail* which said that a review of the Criminal Justice Commission was necessary. At that time, I said that I did not necessarily disagree with him, but that I was not strongly in agreement either. I said at that time that it seemed passing strange that he would be saying that it was necessary to review the Criminal Justice Commission after he had cut its budget. That is the type of action that would come out of a review. One would imagine that a review could decide that the CJC did not need to undertake some functions it currently undertook and that therefore the budget would be cut. I am not necessarily entirely opposed to a review, but I am deeply suspicious of the motives of this review. I think that these matters probably would not be well left in the legislation for all time and I would like to see some form of sunset provision. If there already is one, I ask the Attorney to point it out to me.

The second point I raise is that the Explanatory Notes relating to this clause talk about the compellability of witnesses. I have in my mind a celebrated commission of inquiry in New South Wales where a witness whom the commission particularly wanted to speak to went and resided in Victoria until such time as the commission concluded its business. Could the Attorney enlighten us as to the compellability of people who may be residing interstate at the time that the commission is meeting?

Mr BEANLAND: Clearly, proposed section 132B contains a form of sunset clause in that it refers only to the current commission of inquiry, which was gazetted on 7 October. I think that was the question the honourable member was asking me. It was a bit rowdy in the Chamber. I did not quite hear all the points he made, but I think that was the question he was asking me.

Mr Foley: I think he is saying that the provisions of the Commissions of Inquiry Act in section 132A will override the Criminal Justice Act forever.

Mr BEANLAND: Yes, that would be so, because there is no sunset clause attached to those, but there is a sunset clause attached to section 132B.

Mr Foley: Why not?

Mr BEANLAND: There may be a need. Who knows? I am not contemplating any further commissions of inquiry. The Commissions of Inquiry Act is set up with certain powers. There is no justifiable reason why the Commissions of Inquiry Act should not retain similar powers to those in the Criminal

Justice Act. That is largely the problem—that the Criminal Justice Act has broader powers than the Commissions of Inquiry Act. So one is giving them similar powers.

Mr Foley: So this would give similar powers to a Heiner documents inquiry as well?

Mr BEANLAND: Set up under the Commissions of Inquiry Act, it would certainly have similar powers. Any commissions of inquiry set up under that Act would quite clearly have similar powers, yes. But section 132B has a sunset clause attached to it.

As to the interstate matter—the situation will not be changed by this in any shape or form so far as interstate people are concerned.

Amendment agreed to.

Mr BEANLAND (4.52 p.m.): I move the following amendment—

> "At page 5, line 12, 'commission of'—
>
> *omit*."

This is a small amendment. The Commissions of Inquiry Act 1950 provides for proper names for inquiries. An inquiry such as this inquiry is known, in the technical language of the Commissions of Inquiry Act, as an inquiry under a commission. This name applies to inquiries set up under an instrument and is how all recent inquiries have been set up, for example, Fitzgerald, Fraser Island and Trident.

An inquiry may also be set up by the Governor, on the advice of Executive Council. This is then known, in the technical language of the Act, as a commission of inquiry. Such an inquiry may also be called a royal commission because it is set up by the sovereign. Common usage refers to all inquiries as commissions of inquiry or royal commissions. The reason for dropping the words "commission of" in proposed section 132B(1) is merely to be correct within the terms of the Commissions of Inquiry Act 1950. It was imprecise drafting, which has now been picked up, otherwise the technical error would not affect the meaning of the amendments.

Amendment agreed to.

Mr FOLEY (4.54 p.m.): I move the following amendment—

> "At page 6, line 2, section 132B, *insert*—
>
> (5) Nothing in this section derogates from the Parliamentary privileges attaching to Parliamentary Committees and their deliberations."

This amendment seeks to put beyond doubt the impact of proposed new section 132B upon the parliamentary privileges attaching to parliamentary committees and their deliberations.

Yesterday, I was approached by members of the Parliamentary Criminal Justice Committee who expressed concern about the impact of proposed new section 132B upon parliamentary privilege. I have heard what the Attorney-General has said on advice from Crown law, but if I can give a word of advice to the Attorney—when one is looking at that ancient contest between the Crown and the Parliament, it strikes me as passing strange that the Parliament should feel itself comforted by Crown law advice. It is rather like the French asking an English jurist for advice on a treaty between England and France. Indeed, that is the very reason——

Mr FitzGerald: You've won me.

Mr FOLEY: Very good. I am pleased to see that the light of reason has come shining through the Lockyer Valley—inundated as it has been over the past year in floods—and that the floods of unreason which so often dim the mind of the member for Lockyer have at last abated.

In particular, I draw the attention of this Committee of the Whole to the provisions of proposed new section 132B(3)(b), which provides as follows—

> "Without limiting subsection (2)—
>
> . . .
>
> if the person would otherwise be required under an Act, oath, rule of law or practice to maintain confidentiality about anything disclosed by the person to the CJC inquiry—the person—
>
> (i) does not contravene the Act, oath, rule of law or practice for making the disclosure; and
>
> (ii) is not liable to disciplinary action for making the disclosure."

The question is: what is the meaning of the term "rule of law"? There is a law of parliamentary privilege.

Concern has been expressed to me by some members of the Parliamentary Criminal Justice Committee that there may be requirements under the law of parliamentary privilege to maintain confidentiality, quite apart from the requirements that may operate under the Criminal Justice Act. Again, with great respect to the Crown law officer who furnished the advice, that officer does not appear to

have applied his mind to that issue, namely, as to whether the term "rule of law" is to be construed as embracing the law of parliamentary privilege.

It is often forgotten that there is a common law of parliamentary privilege with a history and a dynamism that is often overlooked. When we refer to the common law we often refer, as a matter of shorthand, to the common law as developed in the courts. But the law of parliamentary privilege has a history and an evolution as well. If one were to scour high and low to find a legal adviser upon whom one should place reliance in respect of matters of the privilege of the Parliament, the very last persons to go to—with all great respect to the Crown law officers—are those in Crown law, for reasons that I have set out. Ever since the English Civil War and the Bill of Rights of William and Mary, there has been tension between the Crown and the Parliament. It rather reinforces the arguments of the member for Caboolture as to why legal advice to assist the Parliament in this matter should properly come from bodies such as the Scrutiny of Legislation Committee which, after all, are accountable to this Parliament and not to the Executive of the day.

I heard what the Honourable the Attorney-General said. I heard his argument that it is not the intention of the Government to derogate from parliamentary privilege. I say to the Attorney-General and to the members of the Government: if that is not your intention, then make it clear; support this motion. In supporting this motion, honourable members of the Government will lose nothing if it is their true intention not to derogate from the laws of parliamentary privilege attaching to parliamentary committees and their deliberations.

Mr BEANLAND: I initially went through this very carefully because I was concerned that in no way would we be interfering with parliamentary privilege. I still believe that this particular clause does not in any way affect parliamentary privilege. At the same time, I notice the amendment moved by the honourable member for Yeronga. I am not sure whether the amendment will do much good, but I am hopeful that it will not do much harm, either. Therefore, I am prepared to accept the amendment.

Amendment agreed to.

Mr J. H. SULLIVAN: I have been considering the answer that the Attorney gave me to the question that I asked earlier about the issue of sunsetting of the proposed new section 132A. In considering that answer, it seems to me that the presence of that proposed section within the Criminal Justice Act will have the effect of placing a fetter on the activities of the chairman. In the instance that we have before the Parliament at this time, in order to establish an inquiry that has the ability to compel the commissioners and officers of the CJC to cooperate with the inquiry, we need to have some sort of public process. I know we have said plenty about the public process that has been followed on this occasion.

If those provisions were to be retained within the Act for all time, the Government could at a moment's notice instigate another inquiry. An unscrupulous Government—not that I am saying that the Attorney's Government is unscrupulous—an unscrupulous future Government could instigate that inquiry simply to prosecute an argument that it has with the Chairman of the CJC at that time. I would like to see an undertaking from the Attorney that those provisions will be sunsetted or removed from the Criminal Justice Act at the conclusion of this inquiry, so that a future inquiry into the CJC may only be mounted with a repeat of the particular process that we are going through now—only I would like to see it follow the processes laid down in the Standing Orders. If that proposed section remains in the Criminal Justice Act, it is open for the Government of the day to move against the CJC without reference.

Mr BEANLAND: I note the member's comments.

Clause 3, as amended, agreed to.

Clauses 4 and 5, as read, agreed to.

Bill reported, with amendments.

Third Reading

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (5.05 p.m.), by leave: I move—

"That the Bill be now read a third time."

Question put; and the House divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 42—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy

The numbers being equal, Mr Speaker cast his vote with the Ayes.

Resolved in the **affirmative**.

GOVERNMENT CLEANING SERVICE PRESERVATION BILL

Second Reading

Debate resumed from 3 September (see p. 2309).

Mr BREDHAUER (Cook) (5.10 p.m.): I move—

> "That the Order of the Day be discharged from the Notice Paper."

Motion agreed to.

Mr BREDHAUER (Cook) (5.10 p.m.): I move—

> "That the Bill be withdrawn."

Following the Government's embarrassing backdown on the privatisation of school cleaning services, the Opposition gave an undertaking to the Australian Liquor Hospitality and Miscellaneous Workers Union that we would give it the opportunity to take to its members the package it agreed with the Premier and that, if its members agreed to the package that had been negotiated between the Government and the cleaners, we would withdraw the Bill from the Parliament.

Mr Davidson interjected.

Mr Elder: You are a clown. You are a great goose.

Mr SPEAKER: Order! The member for Capalaba will withdraw those remarks. They are unparliamentary.

Mr Elder: I withdraw.

Mr BREDHAUER: The union through its State secretary has advised members of the Opposition that the cleaners have accepted the package that has been negotiated between the Government and the union and that negotiations are currently under way between the Government and the cleaners to implement the elements of the package that were negotiated by agreement between the Government and the cleaners.

Unlike the Government, the Opposition can be relied upon to honour its commitments. On the basis of the commitment which it gave to Queensland's 6,000 school cleaners, today I am advising that the Opposition is intending to withdraw the Bill from the House. However, I also note that on no fewer than 10 occasions have members opposite reneged on promises and commitments that they have given to school cleaners in the past. If they show any indication that they intend to renege on this agreement, then the Opposition reserves the right to reintroduce the Bill at another time.

Motion agreed to.

PUBLIC SERVICE BILL

Resumption of Committee

Hon. R. E. Borbidge (Surfers Paradise—Premier) in charge of the Bill.

Debate resumed from 9 October (see p. 3208).

Clause 38, continuing—

Mr J. H. SULLIVAN (5.13 p.m.): Previously when the Committee reported progress, I was beginning to make some comments that I thought the members of the Government would like to hear.

The CHAIRMAN: Order! There is too much audible conversation in the Chamber.

Mr J. H. SULLIVAN: In response to an amendment that was moved by the honourable member for South Brisbane, the Premier made some comments which in fact are not as correct as he might like to think they are. I must admit that I read in *Hansard* the comments that the Premier made in relation to this amendment not being necessary because of some of the provisions of clause 78 of the Bill. The Premier said that clause 78 of the Bill for the first time provided a definition of merit legislation for the appointment of Public Service employees. It may do that. He then went on to say that merit selection procedures are enshrined in clause 78. That is not as accurate as this Parliament would like the comments of the Premier to be. I am sorry that I have to refer to clause 78, but it is as a result of the comments of the Premier.

Clause 78(3) on page 45 of the Bill that we are considering states—

> "This section does not apply to—
>
> (a) an appointment declared under a directive of the commissioner to be an appointment to which this section does not apply."

In other words, the Public Service Commissioner can declare any position in the Public Service, including his or her own, not to be a position requiring merit selection procedures. There may be some reasons for that in respect of the odd appointment here and there—I do not know what they are; I know that the previous Government certainly was not interested in overriding merit selection procedures in any position within the Public Service—nevertheless, it is open for the commissioner to declare by directive that the section does not apply to any position in the Public Service. I guess that includes his or her own.

While I am on the subject of the appointment of the commissioner, I would like to have it very clear in my mind whether or not a commissioner could at some time by directive declare that the position that he or she occupies is not to be one that requires merit selection. In that fashion, we may find a non-meritorious successor to a commissioner. I think that that is not something that we would want to be setting ourselves to do.

Mr Ardill: Retrospective?

Mr J. H. SULLIVAN: No. With great respect, I do not think that a directive can be retrospective. I am a great believer in merit selection. On a number of occasions I have heard the Premier say that he is, as well. I am concerned that this provision in clause 78 may be used to give rise to the concerns that the member for South Brisbane has expressed. So I would like the Premier to give us some advice on that at this point.

Mr BORBIDGE: I advise the honourable member that what is reflected in this clause of the Bill is exactly the same as the present legislation—legislation introduced in the past in this Parliament.

Mr J. H. SULLIVAN: With great respect, that is not an answer. Previously, in defending this clause, the Premier has indicated that merit selection is enshrined. I would like merit selection to be enshrined. My reading of clause 78 says that it is not. I say to the Premier that it is not sufficient for him to then say, "This is reflecting what was there previously." We would like to see an improvement on what was there previously. If the Premier is not going to improve things, why on earth has he brought legislation into this Parliament? He is supposed to be making improvements. In this instance, we are looking for a clear indication that the legislation that he has before this Parliament does provide an irrefutable position that the Public Service Commissioner is an appointment made on merit. I think that the Premier owes it to this Parliament to give us an answer—either "yes" or "no"—and, with great respect, I do not think that he is able to say to us that this is overcome because it is the same provision that existed previously.

Mr BORBIDGE: I can only advise the honourable member that this is no different from the current legislative regime. Currently, positions that do not require advertising are base grade, progressional schemes, transfers at level and officers surplus to organisational change—redundancies.

Mr BREDHAUER: I rise to speak on the same point. The Premier's defence for not accepting the amendment moved recently by the shadow Minister in the Parliament was on the basis that it was contained in the previous legislation and that in some way, because it was contained in the previous legislation, it was faulty and flawed. In fact, I seem to recollect him referring to it as the "Peter Coaldrake amendment" and implying that because it was contained in the previous legislation, that was why the amendment that was moved by the shadow Minister should not be incorporated in this legislation. Now, in defence of what the member for Caboolture said, he is telling us that the member should not worry about his concerns because that was contained in the previous legislation and, if it was in the previous legislation, then it must have been all right. I think that there is an inconsistency in the Premier's argument.

However, the matter goes beyond clause 78, to which the member for Caboolture has alluded, and which states that the commissioner has the right to determine that an appointment declared under a directive of the commissioner is an appointment to which the section does not apply. It also happens in clause 77, in relation to the advertising of those positions.

In reference to the Premier's criticism of the previous Bill, the Premier has got himself into strife where he has omitted parts of the previous Bill, for example, exemption clauses which were incorporated in the previous Bill and which he has subsequently had to reinstitute into this Bill by amendment to remove any uncertainty in relation to those issues. Therefore, in my view, the Premier's argument, which he raised in the Parliament a couple of days ago, that the reason the shadow Minister's amendment should not be accepted was because it was incorporated in the previous Bill is not a valid one. I urge the Premier to consider the amendment that is being put forward by the shadow Minister.

It is a little trite of the Premier to demean the range of qualifications included in the previous legislation. The previous legislation stated that people should be selected on the basis of extensive knowledge and experience in one or more of the following areas, and it listed them. Of course, the Premier singled out the areas of academic excellence and teaching experience in particular areas of public administration and he belittled the section in the former legislation on that basis. I wonder how people such as the member for Moggill react to the criticisms of the Premier about people being unsuitable for positions in public administration in this State if their only qualification is an academic qualification or having had teaching experience in the area of public administration? It seems to me that that is a valid merit that could be considered in determining whether a person was suitable for selection to a particular position.

Dr Watson: There are exceptions to every rule.

Mr BREDHAUER: There are many others, and I appreciate the member for Moggill acknowledging his own shortcomings. However, the reality is that there is a range of qualifications for merit-based selection which were incorporated in the existing legislation. It is appropriate that, when consideration is given to a person for appointment to the position of commissioner of the Public Service, especially given the wide-ranging powers that he will have, the reasons for qualifications, and also the reasons for disqualification, are looked at. It is another irony of this part of the legislation that the rules for disqualification were going to be changed for so many people, including statutory office holders. We want to make it clear under what terms and conditions a person in the position of commissioner can qualify or should be disqualified, and the advertising selection requirements.

This shadow Minister has moved a sensible amendment. I do not believe the Premier's arguments carry any weight. In fact, I do not believe they do justice to the debate before the House. I urge him to reconsider.

Mr BORBIDGE: In response to the honourable member, I make the observation that surely transfers at levels or the positions of officers who are undergoing redeployment need not be advertised. They never have been, nor should they be.

The clause that I referred to is the same as the PSME Act of 1988, which was an Act of the National Party Government. I indicated that I reject what the amendment seeks to reintroduce, which is a reprint of the PSMC Act, an Act passed by the Labor Government.

In response to the honourable member for Caboolture, who was somehow suggesting that the commissioner could give himself some sort of advantage in not having had his position advertised, I suggest that this is dealt with by section 35 of the Act. Section 35 is a statutory requirement for the commissioner's duty to act independently and states that the commissioner must perform the commissioner's functions independently, impartially, fairly and in the public interest. If, as the honourable member suggested, the commissioner was seeking to do the sorts of things that theoretically, in the mind of the honourable member for Caboolture, he or she might seek to do at some future time, I respectfully suggest to the honourable member that that would be in breach of section 35 of the Act.

Ms BLIGH: Honourable members will recall that, when we were last discussing this Bill, the Premier and I managed to do so with a reasonable amount of cooperation and rationality for almost an hour. Near the end of that hour, when this amendment came before the House—an amendment which I still believe to be absolutely reasonable—the Premier had the most extraordinary reaction to it. I did not anticipate that reaction and I found it quite remarkable.

In moving this amendment, I acknowledge that the source of the clauses which I am seeking to insert was, in fact, the Public Sector Management Commission Act. I have never sought to hide that. In fact, I made it very clear that I was seeking to reinsert the qualifications that had previously existed for commissioners of the previous commission. There is no intention to evade that.

I will spell out the proposal that I am putting forward because, as I said, it is eminently reasonable and very simple. I will go through it one more time. Basically, I am asking the Parliament to provide expressly in the Bill for three things: first, to outline the qualifications required for appointment to a position at this level; secondly, to outline the disqualifications; thirdly, to place a requirement on the Government and the Premier to advertise an intention to appoint.

The Premier's concern seemed to be primarily directed at the idea that one should outline some qualifications, especially any suggestion that those qualifications should be academic ones. At that point, the Premier revealed himself and his Government. Once again, he revealed some of the problems that

this Bill is riddled with. He revealed that, in fact, the Bill has been motivated by malice. This Bill has been driven by an almost crazy hatred of anything to do with the former PSMC or anybody who had anything to do with it, rather than a desire to look at things on merit. As soon as the Premier saw that that was their origin, he was unable to make any objective judgment about them. What followed was an anti-intellectual, almost red necked diatribe against academic qualifications. God forbid that we should have someone senior at that level who is qualified in any way in public administration at a tertiary level!

The incumbent, who was appointed by the Premier, has a background in mining and mineral engineering, which suits the position very well. He has been known to proclaim in lifts in this building, in the street and at meetings that he knows very little about human resource management. He is very well equipped for the position!

In my view, the Premier used extreme examples to illustrate his point. For example, he tried to say that the way that the amendment is drafted in relation to qualifications would allow somebody who had one academic paper published in somewhere as remote as Afghanistan to be appointed. Of course, in the past that never happened because of the way the clause was drafted, and I fail to see why it would happen in the future. However, considering some of the people whom the Premier has appointed across a range of senior positions in the Public Service, I can understand why he would be worried—most of them would be lucky to have a paper published anywhere, let alone in Afghanistan. However, if the Premier is genuinely concerned about the potential for this eventuality, I would be prepared to entertain an amendment which would require that two or more criteria have to be met, because then, of course, that eventuality could not arise.

The disqualification clause is the standard clause that appears in relation to senior appointments in many pieces of legislation. It establishes a bare minimum. It establishes, for example, that somebody who becomes an in-patient under the Mental Health Act could not be appointed. That begs the question: if the Premier is unable and unwilling to put this clause into the Bill, who does he want to appoint to the position? Is there something shady about potential appointees that the Premier is keeping from us? His refusal to support the inclusion of the clause will raise serious questions about his motives. I urge him to support it.

The question of qualifications and disqualifications goes to merit. I share the concerns outlined by the members for Caboolture and Cook. I draw the Premier's attention to clauses 78 and 77, both of which provide the capacity for the clauses to be evaded. Where does the capacity to evade the clauses reside? It resides with the Public Service commissioner himself or herself. It provides, therefore, that either the present incumbent or any other incumbent in that position who is seeking to influence the appointment of a successor could, by directive, without reference to any responsible Minister, Cabinet or Parliament, declare the position to be one where neither merit nor the requirement to advertise will apply. I find that extraordinary and I ask the Premier to reconsider his position on it.

I also draw the Premier's attention to the objectives outlined in the Explanatory Notes. How does the Premier believe that the failure to do this will, in fact, promote a more efficient and effective public sector? If this is the leading-edge public sector management that is outlined in the FitzGerald Commission of Audit, I have serious questions about where it will get us. In my view, failure to support the amendment will create another scandal about this Bill, and I urge the Premier to reconsider.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided—

AYES, 42—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

NOES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

Pairs: Sheldon, McGrady; Gilmore, Braddy

The numbers being equal, the Chairman cast his vote with the Noes.

Resolved in the **negative**.

Clause 38, as read, agreed to.

Clause 39, as read, agreed to.

Clause 40—

Mr BREDHAUER (5.38 p.m.): I wish to speak briefly on clause 40, which refers to

delegation powers by the commissioner. As a former member of the Scrutiny of Legislation Committee, I find it extraordinary that in clause 40(1) the commissioner may delegate the commissioner's powers, under Part 7 of the Act, to any person. The Scrutiny of Legislation Committee would often refer to the fact that the powers of delegation in Bills such as this were not sufficiently precise in terms of who was an appropriate person to whom powers could be delegated. I do not think I have ever seen such a wide sweep of delegation powers as that referred to in clause 40(1).

I know that the Scrutiny of Legislation Committee did identify this issue, but it seems extraordinary to me. I would put the matter to the Premier by way of a question. I can appreciate that the commissioner would not be a person who would be able to hear and determine every appeal that came before the commissioner and that some delegation powers are necessary, but I find the breadth of the delegation described in clause 40(1), that is, that the commissioner may delegate the power to any person, quite extraordinary. I would have thought that it would have been appropriate to have perhaps a nominated list of appropriately qualified people to whom those powers could be delegated.

Mr BORBIDGE: I can say only to the honourable member: that is not what he did in Government. During the second-reading debate, the member for Cleveland raised this point. He said—

> "This allows the commissioner to delegate his or her substantial powers to anyone, including the butcher, the baker or the candlestick-maker. As ridiculous as that sounds, it is what is provided for by this Bill. Surely the Bill should prescribe to whom the commissioner may delegate this power, or at the very least a category of persons to whom this power may be delegated."

Obviously, honourable members opposite have had a bit of a conversion on the road to Damascus. If one looks at the legislation that honourable members opposite voted for in 1990, one will see exactly the sorts of delegation powers that apply at the moment. I refer honourable members to the Public Sector Management Commission Act 1990 and in particular to Part 5 of that Act which relates to the Commissioner for Public Sector Equity and the Classification Review Tribunal. To all intents and purposes the role undertaken in this Bill by the Public Service Commissioner is undertaken under the current PSMC Act by the Commissioner for Public Sector Equity. What then does the PSMC Act say in the way of prescribing to whom a power may be delegated? Let me enlighten the honourable member for Cook and others.

If they look at section 5(6), they will note at subsection (7) that it provides that the Commissioner for Public Sector Equity may delegate all or any of the powers of an appeal tribunal to a person or committee. Under the law that the ALP introduced, and the law which is still in place, the Commissioner for Public Sector Equity could delegate his powers to the butcher, the baker or the candlestick-maker. In addition, when they read this brilliant piece of legislative drafting that Labor crows about, honourable members will note that there is absolutely no limitation on to whom the power of delegation may be given. There is no category of persons. There is no limitation on the delegation power. There is no guide in any form whatsoever. Yet, despite the open slather given to the Commissioner for Public Sector Equity under legislation currently in place, we hear the comments that were just made across the Chamber.

Clause 40 of the Bill prescribes exactly what is currently provided for with respect to delegation as is contained in the PSMC Act. There is no change. As noted in the Explanatory Notes, there has been a number of instances where retired public servants have sat on an appeal, particularly in instances where there might be a conflict of interest. We hope that this flexibility can continue in the future.

I want to place on the record right now that this Bill does not change the goalposts one inch and basically reflects what is still on the statute books in this regard.

Mr J. H. SULLIVAN: If ever there was somebody who needed to be sacked by this Premier, it is the person who wrote that diatribe for him. The Premier relies on an Act that was passed in 1990 to determine what is good legislative practice in 1996. In 1990 there was no Legislative Standards Act 1992. In 1990 there was no Scrutiny of Legislation Committee.

Mr Borbidge: It was good enough for you for five years.

Mr J. H. SULLIVAN: The Premier says that it was good enough for us. For some of us it possibly was not good enough, and that is not for him to know. But the point that I make to him now is that he was elected to the position that he now holds on a promise of better administration—not worse, not the same.

Mr Livingstone interjected.

Mr J. H. SULLIVAN: I take the interjection from the member for Ipswich West. The Premier came in through the back door, but he came in on a promise of better administration. It is not appropriate for the Premier to stand in this Parliament on the back of that promise and declare that inappropriate activity is to be continued simply because it was there under the former Government.

I say to the Premier again that in 1990, when that legislation was brought into this place, this Parliament did not have the benefit of the work of the Electoral and Administrative Review Commission in regards to its report on the Office of Parliamentary Counsel. That came in 1991. It did not have the benefit of the Legislative Standards Act 1992 which set out the fundamental legislative principles. That came in 1992. It did not have a committee to alert the Parliament to these types of infringements. That came with the Parliamentary Committees Act 1995. The infringement has been alerted. The Premier chooses not to act on that infringement in what is quite an appropriate way. These are important positions, and it is important that there be some fetter on the person who can act in that position to exercise the powers.

I say again that the person who wrote that response for the Premier has written a "come in, sucker" response. He cannot rely in 1996 on a piece of legislation that was passed in 1990 for his defence. It is no different from relying on a piece of legislation that was passed in 1870. Whilst I do not have a particular piece of legislation in mind, it is quite possible that the delegation powers that might have existed in a piece of legislation last century might not be appropriate in 1996. In this instance, the Premier is doing the wrong thing, and he is doing it for the wrong reasons. If something is bad and the Premier has the opportunity to fix it, then fix it he should. He cannot say, "It might be bad, but it was bad when the former Government did it so I am going to do nothing."

The Premier needs to put some type of qualification into this provision. What that qualification might be is up to the Premier, but it should be qualified to make sure that the person who exercises these fairly extensive powers is qualified by something other than being "any person". I know that members of this Parliament would not feel comfortable exercising some of these powers, and yet it is open to the commissioner to delegate those powers to people who have not had the experience of some of the members of this Parliament. Again I say that it is not a defence to exercising bad legislative practice to say, "That is what appeared before." In the examples that the Premier has quoted, it is even less of a defence because the principles by which we now draft legislation in this State were not in existence at the time of the legislation which he uses for his defence.

Mr WELLS: I would like to support the suggestion made by the honourable member for Cook and the honourable member for Caboolture. First of all, I refer to the Premier's remark that we had a road-to-Damascus conversion. I inform the honourable member that the Labor Party is not on the road to Damascus; we are on the road to Rome, and members opposite will find themselves cast out into the darkness of the outer provinces. In the meantime, they might as well observe appropriate legislative standards.

It is perfectly true, as the Honourable the Premier said, that in 1990 legislation took on a different complexion. But since then, the Labor Party Government has taken action to remedy what we knew was an ongoing situation where substandard legislative provisions were being brought in because the legislative standards that ought to be observed were not being adequately identified. We found the solution to that problem by establishing a Scrutiny of Legislation Committee. That committee was established with the Premier's support. As I understand it, the Premier has taken the view that the Scrutiny of Legislation Committee is in a position to assist the Government, and to assist it constructively, in improving the standard of legislation—an enlightened view which I understand that the Premier holds.

This is what the Scrutiny of Legislation Committee has said, not in a truculent or belligerent vein but in a constructive vein—

> ". . . the Committee suggests that the Premier and Parliament consider an amendment so that the chief executive's and commissioner's delegations should only be valid if made in conformity with those regulations."

Indeed, since the Scrutiny of Legislation Committee has been in operation, that committee has adopted the philosophy that delegations should be confined, wherever practicable, to appropriate persons. It would be no skin off the Premier's nose to concede what the Scrutiny of Legislation Committee, with representatives of all parties in the Chamber, unanimously suggested to him. It is not an affront to the dignity of his office; it is

not an attack on his principles; it is not an attack on his position. It is, rather, a constructive suggestion, and I invite the Premier to take a different approach to the matter and give serious consideration to what honourable members on this side of the Chamber have suggested.

Mr BORBIDGE: I will just remind the Committee of my response when this matter was raised by the committee. I referred to the delegation of powers criteria as contained in the Acts Interpretation Act, which allows for, among other things, delegations of power to officers, employees, persons or a body. The exercise of the power by the delegate is also taken to be exercised by the delegator. The delegation does not relieve the delegator of his or her obligations. Subdelegation is allowed, as is expressly provided for in the Bill and other considerations such as the fact that, as the Acts Interpretation Act indicates the obligations of the delegator in his or her delegation, only appropriately qualified persons would be given the power. The act of delegation does not abrogate the delegator from accountability for the decision, and the Public Service, as a large bureaucracy, has myriad legislation to which delegations are absolutely vital to operate effectively. The legislative constraints, checks and balances and extensive audit and reporting regimes in existence limit the exercise of delegations to appropriately qualified persons. I find it curious in this instance that the Opposition seeks to deny this Government what it took for itself for the entire period that it was in office.

Mr BREDHAUER: I understand the Premier's argument that it was in the 1990 legislation, but I do not know why he seems to be taking the matter——

Mr FitzGerald: The Acts Interpretation Act is his big point.

Mr BREDHAUER: I will come to that in a second. I am quite confident that the members of the Scrutiny of Legislation Committee were aware of the provisions of the Acts Interpretation Act when they reviewed this Bill and when they made the recommendation that they did, that the power that is granted through this clause of the Bill is not sufficiently precise and needs to be amended.

The Premier should not take the matter as personally as he appears to do. The reality is that both the member for Caboolture and the member for Murrumba have fairly cogently argued the evolution of the legislative practices of this House which have occurred particularly since 1990 and 1996 and which have given us a mechanism by which we can try to avoid flaws like this occurring in legislation. When a Government brings in legislation like the Acts Interpretation Act and a range of other Bills to improve the legislative processes of the Parliament, it does not automatically trawl through every statute that is on the books of the Parliament of Queensland and look for places in which the legislation can be improved to bring it into line with the current practice. The appropriate process is that when Acts are amended or when new Bills are introduced, those parts of the existing Act which no longer conform to those principles which would be regarded as best legislative practice in 1996 should be upgraded.

The point that Opposition members make is that, in this clause, the Government is missing an opportunity to bring this piece of legislation up to a standard which is in keeping with the current best practice in Queensland in terms of legislative standards. As I say, it was in the 1990 Act; I do not deny that. We voted for it. The fact is that the process has evolved since then. We have a different perspective on the construction of legislation in 1996 than we did in 1995. The clause that is before the Chamber would allow the commissioner to appoint any person to hear an appeal, and the Premier's derision of the member for Cleveland's suggestion of the butcher, the baker and the candlestick maker is all very well——

Mr Borbidge: That is what he said.

Mr BREDHAUER: That is right. The Premier's derision of the member for Cleveland for suggesting that is all very well, but the reality is the butcher, the baker, the candlestick maker, Terry Lewis, Allen Callaghan or even Peter Coaldrake could be appointed by the commissioner under this legislation to hear the appeal. The idea is that the Scrutiny of Legislation Committee has identified a weakness in the legislation and we suggest that the Government go back and reconsider the power of delegation and improve it so that the legislation conforms with the standards of legislative practice which this Parliament should expect in 1996.

Mr BORBIDGE: In response to the honourable member, I am aware that there has been an ongoing debate and that there was an ongoing debate during the period of the previous Government, and as I understand the concerns, it related to how it could legally open up challenges to a greater extent than would normally be expected. What we have from the member for Cook is an understanding of each other's position and I

am prepared to take on board the concerns, give the matter further consideration in due course and, if the need arises, I give an undertaking to consult with the honourable member opposite, if he wants to consult with me, and if we need to look at some amendment at some future time, I am happy to give that consideration.

Mr J. H. SULLIVAN: I am sure that the member for Cook would like me to also thank the Premier for the cooperative approach that he has just offered. The Premier earlier relied on provisions of the Acts Interpretation Act to indicate that he felt that there were no problems with the clause as written, that any difficulties are saved by the provisions of the Acts Interpretation Act. For a long time now the Scrutiny of Legislation Committee has held a contrary view. It has held the view that whilst there are substantial savings within the provisions of the Acts Interpretation Act as they are written, there are nevertheless some failures in there as well. I would hope that the Premier, in the spirit of cooperation that we are seeing now, would perhaps seek for officers of his department and officers of the Office of the Parliamentary Counsel to meet with the staff of the Scrutiny of Legislation Committee to try to iron out this matter. I say to the Premier that the Scrutiny of Legislation Committee will continue to raise this issue whenever it appears. If we can get a cooperative approach where the Office of the Parliamentary Counsel, the Executive and the Scrutiny of Legislation Committee are as one, then the Parliament will be better off.

Mr BORBIDGE: In the new found spirit of cooperation in this place, I am happy to try to achieve what my predecessor could not.

Clause 40, as read, agreed to.

Clauses 41 to 59, as read, agreed to.

Clause 60—

Ms BLIGH (5.57 p.m.): I rise to oppose the inclusion of clause 60(2) as part of this Bill. The effect of that clause is to provide a right for chief executives by gazette notice to appoint senior executives in their own departments. It is not that I oppose the right for them to do so, in fact I support it and believe it will bring a level of flexibility that is long overdue, but the problem is that that clause goes to the constitutional issues which have been raised by this Bill and which were spoken about at some length in the second-reading speech.

Essentially, the Bill seeks to amend section 14 of the Constitution Act 1867. Section 53 of the Constitution Act provides that any such Bill shall not be presented for assent unless it has first been approved by electors at a referendum. However, the validity of this provision has been called into question by distinguished lawyers and EARC in its 1993 report on the Queensland Constitution. The Premier recognised this problem in his second-reading speech and he indicated there that it was the intention of the Government either to seek a declaration on this point in the Supreme Court or to simply proceed with the repeal of this provision in this Bill. In other words, the second-reading speech says that the Government had at that stage not made up its mind about how to proceed yet it was asking the Parliament to pass the Bill and leave it up to the Government to decide later on how to proceed. It was a "just trust us" approach to the problem.

Subsequent to the second-reading speech, the Premier has sought some legal advice on the question, which was tabled in the House and has also been the subject of some discussion. The legal advice goes to the question of whether or not it is likely that the Government would actually receive any declarative relief from the Supreme Court about this issue. In terms of seeking this remedy, I made the position clear in response to the second-reading speech that it was the position of the Opposition that this matter should be cleared up before this clause becomes part of the Bill because this clause can only be in fact enacted and relied upon if the provision is resolved in the courts.

The advice provided by the Crown Solicitor goes to the effect that it may well be impractical and that it is the view of the Crown Solicitor that the Supreme Court is unlikely to hear the application because it is likely to consider the application a hypothetical question with no dispute. It is two to three months since this issue arose, and it is the Opposition's view that the Attorney-General should approach the Supreme Court on the matter. We will not be supporting this clause until that is done. However, if the Attorney-General comes back with an amendment to the Bill in these terms, after that has been clarified, we will support it.

Sitting suspended from 6.01 to 7.30 p.m.

Mr BORBIDGE: In respect of clause 60—I was a little confused by the member for South Brisbane's comments on this clause. In fact, there appears to have been some confusion in this Chamber about this matter ever since the Bill was introduced. So I would like to reiterate the situation on the legal advice that is available to the Government. All

of the legal advice that I have received, and which was previously tendered to the Electoral and Administrative Review Commission, was to the effect that section 14(1) of the Constitution Act 1867 had not been properly entrenched. On this point I believe that all of the persons who have studied this matter would agree. Certainly it has been the view of successive Crown Solicitors, the current Solicitor-General and Professor John Finnis of Oxford University. As I have previously pointed out, EARC recommended that this matter should be resolved and that the Attorney-General should seek relief in the Supreme Court.

It is also beyond debate that the previous Government sat on its hands and did nothing. Under this Bill, the Government is attempting, in good faith, on the basis of considered legal advice, to resolve this matter once and for all. I say to the honourable member for South Brisbane and her colleagues that it is the Government's preference that this matter be resolved by means of a Supreme Court application. I will go a little further and advise the Committee that Cabinet has already given in-principle approval for such an application.

But there is a problem, and that problem is that, just as we have received consistent advice that section 14 is not validly entrenched, we have also received consistent advice that the Crown most probably does not have the locus standi to go to the court. In fact, some of the advice is that such an application would be superfluous because it presupposes that there is a legal controversy at all. This argument proceeds on the basis that section 14 was never validly entrenched pursuant to section 5 of the Colonial Laws Validity Act and therefore it can be, and should be, repealed by an ordinary Act of this Parliament without any further legal proceedings.

In these circumstances, I am trying to be as helpful as I possibly can to the Parliament. What I have been trying to say in plain and simple language was not that we had not made up our minds about what we wanted to do but that we had a preference to go to the court for a declaration. But if the consistent advice we received is again confirmed, we may have no alternative but to simply proceed with the repeal. I am sure that no member of the Opposition would suggest that we should ignore that advice and waste taxpayers' money on legal action that will go nowhere.

This is a matter which, on the best legal advice available to the Government, can be resolved only after this Bill is passed and when it is clear what the final form of this legislation is. As for what is proposed by the honourable member—it will achieve nothing. In fact, it would remove a trigger that would enable us to argue that it should be considered by the courts. What is being proposed would be counterproductive to the goal advanced by the honourable member.

Finally, as I pointed out earlier, the provision allowing chief executives to appoint senior executives will not be proclaimed until a final decision is made on whether an appeal will be launched. That will occur only after this Bill is passed and the Solicitor-General gives his advice. I say in all sincerity to the honourable member that I suggest that we leave this important and very technical legal matter in the hands of the Crown's eminent legal advisers rather than attempting to sort out this matter in isolation and without all the legal ramifications in the Committee tonight.

Mr FOLEY: The explanation offered by the Premier begs a simple question, namely, what is to be lost by making an application to the Supreme Court for a declaration? That is the course of action that EARC recommended. Indeed, it was the course of action that the Premier criticised the previous Government for failing to take. The Opposition's position is simply this: given that the action is simply brought, it should be brought prior to asking the House, by an Act of the House, to override the terms of the Constitution Act.

The legal advice that has been furnished to the Government is consistent with the legal advice that was furnished to the Electoral and Administrative Review Commission and is probably correct. There are contrary opinions but, frankly, for my part, I think that the legal position, as outlined by EARC and as outlined during the course of the Premier's second-reading speech, is more likely to be the correct position. What the Government's position boils down to is this: that one has, on the face of it, a provision in the Constitution of Queensland that this Parliament should disobey, because the Constitution says that we in the Parliament should not take this step without going to the people. That is the combined effect of section 14 read together with the other sections of the Constitution.

To digress just a little—the reason that is there is that the Government of the day in 1977 wanted to purport to entrench these things. Those were the days when the argument was that there was an imperilling of the role of the Crown. It was in the aftermath of 1975, and it was in pursuance of the then

Premier Bjelke-Petersen's desire to have a Queen of Queensland and to ensure that all of these provisions relating to the Crown—and, in this case, relating to the Governor in Council—were rendered as secure as possible. We are now paying the price for that, in that that legislation is plainly too cumbersome for the needs of modern public sector management. But the question really is one of propriety. Is it proper for this Parliament to simply say, "What the previous Parliament did, and what the law says on its face, no-one in their right mind could accept, so let's disregard it"? Or is it proper for this Parliament to say that we should expect the Government of the day to seek to approach the Supreme Court?

Mr Borbidge: We will.

Mr FOLEY: I make this point. The Premier has chosen—as is his right—to berate the previous Government for failing to approach the Supreme Court.

Mr Borbidge: Very mild.

Mr FOLEY: With respect, I think there is a little selective Alzheimer's going on here.

Mr Borbidge: Mild rebuke.

Mr FOLEY: This Bill has come on so many times that perhaps the Premier can be forgiven a little lapse of his deja vu—or perhaps the words slip so easily from the Premier's mouth that he does not recall. But being perceptive and sensitive souls, members on this side of the Chamber tend to recall these things.

The point is that it may be that the Crown Solicitor or the Crown law advice is correct in that it may be that the Supreme Court will say, "We do not think the Crown has standing to bring this." That may or may not be right. In any event, an application for a declaration before the Supreme Court is always an application for a discretionary remedy. A declaration is a discretionary remedy. The court exercises a discretion in whether or not it grants the remedy. Whether the Crown has locus standi, that is, whether it has standing to be heard, is caught up in the exercise of that discretion. We say simply this: there has been ample time. The proper approach for the Government is to have brought the application. If the Government were then in a position to say, "We have brought the application to the Supreme Court, the Supreme Court does not want to hear us", then it might be different.

That is why the Opposition says that we should oppose this clause—not because we are opposed to the needs of modern public sector management, but because we say that one should not lightly disobey the expressed words of the Constitution of Queensland. The Constitution of Queensland has already been changed once by legislation introduced by this Government, namely, to introduce Parliamentary Secretaries. That change is of perhaps lesser consequence than this.

I draw to the attention of the Chamber that this is really a matter of propriety. The argument as I understand it from the Government to date is that the approach we should take is this: the Parliament should pass the legislation and then accept the assurances of the Government that it will not be proclaimed and that the Government will approach the Supreme Court then, that is, we should properly leave it in abeyance in the hands of the Executive. It is not unreasonable for the Parliament to say that the Executive should do that before it seeks the will of the Parliament.

Mr Borbidge: We can't

Mr FOLEY: With respect, I say to the Premier: you can.

Mr Borbidge: I will tell you why in a moment.

Mr FOLEY: I understood the argument the first time it was put, that is, that your legal advice is that you may not have standing. That may be so, but there is no reason why the Government cannot and should not try. The passage of legislation invites the Parliament expressly to disobey the words of the Constitution, that is, section 14 read together with section 53. Section 14 is the one that ties all this up. That was part of the ridiculous Queen of Queensland legislation introduced by Premier Bjelke-Petersen for which we are now paying the price. Section 53 states that certain measures have to be supported by a referendum. The Premier is inviting us as a Parliament to disobey the words of the Constitution Act. His argument for so doing is to say that those words do not give rise to valid law. He may be right in that. In fact, I think it is probably more likely than not that he is right in that. Nonetheless, the question is one where the express words of the Constitution forbid what he is asking the Parliament to do. The Opposition, in a very straightforward way, says that that is not the right approach. If he were to come to this Parliament and say, "We have tried down in the Supreme Court and the Supreme Court won't hear us; really this is the only avenue left", then he would have a much more compelling case for our disobeying the express words of the Constitution.

With respect, he has not done that. In his second-reading speech, he foreshadowed the two options. Since then, he has had the benefit of further advice brought into existence, no doubt, in response to the robust criticism that he has received from the Opposition, which I say in passing has been of considerable assistance because it has made him return to some of the more repugnant provisions of this Bill. The Opposition says simply that the Premier should try before asking this Parliament to disobey the Constitution of Queensland.

Mr BORBIDGE: I appreciate the concerns expressed by the learned gentleman opposite. I guess I have the dilemma of whether to accept the advice of Professor Finnis of Oxford or "Professor" Foley of Yeronga. What the honourable member is suggesting, with respect, is that we waste taxpayers' money and tie up the courts with a nonsense application, because that would essentially be what would happen if the course of action—and I understand the argument that he is putting forward—is taken.

I assure the honourable member, and I have indicated that already this matter has been discussed by the Cabinet, that we do intend to proceed to the courts to have this matter resolved once and for all. However, we need a trigger to be able to do it, and if that particular clause is removed as the honourable member is suggesting, we lose the trigger and we return to where we have been for such a period where this matter cannot be resolved. I will quote to the honourable member two elements of advice from Professor Finnis, who has been retained by successive Governments for many years. He is respected and highly regarded as a leading constitutional lawyer. Professor Finnis states—

> "I have formed the opinion that the Supreme Court is extremely unlikely to grant a declaration that amendment or repeal of s.14 is valid, even if the application were made by the Attorney-General. The Court is, if possible, even more unlikely to be willing to grant a declaration if the application were made by some other person or in some other name."

Professor Finnis goes on to say—

> "In my view the only proper conclusion to be drawn from this characterisation of s.14 is that s.53(1) is a nullity so far as it concerns s.14 and bills affecting s.14.
>
> In relation to s.14 and bills affecting s.14, the prohibition in s.53(1) is completely ineffective and incapable of legally forbidding any action by anyone. It is ineffective today, whether or not any bill affecting s.14 has yet been passed or presented."

Although I take on board the comments of the honourable member opposite, I can say that we have taken exhaustive legal advice. Tonight, I have given certain commitments to the Parliament in regard to the stated course of action of the Executive in this regard and I say with respect that, if this clause is removed or not agreed to, we lose the trigger to resolve this matter once and for all, which is something that I think in good faith both sides of this House want to achieve. I do not see the point of proceeding down the path that the honourable member has suggested when all our legal advice says that it will not work. All the legal advice that we have taken raises doubts about that course of action and I would hope that——

Mr Foley: What about the question of propriety?

Mr BORBIDGE: The honourable member raised that particular issue. This has been a problem for a long, long time that successive Governments have wanted to resolve and for various reasons have not been able to resolve. This is the way to resolve it. According to the best legal advice that we have, other options appear not to stand up. I think that it is in the best interests of Queensland, of good government of this State, and of the Constitution of this State that we resolve it. We need the trigger.

Ms BLIGH: The Premier has made the point several times that the previous Government sat on its hands in relation to this issue. In response to that I say that there was not any requirement by the previous Government for chief executive officers to have the right to hire and fire as the Premier is seeking here, so there was no urgency on behalf of the previous Government. However, I accept that that is what the Premier is seeking to do. I make it clear that we do not oppose what the Premier is seeking. We do not oppose chief executives having that right; in fact we applaud it and we will be prepared to support it in the interests of more flexible and better public administration when the constitutional issues have been clarified.

In terms of the arguments about the declaration and the standing which the Attorney-General may or may not have now, I would have thought that those arguments, if they have any weight now, had even greater weight over the past six years. The Premier is

right: the lack of that urgency is one of the factors that would have held back the previous Government. In relation to the argument about a trigger, it is possible that the rejection by the Parliament of this clause may well be the trigger that the Premier is seeking, as well as the fact that he is looking for it in the Bill. It is arguably not open to us to simply repeal that section of the Constitution. One point that the Premier has not addressed is the possibility that he seeks declaration from the Supreme Court and it finds an alternative to the legal advice: the court may find that that section is validly entrenched, and in order for us to change it we must go to the people.

If that is the case, then in my view the effect of leaving this clause in its current form in the Bill is to bring into being a provision for which there is no constitutional basis. I think that is a perilous path for to us set out on and I am respectfully suggesting that to avoid it we should remove this clause from the Bill, seek a declaration and then bring the matter back to the Parliament in one of three forms, either as an amendment to the Bill because a declaration has been granted, which we will support—and we would have to have some argument about whether there is the power to do so—to repeal the provision or, lastly, if it is found to be entrenched, to deal with it through referendum.

Mr FOLEY: Let me deal with two side issues and then go back to the key issue. I must say that I think it is pretty rich for the Premier to, on the one hand, argue that the time is not yet ripe to go to the Supreme Court and, on the other hand, argue that the previous Government sat on its hands. Those two propositions are mutually inconsistent. The Premier can hardly criticise the previous Government for not going to the Supreme Court and at the same time say that his Government should not go to the Supreme Court until after the passage of this Bill. If the Premier's second argument is right, then his first argument must be wrong. If the argument that the Premier is advancing tonight is correct, then all of his shrill criticisms of the previous Government must be wrong. That is the first point.

Let me go back to the substance of what this debate is about. With respect, it is not a contest between Professor Finnis and my own view. That is characteristically a slippery argument. I acknowledge that I think Professor Finnis' view is probably correct. Although there are other points of view, I think Professor Finnis is probably correct.

With respect, that is not the point. The point is whether or not this Parliament should disobey the express words of the Constitution without trying to go to the Supreme Court. Just so that I remove any doubt from the Premier's mind and the minds of any honourable members, section 14—which is the relevant section—of the Constitution Act 1867—the Constitution of Queensland—states—

> "The appointment of all public offices under the Government of the colony hereafter to become vacant or to be created whether such offices be salaried or not shall be vested in the Governor in Council with the exception of the appointments of the officers liable to retire from office on political grounds which appointments shall be vested in the Governor alone."

It then goes on to set out certain exceptions. In other words, it says that it shall be the exclusive function of the Governor in Council.

In what I consider to be lunatic legislation, the Bjelke-Petersen Government introduced a provision to change section 53 to say this—

> "A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely"—

and it includes section 14, but these are the operative words—

> "shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act."

That is what it says on its face. I think that it is probably wrong. Back in 1977, I would never have voted for it. I am sure that Professor Finnis would not have voted for it. However, the National Party Government and the Liberal Party did vote for it and they put it into law. They set it up to be the Constitution of Queensland.

It is not too much to ask in a climate in which, with respect, the Government is briefing the Bar as if it were a lawyer-led recovery to expect the Solicitor-General to stroll across George Street on behalf of the Attorney-General and seek a declaration from the Supreme Court. That is not a costly exercise. The Solicitor-General is a highly qualified, very articulate lawyer able to argue the Crown's case. It is not a problem; it is not an issue. He may or may not succeed. If Professor Finnis is right, then he will not succeed. The Premier will

then be in a position to explain to this Parliament that he has tried all the proper avenues and that we should be the body to then disobey the express words of the Constitution. However, until then the Premier has not really done that which should be done.

Question—That clause 60, as read, stand part of the Bill—put; and the Committee divided—

AYES, 40—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; De Lacy, Santoro; Smith, Mitchell

The numbers being equal, the Chairman cast his vote with the Ayes.

Resolved in the **affirmative**.

Clauses 61 and 62, as read, agreed to.

Clause 63—

Mr BORBIDGE (8.04 p.m.): I move amendment No. 9 to clause 63 circulated in my name.

"At page 39, after line 26—

insert—

'(2) The commissioner may make the declaration only if the commissioner considers that the officer is performing duties that would, if this Act had not been passed, be duties of a position classified as senior executive service level 1.'."

In my second-reading speech, I made the point that the SES 1 level was to be phased out and replaced by the introduction of a new classification level of senior officer levels 1 and 2. There have, however, been some concerns expressed that clause 63, as currently drafted, leaves the declaration of senior officers by the Commissioner of the Public Service broader than was intended, or was indicated in my second-reading speech.

Honourable members would be aware that section 14B, the use of extrinsic material in interpretation under the Acts Interpretation Act 1954, could easily be relied upon to clarify the meaning of this clause as drafted.

Mr Schwarten interjected.

Mr BORBIDGE: However, to remove any doubt and to allay any unfounded concerns such as those expressed in certain statements that have been made, I propose to move an amendment. I know that the honourable member is very up with section 14B, the use of extrinsic material in interpretation under the Acts Interpretation Act. It is a specialty of the honourable member. To assist the honourable member in his further studies, I move this amendment tonight.

Under the change, the commissioner could only make a declaration should the officer's duties be the duties of an SES 1 position had this Act not been passed. This amendment restricts the ability of the commissioner to broaden the senior officer level to levels other than the current SES 1 level.

Ms BLIGH: I will be supporting this amendment. I think the Premier is right that it adds significantly to the clause as previously drafted and clarifies the position. However, I have been contacted by a number of stakeholders in this Bill who expressed concerns similar to those expressed by the Scrutiny of Legislation Committee. It would be remiss of me not to take this opportunity to again make the point that this Bill leaves much to be desired in terms of drafting. I applaud the Premier's efforts to make the Bill clearer than it was in its original form.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clauses 64 to 69, as read, agreed to.

Clause 70—

Ms BLIGH (8.06 p.m.): I move amendment No. 7 circulated in my name.

"At page 41, after line 25—

insert—

'(2A) However, if the person holds the appointment on tenure immediately before it is to be on contract for a fixed term, the person may, but is not required to, enter into a contract with the person's chief executive in relation to the appointment.

'(2B) If a person mentioned in subsection (2A) elects to not enter a contract of employment in relation to the appointment, the person continues to hold the appointment on tenure without

change in the conditions of the appointment.'."

I move amendment No. 8 circulated in my name—

"At page 41, line 26, 'person's conditions of employment'—

omit, insert—

'conditions of employment of a person who enters a contract under this section'."

Clause 70 provides new powers for tenured Public Service positions to be converted to fixed term contracts. This amendment seeks to protect those employees in existing tenured positions from having their tenure changed without their consent merely by way of directive, as outlined as the power to do so by clause 70 as it currently stands allows.

There has been a lot of debate and concern expressed about the effect that this Bill will have on contract employment, the extension of contract employment and the potential for the proliferation of it under this Bill and whether contract employment would in fact be more or less favourable. Some of the concerns raised early in the debate will, I believe, be rectified by amendments to clause 116 later in the debate in relation to access to the Industrial Commission and fair contract clauses. However, in the absence of those amendments, the combination of this clause with others later in the Bill caused a great deal of concern in the Public Service that the effect of this Bill would be that contracts would be significantly extended and that such contract employment would reduce people's entitlements.

This amendment would make it impossible, merely by a directive of a commissioner acting in conjunction with a chief executive officer, for an officer who had applied for and been appointed to a tenured position to find that his or her tenured position was now a contract position. I believe that is the intention of the original drafting and this amendment seeks to clarify it. I would be seeking the Premier's support.

Mr BORBIDGE: In response to the honourable member—the Government has considered the proposed amendments. I have a couple of questions about them, although I think that we may be in a position to accept them. I want to be absolutely sure, however, that the Parliament understands the implications of these amendments. Therefore, I ask the honourable member whether she can confirm that the amendments that she has proposed will have the following effect: a tenured public servant can accept the offer of converting over to contract-based employment but is not compelled to do so. If the tenured public servant decides not to enter into a contract, then that public servant's existing entitlements and remuneration as a tenured public servant are not disturbed. In other words, the two principles are, firstly, that there can be no compulsion to enter into a contract; and, secondly, that a tenured public servant who decides to remain on tenure will not have his or her terms and conditions as a tenured public servant in any way disturbed either negatively or positively—in short, that the status quo is maintained. I ask the member for South Brisbane to comment on both of these principles, particularly the second.

I am prepared to accept the amendment provided it is clear that a tenured public servant who has refused the offer to go onto a contract will not get the benefits of a contract. Provided that these amendments are intended to protect the rights of tenured public servants from compulsion and to retain the status quo from a remuneration perspective and go no further, the Government is prepared to accept the amendment proposed. I invite the honourable member to respond.

Ms BLIGH: I am not sure who the Minister in charge of this Bill is! I will attempt to answer those questions. The Premier is right. The intent of my amendment, and I believe what will be achieved by it——

Mr Borbidge: I know what you are intending, but what I am seeking is an assurance in respect of the concerns I have raised.

Ms BLIGH: There is actually some confusion here. This clause does not relate to circumstances in which a tenured officer has applied for and been offered a position that is a contract position. This is not the clause that relates to that. There is nothing in clause 69 which talks about an offer being made. What clause 69 says is that an appointment is on tenure unless, by a directive of the commissioner and the chief executive, it is converted to——

Mr FitzGerald: We are on 70 now.

Ms BLIGH: Yes, I know that; clause 70 relates to clause 69. In my view, the amendment ensures that officers who hold a tenured position cannot find by virtue of a directive by the Public Service Commissioner that the tenured position which they are occupying has been converted to a contract position. It does not stop tenured officers from accepting an offer of a contract, whether in

their current position or in another position within another department. It does not stop them from accepting any offer. If they remain in their tenured position, it is my view that their tenured position would continue to enjoy the conditions upon which they are appointed.

As to whether it would not be affected either negatively or positively—I think they have a reasonable expectation that, if the conditions of employment under which they hold a tenured position mean that they would be eligible for award rate increases, enterprise bargaining increases and so on, they would continue with those in the normal way. There may well be some positive effect in the long term of holding the tenured position. The effect of this is to avoid compulsion but not to prevent acceptance of a voluntary offer.

Mr BORBIDGE: Just to assist honourable members in case there might be further unnecessary debate—I do not want to restrict debate; and I am not looking at the honourable member at the back of the Chamber—I point out that the Government will accept the amendment.

Mr WELLS: By way of further clarification, the Honourable the Premier will recall when this Parliament effected the amalgamation of the Legal Aid Commission and the Public Defender's Office. The Public Defender's Office was populated entirely by public servants. The Legal Aid Commission was populated by people who were on contracts. The amalgamation was done on the basis that those people who chose to retain their Public Service status did retain that Public Service status without any detriment. The people who held contract positions——

Mr Elliott interjected.

Mr WELLS: I take the interjection of the honourable member for Cunningham.

The situation was that the public servants were not going to lose by losing their tenure. At the same time, they did not stand to miss out on further improvements which might accrue to them as a result of changed conditions which might be negotiated through the normal channels in future. I understand that is what the Premier is offering and I understand that is what the member for South Brisbane has agreed to.

Amendment agreed to.

Mr BORBIDGE: I move the following amendment—

"At page 41, after line 27—

insert—

'(4) The person's remuneration under the contract must not be less than the remuneration to which the person would be entitled under the conditions of employment that would apply if the person were appointed on tenure.

'(5) If there is a dispute between the parties to the contract about the application of subsection (4), the Industrial Commission has the jurisdiction to hear and decide the dispute.

'(6) In this section—

"remuneration" means total remuneration including entitlements.'."

The clause governs the employment of persons on a fixed term contract arrangement. The provision allows greater flexibility in the management of human resources and attracting people for special tasks. While the offer of employment on contract will be in limited and specific cases, there have been concerns expressed that conditions of employment, particularly the person's remuneration level, could be eroded for officers on contract. Clearly, this is not intended, as the use of contracts would occur only to offer greater incentives or conditions of employment for the duration of the work assignment to meet the special needs of the agency concerned. Nonetheless, the amendment I am moving will clearly provide that a person's remuneration would not be less than what that person would have received whilst on tenure and, further, will allow for any dispute between the parties to be heard and decided by the Queensland Industrial Relations Commission.

A subsequent amendment I will propose to clause 116 will further clarify a contracted officer's right to be heard by the Industrial Relations Commission with respect to contract provisions. The effect of this amendment is that a contracted officer will not legally be offered a lesser entitlement than what that officer would have received whilst on tenure employment. This ensures that officers who are offered a fixed term contract are fairly treated. In the unlikely event that a disagreement arises, the Queensland Industrial Relations Commission will be the responsible authority to hear and determine the matter.

Amendment agreed to.

Clause 70, as amended, agreed to.

Clauses 71 to 77, as read, agreed to.

Clause 78—

Ms BLIGH (8.17 p.m.): I rise in relation to this clause to seek some clarification from the Premier in relation to its intended operation. In both the second-reading speech and in other discussions on this clause it has been announced by the Premier that for the first time we will see an attempt to define "merit" in legislation. What this definition does is add two extra criteria for the determination of "merit" to that which is used currently. Those criteria are experience and personal qualities relevant to the carrying out of the duties in question. I would like to address both of those points separately.

Firstly, in relation to the insertion of the word "experience", currently, position descriptions require candidates to address selection criteria and those selection criteria are then assessed by selection panels. The selection criteria of every position description I have seen—and as I understand are currently being used—require applicants to have a demonstrated capacity to undertake whatever the duties are. The use of the words "demonstrated capacity" requires candidates for the position to rely on the experience that they have had in previous positions in order to demonstrate that capacity. I am a little confused by what the insertion of the word "experience" might add to the existing words.

I have sought some clarification of this issue from the Premier's officers, and I was somewhat disturbed by the answer I received at the time. Maybe the Premier could provide some clarity now. At the time, the officers briefing me found it difficult to think of a circumstance in which that word might add something to the existing processes. In the end, I relied on their view that, where an incumbent was applying for the position, it might give the incumbent the edge. It is my view that, where there is an incumbent applying for the job and that person has a demonstrated capacity based on experience, that ought to be taken into account. I wonder how this adds to that. The only way I can see that that would happen is if the word "experience" is going to be interpreted to mean experience in the Queensland Public Service. That would narrow our recruitment pool. I would like some comment on that point from the Premier.

Secondly, a number of people have expressed concern about the addition of the criteria of personal qualities relevant to the carrying out of the duties in question. I would expect that, when a directive is drafted in relation to recruitment and selection, we will see how that is supposed to operate spelled out. However, there is a deal of concern out there that this may in fact be used in one of two ways. Firstly, it might be used politically; people may find that they are persecuted because they do not hold similar views to those existing in workplaces, and so on. Secondly, personal qualities may in fact end up coming down to physical qualities, such as height and some of the things which have been a problem in recruitment in some areas such as the Police Service in the past and which have been the subject of anti-discrimination legislation.

What I am looking for in relation to those two things is a clear statement from the Premier about how he would expect "experience" and those other things to operate. Subclause (4) provides some circumstances in which merit may not be required. That relates to such things as transfers at level and redeployment, etc. I endorse those just for sheer ease of public administration. Subclause (4) states—

> ". . . this section does not apply to the appointment on contract of a person who is a senior executive if—
>
> . . .
>
> (b) the appointment on contract is to perform duties in the same department at a higher classification level; and
>
> (c) the duties to be performed . . . are . . . the same or substantially the same as those performed by the person immediately before the appointment."

It seems that subclause (4) is providing for circumstances in which someone is appointed to a higher classification but in fact the duties they are performing could be the same, and that is something that would be exempt from a merit appointment. Unless the Premier can clarify that for me, I have some concern about that subclause. I ask the Premier to address the issues I have raised.

Mr BORBIDGE: Starting at the end first—I am advised that that particular section has been incorporated to provide for circumstances where there is a reclassification. In regard to the matters raised in relation to what is experience and what is not experience—we are certainly looking at a far wider definition than just experience in the Public Service, and in fact the inclusion of "experience" was a very major part of the coalition Public Service policy. The honourable member is correct: merit has not been defined

previously in legislation. What we are seeking to do tonight is give it a go. The definition of "merit" prescribed in this clause takes into account experience and personal qualities relevant to the carrying out of the duties in question. I say again to honourable members opposite: the experience and personal qualities of an applicant must be relevant to the carrying out of the duties. This Government has not moved away from the merit selection principle, as the Leader of the Opposition claimed earlier in this debate. As I stated in my second-reading speech, the principles of merit selection will continue to apply to those classes of employee for which coverage currently exists.

I know that the honourable member is concerned about this clause. I make the point that this is the first time that something positive is being done for Public Service employees for a long time in recognising their experience and personal qualities as they relate to the carrying out of duties for the purpose of merit selection. "Experience" has been inserted to ensure that people in the Public Service who have practical, on-the-job runs on the board are not disadvantaged against persons who have no experience. The Bill does not use the word "seniority". Just because a person has been on the job for a number of years will not mean that they will get a position simply because of that fact. What I understand my officers told the honourable member was correct: when two equally qualified candidates are open for selection, this Bill will ensure that a person with experience will not be disadvantaged.

The Bill goes, I believe, a small way towards rectifying the balance against some of the discrimination that has been evident in the past. From my discussions, the insertion of this provision—or the attempt to do so—in the legislation has had a fair degree of support in the community. I take the point raised by the honourable member. This is a change from the past. It has not been previously defined. I think tonight we are making a good start. We are making a good effort. If we find that there are practical difficulties in relation to the definition that we are inserting, I am happy to revisit it at some future time.

Ms BLIGH: The Premier has gone some way to allaying my concerns, but I want to address two points again. I am satisfied with the Premier's assurances in relation to experience not being time served or seniority. I recognise it is the first time we have tried to define it. I guess that is why I am not amending it and trying to give the Premier a go, but I do want some of these things clarified.

In relation to all of the other criteria that have been listed—and the provision includes abilities, aptitude, skills, qualifications, etc.—I believe that they are all subject to relatively objective tests. I am still concerned about "personal qualities", and the Premier might be able to actually give an example of what he thinks a personal quality might be and assure the Committee that it is not going to be subject to subjective tests by selection panels such as: are they cheerful? Are they sufficiently well dressed?

Mr J. H. Sullivan: Are they members of the right political parties?

Ms BLIGH: Are they members of the right political parties? Do they support trade unionism?

I return to subclause (4). The Premier explained the need for that clause in relation to a reclassification. May I ask why the Premier would be reclassifying a position to a higher level if the duties to be performed were the same?

Mr BORBIDGE: Firstly in regard to the latter point—obviously, in respect of a reclassification that was substantially the same as that applied before——

Ms Bligh: It does say "or substantially", so they could be the same and go to a higher classification.

Mr BORBIDGE: "Substantially the same" is the intent. I make the point——

Ms Bligh: That's not what it says.

Mr BORBIDGE: The member asked what I would regard as personal qualities. I suggest that things like work ethics and client focus would be matters that would fall into that category.

Clause 78, as read, agreed to.

Clause 79, as read, agreed to.

Clause 80—

Mr BORBIDGE (8.28 p.m.): I move the following amendment—

> "At page 46, line 10, 'and fails'—
>
> *omit, insert*—
>
> 'after failing'."

This clause reflects the current provisions of the PSME Act in section 24, but goes further to outline a logical process to minimise unfair treatment of officers. I point out that, in addition, this clause of the Bill ensures that officers will not be victimised in the future for promotion or advancement of their careers

should their transfer refusal be upheld. The purpose of this amendment is to more clearly express the sequence of events that could lead to an officer's services being terminated for failing to accept what is established as a reasonable transfer. The amendment establishes the sequence of events more clearly by specifying that action to terminate the officer's employment can occur only after the officer has failed to establish reasonable grounds for refusing the transfer and then continues to refuse the transfer. The need for this clarifying amendment emerged during discussions and consultations with both the Queensland Teachers Union and the SPSFQ.

Amendment agreed to.

Clause 80, as amended, agreed to.

Clauses 81 and 82, as read, agreed to.

Clause 83—

Mr BORBIDGE (8.29 p.m.): I move the following amendment—

> "At page 48, line 11, 'The chief executive of a department may direct a public service'—
>
> *omit*, *insert*—
>
> 'If a department's chief executive considers it necessary, because of the duties and responsibilities of a public service employee of the department, the chief executive may direct the'."

The Government has always been committed to the fair treatment of its employees and clearly recognises their importance and value in carrying out the functions of government. I suggest that one need only refer to clauses 23 and 24 of the Bill in this regard. Clause 83 provides a mechanism for a chief executive to direct a statement to be made in those circumstances where the interests of the employee may conflict with the duties they may undertake, an example being a procurement officer who may have an interest in a computer software company. In such cases, the chief executive could only legitimately direct an employee to give a declaration of his or her interests where the interests relate to his or her duties. It was always intended that the directive referred to in the clause would clarify the circumstances in which a chief executive officer could require a statement to be provided. However, the amendment was agreed to following consultations with the ACTU, the QTU and the SPSFQ.

There has been some concern by the members opposite that chief executive officers would apply this provision across-the-board. I can assure members that nothing is further from the truth. The provision is there to ensure that a CEO has the ability to request a statement to be given in those circumstances where the CEO considers it necessary because of the duties and responsibilities of a public service employee.

Amendment agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 87, as read, agreed to.

Clause 88—

Mr BORBIDGE (8.32 p.m.): I move—

> "At page 51, line 27, '(1)(g)'—
>
> *omit, insert*—
>
> '(3)(g)'."

This amendment addresses a typographical error.

Amendment agreed to.

Ms BLIGH: I move the following amendment—

> "At page 51, line 30, after 'payment'—
>
> *insert*—
>
> 'and must not reduce the amount of salary payable to the officer in relation to the period to less than—
>
> (a) for an officer who has no dependant—two-thirds of the guaranteed minimum wage for each week of the period; or
>
> (b) for an officer who has a dependant—the guaranteed minimum wage for each week of the period.'."

The clause as a whole outlines a range of disciplinary measures which can be taken in the event of misconduct by an employee. The clause provides for a fine to be imposed and for the payment of the fine to be directly debited from an employee's wage. The clause provides that payment instalments can be up to 50 per cent of the employee's fortnightly pay. This amendment seeks to ensure that any payment instalments taken from an employee's pay cannot reduce the fortnightly wage of that employee below the guaranteed minimum wage.

The clause has been drafted to reflect the industrial standard in regard to the payment of overpayments set out in section 5.4(5) of the Industrial Relations Act regarding the recovery of certain moneys. I am aware that the capacity to debit fines and moneys from employees' wages currently exists in the Public Service Management and Employment Act

and that there is no provision which curtails the capacity to debit that money, but I think that in light of section 5.4(5) of the Industrial Relations Act it would be useful to bring it in here as an industrial standard so that particularly very low-paid people cannot be significantly disadvantaged.

Mr BORBIDGE: The Government will accept the amendment. It is slightly different than that which is provided for in the Industrial Relations Act but, in the spirit of cooperation, we are prepared to accept the amendment.

Amendment agreed to.

Clause 88, as amended, agreed to.

Clauses 89 to 94, as read, agreed to.

Clause 95—

Mr BORBIDGE (8.35 p.m.) I move the following amendment—

"At page 54, lines 20 and 21, 'a decision to take or not take action under a directive if the decision results from'—

omit, *insert*—

', or in an appeal call in question in any way, a decision that decides'."

Concern has been raised about the scope of subsection 2 of this clause. The Scrutiny of Legislation Committee was informed that I would be moving an amendment to clarify the matter. The amendment I have moved will achieve this goal, but I think it is important to set out the background of this particular subclause.

The public sector management standard for training and development which was issued in June 1993, when Peter Coaldrake headed that organisation, specifies that—

"there shall be no appeal rights of any kind in relation to the nature, scope, resourcing or direction of the training and development policy and strategy of any agency to which the standard applies."

Also, for the information of honourable members, I inform the Committee that all PSMC standards, including this one, were personally approved by the previous Premier. In 1995, there was a review of the appeals and grievance system. The review team included—and I hope honourable members are listening—Mr Dick Persson, then Director-General of the Department of Health, Ms Ruth Matchett, then Director-General of the Department of Family Services, and Mr Dawson Petie, then General Secretary of the Queensland Branch of the ACTU. That review team recommended—

"that the PSMC Act put beyond doubt that matters covered by a standard cannot be appealed under fair treatment unless the standard specifically permits a right of appeal."

They further recommended—

"that the PSMC Act provide that there shall be no appeal rights of any kind in relation to the nature, scope, resourcing, direction, policy or strategy of any agency."

So this review team, including a senior representative of the ACTU, specifically recommended that the PSMC Act be amended to limit the appeal rights of public servants with respect to the nature, scope, resourcing, direction, policy or strategy of a Government agency. I will be touching further on this when I deal with clause 116, but all members will know that the genesis of this provision was a review carried out by the PSMC which included two former Directors-General under the Labor Government and the General Secretary of the Queensland Branch of the ACTU.

If this Government has slipped up, it has slipped up by relying on the technical competence of the old PSMC and the above mentioned persons. If this Government was wrong, it was a failure of relying too heavily on a report commissioned under Labor and signed off by a raft of members of the previous Government, including a senior trade union leader.

It has been suggested that this clause has been drafted too broadly, and that it could mean that a public servant may be prevented from appealing a decision emanating from a policy, etc., of the department which affects the officer directly. That, of course, was never intended. It was only this Government's intention to exclude an appeal right with respect to the decision of arriving at that policy. To put the matter beyond doubt, the amendment I have moved will ensure that an officer's right of appeal is protected to the extent that the officer may be affected by the manner in which the nature, scope, resourcing, direction, policy or strategy of an agency is applied to that particular officer. This amendment has been discussed with the SPSFQ and the ACTU and I am advised that it should meet their concerns.

Amendment agreed to.

Clause 95, as amended, agreed to.

Clauses 96 to 108, as read, agreed to.

Clauses 109—

Mr BORBIDGE (8.39 p.m.): I move the following amendment—

"At page 60, after line 28—

insert—

'(aa) the Director of Public Prosecutions or Deputy Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1984*;

(ab) the Electoral Commissioner appointed under the *Electoral Act 1992* or an appointed commissioner within the meaning of that Act;

(ac) an electoral commissioner appointed under the *City of Brisbane Act 1924*;

(ad) the Solicitor-General appointed under the *Solicitor-General Act 1985*;

(ae) a member of the panel of misconduct tribunal members appointed under the *Criminal Justice Act 1989*;'."

In moving this amendment, I point out that the amendment should read "(aa) to (ae)" rather than "(aa) to (f)" as circulated. Part 8 of this Bill has been the subject of ongoing criticism from the Opposition. It has been suggested that it could be used to do all manner of things. However, in reality, what it does is to regularise a practice accepted by all political parties and which is reflected in many pieces of legislation. That practice is that the Government of the day has the inherent right to choose its policy advisers on policy bodies, including bodies established by statute.

The member for Murrumba confirmed in the second-reading debate that it is quite open to a Government to choose its advisory boards. He suggested, however, that the way to achieve this goal was—and I quote from his speech—"to go about it piecemeal". He suggested the use of miscellaneous statute to achieve this goal. I suppose that sums up the difference between the Government and the Opposition. We are not prepared to go about things piecemeal—to have a policy, but to hide it by means of 600-page and 800-page miscellaneous statutes of the type that members have previously seen in this place. It is the policy of this Government to be up front about what it is doing, and to debate it with those who disagree. I believe that is a preferable course of action, rather than by stealth and ad hoc manipulation.

Let me place on the public record that the difference between the Opposition and the Government on Part 8 is that Labor does not disagree with the policy underlying this Part of the Bill, only the means to give effect to it. The member for Murrumba and others quite properly said that quasi-judicial bodies should not be subject to automatic dismissal. The draft regulation I have previously circulated contained 10 such quasi-judicial bodies which will be exempt from Part 8. As I said, that list is not necessarily exhaustive, and may be added to should other quasi-judicial bodies be identified. However, I do take exception to the fact that the Labor Party could suggest that a regulation exempting these bodies from Part 8 is unacceptable, when one considers its record in dealing with quasi-judicial bodies. It is now time to look at that record.

As I mentioned earlier, the Labor Party had no scruples about inserting in the legislation establishing the Racing Appeals Tribunal, the Liquor Appeals Tribunal and the Child Care Review Tribunal provisions enabling these bodies to be sacked at the whim of the Government of the day. If the Labor Party is so concerned about the effect of Part 8 on quasi-judicial bodies, why did it legislatively king-hit three of its own creations? Or is this just another example of Labor double standards—it is all right for Labor in Government to have the power to sack at will, but not the coalition.

The amendments I am moving to this clause will put beyond doubt the fact that Part 8 will not apply to the Director of Public Prosecutions and his deputy, the Electoral Commissioner and commission, the Solicitor-General and the electoral body established under the City of Brisbane Act. All of these positions or bodies were to be exempted by regulation but, having regard to comments that have been made, I am not prepared to allow any doubt to exist as to the independence of these offices and the fact that this Government supports strongly and without reservation the independence of these offices.

It would come as no surprise to any honourable member that the task of determining which offices should be included in the legislation and which should be inserted in the regulation is a difficult one. I think it would be fair to say that reasonable people would differ as to whether this or that office should be in the legislation or regulation. The criterion which I applied to decide the matter was whether the office in question played a role central to the body politic of Queensland. In other words, was the position potentially

central to our system of Government? This is not to say that the other positions are not important—far from it. What it does say, however, is that those offices which are central either to our Westminster system of Government or to the workings of our judicial system have been isolated for specific mention in the legislation.

I have mentioned previously in the House that Crown law has advised that Part 8 does not apply to university vice-chancellors or to the Commissioner for Consumer Affairs. Accordingly, these positions were not included in the draft regulation. I also want to place on public record the fact that the argument raised by the members for Yeronga and Cleveland, namely that exempting a position by regulation is not worth the paper it is written on, is without foundation. We all know that regulations have to be tabled. We all know that any member can move a motion of disallowance. We all know that once such a motion is moved, it must be debated. We all know how tight the numbers are in this Chamber.

I think the argument against a regulation would be stronger if this Government had not tabled exactly what offices will be exempted. Then the line could be run that this was a "trust me" exercise, and that having regard to the importance of these offices that would not be sufficient. However, I have tabled the draft regulation. I have indicated that further offices may be added. In these circumstances, the Government has adopted an honest and open approach to the exercise. I reiterate that no quasi-judicial tribunal will be subject to Part 8. We have accepted the approach already in place for a number of years in Victoria and New South Wales. We are not prepared to king-hit and knock off bodies by stealth, as proposed by other members of this place. Finally, we have included in clause 109 the ability to exempt by regulation a mechanism which is not contained in the legislation of either the State of New South Wales or the State of Victoria.

Ms BLIGH: The Premier has raised a number of issues which have been canvassed to a large extent in previous parts of this debate. I will try not to revisit them, although it is impossible not to discuss some of the more contentious parts that are raised by these clauses. The Premier's proposal contained in the amendments to clause 109 and to the proposed regulation, firstly, are a concession on his part that the Bill as originally drafted had significant and serious deficiencies, despite all his attempts in the early parts of the debate to deny this.

The proposal that the Premier has put before us essentially does this: it now creates four classes of statutory appointments. Firstly, there are those who will be protected by the Acts which establish their office. Secondly, there are those who are protected by this Act under the proposed amendment to clause 109. Thirdly, there are those who are protected by a regulation to be made under this Act—one of which is before us, but there may well be many others. Fourthly, there are those who will be subject to clause 110 and, therefore, unprotected by any of the previously mentioned mechanisms. It creates a dog's breakfast. It does not comply with the stated objectives of this Bill, which are to streamline and simplify public administration.

In the light of the creation of this mess, we are yet to hear one justification from the Government as to why it is seeking these powers. There has been no real debate about the place of statutory officers in our system of public administration. It may well be that that debate is overdue. It may well be that it is time that we debated the security and relative tenure of a range of those officers and the range of institutions in which they are employed. But that debate has not been held.

Despite his protestations to the contrary in the comments he just made in this Chamber, the Premier did not bring on an open, public debate about the role of Government and its relationship with independent bodies in the public administration of the State. He brought before the House a Bill, but there was no mention in his second-reading speech of the extraordinary powers that he was seeking. When these powers were brought to the attention of the public, the Premier denied that he was seeking them. The Premier repeatedly denied that they would have the effect that I and many other commentators said that they would. Only when he was embarrassed and humiliated by many commentators throughout this State did he finally back down and change his mind. So for him to stand here before us and say that he was bringing honesty and openness to this debate and that he had not conducted himself with stealth is an absolutely breathtaking deceit.

It is absolutely clear from this clause in the Bill that it has been motivated by an intent to concentrate power further into the hands of the Executive. There has been extensive debate in this Chamber in the past two days about similar attempts in other forums of public administration and in the administration of criminal justice in this State. In every Bill, in every Act, in every action and in every decision that it has enacted since it came to power, this

Government has been motivated by malice and ill intent. It has a growing desire to evade the regulation and scrutiny of the Parliament, of the people, and even of the Cabinet, and to concentrate hands increasingly into the powers of a small Executive, and decision making is increasingly by Executive fiat. The Premier conceded that the Government had slipped up in the drafting of these clauses. But he went on immediately to say that, if he had slipped up, it had been to rely on the advice of public servants. The Premier is unable to help himself. He is unable to resist the opportunity to take a swipe at the previous Government or to take a swipe, a cheap shot, at public servants who have advised his Government, the previous Government and the Government before that.

Despite the rhetoric contained in this Bill, and despite the rhetoric that the Premier brings into the House about opening up the Public Service, about depoliticising it, about streamlining it, about bringing about more efficient and effective mechanisms, the reality is that, whenever the Premier or his Ministers are in a corner, they ignore even one of the most basic tenets of the Westminster system of ministerial responsibility—the first thing they do is blame their public servants. Two days ago we saw the Minister for Public Works and Housing in this House, in the face of absolute evidence to the contrary, when it was inconceivable to everybody who looked at the facts that plans would have been sent to the Brisbane City Council without the Minister's knowledge, the Minister alleged that public servants had secretly submitted plans on behalf of the Government. That is absolutely inconceivable and implausible. It was an attempt by that Minister to evade responsibility and an attempt to pass the responsibility back to public servants in his own department. It was a disgraceful performance. It was condoned and furthered by the Premier. It has been reflected time and time again in this House. I expect to see it happen more and more. It contravenes all of the rhetoric that he delivers when he stands up in this House and discusses these clauses or other parts of this Bill.

The Premier tells us that he is up front about what he is doing. I remind the Premier that, when I first raised in the public forums my concerns about these clauses, the Premier went on radio and said that there was nothing in this Bill that would change the way that they were appointing senior executive officers. I had not mentioned senior executive officers or chief executive officers. That was an attempt by him to muddy the waters. It was an attempt by him to evade public debate about this clause. He did not go on the radio and say, "Yes, that is the effect of the clause and the reasons I am seeking those powers are:". There were no reasons that he could put to the public that would stand up to scrutiny. So he sought to muddy the waters. He sought to evade the debate. Then he stands in this House and denies having done that. He was brought to his knees after weeks and weeks of humiliating comment by the Bar Association, by the Director of Public Prosecutions, by respected academic commentators, by the member for Yeronga, by me and by people commenting up and down the breadth of this State. He was forced into a backdown. In the face of that, he should just cop it instead of standing in this place and trying to pretend that it was anything other than that.

I turn to the issue of whether or not Governments should have the power to sack some of those statutory bodies. The Premier, the Leader of the House and others have stood up time and time again and said, "Yes, but when the Labor Party was in Government, it gave similar powers in relation to bodies such as the Child Care Review Tribunal." If the Premier of this State cannot see the difference between the Executive Government having the right to sack without reason, cause or notice the Electoral Commissioner, the Director of Public Prosecutions, and other quasi judicial bodies and those powers relating to the Child Care Review Tribunal, if he cannot see the different effects that that would have on public administration, it is no wonder that he ended up in the trouble that he did. I suggest to the Minister that, if he is looking for advisers to blame for the trouble that he got into with this Bill, he ought to be looking at those who drafted the Bill and the current advisers whom he has hand-picked, rather than seeking to hark back to the past and pick on people who are no longer in the employ of his Government.

I remind him that, for all of his rhetoric about the PSMC Act and the PSME Act, the Public Sector Management and Employment Act was brought into being by a previous National Party Government. The Public Sector Management Commission Act was brought into being by the Goss Labor Government, and neither of those Acts was greeted with anything like the howls of disapproval—although they were drafted by the officers whom the Premier condemns—that his Bill has been greeted with time and time again.

As he has drafted this Bill so poorly, because it was so ill motivated, because the proposal is so badly thought out, the Premier

has ended up—as he did with the CJC amendment—with a mess. His amendments will create four classes of statutory officers with different levels of protection, with no real basis on which those levels of protection have been justified. When one has so many different categories and no real basis on which one enters one or other category, people will slip through the cracks. In relation to who should be in the regulation and who should be in the proposed amendment, I foreshadow an amendment, which I will address when I have the opportunity to move it.

Mr BORBIDGE: I thank the Leader of the Opposition for certain courtesies that were extended to the Government tonight. I advise the Committee that one Lachlan Santoro has arrived. Both he and mother are well. I thank the Leader of the Opposition for arranging a pair for the Minister for Industrial Relations and Training.

Mr J. H. SULLIVAN: I congratulate the member for Clayfield on the addition to his family. I also congratulate the Premier for the tabling of the draft public service regulation of 1996. I think that that is a procedure that could be adopted more widely in this Parliament where regulation gives effect to important provisions within the legislation that the Parliament is examining. Having the regulation is useful. In relation to this clause, I would like to visit a little of its history. This was the most reprehensible power grab in the legislation that we are considering. I wonder whether members have truly considered its effect. When first challenged about this particular clause, Mr Borbidge told ABC radio—

> "I make no apology"—

that is familiar—

> "for the Government of the day having the right if they need to dismiss members of statutory authorities or dismiss senior public servants if they are not doing the job.
>
> I mean, if people don't like that, they've the option once every three years to dismiss the Government."

Some people are hoping that they have an option a bit sooner than three years. The Premier's first reaction was to defend the provision. Perhaps some people would agree with that. A hypothetical situation as it might relate to the Director of Public Prosecutions, for example, who was able to be sacked if this provision had been passed without amendment is this: suppose, for example—and this is only a hypothetical situation—that the Director of Public Prosecutions was to receive some advice from a commission of inquiry that a member of this Parliament—for example, a Police Minister—might face the possibility of criminal charges being brought against him. The Director of Public Prosecutions would have to make a decision in the light of the fact that the Government of the day could yank him from his job at a moment's notice. That is not the way that this State should be governed. Fortunately, through the amendments, we see that that is not going to happen.

I usually like to read the papers. When I see the words "subordinate legislation" appear in the media, I tend to become a bit interested. Most people I know do not, but I do. I was interested to see the Premier quoted in the *Australian* of 3 August, in an article by Scott Emerson. The article states—

> "The Premier said claims of protecting persons by regulation was unsatisfactory indicated a 'surprising ignorance of the process of subordinate legislation and the political realities of Queensland's hung Parliament. Regulations have to be tabled in Parliament and if any member moves a disallowance motion, the motion must be debated and it may be disallowed,' he said."

I agree with the Premier: there is what I would regard as a surprising ignorance about the process of subordinate legislation, but there is none more ignorant than the Premier. Everything that the Premier said is true, but what he did not say is what is important.

The making of subordinate legislation has a number of steps. For the purpose of this exercise I will refer to a regulation, because that is the subordinate instrument to which the Premier was referring. The first step is that subordinate legislation is made by the Governor in Council. The second step is that it is notified in the *Queensland Government Gazette*. That means that printed in the *Queensland Government Gazette* is a list that has the titles of subordinate legislation and the Act under which they are made and another list that has the title of the Act and the subordinate legislation made under that Act.

These days, there is no inclusion in the gazette and, since the passage of the Statutory Instruments Bill, which was introduced by the Labor Government, there is no full publication of regulations to give the details to a reader except in the instance of an exempt instrument, which at the moment I do not think we need to go into. The point that I

want to make is that the subordinate legislation is operational from the moment it is gazetted. I suspect that the Governor in Council is probably still conducted on a Thursday—it was under the former Government; I must admit I have not paid much attention to the comings and goings on the first floor of this building since that time—and that the gazettal would usually be made on a Friday.

Once made and gazetted, subordinate legislation is required to be tabled in this Parliament. That is a requirement of the Statutory Instruments Act. The requirement is that it must be tabled within 14 parliamentary sitting days—not 14 calendar days; 14 parliamentary sitting days—of the time it is gazetted. A Government that wanted to control this mechanism could hold that regulation from tabling for a period of some three to four months. If members want to examine the sitting schedules, it is possible to hold that regulation for some three to four months. A very simple divisional sum indicates that 14 days is about one-quarter of the number of days Parliament sits in the course of the year. So three to four months is a reasonable period of time. So three to four months after the regulation has been made and becomes operational, the Government must put it on the table of this Parliament, or the regulation falls over; it is not valid.

Once it gets to the table of this Parliament, the next step is the disallowance motion, about which the Premier spoke. I accept that it is open to any member of this Parliament to move a disallowance motion. However, that must be done within 14 sitting days of the regulation appearing on the table. If the disallowance motion were to be moved by the Scrutiny of Legislation Committee, it would use that ensuing period to try to negotiate with the relevant Minister in relation to the matter. In the entire existence of the committee, it has been extremely successful in doing so. However, if this motion were to moved by the Scrutiny of Legislation Committee acting in its role as subordinate legislation, that could be another three to four months. Of course, if it were to be moved by an astute Opposition spokesperson, then I imagine that the disallowance motion would be moved the day after it was tabled.

Then we have to debate the disallowance motion. Tonight, I am sure that the Honourable the Leader of the House will tell us that the disallowance motion moved on 12 September by the honourable member for Kedron in relation to workplace health and safety is okay to be debated on 29 October. In terms of the disallowance motion, there are two parameters: firstly, under the Standing Orders—and this is important—Standing Order 37A states that the motion must be debated within seven days of the disallowance motion being made. Section 50(4) of the Statutory Instruments Act states that the time should be 14 days. There is some disagreement, and the practice of this Parliament has been that, while it is in the Standing Orders, to use the seven days. So we could hold off that debate for another six weeks. Let us say that the disallowance motion is moved the day that the regulation is tabled in this Parliament. We still have a period of four and a half to five and a half months from the time the regulation is made before a recalcitrant Government, a Government which is trying to abuse this system, will be required to bring on the debate. That can take some time.

I need to make the point that, if the regulation is then disallowed by the Parliament, there are saving provisions in the Statutory Instruments Act. So anything done under the regulation is legalised by those saving provisions. The Premier talked about the delicate position of a hung Parliament. Let us go and tell that to Jeff Kennett. Quite recently, Jeff Kennett had a regulation disallowed by the Upper House in Victoria. What was his reaction? He immediately remade it. If in a disallowance motion that is to be debated in the next sitting week some of the Government members fail to make the division and, as a consequence, the disallowance motion is agreed to and that is not the Premier's intention, I would suspect that the Premier would not take that lying down and that he would simply——

Mr FitzGerald: No, re-put the question. That solves it straightaway.

Mr J. H. SULLIVAN: It is a little bit easier in a unicameral Parliament. However, the point that I am making is that this could be a regulation brought in that would remove some of those people from the list in the regulation that the Premier has tabled. By the time this Parliament gets to disallow that, the sacking action could be taken. The sacking action is legalised by the provision of the Statutory Instruments Act. There is no protection at all for any officer who thinks that they are protected by regulation. The time frame required is too great for that.

Time expired.

Mr WELLS: We have here a grab for power, which is being represented as a tidying up of the statute book. The Honourable the Premier is trying to make arrangements so

that people who are appointed to their offices by force of a statute passed by this Parliament can be removed neatly by Executive fiat. He is trying to find a way that this can be done with the consent and acquiescence of everybody in this Chamber. However, he just cannot have that. The Premier just cannot have a nice, neat exercise of Executive fiat that overrides this Parliament's earlier resolutions and expect that he is going to satisfy anybody by doing that. If the Premier had not sought to grab that power in the first place, then he would not have the problem. As long as he persists in wanting to grab that power, as long as he wants to insist on bringing people who are appointed pursuant to statutes passed by this Parliament within the grasp of Executive fiat, he is going to continue to have problems.

The Premier spoke scathingly of what he described as my suggestion that if he wanted to remove statutory office holders, he ought to do it piecemeal. He said that he did not like the piecemeal approach; he wanted a nice, neat, centralised approach. He did not say "Stalinist", but that was the concept that he was really envisaging. The advantage of the piecemeal approach, as the Premier negatively described it, is that if he wants to get rid of the statutory office holders, then he has to come to the Parliament and amend the specific statutes and argue the case on its merits. That is very important. It has to be up front. It has to be with due regard to the Parliament. Therefore, it has to be with due regard to the rights of the citizens that this Parliament represents. That is why honourable members on this side have been saying that it would be desirable to amend the relevant statutes by which statutory office holders are appointed rather than to have such a system whereby the central Government, the Executive arm of Government, can reach out and overturn the actions of this Parliament.

I would like to commend the Premier dimly for giving us the regulation at the time that the legislation is being passed. That is an advance, but I would hate anybody whose position was described in that regulation to believe that he or she was thereby rendered any more secure. The saving of those people's positions in that regulation simply means that they can be dismissed from their office by two Executive council minutes instead of one. In other words, it would take 10 seconds of the time of an Executive Council meeting instead of five seconds to remove people from their positions. That is the danger of this kind of centralisation of power in the hands of the Executive. I cannot spell it out sufficiently strongly to honourable members that what this Parliament is giving away with this clause is the rights of the Legislature to play a significant role in respect of the persons who are appointed pursuant to statutes passed by this Legislature.

The piece of paper which the Premier has shown us is an admirable piece of paper or, at least, the practice is admirable. It is highly desirable that when Ministers introduce legislation of this type that they also should bring in the regulation so that we can see them at the same time. However, the regulation is scarcely worth the paper that it is printed on. The regulation can be repealed at a whim and the regulation can be repealed by Executive Council. It takes two Ministers to advise the Governor. It takes 10 seconds to have one Executive Council minute repealing the regulation and one Executive Council minute dismissing the people concerned from office. It is no protection; it is just a stunt.

The whole problem arises as a result of the Premier's desire to concentrate power in the hands of the Executive—power which properly belongs to this Parliament. If it had not been for that grab for power by the Premier, he would not have got himself tied up in these knots, he would not have had to engage in the frankly humiliating backdown that he has engaged in and he would not be putting the Parliament to this trouble. The Premier ought to leave that which was within the province of this Parliament within the province of this Parliament. He should allow the situation which exists to continue whereby, if he wants to get rid of a statutory office-holder, then he or one of his Ministers must come into this place and argue the case on its merits in the light of the particular statute concerned.

Mr FOLEY: This evening, we are witnessing, on the one hand, a humiliation by a Premier who told whoppers about this Bill to the people of Queensland and, on the other hand, an attempt at securing powers that will send a chill through public administration in this State. I will deal with the first point.

Let us not forget that the Premier wrongly, viciously and maliciously attacked the critics of this Bill. When the Bill was introduced, the member for South Brisbane and I attacked it on the grounds that it would allow the removal of, among other things, the offices of the Director of Public Prosecutions, the Electoral Commissioner and members of the Misconduct Tribunal. The Premier responded to that on ABC radio by saying that his critics were politically motivated, did not know what they were talking about, were ill-informed and

had not read the Bill. That was a vicious falsehood asserted by the Premier and he maintained that vicious falsehood for several days. The Premier was criticised by the Law Society, which argued that that was the effect of the Bill. He rejected that criticism and attacked his critics as being politically motivated and ill-informed.

It is worth remembering that the Premier was willing to engage in vicious untruths when he must have known the depth of the untruth to which he was descending. He must have received legal advice to the effect that what the Law Society, the Opposition and the Director of Public Prosecutions were saying was correct. In fact, this Premier attacked the Director of Public Prosecutions over the director's concern about the Bill. What a disgraceful performance on the part of the Premier! It shows what little regard this man has for the rule of law and for the holders of high legal office in this State. It was a performance of brazen arrogance and particularly of brazen untruth, because the Premier now has to come before the Parliament and admit that what the Law Society, the Opposition, the Bar Association and the Director of Public Prosecutions said was quite correct. Indeed, the amendment that the Premier has moved makes it plain that, in order to protect the independence of the Director of Public Prosecutions, the Bill has to be changed.

The people of Queensland have seen the humiliating bungle by the Premier over the Century Zinc matter. They have seen him argue the case for special legislation to override native title, only to find that even the mining company did not support him. They have seen the humiliating mess that he left for the Attorney-General in the setting up of a commission of inquiry without the legal power to do the job that was asked of it. In the days that the Premier has left in his Premiership, he will look back on the experience of the Public Service Bill as the moment when his credibility was fractured in such a profound way.

The Premier was willing to engage in an attack not just upon his political opponents but also upon holders of high office, who must be respected. The Premier may not like the criticism which is now coming his way, but he is the author of his own misfortune. The simple fact is that the Premier bungled this Bill in a way which is breathtaking. None of his Ministers, despite their best efforts, have bungled anything in the way that he has bungled this Bill. The Premier has even outdone Ray Connor on the Roma Street exercise.

Ms Bligh: The Attorney-General is giving him a run for his money.

Mr FOLEY: Yes, the Attorney-General is giving him a run for his money.

I remind the Premier of what he said, because he wants to avoid it. He wants to avoid the memory of the days when, again and again, he said that attacks on the Bill were ill-informed and politically motivated. Then, after a few days of silence from the bunker, lo and behold, he discovered that the game was up. That was coincidental with the Bar Association and Cedric Hampson finally drawing the shortcomings of his legislation to his attention. After that, even the Premier realised that he could not maintain the falsehood.

While mere humiliation and the fact of being caught out in a deliberate untruth will not deter the Premier, it should not be thought for a moment that this provision is any less dangerous. While a few positions have been protected by the legislation, the vast majority of statutory office holders are still subject to the legislation. When combined with the operation of clause 110, this allows the removal of statutory office holders, not as a result of the rule of law but as a result of the rule of the Government of the day. The Government is trying to replace the rule of law with the whim of the Executive.

Instead of a system whereby the holders of statutory office hold that office and do their duty according to law confident in the knowledge that they will hold that office until and unless they become bankrupt, become a person convicted of an indictable offence or fall into one of a set of disqualifying categories, we will now have a spectre in Queensland where the holders of statutory office will feel cowered into doing not their duty according to law but the will of the Government of the day. That is the sinister aspect of these provisions. It replaces the sense of impartial duty to the rule of law with the power of the Executive to dismiss and, as such, it is, as the member for Murrumba said, a grab for power. It is a grab for power of monumental proportions. It is a grab for power which will send a chill through public administration and which will require the holders of those offices in the forthcoming years, if this legislation is passed, or at least in the remaining days of this decaying Government, to be particularly courageous and independent, because this legislation strikes at the heart of their independence and their duty according to law.

Mr CAMPBELL: When we were in Government, we made a few mistakes with the Public Service but what the Government is doing tonight is not making it any better. I believe the Government will regret what it is doing tonight, just as perhaps we have regrets about what we did in the past. I say to the Government: be careful. I do not think the Government is doing the right thing tonight.

Amendment agreed to.

Ms BLIGH: I move the following amendment to the Premier's amendment—

"After (ae)—

insert—

'(af) The Chairperson and members of the Queensland Building Tribunal appointed under the Queensland Building Services Authority Act 1991.'."

The Premier outlined that it was difficult necessarily to draw the line between different categories and classes of statutory offices, and I agree with him that it is not an easy task. I do not support any of these clauses and, in my view, none of these offices ought to be subject to the provisions that the Premier is seeking to accrue to himself. Having said that, as to the difference between the Queensland Building Tribunal and the other statutory offices listed in his regulation—it is my understanding that in any building dispute in any court, where a party wants it referred to the Building Tribunal, it must be referred there. So courts have the power to refer a dispute to the Building Tribunal. It is in a slightly different category in that regard than, say, the Anti-Discrimination Commission. For that reason, in the interests of the separation of powers that is afforded to the other offices listed in the amendment, I believe it ought to have the same protection.

I will return to the issue of the protection provided by regulation. It needs to be remembered that, initially, the Premier promised protection by regulation to those offices which clearly required some protection. He did not back down once on the Director of Public Prosecutions; he had to back down twice. His first backdown was a concession that he would protect that office by regulation. He was howled down in that proposal by both the Director of Public Prosecutions himself and other bodies, such as the Bar Association and the Law Society. He then conceded that the regulation may in fact not be sufficient protection. He conceded that, "If you want to protect the independence of an office, if you truly want to protect and ensure that the office is independent, the only way to do so is to insert a clause into the Bill that specifically protects it."

The Premier's amendment to clause 109 actually confirms that a regulation is not sufficient protection to ensure independence. People should not be listening to the Premier's words on this issue; it is his actions which betray him. He has brought into this Chamber a series of offices which he has been forced to concede require independence. By putting them into clauses he has confirmed that that is the only way to reinforce that independence. Then, in order to defuse the political fallout, he has given a number of other offices some kind of second-class protection by regulation.

It is important to understand that, right from the beginning, the drafting of this clause had the effect and intent that was outlined by me and others. I bring to the attention of the Premier that, when I was first briefed on this matter by his officers, the clauses had already started to cause public debate. When I raised these clauses with his officers, they quite appropriately made it clear that they were unable to comment on policy and matters related to that. I understood that. Nevertheless, I said, "I seek your advice on whether it is the effect of these clauses to allow the Executive to make it easier to dismiss statutory office holders." I was told by the most senior officer there that it was not only the effect of the clause, it was the intent. So there can be no doubt in the minds of the public and members of this Parliament that the Premier, from the beginning, intended this clause to have the effect that it will have and he set about drafting it in that way. For him to start to criticise people for the way it is drafted is again an absolutely breathtaking deceit.

Members will recall that, when I spoke during the second-reading debate on this Bill, I said that, to my mind, these clauses were so offensive to good administration and to the administration of criminal justice in this State that for as long as they remained part of the Bill the Opposition would be opposing the Bill. I regard these clauses and the Bill in which they reside to be what I called at the time the hallmark of the return of the "Evil Empire" to this State. Those members who have children or who followed the Star Wars Trilogy will know that even Darth Vader started life as a Jedi Knight, and that even Darth Vadar was forced to concede in the end that he had been wrong. The "Force" won out and he conceded his error. But we do not see that from this Premier. We do not see him standing in this House saying, "I have approached this the wrong way." The "Force" has obviously never

been there. This Premier has never once stood either in this House or before the public and said that he was wrong on this issue. He has sought at every opportunity to evade his intent.

I would urge the Premier to support this amendment. I would urge the Premier to give reconsideration to moving the Queensland Building Tribunal from its list on the regulation and into those bodies which are protected by clause 109 and the amendment that the Premier has moved.

Mr BORBIDGE: The amendment circulated by the honourable member today has been considered. I have previously written to the chairperson of the Queensland Building Tribunal, Mr Barry Cotterell, on this matter. It is not that I am unsympathetic to the case that Mr Cotterell has put forward—far from it. The only matter is whether the independence of the tribunal should be guaranteed by an amendment to the Bill or by a regulation made pursuant to clause 109.

I assured Mr Cotterell and other members of the tribunal that his independence was respected and that the operation of Part 8 would not be applied to either this tribunal or indeed any other quasi-judicial tribunal in Queensland. Perhaps this goes to the heart of why I am reluctant to accept this amendment. Why should this tribunal be isolated for special treatment? I am sure that other tribunals would argue that the effect of the amendment moved by the honourable member would be to suggest that this tribunal is either more important to the body politic of this State or more in need of special protection than all of the other tribunals.

As a matter of principle, I have made it clear that all tribunals which have not already had provisions placed in their enabling legislation by Labor allowing them to be sacked at will—and in this regard I refer again to the Child Care Review Tribunal, the Racing Appeals Tribunal and the Liquor Appeals Tribunal—will be protected by the draft regulation I tabled earlier in the debate on this Bill.

It really comes down to this: this tribunal does important work. We all appreciate that. Its independence is important, and this is also accepted by us all. The only issue is why this tribunal should be isolated from all of the rest. This, by the way, illustrates the benefit of allowing exceptions to be made by regulation, because circumstances rapidly change and it is important that the protection of quasi-judicial bodies be kept up to date. Simply picking out one or two and placing them in a clause is not an effective or pro-active way of ensuring that these bodies' independence is respected. Accordingly, I accept the sentiments motivating this amendment, but I would sincerely suggest that by picking out this tribunal we would be sending the wrong message to the other tribunals currently performing good work for the community. For that reason, the Government does not accept the amendment.

Mr WELLS: The Honourable the Premier just asked the rhetorical question: why should this particular tribunal be singled out for this particular statutory protection? The answer is: because it is a quasi-judicial tribunal. What we have here is the Premier standing up and bare-facedly telling this Committee that it is more appropriate that the independence of a quasi-judicial tribunal should be secured by a regulation which is repealable by the Executive at its whim than that the independence of a quasi-judicial tribunal should be secured by statute. When one puts it like that, one sees what absolute preposterous nonsense the Government got into when it first set out down this course of seeking to accumulate power into the hands of the Ministry to undo the decisions of this Parliament.

There are a series of quasi-judicial tribunals whose independence now is guaranteed only by the whim of the Executive. There are a series of quasi-judicial tribunals whose members should tremble at the thought that the independence with which they conduct their affairs—at the fierceness of their independence—should be measured by the extent to which they are prepared to rouse the ire of the likes of Rob Borbidge, Denver Beanland, Mick Veivers and all the other Ministers who sit on the other side of the Chamber.

Mr Veivers: What are you attacking me for?

Mr WELLS: I am not attacking the Minister; I am just citing him as an example of the illustrious individuals who compose the Government that sits on that side of the Chamber.

Mr Veivers: I have achieved a considerable amount in private life; have you?

Mr WELLS: The Minister has achieved a considerable amount in public life. I really do not wish to attack his self-esteem at all. In fact, I think that he is a fine fellow. The point that I am making to the Honourable the Minister is that it is in the tremulous hands of people like the Minister and like the Premier that the independence of our quasi-judicial tribunals now rests, because what is happening with

this amendment is that power is being gathered into the hand of the Executive arm of Government, and in that hand will rest whether or not a person who composes a quasi-judicial tribunal can be dismissed. They can be dismissed at whim. The Governor in Council may remove a term appointee from office without any reference to reasons, according to this particular clause.

Why go down this path in the first place? If in the case of a particular tribunal it is necessary to provide that the members of that tribunal should be capable of being dismissed or removed by Order in Council or by a decision of Executive Council, why not go down the more rational path and provide that in the relevant statute so that it will be up front so that the Parliament can consider the matter on its merits? I accept that if a Government appoints a particular body for the purposes of receiving policy advice, for example, then on the change of Government it is appropriate that it should be incorporated in the statute which sets up that particular body that those people can be changed for whatever reasons the Executive Council wishes. But when one is talking about quasi-judicial tribunals or judicial tribunals, a different issue arises. The issue that arises is the issue of the separation of powers.

What we have here is an erosion of the independence of the judiciary or at least of quasi-judicial bodies. Judicial bodies and quasi-judicial bodies have a specific job to do which is different from the job that has to be done by a Legislature or by the Executive arm of Government. It is the job of deciding the rights of individuals who come before those bodies. How can any quasi-judicial body do that job fearlessly if it knows that its capacity to do that job is constantly being monitored by Big Brother; if its members know that if they put a foot wrong they can be dismissed from their positions by Executive whim, by Executive fiat?

The Honourable Premier stands in a fine tradition here in undermining the doctrine of the separation of powers. He stands in the tradition of Joh Bjelke-Petersen, a former Premier. That former Premier did not understand the doctrine of the separation of powers. I wonder whether this Premier does. Either he does or he does not. If he does and he is nevertheless undermining it, then he is acting undemocratically. If he does not understand it and he is undermining it inadvertently, then he is incompetent—and in either case he is not performing his functions as he actually ought to be performing them.

I ask the Premier in all seriousness: will he give further consideration to this particular clause? He is undermining the independence of our quasi-judicial bodies here, and therefore he is directly attacking the rights of those citizens who come before them, because the rights of those citizens cannot be dealt with fearlessly by bodies which know that they are subject to arbitrary removal. The doctrine of the separation of powers is important, and it is being undermined. The rights of this Parliament are important, and the rights of the people who elect this Parliament are important, and those rights are being undermined. I seriously ask the Premier to give further consideration to this particular obnoxious and odious clause.

Mr FOLEY: What we are witnessing is part of an attempt to create a climate of fear in public administration. The Premier is playing for high stakes on this. That is why he has been willing to take a fair degree of pain as a result of the political criticism that has come his way over the Public Service Bill. One asks oneself: why is it that the Premier is willing to persist in retaining this charade of regulations to protect or so-called protect these bodies?

Mr FITZGERALD: I rise to a point of order. The question before the Committee is the amendment moved by the member for South Brisbane, which specifically talks about the Queensland Building Tribunal, established under the Queensland Building Services Authority Act. It is not a wide-ranging amendment talking about all the authorities. Mr Chairman, I draw your attention to the fact that if we go through clause by clause, we will get through the debate a lot quicker.

The CHAIRMAN: I remind the member to confine his remarks to the amendment before the Committee.

Mr FOLEY: Thank you, Mr Chairman. The point which has obviously escaped the member for Lockyer is that the amendment moved by the member for South Brisbane is important in respect of the Queensland Building Tribunal precisely because of the point that I was making, namely, that the regulations are no protection at all. The answer given by the Premier that if this tribunal achieves independence, then others may seek it, is again no answer at all. The position of the Aboriginal Land Tribunal, the Anti-Discrimination Tribunal and other tribunals that are also of profound importance will not be protected adequately by the regulations.

In order to understand the argument advanced by the Premier, one has to understand the Government's true motive. It is

a simple one that wants to replace a framework of public administration in which people go about their business in accordance with what they believe to be their duty according to law with a system where people are cowed into fear, are cowed into doing what they believe to be the will of the Government of the day for fear that they will be removed arbitrarily by that Government. This is not some abstract argument about competing principles, it is about power. It is about a desire on the part of this Government to change the political landscape of public administration from a situation in which people do their duty as best they see it, according to law, secure in the knowledge that their position, for whatever term, is secured unless they fall into a disqualifying category and setting in its place a system in which they have to rely upon the patronage of the Government of the day and fear the displeasure of the Government of the day.

That is why it is important that members support this amendment. The members of this Chamber should send a message to the Government that what it is seeking to do in the letter of the law in this clause and related clauses is contrary to the spirit of the law of good public administration. The Premier and his colleagues must have a low opinion of those who serve in public administration throughout this State if they think that, by changing the letter of the law in this way, they can establish the climate of fear that will allow the National Party and the Liberal Party to rule and to have others rule through authorities, tribunals and boards not in accordance with their duty according to law, but in accordance with what they think the Government of the day wants. This is about creating a climate in which people appointed to public office will be looking over their shoulder, trying to second-guess what the Government of the day would have them do.

The DEPUTY CHAIRMAN: Order! The Chair is being extremely patient. I require the member for Yeronga to confine his contribution to the amendment that is currently before the Committee.

Mr FOLEY: I am suitably chastised. I return to the issue, namely, should a building tribunal which hears and determines disputes between citizens in exactly the same way that a District Court judge would do not have an independence? Should it be capable of being knocked off by two flicks of the Governor in Council's pen? That is the question before this Chamber. I say two flicks of the pen, as the honourable member for Murrumba pointed out, one from the Governor in Council setting aside the regulation and the next dismissing the appointee. In that respect, the Building Tribunal operates in ways that are similar to the work done by a District Court judge and, as such, it should have the protection that would be given to it by the amendment moved by the member for South Brisbane lest it fall into the climate of fear that is sought to be obtained by this grab for power on the part of the Premier and his Government.

Mr WELLS: I sincerely ask the Premier a question and I would be grateful if the Premier would give me an answer. A number of members on this side of the Chamber have noted that people whose position is secured by the regulation are somewhat insecure, though the Premier has said with respect to the Building Tribunal specifically that he has given an assurance that the regulation which preserves that Building Tribunal will not be repealed. I ask the Premier—and I would be very grateful if the Premier would answer the question—will he give the same assurance with respect to every statutory appointee listed in the regulation that he is proposing to have proclaimed?

Mr BORBIDGE: Firstly, in respect of the Queensland Building Tribunal, I am happy to table a letter that I wrote to Mr Cotterell about that situation. In regard to the assurance that the member has just sought, the answer is: yes.

Amendment negatived.

Ms BLIGH: I rise to signal that the Opposition will be opposing the inclusion of this entire clause in the legislation. I think the reasons have been well canvassed and I do not intend to go into extended debate, but I want to make a few points. The Premier has given an assurance in relation to the application of Part 8 to those people listed in the regulation. The difficulty with accepting assurances is that, firstly, one has to accept that the person giving the assurance is doing so with a level of sincerity and is capable of keeping their word. This Government has proven over and over again that it is not only completely bereft of sincerity but also that its word is not to be believed, its word is something that is meaningless, and the word of the Premier particularly is something which I would not imagine any of the officers listed in the regulation will take any comfort from.

Even if we could accept the sincerity and the word of this Premier, he can only give an assurance on behalf of himself. He cannot give an assurance on behalf of succeeding Premiers. Given the tightness of numbers in the House and given the difficulties that are

facing the coalition Government, I do not believe that we can have any assurance that the Premier giving the assurance may well be the Premier for very much longer, and giving this power to any of his potential successors gives me even less joy in letting it reside with him.

The clause as it stands is a fundamental erosion of the separation of powers. The amendments brought by the Premier do, admittedly, make an attempt to remedy some of the difficulties, but they are nothing more than a patched-up solution. They are a botched attempt to remedy something which was fundamentally flawed. The solution does not achieve the remedy. As I said in reply to the second-reading speech, the presence of this clause in the Bill is offensive and it will be opposed by the Opposition.

Mr J. H. SULLIVAN: Mr Chairman——

Dr Watson: Tedious repetition.

Mr J. H. SULLIVAN: The member's interjections are tediously repetitious. In rising to support what has just been said by the member for South Brisbane, I am somewhat mystified. Moments ago, the Premier gave the assurance to this Chamber that those statutory office holders listed in the regulation have an assurance that that regulation will not be repealed. If that is the case, why has he not included those statutory office holders in the Bill as we have asked him to do? If he is going to have a regulation, the purpose of it is to enable him to amend it or change it quickly. Now he is telling us that he is not going to change——

Mr Borbidge: What if a new body is created? You have to bring in a new Act of Parliament. Come on, grow up.

Mr J. H. SULLIVAN: That comment indicates the fact that the Premier is getting to the end of his tether. This is a serious point. The point that I am making is that he has given us a list of people who he assures us will not be removed from the regulation—that that regulation relating to them will not be repealed—so he could put them into the Bill and subsequently into the Act. There would still be the opportunity available to the Premier in the future to include new bodies by way of regulation. That would still be available to him. He does not have to have a regulation at the outset in order to create a regulation to protect another body later.

Mr Borbidge: You're on regulation overload.

Mr J. H. SULLIVAN: The Premier knows nothing about the process, yet he is going to lecture me about it. His public comments have clearly indicated that he does not know a thing about it. What he knows about regulations is that somebody sticks one in front of his face, he takes it along to Executive Council, the Governor signs it with a flick of the pen, and the Premier can get his way in respect of the material covered. That does not mean he knows anything about regulations. What the Premier needs to understand is that regulations are also legislation. They are legislation that is made by delegation from this Parliament of members assembled to certain persons within the bureaucracy of this State, and they make it on behalf of this State. It needs to be good. The assurance that the Premier has given to those people that their regulation will not be repealed means that there is no point in the regulation as it is written and that those office holders could be included in the Bill. I think that, as one member said, the Premier cannot be trusted on this point.

Mr BORBIDGE: I give an assurance to the member for Murrumba to keep him happy. But the latter-day Edmund Burke comes in and, obviously, it is not of satisfaction to him. I would have thought that the assurances given would have been adequate. I find the ongoing pettiness of the Opposition in regard to this legislation absolutely pathetic.

Question—That the clause, as amended, be agreed to—put; and the Committee divided—

AYES, 40—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; De Lacy, Santoro; Smith, Mitchell

The numbers being equal, the Chairman cast his vote with the Ayes.

Resolved in the **affirmative**.

Clause 110, as read, agreed to.

Clause 111—

Ms BLIGH (9.59 p.m.): I move the following amendment—

"At page 61, lines 25 to 28, from ', at the time' to '5 years'—

omit, *insert*—

'was an officer at the time of appointment to the statutory office'."

This clause provides a right for Public Service officers who are appointed to a statutory office and are then removed from that office under the disgraceful provisions of the clauses just debated to revert to their Public Service position. To exercise the right under this clause, the officer must have been an officer for five years prior to the appointment as the statutory officer. The clause as currently drafted will affect only those who were appointed as Public Service officers during the term of the Goss Government. As drafted, it can be used to a discriminatory effect. The amendment seeks to remove the requirement for five years' service. The effect of the amendment is to ensure that any officer appointed to a statutory office can revert to his or her original position.

I do not claim to have made an exhaustive search of all the relevant legislation, but I have found numerous examples of reversionary clauses such as this in relation to the appointment of Public Service officers to statutory offices. I have yet to come across one which has a five-year requirement or, in fact, any requirement. The only requirement is that someone has a permanent, tenured appointment prior to the appointment as a statutory officer, and that person is not discriminated against in any way in his or her rights to revert to his or her tenured office. The only purpose served by including the clause in relation to five years is that it can be used—and, in my view, it will be used—to discriminate on the grounds of appointment under the Goss Labor Government. Those people who were appointed in 1989 prior to the election of the Goss Labor Government will be those who have had time to have accrued the necessary five years to receive the protection and the rights accorded by this clause.

In my view, this clause actually runs the risk of being in breach of the Anti-Discrimination Act. If the Government seeks to exercise the provisions of this clause to ensure that a statutory officer removed from his or her office does not have the right to revert to his or her tenured officer position, it will run the risk of being in breach of the Anti-Discrimination Act. I see absolutely no reason for the inclusion of this provision in this clause, and I urge the Government to support the amendment.

Mr BORBIDGE: The amendment moved by the member for South Brisbane is totally without any justification. It is an amendment with the word "rort" written all over it. Let us have a look at the impact of this amendment—quite aside from what has been suggested by the honourable member. This amendment will allow the appointment of a person to a position in the Public Service and, almost simultaneously, an appointment to a statutory board.

What the member for South Brisbane is proposing is for that person, who may have only 24 hours' experience in the Public Service, to be given an automatic right to return to the Public Service when his or her term appointment is cancelled. This amendment is productive of pork barrelling of the worst order. Let me remind honourable members that there currently is no automatic right of return to the Public Service by term appointees who are former public servants. The capacity to return is a privilege, not a right. It is intended to apply only to long-serving public servants, whom this Government is keen to protect. This clause is not intended to look after every greenhorn and Mexican who, like a ship in the night, elbows his or her way into the Public Service and is then looked after by being placed on a statutory board. That is what the honourable member opposite is proposing. This amendment is a rort—r-o-r-t.

The principle that this Government is keen to uphold is that decent, professional, long-serving public servants who accept a term appointment will not be disadvantaged. I accept that the five-year yardstick is as arbitrary as any yardstick in this area. Perhaps the honourable member may have suggested three years and I would have listened to her argument. If she had said that five years was too short a period, I would also have listened to that. But to come in here, as she has tonight, and recommend legislative open slather is something else altogether. As I have said, this amendment would encourage actions by Governments that are inappropriate and the Government will not be a party to that sort of substandard behaviour.

Mr Nunn: Who wrote that rubbish?

Ms BLIGH: Who wrote that rubbish indeed! That was the most extraordinary response that he has come up with so far.

Mr Borbidge: I did, and I stand by it. What you are proposing is a massive rort.

Ms BLIGH: We now see a Minister who is prepared to take ministerial responsibility. That is the first time that I have seen it in this Chamber in this debate. At least he did not

blame one of his poor public servants for that load of garbage! They can think themselves lucky for that.

Let us go through the argument. If someone accepts an appointment as an officer and is appointed permanently, that person would have had to have satisfied the probation conditions, but that person is a permanent public servant. If that person was made an offer of becoming a statutory officer and he or she said "No" to the offer, that person would stay in the job. That would occur whether that person was a greenhorn, or a Mexican, or a duelling banjo player from Mansfield. The idea that, having served in a statutory office, that person would not be able to satisfy the requirements of the officer position to which he or she was appointed is an absolute load of rubbish.

As to the yardstick—other Acts, for example, the Anti-Discrimination Act, provide that officers have an automatic right of reversion. The existing Public Sector Management Commission Act provides for an automatic right of reversion. I will make one point absolutely clear: senior officers across the public sector have raised this clause with me because they believe that this clause has someone's name on it and they know the name. In the interests of protecting the privacy of the individual concerned, I will not mention that name. However, the Premier will be watched, and the minute he seeks to use that clause in the way that he has drafted it against the individual for whom it is drafted, in the way that he has been motivated by malice to insert this get-square clause, then everybody will see through the Premier for what he is. As much as any other clause in the Bill, this clause unmasks the Premier for the politically motivated person that he is and for the absolute rort that he is perpetrating through this Bill.

Mr ARDILL: I must support totally what the member for South Brisbane is saying. If the Premier had said "any member of the Public Service who had not served his or her probationary period", he might have an argument. But to say that a person must have five years' employment to be considered a permanent public servant and not a Mexican or whatever other term he used is absolutely outrageous. The provision that an officer has not served five years is clearly there for one purpose only, that is, to discriminate against people. Why did the Premier pick five years?

Mr Borbidge: Probation is not mandatory under this Bill.

Mr ARDILL: Under everything that has been said in the Bill, public servants are going to be picked on merit. They are going to go through a selection process. At the end of that time, they can serve four years and 11 months before going onto a board. At the end of that time, they are out of work. This is one of the disgraceful aspects of this Bill that I have been concerned about.

As I said right from the outset, this Bill relates to the "president's service", not the Public Service. That is what all of this is about. It is about producing a tame-cat so-called Public Service which the Premier can manipulate. It is an absolute outrage and a disgrace. The Premier will stand condemned if he does not accept some aspect of the amendment moved by the member for South Brisbane. If he maintains his stance that people who have served four years, 11 months and 30 days will be wiped out because they have been appointed to a different position and that they then have no fall-back position, he is a disgrace.

Ms BLIGH: I will address the point that the Premier raised in relation to probation not being mandatory under this Bill. He is absolutely right. Of course, probation would only be waived in circumstances where a new appointee was so outstanding and was so meritorious that that person went straight to a permanent appointment without the need for probation. To try to say that that is the reason why he is putting in five years is an even bigger joke. The member for Archerfield is absolutely right: not only will you stand condemned, you have stood condemned for weeks. You must like condemnation.

The CHAIRMAN: Order! The member for South Brisbane knows how to address other members in the Chamber.

Ms BLIGH: Obviously, the member for Surfers Paradise took offence at the way in which I referred to him, and I apologise. It is clear to members of this Chamber that he must be enjoying condemnation because he keeps serving himself up for buckets of more of it. This clause is outrageous. The amendment is reasonable. The Premier's inability to support it exposes him for the fraud he is.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 40—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; De Lacy, Santoro; Smith, Mitchell

The numbers being equal, the Chairman cast his vote with the Ayes.

Resolved in the **affirmative**.

Clause 111, as read, agreed to.

Clause 112, as read, agreed to.

Clause 113—

Ms BLIGH (10.17 p.m.): I move the following amendment—

"At page 63, lines 10 and 11—

omit, insert—

'113.(1) To meet temporary circumstances, a chief executive may employ a person as a temporary employee to perform work of a type ordinarily performed by an officer other than a senior executive.'."

This clause provides for the appointment of temporary employees. It almost mirrors a similar provision in the Public Sector Management and Employment Act 1988. However, the current provisions limit the ability to make temporary appointments by restricting the circumstances in which it is available to temporary needs of the department.

This amendment seeks to retain this restriction on temporary employment that was placed by the previous National Party Government when it enacted the Public Sector Management and Employment Act 1988. The proliferation of temporary appointments under the existing provisions has reached unacceptable levels. The Premier is on record on numerous occasions talking about the unacceptable level of temporary employment in the public sector and, on this point, I concur with him. However, the provision that he has placed in this Bill makes temporary employment easier. It has less restraints on temporary employment. So there is no justification for removing the restriction.

In relation to the coalition's policy on the Public Service, which the Premier took with him to the last State election, he made great fanfare of saying that, if he was elected, he would reduce temporary employment, he would make public sector employment more secure and he would improve the tenure of public sector employees. I have noted already that this Bill will make contract employment easier. Clause 113 removes even the slight restriction that was placed on temporary employment. As I have said, even with that unsatisfactory restriction, the proliferation of temporary employment went ahead unabated.

I urge the Premier to reconsider this matter. I think that temporary employment has had a number of significantly bad effects on the morale of public sector employees. The Premier is on record as saying that he wants to curtail temporary employment. I urge the Premier to accept this amendment as a way of curtailing it.

Mr BORBIDGE: Just to prove that the honourable member will always get further when she is not nasty, I am prepared to accept this amendment. However, in doing so I place on the public record that all the honourable member is doing is putting the same words into this Bill, as she indicated, which are currently in section 34 of the Public Service Management and Employment Act. That section allowed the temporisation of the Public Service. It provided no protection whatsoever against flooding the Public Service with temporary employees.

Under Labor, in terms of staffing levels, controls were so tight in departments that to get around the system people started employing temporary staff left, right and centre. This Bill tackles the problem directly by allowing more flexibility so that there is no need to employ temporary staff. The amendment moved by the honourable member will achieve absolutely nothing. Because it is harmless, because the problem is dealt with in a much more effective way in this Bill, the Government will accept the amendment.

Amendment agreed to.

Clause 113, as amended, agreed to.

Clause 114—

Ms BLIGH (10.20 p.m.): I move amendment No. 12 circulated in my name.

"At page 64, after line 3—

insert—

'(4) However, a directive of the commissioner can not diminish the employment conditions of a person who is a general or temporary employee.'."

The amendment provides the power for a provision of the Bill to be applied to a general or a temporary employee. The amendment seeks to protect the existing conditions of these employees in a similar fashion to the

amendments made earlier to clause 22 in relation to the regulation-making power of the Bill.

In discussions with Government officers about the final amendment to clause 22, which the Premier accepted, I drew their attention to the difficulties that the Premier originally had with the words "diminish the employment conditions" which appear in this clause. They undertook to have further discussions on that. We have been unable to have those discussions, so we have no other words than those in the amendment.

However, the Premier supported the amendment that I proposed to clause 22, which sought to protect existing conditions from any abuse of the regulation-making power. This clause provides for directives of the commissioner to affect a general or a temporary employee who would not otherwise be subject to regulation in that way. Given the Premier's support for the amendments I moved to clause 22, I am seeking the Premier's support for this amendment, which seeks to protect the existing conditions of employment and ensures that they cannot be diminished simply by the whim of a directive of a commissioner which, as I have pointed out many times in this debate, is not subject to relevant Ministers, Cabinet or the Parliament. It is an extraordinarily significant regulatory power invested in the hands of one commissioner. I think it is important that we make some attempt to ensure that it cannot be abused. That is the intent of this amendment.

Mr BORBIDGE: Whilst acknowledging the intent of the amendment, I have concerns about what is proposed. This clause enables a provision of the Act to be extended to a general or temporary employee. For the sake of members opposite, I point out that clause 114(2)(a) applies a provision of the Act to a general or temporary employee as if the employee were an officer. In the vast majority of cases, the entitlements of an officer are superior to those of a general or temporary employee. There are undoubtedly benefits for general and temporary employees to have the capacity to be covered by a provision of the Act. For example, some of these employees currently have certain rights and entitlements extended to them by the application of PSM standards. Some of these rights and entitlements include appeal rights, grievance, fair treatment and the application of the provisions of the standard on managing organisational change.

The intent of clause 114 is to extend the provisions of the Act to ensure that the existing rights and protections of general and temporary employees are preserved. Furthermore, a number of current Public Service conditions have been extended by Government decision to general employees and these may well be consolidated under directives. Such conditions are in excess of Queensland Industrial Relations Commission standards.

This Bill is not intended to be a mechanism to reduce entitlements of employees. However, the directives are replacing standards and determinations which potentially may, from time to time, vary as they have previously. I remind honourable members of the Goss Government's enterprise bargaining agreement which allowed agencies the option to vary conditions and quantum of some determinations, namely, meal allowance for overtime, appointment and transfer expenses, travelling and relieving allowances, and motor vehicle allowances. This was achieved by the previous Government with the insertion of a new section 42(a) in the Public Service Management and Employment Act to ensure negotiated arrangements under enterprise bargaining could override determinations for any inconsistency.

The amendment proposed by the honourable member would effectively be asking the Government to discriminate against employees who are currently receiving similar employment entitlements. Members opposite are reminded that, over the last six years, temporary employment in the Public Service increased dramatically because of the previous Government's reluctance to increase the permanent establishment of the Public Service. The culminating effect of this is that there are presently thousands of temporaries performing the same functions as public servants and enjoying similar conditions. A directive applying to officers needs to apply to such temporaries in exactly the same manner. It would be untenable to create two separate arrangements for employees who were previously treated equally, leaving aside the administrative difficulties that would inevitably occur.

It is my advice and my view that the amendment proposed is discriminatory. It is ill conceived. It might be well meaning, but it will not enable the consistent application of employment provisions to Public Service employees.

Ms BLIGH: I think it is important that I read this amendment again, because I am not sure that anything that the Premier said addressed it. The amendment says that a directive of the commissioner cannot diminish the employment conditions of a person who is a general or a temporary employee. The amendment actually says that one cannot make someone worse off by the directive of a commissioner. I do not understand on what basis the Premier argues that this could have the effect of disadvantaging people.

I am very well aware of the differences between a general employee, a temporary employee and a permanent officer. I am well aware that many of the better conditions which apply to officers are applied to general employees by determination. If the intention of this clause was to allow for all general employees in the State to receive locality allowance, I am sure that the unions and the employees throughout the State would applaud it and greet it very warmly. Nothing in the amendment will prevent the Government from doing this.

Mr Elder interjected.

Ms BLIGH: Yes, it might have to look at the Budget again, but nothing in this amendment would prevent it from doing so. However, the clause also allows the Government, by directive of the commissioner, to change the disciplinary processes to which these people are subject. Under this clause, the commissioner would have the power to subject general employees to compulsory transfer provisions. General employees are not subject to compulsory transfer. However, by a directive of the commissioner they could be made subject to that transfer.

It is not the intention or, I believe, the effect of this amendment to preclude any change in employment conditions. It is the intention and effect of this amendment to ensure that changes to conditions of employment, whether they are improvements or reductions, are not achieved by way of a directive. If one seeks, through a negotiated settlement with employees to, for example, lower one allowance and increase another and change conditions under which they are employed and it is agreed to give up something in exchange for something else, nothing in this amendment would preclude that from happening. Nothing in this amendment would preclude those forms of changes. This is not an anti-change amendment. This amendment says that changes should not be made which diminish conditions by a directive. I cannot accept the Premier's arguments against the amendment and again I urge him to support it.

Mrs CUNNINGHAM: I have a great deal of sympathy for the previous speaker's argument. The amendment does not apply to the commissioner's ability to alter conditions of employment; rather, it says that the commissioner cannot downgrade the conditions of an existing employee, whether permanent or temporary, by directive. It seems to me to be a safeguard to stop arbitrary changes in an existing employee's conditions. I have some difficulty with the consistency of that point.

Mr BORBIDGE: My advice is that, viewed in isolation, what the honourable member is saying is correct: the problems that could possibly be generated would stem from the actions that would flow from the administration of the Act. For that reason, there is concern that it could well be discriminatory in that one could have inconsistent application as a result of the flow-on effect in terms of the administration of the Act.

Ms BLIGH: When we discussed my proposed amendment, which was originally cast in terms similar to clause 22, the Premier agreed to accept the amendment on the condition that I give an assurance that, should some of those extreme possibilities arise, the Opposition would support an amendment to curtail such effects. I am happy to give that assurance in relation to the operation of this amendment. Again, on that basis, I ask the Premier to accept the amendment.

Mr BORBIDGE: The effect will be that there could well be discrimination if this amendment is accepted. Again, as I pointed out earlier, subclause (2)(a) applies a provision of the legislation to a general or temporary employee as if the employee were an officer. In the vast majority of cases, the entitlements of an officer are superior to those of a general or a temporary employee. My advice is very consistent with the view that, although what the member is saying when viewed in isolation is correct in terms of the administration of the legislation, we could subsequently have a flow-on impact that could actually discriminate against some employees.

Mr ELDER: On behalf of the Opposition, what the shadow Minister has said is that, if problems flow on in terms of the administration of the legislation, we are quite happy to give the Premier the assurance, as he has given us assurances, that it can be brought back and resolved.

Mr BORBIDGE: Similarly, I will give an assurance to the honourable member that, if the concerns that have been expressed by the Opposition in this place in regard to this clause are justified, I am more than happy to bring it back.

Amendment negatived.

Clause 114, as read, agreed to.

Clause 115, as read, agreed to.

Clause 116—

Mr BORBIDGE (10.33 p.m.): I move—

"At page 64, lines 25 and 26, and page 65, line 1, paragraph (c)—

omit."

Honourable members will have seen that I have circulated four amendments to clause 116. The clause was intended to achieve a number of objects, but before I discuss these I will indicate at the outset that in some respects it was drafted too broadly. Some of the concerns that were raised about clause 116 were reasonable. While I have been critical of some of the other claims made against provisions of this Bill, I think it is only fair for me to indicate that some of the criticisms of the clause had merit and required an appropriate response.

Before turning to the amendments circulated, I think it is important that I deal with one aspect of subclause (1) which has been the subject of some comment. Honourable members will recall that in subclause (1) the term "excluded matter" refers in part to a decision to appoint or not to appoint specified persons. The term "appoint" is defined in the dictionary to include the promotion, transfer or redeployment of an officer. Concern was expressed that as a result of this definition of the term "appoint", public servants who previously could get reasons for decisions, or who could challenge matters under the Judicial Review Act, particularly in the area of transfers, would be deprived of their previous rights. The member for Murrumba raised this issue in the second-reading debate, and I think the genesis of his contribution was correspondence that he received from a solicitor, a Mr Henderson. I say that because I also received correspondence from this gentleman, and I understand that he has written to others as well.

I think it is important to draw to the attention of honourable members comments that were made by the Electoral and Administrative Review Commission in its report on Judicial Review of Administrative Decisions and Actions, which was released in December 1990. The commission noted that a new scheme for handling grievance appeals, promotion appeals, and appeals against disciplinary action short of dismissal in respect of most public sector employees was contained in Part 5 of the PSMC Act. It went on to quote a submission made by Dr Peter Coaldrake, who suggested—

> "It does not necessarily follow that there should be a statutory requirement for reasons for public sector personnel management decisions."

The commission did not accept Dr Coaldrake's submission in total, but it did point out that the Commonwealth Administrative Decisions Judicial Review Act had provided from 23 March 1982 until January 1987 that reasons had to be given for decisions relating to promotions, transfers and appeals against promotion or transfer. After dealing with the issue as to whether some personnel management issues should be exposed to the requirement of giving of reasons, it then made the following comments, which although lengthy, are relevant to the matter we are debating and deserve to be quoted in full. In quoting from the report, I hope that members will bear with me. It stated—

> "The Public Sector Management Commission considers that this should occur as a matter of good management practice, but does not favour a statutory obligation, and the Commission notes that the Public Sector Management Commission Act 1990 imposes no specific obligation on the Commissioner for Public Sector Equity to provide written reasons for his decisions. The Commission considers that unsuccessful applicants for promotion in the Queensland public sector should be entitled to a written explanation for their non-selection. It would be preferable if this were specified in legislation regulating the terms and conditions of public sector employment, but it is not. The general application of clause 13 of the draft Bill to such legislation will secure that result, and the case in favour of excluding that result does not seem strong, when that result is admitted to be one which should occur as a matter of good management practice in any event.
>
> The Commission is satisfied that the concerns articulated in the Fitzgerald Report warrant the imposition of a reasons requirement in respect of promotion and transfer decisions in the Queensland public sector, both at the

> initial decision-making stage and the appeal stage. The reasons requirement should apply for a period of say, three years, when the need for the continued existence of the statutory obligation can be reviewed. During the five years that the requirement to give reasons on promotion decisions was in place in the Commonwealth sphere, it transformed the expectations and practices of those involved in selection and promotion processes, to the extent that in most agencies, even after the formal legal obligation to give reasons on request had been removed by statutory amendment, the practice had become enshrined and continued."

I would like to make a couple of points. Firstly, Dr Peter Coaldrake, in Labor's PSMC, was of the view that there should be no statutory obligation to give reasons. The giving of reasons would be instead a matter of good management practice. I have to say that even the critics of this Government could not claim that we have taken such a Berlin Wall approach to open Government.

The second point is that when EARC issued this report there was no obligation placed on the Commissioner for Public Sector Equity to issue written reasons for his decisions. Since that time, section 7 of the PSMC Regulation 1991 requires determinations to be in writing. This regulation is saved for the purposes of this Bill by clause 137. So under this Bill the problem perceived by EARC has been cured, and in fact has been cured for five years. I might also point out to honourable members that the commissioner's statement of reasons is governed by section 27B of the Acts Interpretation Act which, in effect, requires it to have the same content as is required in a statement of reasons provided under the Judicial Review Act.

The third point is that when EARC issued its report the new scheme for handling appeals under the PSMC Act was in its infancy. EARC recommended that we look at the need for the continued existence of the statutory obligation after three years. Some six years have now elapsed, and I have to say in fairness that the area of the PSMC's operations which I think has operated best has been in the area of appeals. Obviously, the previous Government thought that as well.

What we have done is accept EARC's suggestion that this aspect of the Judicial Review Act be looked at, albeit three years after EARC recommended that it should be done. We have reached a conclusion that the added right in the JR Act in the area of transfers and so on to give reasons for decisions is superfluous having regard to the appeal structure in place under the PSMC Act which is retained under this Bill. The Government has no agenda in this area other than ensuring that justice is accessible to public servants and that it be provided in a decentralised, cheap and fair manner. We believe that this is the case with respect to the operations of the Commissioner for Public Sector Equity.

Returning to this amendment, I reiterate that the main objective of clause 116 was to put in legislative form what the current situation either was, or to implement recommendations made by review bodies. The first of my amendments to clause 116 relates to the second of these categories. The effect of the amendment contained in item 15 will be to delete in total subclause (1)(c). When I was discussing the amendment to clause 95, I pointed out that the Government in drafting the legislation was relying upon the recommendations contained in a PSMC Review on the Appeals and Grievance System that was issued in March 1995. I previously indicated to the Chamber that the review team included two directors-general and a senior trade union official.

That report recommended—

> "That the PSMC provide that there shall be no appeal rights of any kind in relation to the nature, scope, resourcing, direction, policy or strategy of any agency."

At page 76 of this report the following statement appears, which I will quote again for the information of the Chamber—

> "The CPSE believes that there should be no appeal right in relation to agency policy or strategy."

There is no further explanation in the report about this recommendation but, to be fair, I should say that the report contained a number of worthwhile recommendations which have met with general acceptance. I can only assume that the review team did not think through its recommendation because, if it did, as this Government has discovered, it would not have made it.

This subclause, while giving effect to this PSMC recommendation, does go too far. Its ramifications are potentially broad. I have absolutely no hesitation in removing it from the Bill. The ACTU, the SPSFQ and the Queensland Teachers Union were consulted

and agree with this course of action. Certainly I concede that it is not always easy to determine where the resourcing, direction and policy of a department may impinge on what has been considered to be industrial matters. To those persons who have raised concerns about this particular provision—I trust that its deletion will resolve absolutely any lingering doubts.

Amendment agreed to.

Mr BORBIDGE: I move the following amendments—

"At page 65, line 4, after 'matter,'—

insert—

'other than in relation to dismissal of an officer who is employed on tenure,'.

At page 65, after line 4—

insert—

'(2A) However, this section has no effect on the *Industrial Relations Act 1990*, section 40.'.

At page 65, after line 9—

insert—

'(5) Subsection (4) does not apply to a decision about an officer employed on tenure and mentioned in subsection (1)(a) or (b).'."

The second amendment I have moved to clause 116 is intended to ensure that a tenured public servant is not deprived of their right to access the Industrial Relations Commission with respect to an excluded matter. The reason that subsection (2) was inserted in this clause was to deal with those officers mentioned in subsection (1)(b). With the exception of one matter, which I will touch on very shortly, none of these officers currently has the right to access the Industrial Relations Commission with respect to an excluded matter.

As honourable members have been informed, section 15D of the Public Service Management and Employment Act currently provides that SES officers are not subject to awards and industrial agreements. In addition, section 20 of the Act excludes from industrial awards and industrial agreements, and any determination for rule of an industrial tribunal, any contracted public servant. In other words, under the current law the types of persons mentioned in subsection (1)(b) would not have the capacity to go to the Industrial Relations Commission. However, in drafting the Bill it was clear that there was a possible problem, and that related to senior officers.

As honourable members will recall, the current category of person falling within SES1 will in the future be placed on tenure and be referred to as senior officers. I have previously dealt with an amendment designed to put beyond doubt the fact that these senior officers will be restricted to those levels that were previously the SES1 level, and I have indicated that they will be employed on a tenure basis. The problem with the clause is that strictly these senior officers, if we applied the current rules, should not have access to the Industrial Relations Commission. Under Labor's 1991 amendments to the Public Service Management and Employment Act, they were excluded.

In line with my Government's policy of quarantining the new contracted SES and providing an expanded capacity for public servants to move up the tenured ranks, it has been determined that the senior officers should not be placed in the same category as SES officers so far as appeal rights to the Industrial Relations Commission on dismissal are concerned, but should be accorded the same rights as all other tenured non-SES officers. The effect of this amendment is to ensure that a new category of senior officers is placed in as favourable a position as is possible, and to make it abundantly clear to the Public Service that there is an expanded tenured career structure for them under this legislation.

The next amendment to clause 116 will have the effect of ensuring that public servants who are employed on a contract and who are otherwise dealt with by this clause will have the ability to access the Industrial Relations Commission pursuant to section 40 of the Industrial Relations Act. Section 40 empowers the commission to review contracts the terms and conditions of which are alleged to be unfair, harsh or unconscionable, against the public interest or providing a total remuneration less than that which a tenured public servant in an equivalent position would receive. This amendment buttresses the amendment I previously moved to clause 70.

Mr Schwarten: "Buttresses"?

Mr BORBIDGE: I thought of the honourable member as I said it!

The cumulative effect of this amendment and the amendment to clause 70 will be to ensure that not only are the wages and remuneration of contracted public servants absolutely protected but also that people entering a contract or performing duties under one are not subjected to inappropriate contract requirements. Any suggestion that

this Government had any agenda to undercut wages or to limit public servants' rights will be put to rest by these two amendments. The amendments were agreed to during consultations with the unions and are a further demonstration of the Government's commitment to ensuring that Public Service employees have access to the same range of protections that are enjoyed by the general Queensland community.

I and the Public Service Commissioner have said again and again publicly and in private meetings that the only agenda of the Government is to restore morale in the Public Service and to improve workers' conditions. The only agenda this Government has in respect to the Public Service is an agenda of working together with staff so that the public gets a better service and that public servants' workplace conditions are improved on a sustained basis. In conclusion—any suggestion that contract public servants will be subjected to harsh and unconscionable contracts, that their pay will be cut or that their capacity to protect their interests before the Industrial Relations Commission will be curtailed can now be relegated to the dustbin of history.

Finally, I point out that, under the Public Service Management and Employment Act, contracted public servants are excluded from the Industrial Relations Commission. As I have previously pointed out, contracted public servants are not subject to any determination or rule of an industrial tribunal. In other words, contracted public servants under the existing law most probably have no capacity to seek a section 40 ruling. It is richly ironic that it is a coalition Government that is now explicitly expanding the rights of public servants and expanding the jurisdiction of the Industrial Relations Commission.

Amendment No. 18 to Clause 116 has the effect of making quite explicit the Government's intention——

Mr Schwarten: What about the buttressing?

Mr BORBIDGE:—to continue the right of tenured officers of the Public Service to pursue the judicial review of appointment decisions. The honourable member always livens up my night! Where was he when some other members were contributing to the debate? It could have been far more pithy if he had been here.

Mr Schwarten: I've been trying to keep off the "pith" a bit.

Mr BORBIDGE: It shows!

I state categorically that it was never the Government's intention to curtail those rights and, consequently, no such drafting instructions were given. Nonetheless, I have responded to the recent concerns expressed by the Committee in relation to this aspect of the Bill's provisions. In so far as it prescribes a limitation on the application of the Judicial Review Act 1991, I believe it would benefit from the narrowing of its application. The proposed amendment, which will insert a new subclause 5, has the necessary effect and preserves the status quo in this area in so far as the operation of the Judicial Review Act is concerned.

Amendments agreed to.

Ms BLIGH: The amendments that have been outlined by the Premier this evening certainly have the effect of ameliorating the worse excesses of this clause, but nothing can truly remove the odium attached to it. It is very clear from this clause that the powers that the Premier has grasped for himself in clauses 109 and 110 are in fact intended to be used in the sinister way about which the Opposition has had suspicions all along. In my response to the second-reading speech, I asked—and I have yet to receive an answer—what it is about the way in which the Premier intends to use the powers that he has so hastily grabbed in clauses 109 and 110 that he does not wish to have open to scrutiny? There is nothing in the amendments that he has brought before the Chamber which ameliorate the effect of this clause on the statutory officers whom he will inevitably sack without reason and without notice.

I want to clear up a couple of points about the application of the Industrial Relations Act as it applies in the previous legislation and in this legislation. It has been a consistent deceit peddled by those people who are trying to ameliorate the criticism of this Bill that the previous Government had the power to put public servants on contract and that those public servants did not have access to the Industrial Relations Commission. It is an absolute deceit. Under the previous legislation, positions could be made contract positions only with the agreement of the Governor in Council and, for the most part, contract provisions were in fact restricted to the Senior Executive Service. It is true that Senior Executive Service members were not subject to industrial awards or industrial agreements, but it is not true that they did not have access to the Industrial Relations Commission. Section 40 in relation to fair contracts would have in fact applied to them.

The Opposition has complained loudly, strongly and clearly about the application of this clause. It is our view that, in conjunction with clauses 109 and 110, it is a further erosion of the separation of powers, a further attack on good public administration and a further attack on the criminal justice system of this State. We cannot support this clause, even in the improved form in which it has come forward with the very many amendments that the Premier has been humiliated and embarrassed into bringing before the Parliament. For those reasons, we will not be supporting this legislation.

Mr FOLEY: The amendments, of course, are welcome; they demonstrate just what an appalling mess clause 116 was in when it was first presented to this Parliament. It demonstrates that the Opposition was right to criticise it severely and it demonstrates that the Government was wrong to defend it. I am pleased to see, for the first time in this debate, the Premier acknowledging the shortcomings of the drafting of this clause. One would have hoped that the consultation to which he referred might have occurred before he presented it to the Parliament.

I turn, however, to the issue of the climate of fear which the Public Service Bill is intended to create amongst statutory office holders. It is significant that the removal of a statutory office holder remains an excluded matter under the Act. What that means is that all of those members of those boards, committees and tribunals who are carrying out their work will be looking over their shoulders in fear of dismissal, and as a result of this clause they will not be able to seek the protection of the Supreme Court if, for example, their removal was motivated by an improper purpose, or if the action were done taking into account irrelevant considerations, or failing to take into account relevant considerations, or if the action were biased. They will be prevented from arguing all of those things before the Supreme Court because the provisions of this clause oust judicial review.

It is part of the vicious grab for power by this Government. It is part of its desire to create a climate of fear in which the holders of statutory office will not be able simply to go about and do their duty according to law but will be left in an environment in which they will be looking over their shoulder to the will of the Government of the day. If one wants to create such a climate, one needs to remove the role of the Supreme Court as a place to which those people can go. That is what this clause does, and it is one of the reasons why the Opposition will oppose it.

Question—That clause 116, as amended, stand part of the Bill—put; and the Committee divided.

AYES, 39—Baumann, Beanland, Borbidge, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; Santoro, De Lacy; Smith, Mitchell

Resolved in the **negative**.

Mr FITZGERALD (Lockyer—Leader of Government Business) (11.03 p.m.): Mr Chairman, I move—

> "That you do now leave the chair, report progress, and seek leave to sit again."

Question put; and the Committee divided—

AYES, 40—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Turner, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; De Lacy, Santoro; Smith, Mitchell

The numbers being equal, the Chairman cast his vote with the Ayes.

Resolved in the **affirmative**.

WEAPONS AMENDMENT BILL

Second Reading

Debate resumed from 24 July (see p. 1824).

Mr BARTON (Waterford) (11.11 p.m.): This legislation is one of the most important

Bills that has come before this Parliament. It is also one of the most difficult for all members. This Bill demonstrates what has been a quantum leap in the attitudes of the majority of Australians towards firearms legislation. The events of 28 April 1996 in Port Arthur, Tasmania have forever changed Australia.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. This is an important piece of legislation.

Mr BARTON: All Australians and all Australian political parties have had to review their position on what type of culture we want to have in the future and what role firearms ownership and use will have in that future. Labor had to change its position substantially. This review of our position has not been easy. We are aware that it has not been easy for the Government parties, either.

The Opposition will support this Bill. Immediately after the dramatic, horrific events at Port Arthur occurred, the Labor Opposition instinctively understood that it was absolutely necessary for a bipartisan approach to changes in firearms legislation. We immediately advised the Government and the public that that was our position. I thank the Minister for Police for his acknowledgment in his second-reading speech of the cooperation given by the Labor Opposition in this bipartisan approach. On behalf of the Opposition, I thank the Minister for the way in which he has ensured that the Labor Opposition has been fully briefed by himself, his staff and senior members of the police weapons division at all stages in the development of this Bill. We appreciated the opportunity to have input of our views prior to the crucial meetings of the Australian Police Ministers Council of 10 May 1996 and 17 July 1996. The fact that I, along with the Opposition Leader, Peter Beattie, and the shadow Attorney-General, Matt Foley, were able to meet with Minister Cooper, Premier Borbidge and Attorney-General Denver Beanland at that early stage was crucial to cementing into place a genuine bipartisan approach. I thank them for their frankness and openness at those meetings and for taking on board our constructive suggestions.

We have many differences on other issues with this Government, and with Police Minister Cooper in particular. We will continue to fight very hard with this Government on those issues, but it was essential that this issue be above politics, and it has been. The Bill is the Government's legislation. Labor in Government no doubt would have presented a Bill that in some ways would have been different. Had we been direct participants of the meetings of the Australian Police Ministers Council, our positions on some issues, and our emphasis, would have been different.

While we do not resile from the bipartisan approach and our support for this Bill, the Opposition will be making comments about some aspects of this Bill and we will be seeking clarification from the Minister on specific aspects of some clauses of this Bill. The Labor Opposition has been assured by the Minister and senior officials of the Police Weapons Division that this Bill is totally consistent with the resolutions of the Australian Police Ministers Council of 10 May and as clarified or amended on 17 June 1996. I understand that the Minister will be moving some amendments at the Committee stage that will assist in some further clarification. We will be seeking clarification of some aspects during the consideration of the clauses by the House at the Committee stage.

In his second-reading speech the Minister clearly stated that this Bill was a compromise between very diverse, strongly held points of view of the interested parties. It is essential that the legislation in all States and the Commonwealth be consistent. The Labor Opposition has no doubt about the difficulty faced by all States in a collective way to find the correct balance between the desires of the interested groups to firstly reach agreement and then to translate those agreements into legislation. With all States coming from a different starting point by way of their very different existing legislation, the need to meet the public expectation of finding and implementing a solution quickly would certainly have been difficult. Many members on both sides of this House have had experience at ministerial council meetings across a range of portfolios. They know just how difficult it is to reach agreement on important national issues.

The coming experience in implementation of this Bill and its complementary legislation in other States and nationally will no doubt identify some shortcomings that are not obvious at this time. We will all have to be big enough when the time comes to acknowledge that future amendments are necessary and make them quickly.

I have already mentioned, as did the Minister, the very diverse range of views held by the various range of interest groups and individuals on this issue. I want to place on the record my congratulations and that of the Labor Opposition on the constructive attitudes demonstrated by the major interest groups. We know that it has not been easy for them,

either. Some sporting shooters and arms collectors' organisations and their members faced up to the need for Parliaments to change gun laws and restrict what for many of them has been a way of life. That change will bring about one of the most significant cultural changes that Australians are likely to see in their lifetimes. They have not liked it, but they have accepted that it is the view of the great majority of Australians. Nonetheless, they have forcefully and skilfully argued on behalf of the members of their organisations.

Similarly, organisations that have long held the view that firearm ownership in Australia should be greatly restricted have accepted the needs of professional shooters, rural producers and their employees to use firearms as a legitimate tool in their business or employment. They have accepted the legitimate rights of responsible citizens who are sporting shooters to own and use firearms in competition at shooting ranges and hunting on properties where they have the permission of the owner. They have also accepted that collectors of firearms should be able to maintain their collections. It would have been very tempting for those organisations in this post-Port Arthur environment to have gone over the top. That they did not is a measure of their maturity.

Those organisations and the community were not assisted by the high level of misinformation that was spread by a small minority of organisations and individuals, particularly during the period after the meeting of the Australian Police Ministers Council of 10 May 1996 and when this Bill was introduced to this Parliament. I will make further comment about those individuals and organisations later. In my view, that misinformation was designed to create fear in the community and to inappropriately seek to influence the Government and the Labor Opposition into backing away from this legislation. Very many genuine people, particularly sporting shooters, had genuine misunderstandings about what was intended. The introduction of this legislation, and the further consultation possible during the weeks between the Bill's introduction and this debate, have greatly assisted in clearing up most of those misunderstandings. Many who availed themselves of a copy of the Bill and who met with me also misunderstood some of the provisions.

I hope that my meetings with those people have been of assistance to them in understanding that the legislation did not have the consequences that they feared. At times I have felt more like an advocate for the Government on its Bill than an Opposition spokesman. However, I accept that as part of the price of a bipartisan approach. No doubt the Minister and his staff had many similar meetings—many more than I have had—and conversations during that period. I cannot understate the need for the comprehensive education program intended as part of the implementation phase of this legislation.

I cannot understate the need for the comprehensive education program intended as part of the implementation phase of this legislation. The level of misinformation that I mentioned earlier is dying hard out there with many firearm owners, and the successful implementation of this Bill when it becomes an Act will require them to be even better informed than they are now.

The same applies to the many concerned members of the public who believe that this legislation does not go far enough. I believe that many of their concerns will be resolved by the education program so that they can become fully aware of what the Bill provides. No criticism is intended of those people who have genuine misunderstandings about the Bill's contents. It is difficult enough for those of us who have had some direct involvement in the process, particularly by way of detailed briefings, so I can understand why many of them do not yet fully understand the processes.

The Bill is an amendment Bill, which must also be read in conjunction with the existing Weapons Act 1990 and its 1994 amendment Bill, which has not yet been proclaimed owing to its regulations not having been finalised. That also made it more difficult for people to understand the intent of the contents. In addition, many of the intentions of the APMC resolutions are not immediately apparent in this Bill. It is intended that those provisions be covered by the regulations, which are not yet finalised and made public. During the consideration of the clauses by the Parliament in the Committee stage, some of my colleagues and I will seek clarification as to what is intended in the regulations.

I acknowledge that the Minister's second-reading speech provided a very comprehensive explanation of the APMC's resolutions and the Government's intention and commitment to have them implemented fully. However, the Opposition believes that it will be of assistance to the public and, in particular, the major interested parties to have those aspects clarified more fully.

In determining the Opposition's position on this Bill, I note that the Federal Attorney-

General, Darryl Williams, released the summary of the July firearms agreements only on 23 August 1996. The fact that decisions had been made and that they were not publicly available in final form for some weeks made it difficult for many people, including Opposition members. On that date, Federal Attorney-General Darryl Williams also released the final firearms price list, the earlier version having been withdrawn some time before owing to flaws in it.

All sections of the community have been given the opportunity to have input into this Bill. The Minister in his second-reading speech acknowledged that up to that time he had received some 12,000 letters and faxes. As the Opposition spokesperson, I also received a large volume of correspondence from throughout Queensland and some from interstate, but obviously nothing like the volume that the Minister received. I am aware that the Minister has had a large number of meetings with interest groups, as has the Opposition.

I have no doubt that the great majority of Queenslanders support the central thrust of this Bill and the APMC resolutions. The community has demonstrated clearly that powerful military style self-loading weapons as well as the already banned fully automatic weapons have no place in our society, apart from a limited number of official purposes and for an even more limited use by professional shooters and primary producers. Those firearms are designed to kill human beings in theatres of war. Hopefully, the world will rapidly improve to a point when there will be no need for their existence for that purpose, either.

Sadly, Port Arthur demonstrated how efficient those weapons are at killing humans who, in this case, were people enjoying a day out at a tourist location on a sunny day. The great majority of the community clearly supports a large reduction in the number of firearms in our society and supports the thrust of this Bill, which requires that a person to be licensed must have a genuine reason for firearms ownership.

My own electorate would be an example of the community's viewpoint. Many hundreds of people signed petitions supporting the position adopted by the Australian Police Ministers Council on 10 May this year. Only some 20 constituents have written to me opposing such legislation, but I am confident that this Bill addresses their concerns as firearm owners and accommodates their needs as sporting shooters. Many firearm owners to whom I have spoken were concerned that the legislation was an attack on them. They can be assured that they and their sport are not to blame, nor are they being held to blame, for the events at Port Arthur. Honest, responsible law-abiding citizens who have a genuine reason for firearms ownership will be able to own and use firearms. However, the essential facts remain: 37 innocent people died because weapons of that nature were present in our society and a deranged individual was able to get access to them by theft. Legislators cannot ignore that and would be condemned if they did.

Many honest, responsible, law-abiding citizens will be required to surrender much-loved firearms for which they should be, and must be, adequately compensated. Those active sporting shooters and people with other genuine reasons will be able to own other firearms which do not represent the same inherent danger to other individuals in the future. I am also aware that some people may no longer be able to participate in their chosen sport as those firearms will no longer be available. Some of the people who use self-loading shotguns because the recoil from self-loading firearms is often less than that of non-self-loading firearms will fall into that category. That is a price that the rest of society requires of those individuals in the interests of the future safety of the whole community. We need to understand their disappointment, as I am sure that ultimately they will understand the overall community's need for this legislation and that change.

Many sporting shooters and their organisations also raised with me their concerns about the use of the term "weapons" as opposed to "firearms". Those people use firearms as a tool of their sport, not as weapons. They find the use of the term "weapons", as it relates to them, offensive. We need to understand that concern, as they also need to understand that the principal reason for the design and original production of those firearms was as weapons. This Bill is an amendment to the Weapons Act 1990, which was initially titled as such because it does apply to all firearms—those which are used as weapons as well as those which are used for sporting purposes. I am confident that, on reflection, they will accept that no offence was or is intended to them as individuals.

In preparing to speak to this Bill, I was determined to be as positive as possible, particularly because of the existing bipartisan approach. However, it would not be appropriate to ignore the role played by that small, outrageous minority who have sought

from the beginning to undermine this legislation by spreading misinformation, by intimidation, by threats, by ridicule and by the promotion of conspiracy theories. I will not name them because I might miss somebody, but we all know who most of them are as they have displayed themselves at rallies, in the media, by the distribution of dishonest and outrageous printed material, and by promoting conspiracy theories which were simply beyond belief.

During the period when the Australian Police Ministers Council's resolutions were being determined and this Bill prepared, they sought to muddy the waters and openly undermine the wishes of the majority of Queenslanders and the majority of Australians. At a time when many concerned firearm owners were not sure of how the intended legislation would impact on them, this outrageous minority sought to promote opposition by deliberately inflaming division when our nation was stunned and going through one of the most tragic and hurtful periods in its history. This deliberate spreading of misinformation, intimidation of those who oppose their point of view, threats to politicians about their future and, in some cases, their lives, and outrageous ridicule, including comparisons with Hitler and his actions, have no place in Australian society or political life.

The Opposition is very concerned at the very high cost of implementation that the State must bear for this legislation. From the Budget documents that we have only recently been looking at, I understand that the costs to Queensland are likely to be in the order of some $18.3m. This will meet the administrative costs associated with establishing the weapons database—that is, the register—expanding the Police Service's Weapons Licensing Division and running the very necessary education program. The Commonwealth's offer of approximately $10.6m falls pathetically short of what is required by this State. I understand that there will be an ongoing cost of some $2m per year in addition. These are very high costs for a Police Service which is already meeting additional high costs to provide an expanded service to meet public expectations.

The Opposition is very concerned that much of this cost for implementation is required to be met by the State and not the Commonwealth. That is very unfair. This is a national issue, being addressed in a nationally coordinated way, where there can be no doubt that the Commonwealth has taken the major lead on precisely how the problem is to be addressed. The Commonwealth has the major taxing powers, but much of the financial burden is being placed on the States, and particularly this State because of its diversity. It is the Opposition's view that this financial burden should be met by the Commonwealth. In that, we join the Minister in his criticism of the Commonwealth. The Opposition does not argue against the need for this expenditure, but it will be a further tragedy if, because of the lack of financial commitment from the Commonwealth, this legislation is introduced at the expense of additional operational police in Queensland.

We have similar concerns in regard to the buyback levy. While the Opposition is maintaining its bipartisan support for this Bill, that support does not extend to the buyback levy on all Australian citizens using the Medicare levy as a vehicle. In our view, this cost should be met by the Commonwealth Government as part of its overall Budget processes. It is very unfair for Queensland's wage and salary earners, and wage and salary earners in other States, to have to meet this cost. In fact, it is hard to find just where the Commonwealth is meeting any of the costs at all for this process of reform. The States are meeting the very high costs of implementation and the significant ongoing costs of the management of these reforms, and all wage and salary earners are funding the very high costs of the buyback of firearms. This is clearly unfair.

The Opposition accepts John Howard's right to lead this program of firearms reform and we support the reforms, but he should put his hand in his pocket as well. Perhaps that is expecting too much from our national leader when we look at what he has done in relation to student fees, support for the unemployed, the rise in pharmaceutical prescription fees, nursing home charges, the dismissal of public servants and planned industrial relations legislation which will reduce wages and conditions for low income earners.

In his second-reading speech, the Minister provided a great deal of detail on the specific provisions of the Bill and explained how the resolutions of the Australian Police Ministers Council meetings of 10 May and 17 July have been provided for in the Bill. It was essential for this detailed explanation to be given and for all parties to be confident that this Bill accurately reflects those resolutions. I will not comment on all provisions outlined by the Minister, as this would be unnecessarily repetitive. There are some areas that the Opposition considers so important that I will make comment on our position on them. There are also some areas that we consider

may result in difficulties in implementation or enforcement that deserve some comment, as they will require the close attention of the police weapons division.

I firstly refer to the firearms price list. This is another aspect of the buyback scheme which is largely controlled by the Commonwealth Government. A revised list was released by the Federal Attorney-General on 23 August 1996. The list that was released earlier contained a number of deficiencies. Effective implementation requires this list to be accurate and fair in the prices that are to be paid for surrendered firearms. I was concerned about the accuracy of the earlier list, which has now been superseded and improved. A number of people had approached me with concerns about those deficiencies. One that I readily recall was from a gentleman who was concerned that his rifle was not covered by the list. It was a particular stainless steel Ruger model which is much more expensive than the standard version of the same model. The revised list corrects that problem. However, we must ensure that there are no further outstanding omissions.

The prices must be fair if owners are to surrender their firearms. I understand that the price list is based on average sales prices listed in dealers' catalogues across Australia in March 1996. Some firearm owners have advised me that notwithstanding that, they consider the price for a particular firearm that they own to be low. No doubt some individuals have an inflated view of what their firearm is worth or too high an expectation of what they should receive, as they really do not want to surrender it. We cannot accommodate all such circumstances, but it is essential that the price list be as fair as it is possible to be.

We should also not underestimate the ill-feeling that exists in the community about the fact that accessories will not be compensated for. Many shooters have very valuable accessories that will now be useless. The firearms will be banned and compensated for but, as the accessories are not banned, they will simply become useless valuable trophies of a bygone era. They will be similar to the expensive radar detectors which the use of, but not ownership of, has been banned for some years now. Many people also have expensive, high-technology trophies of that bygone era that they feel outraged about each time they collect what they believe is an unfair speeding ticket. The Opposition understands why accessories cannot be compensated for, but we must all understand that this will remain as a festering sore that makes it just that much harder to gain a commitment for the successful implementation and enforcement of this legislation.

The promotion and sale of kits for burying banned firearms by some individuals and organisations is highly irresponsible and, as a Parliament, we must address that issue. I understand that, when the people who actually "bury often and bury deep" get caught, they will face very severe penalties. The Minister may need some more prison cells above those that he is providing already. We should be reserving some cell space for the people who openly encourage this to be done and who are selling those kits. I am very concerned about the anecdotal evidence that hardware suppliers throughout Queensland are reporting a high level of sales of large diameter PVC piping and end caps.

The justification some people are stating openly, that is, "I am burying my weapon for when the Indonesians arrive", is simply arrant nonsense. As a person who saw some part-time military service in the late 1960s, I know that I would not have wanted any of these untrained clowns anywhere near me in a firefight in the highly unlikely event of Australia facing such a crisis. Our military forces would be more at risk from this undisciplined rabble than from the enemy. Keith Payne, VC, got it right in his reported comments that he would like to see some of these people in a two-way shooting gallery.

The Opposition is concerned that many firearms owners are of the mistaken belief that they will not only be able to hold their banned firearms up to 1 September 1997 but also that they will be able to use them until that date. We are concerned that many are expressing the viewpoint that they will be the last to surrender their banned firearms in the mistaken belief that the laws may change before then and allow them to keep them. With all major political parties committed to this bipartisan approach, this will simply not happen regardless of who is in Government in Queensland. However, it will create logistical problems for the surrender and compensation program if too many people leave it to the last days to take action to surrender their firearms. The education program will need to address these issues very quickly and with a high media profile to counter those mistaken views.

These problems also make it essential that not only should the surrender/buyback program begin at the earliest possible date but also that information on the machinery of how it is to operate be available as soon as possible to encourage firearms owners to participate. They must be able to see that

what is planned is functional and fair. I and many other Opposition members have had requests for this detail and, to date, we have been unable to provide detailed answers. I urge the Minister to make it available as soon as possible.

The Opposition is concerned that many firearms owners do not as yet know that they will be affected by this Bill. The Opposition supports the concept that firearms owners must have a genuine reason to own a firearm. We believe that the provisions of this Bill will provide adequate scope for firearms owners who wish to either participate in shooting on ranges as members of a club, hunt on rural property with the permission of the landowner, or collect as genuine collectors or hold heirlooms. But there are many thousands of firearms owners in Queensland who do not participate in the above activities who simply own and hold a firearm and who are currently licensed and who use the firearm infrequently, if at all. They have traditionally owned a firearm under the current provisions which are less onerous or from periods prior to their coming into force. Many, if not most, will be able to take action by joining recognised clubs, by seeking permission from landowners who own suitable property for hunting, or by meeting provisions for collectors. Some will hold genuine heirlooms. But they will need to take some form of action to update their licenses to meet the provisions. The education program will need to ensure that they are made aware of what they will need to do.

Others who own firearms which will not be banned will not be able to meet the new licensing provisions. But because they are not firearms on the list, the owners will not be entitled to compensation on surrender. They will be able to sell those firearms to dealers or through dealers, but there will be virtually no market for such firearms and their value will drop significantly. Many will no doubt feel that they have been unfairly disadvantaged.

Several weeks ago in question time, the Opposition raised the issue of advertisements which appeared in the press for firearms owners to participate in the collective purchase of a single piece of rural land to allow them to meet the new licensing provisions by being able to claim that they were owners of such rural land. I have also raised this issue at a meeting with the Minister. I have subsequently been advised that such advertisements are now appearing in sporting shooters magazines. The Minister has responded in the Parliament that he is also concerned by this action, which sadly is wide open to abuse. This may simply be the action of real estate agents in a difficult market trying to develop a new, innovative marketing strategy for land that is hard to sell, or it may be something a little more sinister. The land in question may be totally inappropriate for hunting. There may also be nothing to hunt on the land, or only protected native animals, which may be put at risk. Even if it is appropriate land for hunting, if large numbers of owners all turn up at once and are not aware that others are already on site, the potential for accidental deaths or serious injury is horrific.

Experience may demonstrate that a further amendment is required, but in my view this practice should be outlawed now. This will require the highest level of vigilance by the police Weapons Division, as it appears that it may simply be an innovative mechanism to subvert the original intent of this legislation. An extension of that problem is also the potential for rural landowners to grant permission for shooting on their land which is not suitable for shooting or hunting as an inappropriate mechanism to allow a firearm owner who is a friend to obtain a licence.

In recent years, Queensland has seen an expansion of land developments for hobby farms or for those who simply want their own slice of the Australian bush so as to be able to live in a rural environment. While some are fairly substantial in size, being hundreds of acres, either their shape, the presence of other houses nearby or people travelling on access roads makes them totally inappropriate for hunting. This is another area in which the police Weapons Division will need to be very vigilant.

I turn now to the holding of Category D weapons by primary producers. This is an issue about which we have had great concern since the very beginning of the consideration of this legislation. The Opposition does accept that some primary producers have a genuine need to have access to Category D weapons in a very restricted way and for very short periods. We expressed this view at the very first meeting between the Minister, the Premier and the Attorney-General with the Opposition Leader, the shadow Attorney-General and me, and we have consistently maintained that same position.

The Opposition does accept that the Australian Police Ministers Council made its decision on 17 July and that this Bill is consistent with that APMC decision, and we will support it. That does not allay our concerns, and what we see as potential implementation and enforcement problems. The APMC resolutions of 17 July were not

released until 23 August. We also question why it took the Federal Attorney-General, Darryl Williams, so long to release this most important of resolutions. I use the term "weapons" rather than "firearms" in relation to this provision because that is precisely what Category D firearms are. They are military-style, high-powered centre-fire, self-loading rifles designed to kill people. These are the very weapons used with such deadly impact at Port Arthur. In this provision, they are not intended to be utilised for sporting shooting. They are to be used as weapons against feral and diseased large animals. But we are concerned that this provision has the potential to leave large numbers of Category D weapons in the community on an ongoing basis. It is these weapons that the community demands be withdrawn from our society.

Many other firearms and firearms owners now have been caught in the net as well, but if the provisions which leave Category D firearms in any private hands are not tight enough, we will all suffer a very harsh backlash from the community if the provisions result in further deaths. The APMC special resolutions provide for a 12-month licence for Category D weapons which can be renewed, as opposed to the normal five-year licence. The APMC stated that the provision is based on the Northern Territory provision for professional shooters. That is cold comfort. Our efforts to identify just what the Northern Territory Category D provided for and what the experience has been during its operation proved less than fruitful.

The document providing detail of the 17 July APMC resolutions, as I stated before, finally released on 23 August, is also disappointingly short on detail about this matter. The document implies that a landowner must be subject to a Government requirement to cull large feral animals or diseased animals, but it is somewhat less than perfectly clear. Is it an ironclad requirement or not? What other reason will suffice to obtain such a licence? The reason we hear the most about is feral pigs. But it is not reflected in the documentation on feral pig control provided to primary producers by relevant State Government departments and the CSIRO. Shooting plays only a very small part in feral pig control. Without going into the full detail provided in these official Queensland Government and CSIRO guidelines, the method is essentially this—

> "A system of widespread baiting, followed up by traps in more specific areas, and then only shooting in even more specific areas, after the system of baiting and trapping has addressed the bulk of the problem."

Other large problem animals such as buffalo, bush cattle and brumbies are most effectively handled by shooting from the air in a helicopter. This does require a heavy self-loading weapon in the hands of a very experienced shooter who is a good shot—that is, a professional shooter—to be effective. Land shooting of pigs is essentially a hunting sport, and those people who are seeking to justify this holding of Category D weapons by primary producers are doing so based on something less than the complete picture.

We are concerned that this provision to allow primary producers to hold Category D weapons would also make it more difficult to achieve a successful implementation of the surrender of Category D weapons by others in some rural areas and lead to ongoing enforcement problems in those same areas. Many rural employees and people who live in rural towns or on mine sites in country areas are recreational shooters. They are going to be required to surrender their Category D weapons. It is going to be just that much harder to gain the necessary commitment from those people to surrender their Category D firearms when they see them being retained by land-holders who are primary producers. In small towns and rural areas, we can be sure that the grapevine will quickly advise everybody about who is holding such a firearm.

I repeat: the Opposition will support this section of the Bill in recognition of both the bipartisan position that we offered at the beginning and the fact that this resolution was determined by the APMC on 17 July. But we still believe that the limited period should not be 12 months and renewable but should be for very short periods—for example, for a period of days or possibly several weeks maximum—while the weapon is in use, and then it should be withdrawn to a secure location. This would also be much fairer to the other holders of such weapons who are being required to lose them. We are genuinely concerned that these provisions will lead to ongoing problems and that it will be necessary to revisit them at some time in the future.

While the Bill does not provide for a prohibited persons register as such, as indicated by the Minister there are various provisions in the Bill that in effect put that in place. This is a double-edged sword. Many sporting shooters with whom I have met have expressed the view that we should not be banning firearms but instead banning access

to firearms and firearms licences by people who are not fit and proper people to have them. They are usually concerned about people with mental health problems. Some of these same people have then gone on to express concern to me about some of the provisions relating to this in the Bill, their concern being that they see the provisions being so broad that they could become caught up in it. The Opposition also has some concerns about the privacy aspects of these provisions.

The penalties provided for in this Bill are indeed severe. They need to be. I have earlier spoken about the actions and words of a small minority who have sought to undermine this legislation from the very beginning. Some have not only stated that they will never surrender their firearms but they also have, and still are, inciting others to break these laws when they come into force. These actions are un-Australian and unacceptable in a democracy. That small minority need to understand that if they persist with that view and actually break these laws, they will be subject to harsh medicine indeed. If we were all to decide that we would obey only the laws we liked, we would not be a civilised society and anarchy would prevail.

We must all ensure that we continue to place this legislation in its proper context. This is not an attack on the rights of individuals. It is ensuring that the rights of the great majority of Australians are protected. In this case, those rights are as basic as the right to be safer—to be more free than we currently are from the possibility of death or serious injury from firearms. This Bill represents the wishes of the majority of Australians as expressed by the collective viewpoints of all of their Governments—Federal, State and Territory, supported by the respective Oppositions. This in itself is virtually unique in Australia's history. Yet this is only the beginning of the process. The law will provide the framework, the regulations, the detail, and then the real work of implementation and, sadly, as necessary, enforcement begins. We owe it to this nation to ensure that we get it right. The Opposition will support this Bill.

Debate, on motion of Mr Springborg, adjourned.

PUBLIC SERVICE BILL

Rescission of Vote on Clause 116; Reconsideration of Clause

Mr FITZGERALD (Lockyer—Leader of Government Business) (11.57 p.m.), by leave, without notice: I move—

> "That notwithstanding anything contained in Standing Orders, the vote taken on the question in Committee of the Whole House at this day's sitting that clause 116, as amended, of the Public Service Bill be agreed to be rescinded and the question on the clause, as amended, be resubmitted when the Bill is further considered in Committee of the Whole House."

It is quite clear that earlier the Government did lose a vote in this House because one of its members was not here. That is a fact of life. We want to test that vote again on the floor of this House, because we believe we have the numbers here at this stage.

Mr Fouras: It is not in this book, in Standing Orders.

Mr FITZGERALD: It is true that Standing Orders can be suspended. If this is agreed to, Standing Orders are suspended.

I looked to see whether there is any precedent for this. I discovered that the *Votes and Proceedings* of this House for 24 June 1994 note that the Standing Orders were suspended and that there was a rescission of a vote and the recommittal of a Bill. The motion was moved by the then Minister for Justice and Attorney-General. I have had a chance to look at *Hansard*, and I know that I was involved in the debate on that particular day. After the Bill had been read a third time, the Minister moved for—

> "(a) the rescission of the vote of the House this day for the Third Reading of the Anti-Discrimination Bill 1994, and the rescission being carried by a simple majority of members;
>
> (b) the recommittal of the Bill for the reconsideration of the Schedule."

The Speaker who accepted that motion is no longer in the Chair but is now on the other side of the House. The motion to rescind the vote of this House and recommit the Bill on the same day was agreed to. So it can be seen that this has been done before. I understand that some members opposite believe that we should not be suspending Standing Orders. We will decide that on the floor of the House. We have every right to do so. We will then proceed with consideration of the Bill.

A Government member: And we agreed to it.

Mr FITZGERALD: The then Opposition supported that motion. On that occasion the action was taken not to reverse a vote but to correct a typographical error—to change the word "50" to "55", from my memory. However, the vote was rescinded. I do not want to prolong the debate. It is a simple question of whether we have the numbers to uphold this motion.

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (12.01 a.m.): We will oppose this extraordinary motion because we do not have a Government, we have a circus. What happened tonight? Why is this extraordinary motion necessary? It is because the Minister for Works and Housing, Mr Connor, missed a division. He missed a division on a Bill being carried by his own Premier. Where is the concept of Cabinet solidarity? One of this Premier's own Cabinet Ministers cannot even turn up for a division. It would have been bad enough if it had been a backbencher who missed a division but, no, it was not a backbencher, it was a Minister of the Crown. Everyone in Queensland knows that this Parliament is 44, 44, 1, except the Minister for Works and Housing, who cannot make a division in this Parliament.

I want to talk about this unprecedented farce that we are now seeing from this Government. What do the Standing Orders say?

Mr Foley: I don't recall the Labor Government sitting on Saturday morning.

Mr BEATTIE: No, we did not. What do the Standing Orders of this Parliament say? What do the Standing Orders, that are to govern the proper running of this distinguished institution, have to say? Standing Order 86, under the heading "Votes May Be Rescinded", states—

> "A Resolution or other Order of the House may be read and rescinded; but not on the same day as that on which it was passed."

Government members interjected.

Mr BEATTIE: For the information of those fools in the Government—for those naive people who have been here five minutes—a sitting day continues until it has finished. A sitting day is not a working day, you pack of clowns. That shows how much understanding they have of the Parliament and the Standing Orders. Thank heaven's some of them have drivers, otherwise they would not be able to find their way to Parliament House.

I refer back to Standing Order 86, which states—

> "but not on the same day"—

or, for the idiots on the other side, sitting day—

> "as that on which it was passed. A Motion for rescission must be made by a Member who voted for the Resolution or Order proposed to be rescinded."

This is what the Standing Orders of the Parliament say—the Standing Orders that are supposed to provide for the good running of this Parliament, the Standing Orders that have been developed over the years, through the Westminster system. What does this Government do? It ripped them up! Why did it rip them up? It ripped them up because one of its Ministers could not even make a division.

The Leader of the House has the audacity and the effrontery to stand up in this place and to try to grossly misrepresent what happened in 1994 with the Attorney at that time. What was the incident that happened in 1994? The recommittal became necessary because of a typographical error! When did Mr Connor become a typographical error?

Today, the Opposition granted a pair to the Deputy Premier and the Treasurer, Mrs Sheldon, because of medical reasons. Had Mr Connor, or any other member of the Government, required a pair for medical reasons, we would have granted one. This morning—that is, Friday—we granted the honourable member for Greenslopes a pair because he needed medical attention.

Mr Livingstone: Santo Santoro's wife was having a baby tonight.

Mr BEATTIE: We granted a pair to Mr Santoro because his wife was having a baby. That is the proper process; that is the fair thing to do. Had Mr Connor had any medical reasons, we would have been happy to grant him a pair, in the same way we have granted him a pair in similar circumstances in the past, as he well knows, in relation to a matter involving his wife. Under similar circumstances, we would do it again. Had Mr Connor required a pair, we would have granted him one.

There is no reason why this absolutely extraordinary abuse of the Standing Orders should be initiated by the Government. We have an embarrassed, red-faced Premier, who has not only no solidarity from his own Cabinet but also does not even have the ability to provide a disciplined Government. The Premier has no commitment to stability and he has no commitment to the discipline necessary to run a functioning Government on behalf of the people of Queensland. All

Queenslanders should be concerned that not only do we have a circus running the State, we also have this Premier in charge of a Bill when he cannot even get the loyalty of his own parliamentary supporters to turn up and vote for it.

As it turned out, this clause, relating to judicial review, was an important clause. The Opposition wanted to see judicial review remain. In fact, I would describe the clause as a crucial clause. Had it been in another time of liberalism, Mr Connor would be being applauded tonight. Indeed, had he voted intentionally with us, he would have gone down in this State's history as a true Liberal but, unfortunately, he missed the division and it was not through the cause of liberalism. He missed the division and that is a matter on which he owes his leader an explanation.

A Minister missing a division is not sufficient reason to rip up the Standing Orders of this Parliament and to move a motion that says, "Notwithstanding anything in the Standing Orders". If that is the way the Leader of the House is going to run the Government, why does he bother to have a masquerade of support for the Standing Orders at all? This law is going to be the shortest law in the history of this Parliament. It was passed at 10 minutes to midnight and repealed at five minutes after midnight. It will be the shortest law in the history of this Parliament. If this Premier can take any pride in that, then he is a very strange man indeed.

Queenslanders deserve better. Queenslanders deserve better from the Premier. Queenslanders deserve better from the Minister for Works and Housing. Queenslanders expect better of this Parliament. This motion by the Leader of the House says that certain political parties are above the law. It has no respect for the rule of law. How can members of this Government say to young kids who are committing petty offences, "You must respect the law", if their Government does not respect the law?

Mr Ardill: The Attorney-General does not.

Mr BEATTIE: Indeed.

Mrs Edmond: The Premier should drop the Minister, not drop the law.

Mr BEATTIE: I take that interjection. The Premier should drop the Minister; he should not drop the law. This is a serious matter. What sort of example are we providing to the young people of this State, the leaders of tomorrow? This Government is providing no example and it is not providing any leadership. If members of this Government ever condemn young kids for committing offences, they should remember what they did here tonight. They threw the rule book and the law out the window. The Government cannot set this sort of example and expect the people of Queensland to respect the Government.

This is a sad day for this Parliament. This Government is turning back the clock to the bad old days. It is not only turning back the clock, this is also establishing a precedent that will be a blot on the history of this Parliament and a blot on the history of this State forever more. I cannot believe that members are sitting here witnessing this farce—the absolute destruction of the Standing Orders of the Parliament—because a Minister missed a division. If the Premier is not capable of governing, then why not give us a go?

The Premier talked about Keystone Cops and the CJC. Who are the Keystone Cops? Government members are the Keystone Cops. They make Fawlty Towers look like a tragedy. They have come in here and ripped up the Standing Orders. This is an extraordinary farce—an unprecedented farce. Then they say that, because there was a typographical error in 1994 or 1995, that in some way equates with this act that the Government is perpetrating tonight. I have spoken to the Attorney-General at that time, Dean Wells. He has assured me that it was a typographical error. Even the Leader of the House acknowledged that it was a typographical error. So the Government is saying that a typographical error in some way equates to what Mr Connor did. I table for the House the full record of 24 June 1994.

Mr FitzGerald: We can all read *Hansard*.

Mr BEATTIE: The honourable member should have read *Hansard* properly. I table it for the House. There is a very clear comparison between what happened in 1994 and what this Government is trying to do now. We are throwing the rule book out the window. We are throwing out the Standing Orders. That is what this Government is doing. It is doing this because it is not up to the task. The one message that all Queenslanders will get out of tonight is that this Government is not up to the task.

Mr Horan interjected.

Mr BEATTIE: The Minister for Health should do something about hospital waiting lists instead of having people die on waiting lists.

The proper thing to have done in this case was to comply with the Standing Orders and to come back on the next appropriate sitting day and seek to rescind this motion, if that was the Government's wont. Or it should have had the humility to accept the amended motion to accept retention of judicial review. There were three options. Firstly, the Government could accept the amendment, and judicial review would remain. That is what should have happened, because that was the will of the Parliament at that time. Secondly, the Government could have come back appropriately on another day and then rescinded it. But what did it do? It took the third option, the blunt option, the crude option, the option from the days of the past, the illegal option——

Mr Lingard: What about the day when you expunged all those words?

Mr BEATTIE: Here we go! The Deputy Leader of the National Party wants to turn back the clock to the days when four of his ministerial mates went to gaol. He feels comfortable with the dark days of the past. He feels good about that, but he does not feel good about accountability, the CJC or the Standing Orders. He does not feel good about the Standing Orders because they mean that he has to comply with some rules. If the Government of the day treats the rules of this Parliament without respect, there will be no respect in the community for this Government or its Ministers.

I table the Standing Orders, including the relevant Standing Order 186 for this debate, because I want it on the record. I want it filed. When this Government's term is finished—and it is going to be an increasingly shorter term—everyone who studies the short period of this Government will need to know that it was prepared to get into the gutter, it was prepared to throw out the rules, it was prepared to act illegally, and it was prepared to break the law—the Standing Orders—to look after a mate. That is the way that National Party Governments operate. That is what they stand for.

As I said yesterday in this House, we in the Labor Party believe that Government is there to lift the standard of the community, to improve services, and to do something for people. Members opposite believe that Government is there to look after their mates. What they are doing tonight is simply looking after their mate. If anyone should be embarrassed, it is the Premier. He is trying to save his red face as he sits there trying to restore some credibility to a Government that is sliding out the back door. The Premier is a disgrace.

Hon. R. T. CONNOR (Nerang—Minister for Public Works and Housing) (12.16 a.m.): About 30 minutes ago, I was sitting in my room and the division bells rang. I tried to stand up, but I could not. Fortunately, there were witnesses there. There were people with me at the time. Members will probably have the opportunity to read about that if the media finds it interesting. I missed a division, and I apologise to the House for that. I am very sorry that I could not make it. I have also apologised to the Premier. That is the reality.

If any member has had football injuries—and I am sure that plenty of members have—and if any member has had knee reconstruction—and I am sure that many members have, too—they will know that, every now and again, the blood flow goes from the knees, the knees lock up, and you cannot walk. That is what happened. If members do not believe that, that is fine. But people tried to help me, and I collapsed three times. That is the truth. That is what happened. That is it.

Ms BLIGH (South Brisbane) (12.18 a.m.): At this time of night, I think that most members of this House feel like they are already part of the night of the living dead. But what we see here is the curse of the Public Service Bill. From the moment the Premier picked it up, from the moment he conceived the idea in his mind and converted it to a draft Bill, and from the moment he touched it, it has burned his fingers. It has burned an indelible mark and stain on the public administration of this State. The Premier has been humiliated by this Bill from the beginning to the end. This was the Premier's first piece of legislation in this Parliament as the Premier, and he has been shamed into backflip after backflip.

The decision to remove clause 116 from the Bill was a decision that represents the will of the Parliament. The will of the Parliament is determined by all those who have the commitment to their responsibility here—those who have the commitment to come into this Parliament and vote. Members opposite told the people of this State that they were ready to govern. They told the Governor that they were ready and able to govern. There are probably a number of definitions of "Government" but, at the very least, it means a readiness and an ability to turn up in this House when required to consider legislation. Instead, we have a Minister who almost found himself before the Members' Ethics and Parliamentary Privileges Committee not 48 hours ago because he had misled the House,

and now he is seeking to evade his responsibility in this House.

Mr CONNOR: I rise to a point of order. I did not mislead the House. I find that remark offensive and would like it withdrawn.

Ms BLIGH: I withdraw, but I note how quickly the Minister made it to his feet.

I understand from the Minister's explanation that he claims that a knee injury prevented him from turning up in this House. I draw to honourable members' attention that the member for Greenslopes managed to get here for that division despite the fact that he is on his honeymoon and despite the fact that he is on crutches. What we see in the proposal put before the House by the Leader of the House is a proposal——

Mr SPEAKER: Order! I think he had "kneemonia".

Ms BLIGH: This is the National Party's idea of a honeymoon.

The proposal before this House demonstrates nothing if it does not demonstrate an absolute contempt for the institution of this Parliament. How ironic that it should be brought forward in the context of the Public Service Bill, a Bill that has been roundly criticised up and down this State for its blatant contempt for the institutions of a modern democracy. The Leader of the Opposition pointed out that, by this proposal, this Government has attempted to put itself above the law. Let us not forget that the very clause that we are here because of was an attempt to put this Government above the law itself. It attempted to make the decisions of the Government beyond the reach of the Supreme Court. Clause 116 was an attempt by the National Party Government to put itself beyond the reach of judicial review, so that it could make its dirty, grubby decisions in clause 110 in relation to the independent statutory officers of this State and those decisions would be beyond scrutiny, and those affected by them would have no remedy.

Mrs Edmond: Shameful!

Ms BLIGH: They ought to be ashamed of themselves. The fact that that is the clause that has been removed from this Bill gives me a great amount of pleasure. I bring to honourable members' attention that this was not just any clause that the Minister missed. As I noted when I first started talking in the Committee stage of this legislation, the Premier was forced to move 33 amendments. As the shadow Minister, I moved 13 amendments. This is a Bill that was so flawed that it required 46 amendments to make it bearable. It was not just any of those clauses for which the Minister failed to turn up; he failed to turn up on one of the most contentious, most difficult and most widely criticised clauses. It is one of the clauses most open to public debate. So desperate is this Government to obtain these powers, so desperate is it to make sure that its decisions are not open to scrutiny, so desperate is it to hide from the Supreme Court and judicial review that it will abuse the Standing Orders of this Parliament to make sure that it can get this clause in the Bill. The Government's desperation to get this clause in the Bill is exposed tonight. Every single thing that I have said about its intentions in relation to these clauses is now exposed as fact.

For the benefit of those members who were not in the House earlier, I point out that the Premier stood before the Parliament and said "My Government will not be characterised by stealth; my Government will be characterised by honesty and openness." Not half an hour later he is using the back door to get this clause back in the Bill. There are a number of ways that "Backdoor" Bob could have got this clause back legitimately. Is he using one of them? No, he has found the back door, as is his wont, and he is sneaking through it, characterised by nothing but stealth.

Standing Order 86 has two provisions. Firstly, the rescission cannot occur on the same sitting day. Secondly, and more importantly, it provides—

> "A Motion for rescission must be made by a Member who voted for the Resolution or Order proposed to be rescinded."

That is what the member for Murrumba did when he moved the rescission, because he had voted for the motion in the first place. If that Standing Order is to be complied with, it would require a member of the Opposition to remove the rescission. I can stand here and speak for all of my colleagues: none of us will be moving a motion to rescind the decisions of this Parliament. The Standing Order is there for a reason. The Standing Order protects the decisions of this Parliament from precisely the kind of abuse that we are witnessing. The Standing Order is for use only when someone has made a legitimate mistake. The will of the Parliament can only be reversed when those who pursued the will of the Parliament choose to reverse it—not through this sort of abuse.

This whole debacle that we are witnessing is nothing if it is not another step in the curse of the Public Service Bill. I urge the Premier to

drop it while he is still ahead. I urge the Premier to put the whole legislation away. Perhaps we should have a vote on the third reading and Mr Connor's knees can go again and what should have happened to this Bill will happen: it should have been thrown in the bin from the moment it was conceived. I predict that if the Premier forces this through the Parliament, if he abuses the Standing Orders in this way, he will be subjected to more humiliation. He will be subjected to further condemnation. He will be exposed for what he is. I urge him to desist from the action that he is taking. I have a great deal of pleasure in standing before this Parliament and saying that, if the National Party Government forces this upon the House and forces clause 116 back into this Bill, when we are back in Government—and it will not be long—we will repeal that clause. The proposal before this House is offensive. The proposal seeks to evade the protection of the will of the Parliament. We will object to it. We oppose it. The Premier stands condemned for his attempt to use it in the way that he has.

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (12.26 a.m.): I do not think that the speech of the honourable member for South Brisbane was about the motion that is before the Parliament. I notice the mock outrage and high indignation from those opposite. In fact, I notice that several members opposite have recently been taking acting lessons. They must be spending a lot of time at acting lessons considering the amount of nonsense that we have heard, the way their arms fly and the shrillness of their voices.

We need to consider what has happened previously in relation to these matters. There is no point in members of the Opposition trying to weasel out of the exercise, because back in June 1994—and I remember it so well—the Government asked for a rescission of a clause. It was rescinded, even though, of course, I had pointed out on many occasions prior to that that there had been an error in that clause. Nevertheless, the facts are that that clause was rescinded on the same day—which was the most important point, according to the members opposite.

As to standards—according to the Labor members there is one standard to which they adhere and then there is a standard that everyone else has to adopt. Of course, we are now witnessing their double standards. They had a standard for themselves in 1994, but, of course, what was good then is not so good today because the boot is on the other foot. Nevertheless, a set of rules exists and it is quite clear that what we are debating is the suspension of Standing Orders—not clause 116 of the Public Service Bill or some other clause. That is quite allowed. A precedent has been set. If we went back further, we could probably find other precedents, but a precedent was certainly set in June 1994. That one should say that this should be done on another occasion shows that the Labor Party has double standards, because it did exactly that: it rescinded the clause on the same day. Labor members cannot escape that fact. *Hansard* shows that and members opposite are aware of that. Some of us who were involved in those debates well remember exactly what occurred. Members opposite are trying to create another set of rules through mock outrage. Of course, those on that side of the House who have spoken have not been content to discuss the motion, but they want to move, discuss and debate clauses in a Bill elsewhere that may or may not be debated at another time. It is quite clear, with the precedents that have been set and with the Standing Orders as they are, that the motion can go forward. I for one on this side of the Chamber certainly support it.

Hon. D. M. WELLS (Murrumba) (12.30 a.m.): Honourable members opposite have attempted to trade on the precedent of 1994 when we amended a typographical error in the Anti-Discrimination Bill by consent of the House. The precedent does not apply to the unfortunate and parlous situation in which members opposite find themselves. I remind honourable members of what section 86 of the Standing Orders says—

> "A Motion for recision must be made by a Member who voted for the Resolution or Order proposed to be rescinded."

The resolution or order, which it is now proposed to rescind, is the defeat of clause 116 by this House by a majority of one. No member opposite voted that way for that status quo. Consequently, they are not competent to move it. The situation is completely different, and I would like to remind honourable members of what actually occurred on that day. It was a motion to change a typographical error from "55" to "50". I said to the House—

> "This is about a typographical error that was very astutely identified by the honourable member for Indooroopilly."

The member for Lockyer interjected that everybody knew about that. I said—

> "I note the remark by the honourable member for Lockyer. I wish to pay due

credit not only to the honourable member for Indooroopilly but also to whoever advised him. He very astutely noticed a typographical error that had occurred in the Office of Parliamentary Counsel. This is the opportunity that the House has to correct that typographical error."

Then the honourable member for Lockyer said this—and this is a very key point—

"Haven't you got rights to fix up typographical errors without coming back to Parliament?"

To which I replied—

"The honourable member is referring to the Statutory Reprints Bill."

Mr Beattie: Mr Wells, repeat it. Mr FitzGerald has just returned to the House.

Mr WELLS: The honourable member for Lockyer interjected at that point and said—

"Haven't you got rights to fix up typographical errors without coming back to Parliament?"

I said—

"The honourable member is referring to the Statutory Reprints Bill. As Parliament is still sitting, it is more open and more transparent to come back to Parliament and draw the fact to the attention of the whole House."

So what was happening at that point was that I was saying to the House, "We can fix this up through the Statutory Reprints Bill. Parliamentary Counsel can do it but it will just be a little bit more transparent, a little bit more open if we just noted that there was a typographical error.

Mr FitzGerald said—

"You wouldn't change '50' to '55', just as a correction."

I said—

"Yes. We will do it now. I am trying to give credit to members opposite. I do not know what the honourable member has against the Liberal Party. I am trying to give one of its glowing members a glowing tribute. We are changing the '50' back to '55' in accordance with the point that the honourable member noticed when he drew it to my attention earlier today. I said that my departmental advice is that that is correct but that I would check it out and get back to the honourable member. We are getting back to him. This is how we are doing it."

Then the motion was agreed to without a division. A typographical error was corrected by the consent of the House in order to be very open and transparent about it rather than waiting for the operation of the Statutory Reprints Bill, which would have allowed the typographical error to have been corrected, anyway. So we then went on to go through that small formality of doing it.

We have here today not a small formality; we have here today an attempt to override a decision of the House. I say "override" advisedly. I refer honourable members to Erskine May, which states—

"The reason why motions for open rescission are so rare and the rules of procedure carefully guard against the indirect rescission of votes, is that both Houses instinctively realise that parliamentary government requires the majority to abide by a decision regularly come to, however unexpected, and that it is unfair to resort to methods, whether direct or indirect, to reverse such a decision."

Erskine May stated further—

"The practice, resulting from this feeling, is essentially a safeguard for the rights of the minority, and a contrary practice is not normally resorted to, unless in the circumstances of a particular case those rights are in no way threatened."

Here we have a very clear instance of where rights would be threatened. Rights which have now been preserved as a result of a decision of this House are now going to be taken away if the honourable members opposite have their way and then proceed to move a motion which none of them are competent to move under the Standing Orders of this House. For the benefit of honourable members who might like to check the accuracy of my recitation of that particular section, I referred to page 364 of Erskine May.

The honourable members opposite have a number of obstacles to overcome. Firstly, the precedent they cite is no precedent at all. Secondly, the provision which they are going to override is a provision which is central. As Erskine May states, a motion for rescission must be made by a member who voted for the resolution or order proposed to be rescinded.

The situation that honourable members opposite are proposing to reverse is not a situation which can be reversed by the motion of any of them without flagrant disregard for the Standing Orders. However, even if they got to that point, they would fall foul of Standing Order 76, titled "Same Question Not

to be Again Proposed." Standing Order 76 states—

> "A Question or Amendment shall not be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the Affirmative or Negative."

Here we have a very clear case of a provision which has been resolved in the negative, and it is explicitly covered in the Standing Orders. It is another instance of why Erskine May says that the Standing Orders of Parliaments do their level best to prevent the kind of jackboots roughshod riding that the honourable members opposite are now proposing to undertake.

What has happened is that the Government has decided that it is not prepared to abide by the traditions or by the Standing Orders of this House. It is going to try to throw out those traditions and those Standing Orders. It is going to try to govern by Rafferty's rules. It is going to try to govern by arbitrary fiat. That is what this Government is all about. That is what this motion to rescind Standing Orders is all about.

Ms Bligh: That's what the Bill is about.

Mr WELLS: As the honourable member for South Brisbane said, that is what the Bill that occasioned it is all about.

I urge all honourable members who have a conscience to take on board not only the letter but also the spirit of the Standing Orders. I urge them to take on board not only the letter but also the spirit of Erskine May. It is there in black and white for all to see. These are the traditions of the parliamentary system. The traditions of the parliamentary system are there for the protection of the people whom we represent. If members opposite flagrantly violate those traditions, they dishonour the people whom we represent

Hon. K. R. LINGARD (Beaudesert—Minister for Families, Youth and Community Care) (12.38 a.m.): All honourable members who are trying to work out whether they should vote "yea" or "nay" for this particular motion should immediately get out their Standing Orders and turn to Standing Order 332, which states—

> "Any of the foregoing Standing Rules and Orders may be suspended or dispensed with by the majority of the House."

It does not matter what Standing Order 86 says; it does not matter what Standing Order 76 says—if members go immediately to Standing Order 332, it states "by the majority of the House". In other words, by a decision the House, one can suspend all Standing Orders.

The member for Murrumba has stood up and asked, "What happens to Standing Order 86?" It is true that if anyone stood up and asked for a decision to be immediately rescinded by Standing Order 86, it cannot be done. The reason why we agreed to the motion moved in 1993 by the member for Murrumba was that he preceded the comment by saying—

> "That so much of the Standing and Sessional Orders be suspended."

In other words, that is Standing Order 332. Any Standing Order can be preceded by Standing Order 332 as long as one precedes one's comments by that particular Standing Order. That is why we had to vote with the Labor Party in June 1994. That is why the Government's motion reads exactly the same as that motion of 24 June 1994. It is exactly the same as that motion that was moved at that time. It is true that one can go to any Standing Order and, if one wants to move immediately on Standing Orders 76 or 86, there is no way one can get it through unless one moves Standing Order 332. For the benefit of all honourable members, I will read Standing Order 332 again—

> "Any of the foregoing Standing Rules and Orders may be suspended or dispensed with by the majority of the House."

Therefore, clearly, if we move Standing Order 332 and it is carried by the majority of the House, the Opposition is caught as we were caught on 24 June 1994 when we had to agree to the Labor Party's motion.

The member for Murrumba is certainly trying to mislead this House because, as all honourable members know, the House determines——

Mr WELLS: I rise to a point of order. That suggestion is offensive. I ask the Minister to withdraw.

Mr SPEAKER: Order! The honourable member has found it offensive.

Mr LINGARD: I withdraw. I say to the honourable member for Murrumba that he cannot continue to make the statement that those Standing Orders stand by themselves if they are preceded by Standing Order 332, which is exactly what the Labor Party did on 24 June 1994 and it is exactly what the motion before the House reads. The Opposition must agree to those Standing Orders.

Hon. M. J. FOLEY (Yeronga) (12.42 a.m.): The honourable member's argument reminds me of the argument of Breaker Morant, who said that he relied upon rule 303 to the detriment of other rules. This is the second time in two sitting days that the Government has sought to override the Standing Orders of the Parliament. On the first occasion, the Government wanted to rush through the bungled legislation of the Attorney-General to set up its politically motivated witch-hunt into the CJC. This is a midnight raid on the Parliament and its Standing Orders.

The Government purports to stand for law and order. However, when it comes to the Standing Orders, it does not follow them. Government members want to break them, because when they talk about law and order, they are talking about giving orders, not obeying orders. The Government does not follow orders when it does not suit it to do so. When the rules do not suit the Government, it is not the rule of law; it is what the Police Minister calls the "reign of terror". What bothers the Government is not the reign of terror, but the rule of law. Therefore, we see Government members trying to do the same thing in this motion that they were doing in clause 116.

In clause 116, the Government tried to set itself above the law and to put itself in a position where it could sack the holders of statutory office, who would not be able to go to the Supreme Court to get judicial review. Government members wanted to put themselves in a position where they could give the orders with regard to the Executive, without being bothered with the judiciary getting in the road. Now they want to be in the position of giving the orders in Parliament without obeying the orders. The Government should learn that if one wants to teach people to respect the rule of law, one has to obey the law; if one wants to engender respect for order, one should comply with the Standing Orders.

I pose this question: why are we here? It is a quarter to one in the morning; why are we debating this motion? The normal and proper procedure would be for the Government to bring in a Bill to amend the Public Service Bill in a couple of weeks' time when we return to this place. We are here simply to save face for Premier Borbidge, because he does not want the press to report tomorrow that he was defeated on the floor of the House. He does not want the press to record that he bungled his own Bill, the Public Service Bill, in the same way that he bungled the Century Zinc legislation and in the same way that he bungled, through the Attorney-General, the criminal justice legislation. We are here, at quarter to one in the morning, simply to save face for the Premier, instead of following the proper procedures set out in the Standing Orders of the Parliament. This is a midnight raid upon the Parliament and its Standing Orders. The motion moved by the Leader of Government Business should be roundly rejected by all members of the House.

Mrs CUNNINGHAM (Gladstone) (12.46 p.m.): In endeavouring to come to terms with the situation that we are faced with tonight, I have attempted to look at the facts. Firstly, a fully debated issue was put to this House. On the basis of numbers, the motion was lost. Standing Order 86 clearly discusses the rescinding of motions, and states that it should occur at a later date. I have no doubt that, if either side of this House had a clear majority, this debate would be academic. The vote would be taken and the previous decision overturned. However, because of issues of the past, the numbers in the House are significantly closer.

It has been said on this side of the House that the Labor Government stood to lift standards, and we have heard a lot of other rhetoric about the reasons behind the impassioned debate tonight. I note the minutes of 24 June 1994, when the Labor Government suspended Standing Orders and did exactly what it is criticising the coalition Government for wanting to do.

Opposition members interjected.

Mrs CUNNINGHAM: Irrespective of the nature of the correction, Standing Orders were suspended and I make that observation. However, two wrongs do not make a right.

I supported the clause that the Government wished to put in place, not because I am sure of all the facts, but because, on the basis of the huge number of concerns that were raised with regard to the Public Service Bill and the amount of amendments that the Premier made to that Bill in answering those concerns, I felt that a great deal of work had been done by the Government to address the concerns of the community, unions and the Opposition.

On the basis of this House's rules and the need for order and appropriateness, I would prefer to see the Standing Orders observed on this clause. I advise the Government that my support is available for the remainder of the clauses. Should the Government again raise clause 116 at the next sitting of Parliament, I also advise members that, like many in this

House, I believe there has been copious debate and I would support a guillotine motion should the Government so move on the discussion of clause 116 at the next sitting.

Because of the nature of this House, it will be interesting to see how, in the ensuing two weeks, the matters of this evening are handled. If we are truly here for order, fairness and appropriateness in the decision-making process, media coverage will be about what is right, not what is political. Consequently, I will not support the motion of the Leader of Government Business. However, I believe the Bill can be subsequently considered.

Hon. D. J. HAMILL (Ipswich) (12.49 p.m.): The matters before the House have been widely canvassed, but one point which seems to be lost on some Government members this evening, and particularly lost on the person who, at another time in his parliamentary career, sat in the Speaker's chair—and I refer, of course, to the Deputy Leader of the National Party, the Honourable the Minister for Families, Youth and Community Care—is that the Standing Orders of the Parliament need to be applied not only in letter but also in spirit.

While the Minister has said that Standing Order 332 gives an opportunity to suspend Standing Orders, taking the Minister's view to its logical conclusion he is saying that every Standing Order may be capriciously set aside if a simple majority in the Parliament so desires. That would apply as much to the election of the Speaker as to the conduct of votes and to any procedures of the House. A Government simply cannot run this place if it tears up the whole book when it suits it to do so.

The matters that have been canvassed tonight are important. The member for Gladstone has made some comments in relation to what may happen in the future. Obviously, it is open to the Government to further amend legislation if it has the numbers in the House at that future time. We have seen legislation come back into the House from time to time to be subsequently amended. I say to all honourable members that, if they have not already done so, they should have a look at page 8,698 of the *Hansard* of 24 June 1994. They will see that all members in the House had agreed that it was a typographical matter. Indeed, it was so important that the now Attorney-General did not even bother to raise his voice in opposition to the matter being dealt with in the manner proposed by the then Attorney-General, the honourable member for Murrumba. If honourable members have a look at the *Votes and Proceedings* they will see that they bear out the fact that the questions at that time were put on the voices and carried, because all members in the House realised that that was the sensible, proper thing to do within the spirit and the letter of the Standing Orders.

Withdrawal of Motion

Mr FITZGERALD (Lockyer—Leader of Government Business) (12.52 a.m.): In view of the statements that have been made by members of the House, I seek leave of the House to withdraw the motion that I moved.

Leave granted.

Resumption of Committee

Hon. R. E. Borbidge (Surfers Paradise—Premier) in charge of the Bill.

Clauses 117 and 118, as read, agreed to.

Clause 119—

Mr BORBIDGE (12.53 a.m.): I move the following amendment—

"At page 66, line 7, 'prescribed entitlement'—

omit, *insert*—

'reserved matter'."

This amendment corrects a typographical error previously referred to in my second-reading speech.

Amendment agreed to.

Clause 119, as amended, agreed to.

Clauses 120 to 132, as read, agreed to.

Clause 133—

Mr BORBIDGE (12.54 a.m.): I move the following amendments—

"At page 72, line 9, 'of the commissioner'—

omit.

At page 72, lines 13 and 14, 'by the commissioner'—

omit."

These amendments will ensure that the transitional arrangement applies as if the instruments were a ruling of either the commissioner or the Minister for Industrial Relations, as the case may be, and correct a drafting error.

Amendments agreed to.

Clause 133, as amended, agreed to.

Clauses 134 to 145, as read, agreed to.

Clause 146—

Mr BORBIDGE (12.55 a.m.): I move the following amendment—

"At page 76, lines 10 and 11—

omit."

By way of explanation, initial advice from agencies indicated that the Assisted Students (Enforcement of Obligations) Act of 1951 was rarely, if ever, used.

Mr Schwarten: I use it all the time.

Mr BORBIDGE: The honourable member used it all the time—very pithy.

Subsequent advice is to the effect that one agency has a significant number of students administered under the terms of this Act. Although other provisions of the Bill could cover these situations, it is considered wise not to upset the status quo. In view of this advice that has been received, it is therefore not proposed to repeal the Act.

Amendment agreed to.

Clause 146, as amended, agreed to.

Clauses 147 and 148, as read, agreed to.

Schedule 1, as read, agreed to.

Schedule 2—

Mr BORBIDGE (12.56 a.m.): I move the following amendment—

"At page 101, line 15, before '*insert*'—

insert—

'*omit*,'."

This amendment deals with a drafting error.

I move the following amendment—

"At page 105, lines 5 to 12—

omit, *insert*—

'1. Section 61(3), '*Public Service Management and Employment Act 1988*'—

omit, *insert*—

'*Public Service Act 1996*'.

'2. Section 70(2), '*Public Service Management and Employment Act 1988*'—

omit, *insert*—

'*Public Service Act 1996*' '."

After consultation with the Information Commissioner, it was agreed to amend the Freedom of Information Act at sections 61(3) and 72 by simply replacing the title of the Public Service Management and Employment Act 1988 with the Public Service Act 1996. Legal advice indicates that the proposed amendment to the Freedom of Information Act as currently drafted in the Bill has the same effect. However, the Information Commissioner requested the amendment. In consideration of the independence of his office, I now move that amendment.

I move the following amendments—

"At page 114, line 3, 'Sections 11 and'—

omit, *insert*—

'Section'.

At page 114, line 6, '11'—

omit, *insert*—

'12'.

At page 114, line 9, '12'—

omit, *insert*—

'12A'."

The Parliament will shortly consider the Justice of the Peace and Commissioners for Declarations Amendment Bill. One of the amendments to that Bill will omit section 11 of the current Act. The Public Service Bill is currently drafted also amidst section 11 of the Justice of the Peace and Commissioners for Declaration Act. To avoid any confusion or duplication that might result from a mishap in coordinating the timing of the two Bills, I move this amendment.

I move the following amendments—

"At page 121, lines 20 and 22, 'chief executive'—

omit, *insert*—

'Minister'.

At page 122, line 1, 'chief executive'—

omit, *insert*—

'Minister'."

Under the Medical Act and Other Acts (Administration) Act, inspectors are appointed by the Governor in Council. The amendment to that Act in the Bill provides that the chief executive of the Health Department may appoint a Public Service employee as an inspector to reflect the policy of devolution of authority contained in the Bill. Because medical and other registration boards report directly to the Minister, it is considered more appropriate for the Minister to appoint inspectors. The proposed amendment reflects this.

I move the following supplementary amendment to Schedule 2—

"At page 137, lines 10 to 16—

omit, insert—

'1. Section 11(2), '*Public Service Management and Employment Act 1988*'—

omit, insert—

'*Public Service Act 1996*'.

'2. Section 11(3)—

omit.'."

The Queensland Treasury Corporation Act currently prescribes that the corporation's officers and employees may be employed under the Public Service Management and Employment Act. In drafting the consequential amendments, the Act has been amended by prescribing that officers and employees are to be employed under the Public Service Act 1996. This amendment reflects the status quo of the employment options for the Queensland Treasury Corporation.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Schedule 3—

Mr BORBIDGE (12.59 a.m.): I move the following amendment—

"At page 160, line 25, after 'other'—

insert—

'such'."

Amendment agreed to.

Schedule 3, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Hon. R. E. BORBIDGE (Surfers Paradise—Premier) (1.02 a.m.), by leave: I move—

"That the Bill be now read a third time."

Question put; and the House divided—

AYES, 40—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson, Woolmer *Tellers:* Springborg, Carroll

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells, Woodgate *Tellers:* Livingstone, Sullivan T. B.

Pairs: Sheldon, McGrady; Gilmore, Braddy; Santoro, De Lacy; Mitchell, Smith

The numbers being equal, Mr Speaker cast his vote with the Ayes.

Resolved in the **affirmative**.

SPECIAL ADJOURNMENT

Mr FITZGERALD (Lockyer—Leader of Government Business) (1.07 a.m.): I move—

"That the House, at its rising, do adjourn until 9.30 a.m. on Tuesday, 29 October 1996."

Motion agreed to.

The House adjourned at 1.07 a.m. (Saturday).

QUESTIONS ON NOTICE

714.Theatre, Thuringowa

Mr McELLIGOTT asked the Deputy Premier, Treasurer and Minister for The Arts (3/9/96)—

With reference to an application, Consent File No. C24/96, which has been made to the Thuringowa City Council for the issue of a town planning permit for the use of land situated at Hervey Range Road, Thuringowa Central for a theatre—

(1) Has any application been made to her, or to Treasury, or to the Arts Department for financial assistance towards the capital cost of building the theatre; if so, by whom and for how much?

(2) If no such application has been made, has any discussion taken place with he, or with Treasury, or with the Arts Department with a view to such an application being made in the future; if so, by whom and for how much?

(3) Has an application been made or proposed to be made for financial assistance towards ongoing recurrent funding of the proposed theatre; if so, by whom and for how much?

Mrs Sheldon (3/10/96):

(1) No application has been made to the Treasury Department, the Office of Arts and Cultural Development or to myself for financial assistance towards the capital costs of building a theatre on Hervey Range Road, Thuringowa Central.

(2) No discussion has taken place with the Treasury Department, the Office of Arts and Cultural Development or with myself regarding an application being made in the future regarding the costs of building a theatre on Hervey Range Road, Thuringowa Central.

(3) No application has been made or proposed to be made for financial assistance towards ongoing recurrent funding of a proposed theatre on Hervey Range Road, Thuringowa Central.

715.Public Hospitals

Mrs EDMOND asked the Minister for Health (3/9/96)—

With reference to the issue of waiting times for surgery in public hospitals—

(1) Is the waiting list at the Toowoomba General Hospital for orthopaedic surgery alarmingly long at present?

(2) Is he aware that a 70 year old woman who was referred by her general practitioner, Dr Peter Hopson, in February 1995 to Orthopaedic Outpatients at the Toowoomba General Hospital waited six months just to see a specialist to confirm that she needed hip replacement surgery?

(3) Is he aware that this patient has been placed on a waiting list at the Toowoomba General following this medical assessment and remained on the list for a further 12 months causing much medical and emotional distress to the patient?

(4) Is he aware that the Outpatient Department at Toowoomba General has advised the patient and the general practitioner concerned that she will probably have to wait another 12 months for surgery?

(5) Is this two-and-a-half year wait for orthopaedic surgery likely to continue for this patient and others on the waiting list in question?

(6) As he has been advised of the situation by Dr Hopson directly, how long will patients have to wait before a reduction in waiting times at Toowoomba is effected?

(7) What are the current waiting times for categories 1, 2 and 3 for elective surgery at the 10 key hospitals referred to in his Surgery on Time initiative and will he provide a list of this data as an attachment?

Mr Horan (2/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. However, for the benefit of our constituents, I provide the following answer.

As at 1 September 1996, the number of orthopaedic long waits at Toowoomba General Hospital was less than the State average (29.8 % for Toowoomba compared to 37.2% for the 10 study hospitals). Waiting times for Orthopaedics have improved overall but vary according to the procedure or service. For example, the waiting time for orthopaedic outpatient clinics in 1995 was about 6 months for non-urgent cases. This has been reduced since that time.

I am advised that the patient to whom you refer is still on the waiting list, and that there are 9 total hip replacements and 7 total knee replacements on the list ahead of her. The patient is being contacted to offer a further orthopaedic review and the Director of Orthopaedics and the visiting surgeon concerned will reconsider the timing for this patient's surgery according to her relative need. This decision is a clinical one in which I cannot ethically interfere.

The Coalition's Surgery on Time initiative is reducing waiting times. However, this will take some time given the dreadful state of affairs left to us by Ministers Beattie and Elder. Reduction in waiting times at Toowoomba should continue over the next two years, by which time, I am pleased to say, three additional theatres will open at Toowoomba General to further reduce waiting times.

I regard part (7) of your question as an independent question, and therefore in breach of Standing Order 68(a).

716.Reef Tax

Mr BEATTIE asked the Minister for Tourism, Small Business and Industry (3/9/96)—

With reference to the 600 per cent increase in the Reef Tax imposed by his Federal Coalition colleagues in the Budget and to the form letter which I encourage all Members to distribute widely and stick up for the Queensland Tourism Industry—

(1) When was he first made aware that the Federal Government intended to break its pre-election commitment and increase tourism taxes for reef operators—before or after the Budget was announced?

(2) Does he stand by his comments in the *Daily Mercury* on 23 August that the tax increase would not deter tourists from visiting the reef?

(3) Will he join me and hundreds of North Queensland tourism operators in signing a form letter addressed to Tourism Minister, John Moore, protesting against the Federal Government's betrayal of the Queensland Tourism Industry?

Mr Davidson (3/10/96):

(1) Like the Opposition Leader, I was overseas at the time of the Federal Budget. I was informed of the Federal Government's increase in the Environmental Management Charge on the day following the Budget.

(2) Yes, I do stand by my comments in the Daily Mercury on 23 August but do not agree with all of the interpretation of my comments by this newspaper.

(3) I am glad the Opposition Leader has finally followed my lead in writing to the Federal Tourism Minister on this issue.

717. Speech Therapy

Mr WELLS asked the Minister for Health (3/9/96)—

(1) Is he aware of a meeting between his departmental officers and university staff engaged in speech pathology at the Therapies Building, University of Queensland on 30 August?

(2) Is he aware that at this meeting, it was proposed, by representatives of the University, that 70 speech pathology students should, in 1997, be sent out into the community to test the articulation, oro-motor development, and language skills and hearing of kindergarten and pre-school children?

(3) Is he aware that the proposal was rejected by his officers on the grounds that the exercise would reveal needs in the community that would generate long waiting lists for speech therapy, and "we don't have waiting lists"?

(4) Will he now reverse the policy adopted by his officers, and take the opportunity for screening the population for speech pathologies offered by the proposal referred to above?

Mr Horan (2/10/96):

(1) I understand that a meeting was held between University staff and clinical educators from South East Queensland, and included representatives from Queensland Health, the Department of Education, the Department of Families, Youth and Community Care and non-government organisations.

(2) I am aware that, at this meeting, the University proposed an additional model of educational practice to be introduced in 1997. Whilst this is a matter for the University of Queensland, I will await its evaluation with considerable interest.

(3 & 4) Queensland Health has informed me that the proposal was not rejected, but this is a matter for the University of Queensland. I hope the model is a success.

718. Mount Isa Base Hospital

Mr McGRADY asked the Minister for Health (3/9/96)—

With reference to the Mount Isa Base Hospital—

(1) What specialists visited the Mount Isa Base Hospital during the year ending 30 June 1996?

(2) Approximately how many people secured assistance from the Patient Transit Scheme?

(3) What are the staff levels at the Mount Isa Base Hospital and how do they compare with other hospitals of similar size?

Mr Horan (2/10/96): Queensland Health has advised me that:

(1) The following specialists regularly visited Mount Isa Base Hospital in 1995/96:

Dr Jim Baker—Obstetrics and Gynaecology
Dr Andrew Blair—Community Paediatrics
Dr Bryan Burmeister—QRI, Radiation Oncology
Dr Don Cameron—Endocrinology
Dr Bruce Castle—Gynaecology
Dr Mark Doyle—Plastic Surgery
Dr John Evans—Gastroenterology
Dr Susan Gorton—Paediatrics
Dr Wal Grimmett—Anaesthetist
Dr Kumar Gunawardane—Cardiology
Mr Eric Guazzo—Neurosurgery
Dr John Hack—General Surgery
Dr Noel Langley—Orthopaedic Surgery
Dr Bruce Low—Orthopaedic Surgery
Dr Tony Matthiesson—Respiratory
Dr Bob Morgan—Radiology
Dr Ted Ringrose—General Medicine
Dr Ren Tan—Cardiology
Dr Chris Whight—Paediatric Cardiology

During the gap between psychiatrists at the hospital, regular visits in 1995/96 were received from psychiatrists including specialists from Townsville General Hospital.

There was also a gap in anaesthetic services at the hospital during which time a range of anaesthetists were employed, including specialists.

A trachoma team led by Dr Kearney also visited the hospital in 1996.

(2) Approximately 1600 patients secured assistance under the Patient Transit Scheme. This included patients travelling by air (commercial and Royal Flying Doctor Service) and by land (motor vehicle, bus and train).

(3) Staffing in Full Time Equivalents at Mount Isa Base Hospital is approximately:

Medical Staff—23

Nursing Staff—130

Allied Health Staff—21

Administrative Staff—41

Hotel Services—32

Wardspersons—13

The numbers are comparable with other regional hospitals of a similar size.

719. North Queensland Supreme Court Building

Mr SMITH asked the Minister for Public Works and Housing (3/9/96)—

With reference to the historic North Queensland Supreme Court building which, under the Goss Government administration, was saved from demolition and, with Federal Keating Government financial assistance, had extensive work carried out to seal the building externally to protect it from the severe tropical elements and other work undertaken to ensure the building's structural integrity, and as this priceless piece of our State's judicial and legal history is now standing unused, incomplete and apparently unwanted by the Government—

Will he (a) provide a report of the internal condition of the building, (b) indicate what funds are earmarked for further restoration of the building and (c) indicate the Government's future plans for the building and, in particular, if it intends to permit controlled community use as proposed by the Goss Government?

Mr Connor (3/10/96):

(a) A report detailing the internal condition of the building has been prepared and can be made available if requested.

(b) On 12 April, 1996, work up to the value of $80,000 was approved to allow partial restoration of the interior of the building.

(c) Although various organisations have expressed an interest to occupy the building, only when an appropriate long term tenant can be secured and the requirements of that tenant known, is the Government likely to complete the remaining restoration work.

720. Sugar Industry

Mr MULHERIN asked the Minister for Primary Industries, Fisheries and Forestry (3/9/96)—

With reference to the Queensland Sugar Industry—

(1) What steps has the Government taken to deal with the Queensland-wide problem of cane production exceeding milling capacity, particularly in the Herbert River region?

(2) Will he assure the House that millions of dollars worth of sugar cane will not be left in the field, unprocessed, at the end of this season?

Mr Perrett (2/10/96):

1. The 1996 crushing season is estimated to produce the largest crop the Queensland sugar industry has experienced. It is likely that in excess of five million tonnes of raw sugar will be produced.

This can only benefit growers and millers and coastal regional economies and the State economy. However, the size of the crop does bring with it some problems such as the capacity of mills to crush the crop in a reasonable timeframe.

The matching of milling capacity with cane supplies and the length of the crushing season is a matter for millers and growers to resolve on a commercial basis.

There is provision in the Sugar Industry Act 1991 for these discussions to occur and for a negotiated outcome to be determined. Industry requested changes to these provisions to enable negotiations to occur at a local mill area.

The Government has responded positively and quickly to the industry's request. The Government gave high priority to amending the Act to enable the Local Area Negotiation and Dispute Resolution procedures to be implemented. Subordinate legislation is currently being prepared to give effect to the amendment.

These procedures mean critical decisions will be made at the local level with fewer issues being negotiated on a statewide basis. In this way local conditions and circumstances can be better considered in the commercial arrangements between millers and growers.

2. This is an industry matter. It is in the best interests of all sections of the industry to work together to ensure every stalk of cane from this season's crop is harvested and processed.

In some mill areas where crushing capacity was identified as being a potential problem, millers and growers have cooperated by starting the crushing season early.

721. Noosa Hospital

Mr NUTTALL asked the Minister for Health (3/9/96)—

(1) Did the Coalition on 12 March 1994, and again on 22 June 1995, promise to construct a hospital at Noosa?

(2) Will this initiative cost up to $45m for a 130 bed hospital?

(3) When will this promise be implemented?

Mr Horan (2/10/96):

(1) Yes—and unlike Labor, the Coalition remains committed to new hospitals in Queensland's growth areas, including Hervey Bay, the northern Sunshine Coast and the southern Gold Coast. For example, the Coalition is committed to the construction of the Noosa Hospital and that at Robina, in spite of the opposition of the Member for Currumbin, Merri Rose.

(2) The final size of the hospital will depend upon professional planning.

(3) The Government has already commenced implementing its promise as it is finalising negotiations to purchase a preferred site.

722. Pumicestone Passage

Mr J. H. SULLIVAN asked the Minister for Environment (3/9/96)—

With reference to often expressed concerns regarding water quality in Pumicestone Passage—

(1) Is water quality testing undertaken, routinely or otherwise, in the canal developments adjoining the passage, namely Pelican Waters and Pacific Harbour; if so, when was the most recent testing conducted in respect of each development?

(2) What were the results of that testing, expressed both in scientific and lay terms?

Mr Littleproud (24/9/96):

(1) No routine water quality testing in either Pacific Harbour or Pelican Waters is undertaken by the Department of Environment. However, the developers of both Pacific Harbour and Pelican Waters have been required by the Department to undertake their own monitoring programs.

In the case of Pacific Harbour, the monitoring program started on 20 March 1995 and has continued since then at weekly intervals. In the case of Pelican Waters, the program is due to commence once Stage 2 of the development has been completed. This is likely to be early in 1997.

On a single occasion, Department of Environment technical staff carried out monitoring of Pacific Harbour in parallel with the consultants employed by the Pacific Harbour developer. One of the aims of this was to test the quality of results being obtained by the consultant. It was found that the results obtained by the consultant were consistent with those obtained by Departmental staff.

(2) Results from the water monitoring program in Pacific Harbour show that in the fully developed canals to the north of Sunderland Drive, water quality is usually similar to that in Pumicestone Passage.

Monitoring results show that pH values in the operational part of Pacific Harbour i.e. canals to the north of Sunderland Drive are consistently in the range of 7-8 pH units. Creeks inflowing to the northern part of Pacific Harbour do have low pH values but this is due to the naturally humic waters of their catchments.

PH is a measure of the acidity of the water. A level of 7.0 indicates neutrality. Seawater normally has a pH of around 8. Freshwater usually varies between 6-8 but values of 4 or less can occur in naturally highly coloured humic (ti-tree) waters. Low values also occur due to leaching from disturbed acid sulphate soils.

Canals to the south of Sunderland Drive are not operational and not yet connected to Pumicestone Passage other than by a tidal drain which allows only limited tidal flushing. pH values in some parts of these waters are currently often below 3 pH units. This is thought to be due to leaching from disturbed acid sulphate soils in the area.

723. Asbestos Removal Program

Mr BRISKEY asked the Minister for Public Works and Housing (3/9/96)—

With reference to the asbestos removal program from Government buildings being undertaken by his department—

(1) How many Government buildings have been audited to date?

(2) How many remain to be audited?

(3) How many of these audited buildings have been cleared of asbestos?

(4) Is work on auditing and clearing Government buildings continuing at present; if not, why not?

(5) What funds is he seeking for the continuation of this work in the coming State Budget?

(6) Will he give an undertaking that not only will critical cases of asbestos contamination be addressed, but that all Government buildings will be audited and cleared of asbestos as required?

Mr Connor (3/10/96):

(1) Approximately 9,600 buildings have been audited to date. There are some audits currently in progress.

(2) There are approximately 19,500 buildings remaining throughout Queensland to be audited.

(3) There have been in excess of 550 immediate asbestos removals conducted to date (with a number still in progress).

(4) Yes.

(5) $2.5M has been approved to continue the auditing and management of the asbestos program. In addition, priority removals will be funded through client Departmental Maintenance Programs.

(6) There has been no change of policy.

724. Walla Weir

Mr MILLINER asked the Minister for Natural Resources (3/9/96)—

With reference to the Government's recent approval of the Walla Weir on the Burnett River—

(1) Has the project received final approval from the Federal Government; if not, what Federal Government approvals have still not been obtained?

(2) As this project is part of the Sugar Industry Infrastructure Package and is subject to joint Commonwealth/State funding, is it the State Government's intention to fund this project alone; if so, what amount of money is going to be required from State funds?

(3) What environmental impact studies were still outstanding at the time of the State approval?

(4) What are the upstream, downstream and cumulative impacts of this additional water storage on the Burnett River?

(5) What is the final designed full supply level of the weir?

(6) What was the full supply level funded by the Sugar Industry Infrastructure Package?

(7) What areas of land already irrigated from the Burnett River are displaying land management problems such as salinity and waterlogging?

Mr Hobbs (30/9/96):

1. Federal Government approval of its share of funding for the project has yet to be obtained. A decision by the Federal Government in relation to this funding will be based upon the comprehensive review by the Department of Environment (DoE) of the Impact Assessment in conjunction with advice from the Commonwealth Environment Protection Agency. Ultimately, I understand that the Federal Environment Minister, Senator Hill, will make a recommendation to the Minister for Primary Industries and Energy who will determine the Commonwealth's position.

2. The original cost estimate of the Sugar Industry Infrastructure Package element, of $14.25 million for the weir was to be sourced as follows:

Queensland Government—$4.745 million

Federal Government—$4.745 million

Industry—$3.560 million

Sale of Allocation for Rural Residential—$1.200 million

If the Federal Government contribution is not forthcoming, an additional $4.745 million or an estimated total of $9.5 million will be required from State funds. Actual figures will depend on a number of matters such as competition in tendering and the like.

3. No environmental impact studies were outstanding at the time of State approval. The DoE review report recommended that further collection of baseline data should be undertaken and that this should continue until construction commences and also during operation. The Department of Natural Resources is currently planning for this work to be carried out. The draft Environmental Management Plan would be refined in light of this monitoring and through further discussion with experts and interested parties.

4. A comprehensive Impact Assessment Study (IAS) carried out by independent expert consultants concluded that the benefits of the weir justify its construction subject to the preparation and implementation of the Environmental Management Plan.

In reaching this conclusion, the consultants noted the following:

There would be loss of habitat in the zone inundated by the weir although new habitat would be created by the new water body. Although the new habitat areas would not be identical to those lost, the overall available habitat would be largely maintained. Conditions for fish, waterfowl and some other birds would be improved.

Water quality downstream of the weir would not be adversely affected

The flow regime downstream of the weir would not be measurably affected.

There would be no impact on the Burnett River upstream of the storage area.

The weir would provide significant benefits in terms of an improved reliability of irrigation water supplies in times of drought.

The weir would also provide improved reliability of supply to urban areas which would relieve the currently heavily exploited underground sources and thereby reduce the risk of saltwater intrusion into coastal aquifers.

The weir would provide an area with improved recreational value.

The scenic and aesthetic values of the area inundated by the weir would be altered but not necessarily degraded.

The weir would be subject to potential blue green algal growth as with any storage but it would be unlikely to cause increased blooms elsewhere.

A study by a fisheries expert concluded that while there is some uncertainty about the breeding success of lungfish in the proposed weir, there should not be a detrimental effect on their breeding elsewhere in the Burnett River. In fact the weir could be expected to provide an additional habitat for lungfish during drought periods.

With respect to the cumulative impacts of the weir, the Impact Assessment process involved the determination of the incremental effects of the proposal on the biophysical and socio-economic environment and provided recommendations to mitigate the negative and to enhance the positive impacts expected to result form the proposal.

5. The weir, as approved, will have a full supply level of EL 19.0. The design of the weir has, however, made provision for a future possible increase of the full supply level to EL 21.0 by the addition of an inflatable rubber crest.

Any future augmentation would be treated as a new project that was subject of a further Impact Assessment Study.

6. The Sugar Industry Infrastructure Package funding only provides for a weir with a full supply level of EL 19.0, that is the approved project.

7. I am not aware of any lands which display either salinity or waterlogging problems as a direct result of the application of surface water from the Burnett section of the Bundaberg Irrigation scheme.

On the contrary, salinity problems in some areas owing to heavy groundwater usage may be alleviated by improved surface water supplies.

There are, however, some red soil areas which exhibited problems with waterlogging since before the Bundaberg Irrigation scheme was built. I believe farmers have since modified their irrigation practices to address this issue.

725. Queensland Health

Mr HOLLIS asked the Minister for Health (3/9/96)—

(1) What were the instructions contained in an internal departmental memorandum provided to the Director of the Legislative Reform Branch concerning the future role and function, including staffing composition and numbers, of this branch under the Governments restructure plan for Queensland Health?

(2) With a view to clarifying this issue, will he table for the information of the House a copy of the memorandum(s) and any departmental briefing notes issued at senior management level by his department (one of the relevant documents in this matter could be dated 31 March or thereabouts)?

(3) Have some staff assigned to this branch at present been recently informed that they will become unattached or redeployed public servants; if so, how many public servants will be affected?

(4) Is the rationale driving the scaling down or abolition of the Legislative Reform Unit related to issues associated with Queensland's current political climate in the Parliament?

(5) Will he give an overview of any new legislative reforms (planned or under way) affecting Acts of Parliament administered by the Health Department excluding legislative reviews/reforms initiated by the previous Labor Government?

Mr Horan (2/10/96):

(1) The amalgamation of Corporate Office functions into larger Branches, as part of the restructuring arrangements, will achieve efficiencies in administrative support and in the management structure of the Department.

I understand that, as a result of the restructure, there will be a decrease in staffing for the Unit from 13 to 10. I envisage that the Unit will continue to be managed by an SES1 level Manager and will be staffed by 4 AO7 level officers, 2 AO6 level officers, 2 AO5 level officers and 1 AO3 level officer. This reduction in staffing is just part of the efforts of this Government to redirect funds from administration to the delivery of basic services in Queensland's public hospitals and other facilities, eg opening the two theatres closed by the Labor Government at Redcliffe hospital in your electorate.

I am advised that the Corporate Support Services Branch Project Plan (dated 21 June 1996) states that a Legislative Projects Unit is to be established and will be responsible for the functions of the previous Branch. I am further advised that the functions of the new Unit as to be—

developing the Department's legislative review program,

managing approved reviews of portfolio legislation,

coordinating minor legislative amendments of portfolio legislation,

providing legislative policy advice on reviews and amendments being managed elsewhere in the portfolio,

developing legislative proposals for new policies/programs and rectify deficiencies in existing legislation, and

advising the Minister and Office of the Director-General on legislative issues.

(2) That would not be necessary or helpful, as the memorandum may now be out of date. The document which details the current position for this Unit is the Corporate Support Services Branch Plan, described above.

(3) I am advised that two staff members of the Branch were informed that they will be redeployees. I have been told that both will have excellent opportunities to gain new positions as there are significantly more vacancies than redeployees at their levels.

(4) No, it is just part of the efforts of this Government to redirect funds from administration to the delivery of basic services.

(5) I will be shortly seeking leave to introduce legislation into the Parliament to provide for the rebuilding of Queensland Health. This legislation will abolish the failed Regional Health Authority structure and provide for genuine community input through a system of District Health Councils. I will also be seeking a range of consequential amendments to other health portfolio legislation at that time.

As for other reviews, I will ensure that reviews actually result in legislation. A large number of legislative reviews were initiated under Ministers Beattie and Elder but never resulted in legislation. While the resources of Central Office and the Regions were diverted into glossy but meaningless exercises in ministerial self promotion, decision making ground to a halt. So I am particularly anxious to finally progress the review of the Mental Health Act. I anticipate introducing, by leave, new mental health legislation into the Parliament next year. Amendments to health practitioner legislation and the Health Act are also priorities of this Government.

726. South East Freeway, Noise Barriers

Ms BLIGH asked the Minister for Transport and Main Roads (3/9/96)—

With reference to his recent announcement regarding the upgrade of the South-East Freeway between Logan and the Captain Cook Bridge—

(1) What is the expected date of commencement of construction work for the proposed bus ways along this stretch of the freeway?

(2) Given his previous statement that the construction of noise amelioration barriers had been put on hold pending a decision about the expansion of the freeway, will he now confirm that the noise barriers project will begin immediately; if not, why not?

(3) If the project is to be further delayed, when can residents in the electorate of South Brisbane expect these long-promised noise barriers to be put in place?

Mr Johnson (3/10/96):

(1) The expected date of commencement of construction work on the busway along the freeway is October 1997.

(2) & (3) Construction of noise barriers is to commence within the next few months at some locations along the freeway. Design of the noise barriers in some locations needs to be reviewed to accommodate the busway infrastructure, but work is

already under way on revising the designs. It is expected that construction of the noise barriers will be completed in the most critical areas early in 1997.

727. Dr B. Senewiratne

Mr NUNN asked the Minister for Health (3/9/96)—

With reference to the letter forwarded to Dr Brian Senewiratne by one of the Minister's Deputy Director-Generals, Mr Ross Pitt, on 3 July 1996 which asked Dr Senewiratne to consider resigning his commission from Queensland Health—

(1) Is Mr Pitt's letter to Dr Senewiratne recorded as an official departmental correspondence on file?

(2) What is the advice of his Freedom of Information Section in Queensland Health on the official status of this letter?

(3) What action has he or will he be taking to ensure that offensive and politically motivated letters of this nature are not repeated by senior management?

Mr Horan (2/10/96):

(1) A copy of the letter has been preserved as required by the Libraries and Archives Act 1988.

(2) No application under the Freedom of Information Act has been made.

(3) I do not believe that Mr Pitt's letter to Dr Senewiratne was intended to be offensive, nor do I believe that it was politically motivated. Neither I nor any of my staff were aware of his letter at the time that it was sent.

The Coalition Government has already brought about substantial change to the Princess Alexandra Hospital which had suffered so much under Labor.

728. Kirwan Women's Hospital

Ms SPENCE asked the Minister for Health (3/9/96)—

With reference to proposals mooted by him on the subject of the future of Kirwan Women's Hospital—

(1) How many patients are currently being treated at Kirwan Women's Hospital per annum and what are the different levels of care provided to these clients?

(2) What are the anticipated costs of transferring tertiary level obstetric and gynaecological services to Brisbane?

(3) Were the actions taken by the Deputy Director-General, Dr Youngman, taken with the Minister's approval with respect to the handling of industrial issues at the Kirwan Women's Hospital and, in particular, Dr Youngman's decision to decline funding needed to appoint a female gynaecologist at Kirwan in May 1996?

(4) Specifically, did Dr Youngman seek his advice or approval prior to rejecting requests from the hospital for funds to finalise the appointment of the female gynaecologist in question?

(5) What personal action has he taken to resolve issues at the Kirwan Women's Hospital which have resulted in four specialist doctors tendering their resignations effective later in 1996?

(6) Has he taken any specific action to avoid the loss of these highly dedicated medical specialists?

(7) Will he be meeting with these doctors in an attempt to ensure that North Queensland retains a first class health service?

Mr Horan (2/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. However, for the benefit of the people of North Queensland, I provide the following answer.

The number of patients admitted to Kirwan Women's Hospital in 1994/95 was 4298. Using the *Queensland Health Guide to the Role Delineation of Health Services*, the hospital provides Level 5 neonatal services and Level 5 obstetrics and gynaecological services. As these services will not be leaving Townsville, I see little point in wasting resources costing the absurd transfer you have proposed.

The recent budget demonstrated the Coalition's commitment to Kirwan, with approval and funding of $250,000 for an additional full time obstetrician and an additional $1.22 million for enhancements to the neonatal intensive care service, which will expand available cot numbers by 50%.

In addition, I have met with staff at the hospital and provided a personal assurance of the government's continuing support and commitment. During my two recent visits, I discussed with staff the need for further support which may be in the form of additional VMO services.

I am advised that already two specialists have been offered the positions of Director, Obstetrics and Gynaecological Services and Staff Specialist. The applicant for the former position has accepted the offer. Recruitment is continuing for the other positions.

729. Karawatha Forest

Mr ROBERTSON asked the Minister for Environment (3/9/96)—

With reference to the parcel of land located immediately to the west of the Southern Brisbane Bypass at Stretton, owned by Nev Pask Developments.

Will he confirm that consideration is being given to purchasing this land from the developer and including this parcel in the bushland reserve known as Karawatha Forest; if so, can he provide details on progress in relation to this matter?

Mr Littleproud (1/10/96): I am advised by the Honourable the Minister for Transport and Main Roads that prior to the last State Election, a decision was announced by the then Premier Wayne Goss and Mr Robertson that the parcel of land in question

would be acquired by the Government and added to the Karawatha Forest.

At the change of Government, the outgoing Minister for Housing, Local Government and Planning apparently wrote to the owner and suggested he take up with the new Government the matter of the land purchase.

Accordingly consideration is being given to the acquisition of the property and negotiations are continuing with the land owner seeking to resolve agreement on compensation for land taken for road corridors, as well as the severed parcel to the west. I am advised these negotiations are well advanced.

730.Brisbane and Burnett Rivers, Saratoga

Mr LIVINGSTONE asked the Minister for Primary Industries, Fisheries and Forestry (3/9/96)—

With reference to recent media comments by the Freshwater Fishing and Stocking Association in relation to releases of saratoga—

(1) Is this association intending to release saratoga into both the Brisbane and Burnett Rivers?

(2) Are saratoga presently in either of these streams?

(3) What knowledge exists of the likely impact of these introductions on native aquatic life in these rivers?

(4) Will he be calling for an environmental impact assessment of the effects of these introductions; if not, why not?

(5) Is he intending to advertise the release of these fish and call for public comment on the proposal; if not, why not?

(6) Do these releases require the approval of Department of Primary Industries (Fisheries) and has this approval been given?

(7) What other Government approvals are required before these releases occur?

(8) Has the Department of Environment a say in whether these or other similar releases proceed?

(9) Is he satisfied that these releases will cause no impact on other aquatic life in these rivers?

Mr Perrett (2/10/96):

1. The Freshwater Fishing and Stocking Association of Queensland Inc. is the representative body for locally based fish stocking groups within Queensland. Stocking of fish into Queensland waters is undertaken by individual stocking groups not the Association.

The media release to which you refer is an article by Geoff Orr that appeared in the Courier Mail on Friday 19 July 1996. The article stated that Saratoga stockings would be permitted in the Burnett and Brisbane Rivers.

The article was reporting the outcomes of the Fish Stocking Workshop held in Warwick in May 1996. At the workshop, the Queensland Fisheries Management Authority (QFMA) and the Department of Primary Industries agreed to allow Saratoga stockings to continue in the Brisbane and Burnett catchments. As a result it is likely that local stocking groups will apply for permits to stock with this species.

2. Saratoga is not native to either the Burnett or the Brisbane catchments but is present in both as a result of a number of releases undertaken in 1989 as part of the Recreational Fishing Enhancement Program. The decision is to allow these stockings to continue.

It must be noted that these releases are into artificial impoundments in the catchments, not directly into natural waterways.

3. Whilst no comprehensive monitoring has been undertaken there have been no obvious adverse impacts resulting from these stockings. There is no evidence of Saratoga becoming established outside the impoundments.

4. No, I will not be calling for an Environmental Impact Assessment of the effects of these introductions as they are not new introductions. However, my Department is committed to an ongoing assessment of the situation in collaboration with local fish management groups.

It must be noted that my Department, in collaboration with the QFMA is developing a Policy and Assessment Procedure for all proposed translocations (i.e., movement of fish outside their natural range). Decisions are made according to a strict Protocol and the option is available to call for a full Environmental Impact Assessment if insufficient data are available to make a decision.

Although agreement in principle has been given to the continuation of Saratoga stockings in the Brisbane and Burnett Rivers, individual proposals to stock will still be considered according to the Protocol.

There is no intention to specifically advertise the releases of Saratoga into these catchments. However, the Draft Translocation Policy, Decision Making Protocol and river basin by basin interpretation of the Policy will be included in the QFMA Discussion Paper on Freshwater Fisheries. This Discussion Paper will be released later this year and will be the subject of a three month public consultation process. The Discussion Paper is the first step in the community consultation process for the development of a management plan for freshwater fisheries in Queensland.

The Discussion Paper will include maps showing where various species (including saratoga) can be stocked. Public comment on the appropriateness or otherwise of these maps will be welcome.

6. Any releases of fish into Queensland waters requires a permit from the QFMA.

The QFMA has set up a Subcommittee of its Freshwater Management Advisory Committee (FMAC) to consider all stocking of translocated species and to recommend whether or not permits should be granted.

The Committee consists of the Senior Resource Manager (Freshwater) from QFMA, the Senior Policy Officer (Freshwater) from my Department and two members of Fish Stocking Groups.

All decisions are made according to the Principles of the draft Translocation Policy and according to its Decision Making Protocol. The Subcommittee can refer the matter to the full FMAC if a unanimous decision cannot be reached.

7. No other Government approvals are required but the QFMA seeks all appropriate comment prior to making its decision, both via the FMAC, which has wide representations and from other stakeholders.

8. The Department of Environment has representation on the FMAC and as such has been party to the development of the draft Translocation Policy and to setting up the decision making procedure.

My Department has worked closely with the Department of Environment (DoE) on all matters related to freshwater fishes, particularly in relation to rare and endangered species. Early drafts of the Translocation Policy were forwarded to the DoE and their Scientific Advisory Committee for the Nature Conservation Act has been kept informed. My Department will continue to work closely with the DoE on this and other important issues.

9. Based on the lack of any apparent adverse effects of previous releases of Saratoga into these systems I am confident that further releases will not cause any impacts.

However, these releases will be strictly controlled via a permit system. It should also be reiterated that the releases are permitted in artificial impoundments only not directly into river systems.

I am confident that my Department in collaboration with the QFMA is dealing with the issue of translocation in a responsible manner in keeping with the principles of Ecologically Sustainable Development and Natural Resource Management.

731. Decompression Chamber

Mrs ROSE asked the Minister for Health (3/9/96)—

(1) Did the Coalition on 31 January 1995 promise to provide a decompression chamber based in Brisbane?

(2) Will this initiative cost up to $1.4m to introduce?

(3) When will this promise be implemented?

Mr Horan (2/10/96):

(1) On 29 January 1995, the Coalition made a commitment to ensure the availability of a Hyperbaric Unit in southern Queensland.

(2) On the advice I have received, no.

(3) I anticipate that this promise will be implemented no later than the year 2001 under the current rebuilding of RBH. However, I am investigating options which will see a much earlier implementation.

732. Mr L. McPherson

Mr BARTON asked the Minister for Police and Corrective Services and Minister for Racing (3/9/96)—

With reference to a recent article in the *Courier-Mail* by the crime journalist Bob Bottom in which he stated that the National Crime Authority had "unearthed the fact that Len McPherson had amassed millions of dollars, much of it apparently still out of reach in Queensland", and as Len McPherson was a prominent southern criminal whose most recent appearance was before the New South Wales Wood Inquiry into Police Corruption—

(1) Is he aware of Mr McPherson's ill-gotten gains in Queensland?

(2) Where are the millions of dollars located?

(3) Why, as Mr Bottom states, are these millions "apparently still out of reach in Queensland"?

(4) If he is not aware of the existence of these funds in Queensland does he intend to instigate a police investigation into Mr Bottom's allegations?

(5) Will he give an undertaking to make public all findings of such an investigation?

Mr Cooper (27/9/96): The investigation into the assets of Len McPherson is being conducted at present by the National Crime Authority (N.C.A.) under the 'Sugar' Reference which relates to money laundering offences. Intelligence from that investigation has been provided to the Queensland Police Service.

The N.C.A., in fact, charged Mr McPherson with offences under the Income Tax Assessment Act 1936 (Cwth) whilst he was in prison in New South Wales prior to his death. That investigation is pursuing the assets of Mr McPherson throughout Australia.

There is no scope for any investigation by Queensland police as the Crimes (Confiscation) Act 1989 (Qld) is conviction based. Due to the death of Mr McPherson it is not possible to obtain the necessary conviction of any serious offence from which the assets were derived.

It is also important to note that it is not the policy of the Queensland Police Service to compete with other agencies for the forfeiture of assets. Arrangements are in place which permit the primary investigating agency to take the necessary action concerning forfeiture of assets.

733. Cooktown Primary School

Mr BREDHAUER asked the Minister for Education (3/9/96)—

With reference to a detailed submission from the Cooktown State School Parents' and Citizens' Association to the Peninsula Region Education Office outlining a proposal to relocate Cooktown Primary School onto the secondary campus—

Given the difficulties experienced at the school in maintaining two campuses, what are the prospects for the primary school's eventual relocation?

Mr Quinn (2/10/96): The case for the relocation of Cooktown State School was assessed when the New Schools component of the 1997/98 Capital Works Program was being prepared.

This program uses performance indicators, such as limitations (capacities) of site, current student densities, and future enrolment growth (and thus future densities), to assess whether a particular case is able to compete successfully for funding.

The Cooktown relocation was not seen to present a case of outstanding need, relative to many other schools in the state. I am informed that the site, classrooms and amenities, of the existing school, are sufficient to accommodate enrolments in the medium term. However, I have asked the Department to continue monitoring the situation.

734.Scenic Rim, Camping Facilities

Mr ARDILL asked the Minister for Environment (3/9/96)—

With reference to the large influx of population into South-East Queensland leading to overuse of existing national park facilities, which will become acute if overseas trends are experienced and also to the large resource of the Scenic Rim of the Main and McPherson Ranges—

What steps are being taken by the Department of Environment to establish new access points and camping facilities along the Scenic Rim?

Mr Littleproud (24/9/96): While the previous Government increased the size of the National Park estate in Queensland, it did not match this with adequate funding for management. The Coalition Government has had to address this situation in the context of overall Budget mismanagement inherited from Labor at both Commonwealth and State levels.

There are currently no plans to increase the number of access points or camping facilities in the western Scenic Rim parks, rather, efforts are being made to better utilise existing sites through education and recreational infrastructure redevelopment.

While the national parks in the Main and McPherson Ranges experience heavy use during public and school holidays, for most of the year there is minimal use of existing facilities.

Significant capital infrastructural projects have been funded this financial year in the more popular eastern Scenic Rim parks such as Lamington, Springbrook and Tamborine National Parks. In excess of $300 000 will be spent in upgrading walking tracks, lookouts and information centres to enhance visitor enjoyment and appreciation of these parks.

The Department of Environment carefully controls the number and location of visitor sites throughout the Scenic Rim to ensure public safety, protection of the natural values of these national parks, respect for the rights of neighbours and preservation of a range of recreation opportunities for park users.

735.Bundaberg Health Service

Mr CAMPBELL asked the Minister for Health (3/9/96)—

With reference to the Bundaberg Health Service—

(1) What is (a) the recurrent funding for community health, hospital services and total funding for 1993-94, 1994-95 and 1995-96, (b) the total number of hours, number of clients, number of staff and cost for community home help for 1993-94, 1994-95 and 1995-96, (c) the capital funding and projects undertaken during 1993-94, 1994-95 and 1995-96, (d) the total number of services provided with details (for example number of births, operations, patient days, patients treated, outpatient visits, specialist visits, breast screening services, mental health services, dental services, x-ray services, pathology services, chemist/dispensary services, other community health services etc) during 1993-94, 1994-95 and 1995-96, (e) the total number of staff, including details of the number of medical staff and specialists etc employed for 1993-94, 1994-95 and 1995-96 and (f) the cost and services provided under the Patient Transit Scheme and Patient Transfer Scheme?

(2) Will he also provide details of patients treated to date with the Renal Dialysis Units?

Mr Horan (2/10/96):

(1) With reference to the Bundaberg Health Service—

(a) the recurrent funding for community health, hospital services and total funding for 1993-94, 1994-95 and 1995-96 were:

	COMMUNITY HEALTH	HOSPITAL SERVICES	TOTAL FUNDING
1993/1994	$2,563,210	$24,215,302	$26,778,512
1994/1995	$2,932,015	$26,055,359	$28,987,374
1995/1996	$4,629,889	$29,522,383	$34,152,272

(b) the total number of hours, number of clients, number of staff and cost for community home help for 1993-4, 1994-5, and 1995-6 were:

	Total Client Hours	Total Number of Clients	Number of Staff	Community Home Help $/Yr
1993/1994	33,494	692	117	699,588
1994/1995	24,603	717	94	692,827
1995/1996	28,168	731	71.5	711,701

(c) the capital funding and projects undertaken as part of the Capital Works Program for the Bundaberg District Health Service were:

1993/94

Specialist Equipment, Bundaberg Hospital:

Biochemical Analyser—$120,000

Haematology Analyser—$169,000

1994/95

Specialist Equipment, Bundaberg Hospital:

Fluoroscopy Unit—$391,358

Breast Screening Assessment Service Bundaberg:

Establishment of a new service through refurbishment/extension of RMOs' quarters on hospital campus—$1.361 million with majority of funding provided through the BreastScreen Queensland Program, a Commonwealth/State initiative

1995/96

Specialist Equipment, Bundaberg Hospital:

Monitoring, Laparoscopic and Ophthalmic equipment—$635,972

Information System Support:

(Hospital Based Corporate Information Support—HBCIS)

Bundaberg/Maryborough Hospitals (combined project)—$3,482,299

Bundaberg Hospital Redevelopment Stage II:

Electrical upgrade, carpark, civil works and construction of a new Red Cross facility—$2.148 million including $263,603 for the Red Cross facility funded by the Red Cross Society of Australia

Bundaberg Hospital—Renal Unit:

4 chair unit in refurbished area of existing Women's Unit—$475,00

Gin Gin Hospital Minor Works:

Bathroom upgrade, internal and external painting, replacement of roof—$55,000 of total budget of $220,000.

(d) the total number of services provided with details (for example: number of births, operations, patient days, patients treated, outpatient visits, specialist visits, breast screening services, mental health services, dental services, x-ray services, pathology services, chemist/dispensary services, other community health services etc) during 1993-4, 1994-5, and 1995-6 was:

	1993/1994	1994/1995	1995/1996
Births	1,048	960	847
Operations	4,472	4,687	4,856
Patient Days	59,312	55,623	53,013
Patients Treated (3)	11,431	11,679	11,782
Outpatient Visits (1)	4,896	10,071	9,693
Specialist Visits (1)	13,244	16,077	18,185
Breast Screening	0	0	4,242
Mental Health (1)	2,750	2,744	2,588
Dental Services	16,308	19,297	20,570
X-Ray Services (1)	7,750	9,740	10,281
Pathology Services (1)	9,485	10,846	12,270
Chemist/Dispensary (2)	37,014	35,325	28,902
Other Community Health Services	na	39742	42,861

(1) Outpatients occasions of service only;

(2) Number of items dispensed;

(3) Separations.

(e) the total number of staff, including details of the number of medical staff and specialists etc employed for 1993-4, 1994-5, and 1995-6 was:

	Total Number of Staff (FTE)	Medical/Specialist Staff (FTE)
1993/1994	537	30
1994/1995	552	34
1995/1996	587	34

(f) the cost and services provided under the Patient Transit Scheme and Patient Transfer Scheme were as shown in the following tables.

The cost of services provided through the Patient Transit Scheme and Patient Transfer Scheme was:

	1993/1994	1994/1995	1995/1996
Patient Transit Scheme	$432,106	$431,366	$537,030
Patient Transfer Scheme	$103,493	$117,199	$50,085

The range of services provided through the Patient Transit Scheme was:

Anaesthetics, Burns, Breast clinic, Cardiology, Cardio-thoracic surgery, Clinical haematology, Clinical pharmacology, Coronary angiography, Dermatology, Development assessment teams, Diagnostic radiology, Endocrinology, Gastroenterology, General medicine, General surgery, Geriatrics, Gynaecology, Ophthalmology, Orthopaedics, Otorhinolaryngology, Hyperbaric medicine, Intensive care, Infectious diseases, In-Vitro fertilisation, Magnetic resonance imaging, Medical oncology, Neonatology, Nephrology, Multiple trauma, Plastic and reconstructive surgery, Psychiatry, Radiation oncology, Neurology, Neurosurgery, Nuclear medicine, Obstetrics, Oral pathology, Oral surgery, Orthodontics, Periodontics, Paediatrics, Paediatric surgery, Pain clinic, Pathology, Prosthodontics, Alcohol and Drugs, Allergy, Angiography, Rehabilitation medicine, Renal dialysis, Rheumatology, Spinal injuries, Sexually transmitted diseases, Thoracic medicine, Transplant surgery, Urology, and Vascular surgery

(2) Two hundred and thirty-two patients have been treated to date (24 June 1996-5 September 1996) with Renal Dialysis Units.

736. Government Advertising

Mr PEARCE asked the Premier (3/9/96)—

With reference to a four-page State Government advertising feature in the *Gladstone Observer* on 30 May which featured large photographs of himself and Training Minister Santoro—

How much of the public's money was used to pay for this feature and will the public pay for similar features in other newspapers?

Mr Borbidge (3/10/96): The advertising feature was one initiated by the *Gladstone Observer* newspaper with the apparent intent of focusing on State and Local Government services in the region. The approximate cost of State Government related advertisements in this feature was $2,800.

It is not unusual for newspapers to publish regional features from time to time, but any State Government departmental involvement in terms of advertising in such features is subject to consideration on a case by case basis.

737. Department of Housing, Stones Corner and Capalaba Offices

Mr PURCELL asked the Minister for Public Works and Housing (3/9/96)—

(1) Is he seeking to close the Stones Corner and Capalaba area offices of the Department of Housing?

(2) Is he aware that the Stones Corner office receives over 5,000 calls a year from clients and has over 1,600 clients personally visit the office every year?

(3) Does he know that the Capalaba area office's wait lists have increased by 37 per cent over the past three years?

(4) How can he justify considering the closure of any area offices when anecdotal evidence shows that clients are much happier and more problems have been solved since the introduction of regional offices?

(5) Does he appreciate the difficulty departmental clients, particularly the elderly, have in travelling into the city?

(6) Will he give an assurance that no jobs will be lost if the closure goes ahead?

Mr Connor (3/10/96):

(1) My Department has advised me that as part of its desire to improve service delivery to customers and achieve commercial efficiency in its services, it is undertaking a review of customer service delivery. Initially the focus will be on service delivery in the Brisbane Metropolitan area.

(2) Yes. I am aware that these are monthly figures, not yearly.

(3) Yes.

(4) The Honourable Member can be assured that I am committed to the provision of high quality service to the Department's customers. Consequently, the direction I have given the Department is to identify ways of improving the way housing services are provided to those people in the community wanting to access them. In addition, it is essential that service is provided in the most efficient and effective way possible. It is appropriate for the Department to continue to review the products and services provided to the community.

(5) Accessibility to the Department's housing services is to be considered as an important component of the current review.

(6) There are no plans for forced redundancies.

738.Rental Subsidy Scheme

Mr ROBERTS asked the Minister for Public Works and Housing (3/9/96)—

With reference to the proposed rental subsidy scheme for tenants, being proposed under current or recent negotiations on the Commonwealth/State Housing Agreement—

(1) Will he guarantee tenants that they will not be financially disadvantaged by this scheme?

(2) When is the scheme intended to be introduced in Queensland?

Mr Connor (3/10/96):

(1) This matter is still subject to negotiation with the Commonwealth.

(2) The timeframe for implementation of the scheme is currently the subject of negotiations between the Commonwealth and State Ministers.

739.Whitsunday Electorate, School Closures

Mrs BIRD asked the Minister for Education (3/9/96)—

With reference to concerns in the Whitsunday electorate about school closures, e.g., Pindi Pindi etc—

(1) What schools are to be closed in the Whitsunday electorate?

(2) What alternative arrangement will be put in place for school children to attend school?

Mr Quinn (2/10/96): (1) & (2) There are no plans currently to close schools within the Whitsunday electorate. Consequently, no procedures have been developed to facilitate alternative arrangements for school attendance, within your electorate.

740.Department of Housing, Loan

Mr HAYWARD asked the Minister for Public Works and Housing (3/9/96)—

With reference to an application to transfer from a Rental Purchase Plan to a Queensland Housing Loan—

(1) Why did the Department of Housing allow the offer of a Queensland Housing Loan to proceed up to the stage of the client, reference HOF 21292, signing the documents and returning same, before advising the client they were withdrawing the offer?

(2) On what grounds did the department base the withdrawal given that the department had carried out all the necessary steps prior to the offer being made such as an independent property valuation and income assessment?

Mr Connor (3/10/96):

(1) The Department made an error in withdrawing the loan offer to the client (HOF 21292). The client has been contacted and informed the loan can proceed, if that is the client's wish.

(2) The Department's withdrawal of the loan offer (in error) arose from subsequent concerns that the applicant would have difficulty in meeting the necessary loan repayments as they increased over the term of the loan.

Upon the advice of the Department the client has obtained independent financial advice to consider which housing option best meets her needs. Both the client and the financial adviser agree that the Queensland Housing Loan best meets the client's needs. The Department is proceeding with the settlement of the loan.

741.Suncorp/Metway/QIDC Merger

Mr D'ARCY asked the Premier (3/9/96)—

With reference to the Suncorp/Metway/QIDC merger fiasco and the fact that when he has been asked why a merger is necessary he says it will have "Queensland's interests at heart as opposed to what we have seen so often where the best interests of this State have been placed second to

Melbourne/Sydney establishment when certain matters have got to board tables down south"—

As this seems to be his sole reason for creating a State bank, will he name and give details of just four or five of these examples he mentioned where the lack of a Queensland bank has caused Queensland's interests to be placed second?

Mr Borbidge (3/10/96): The merger does not create a State Bank. The previous Government created a State Bank when it corporatised QIDC, gave it a commercial charter, had it declared to be a bank under the Banking Act and placed it under Reserve Bank supervision. The Government's initiative creates a stronger banking and insurance entity that will be owned directly by the people of Queensland as the Government floats off its shareholding. The Government's actions are in direct contrast to the former Labor Government which created a State Bank in the form of the QIDC, and in direct contrast to other State Labor Governments who have presided over financial disasters in relation to State Banks.

There was no one reason for the decision to propose the merger and subsequent float. There was a large number of compelling reasons which were outlined at some length in the second reading debate which is recorded in *Hansard*.

742. Water Supply

Mr PALASZCZUK asked the Minister for Natural Resources (3/9/96)—

With reference to his current plans to privatise water supply in Queensland—

Will he guarantee that (a) no job losses will flow from this move, (b) no water consumer will pay more for water as a result of this move and (c) no foreign company will gain control over the supply of water to Queenslanders?

Mr Hobbs (16/9/96): It is assumed by privatisation the honourable member means that assets transfer from Government ownership to the private sector.

The Government's policy allows for the local management of irrigation assets. It does not propose that assets be divested to foreign companies. Local management will only occur where local irrigation groups indicate to the Government that they wish to accept that responsibility.

The question of which local groups might wish to take up this option and whether they would also seek a change in ownership of assets is something that will need to be discussed with irrigators on a scheme by scheme basis. It must be emphasised that even where the local management option is taken up, the question of asset ownership will be very much dependent on the type of local management arrangement negotiated for each individual scheme. Local management represents a partnership with the Government and does not necessarily require a change in asset ownership.

As part of this process it will generally be the case that the existing strategic assets such as dams and major channels would remain in State ownership because of their importance to regional development.

Local management arrangements will only proceed where satisfactory arrangements are made for the welfare of the Queensland Government employees who currently operate such schemes. The precise arrangements would be worked out in consultation with the employees and the Unions which represent them. The Unions have been consulted during the development of our policy and this process will continue as part of local management negotiations.

The Queensland Government will have to approve the arrangements for each particular scheme.

Of course the Queensland Government welcomes private sector investment in the construction of the new water supply assets. In such cases, it may be desirable to allow direct private sector ownership of major water supply assets.

743. Yeronga State High School; Asbestos Removal Program

Mr FOLEY asked the Minister for Public Works and Housing (3/9/96)—

With reference to asbestos at the Yeronga State High School identified by his department for immediate removal for reasons of health and safety and to the Government's appalling failure to remove the said asbestos—

(1) Was a report issued on 1 March 1996 of an inspection on 17 January 1996 identifying the following asbestos problem areas warranting immediate removal on health and safety grounds (a) the fume cupboard in Room A10 of A block, (b) the Townsend and Mercer lab oven in H block, (c) the sheeting store under the bench below the Bunsen burners in H block and (d) the roof of the Manual Arts block?

(2) Why did his department fail to advise the school of this until the Q Build Building Management Plan for Yeronga State High School dated 31 July 1996 was received by the school on 6 August 1996?

(3) Why has he cut funding to the asbestos removal program, preventing removal of the problem asbestos at Yeronga State High School and exposing students, teachers and other staff to unacceptable health and safety risks?

(4) With reference to the downgrading of the priority for removal of the asbestos roof of the Manual Arts block from "Immediate" priority to "High" priority, (a) was this a dishonest attempt to conceal the urgency of this problem as the Government had withdrawn funding from the vital asbestos removal program and (b) why, how, when and by whom was the priority downgraded from "Immediate" to "High"?

(5) Does he accept that it is grossly unsatisfactory that students and staff should be exposed to health and safety risks because, according to his department's letter to the school of 17 July 1996, funding for immediate removal is

presently unavailable pending the announcement of the 1996-97 budget?

(6) Will he now take immediate steps to rectify the problems of asbestos identified at the Yeronga State High School?

Mr Connor (3/10/96):

(1) A preliminary asbestos register report was printed on 1 March 1996.

(2) This department did not fail to advise the school of these items. There was continuous contact and briefings given to the School during and after the audit. The school was informed of the findings of the audit prior to the Building Management Plan (BMP) being delivered.

(3) There has been no cut in funding to this program.

(4) No. The reassessment of the roof of the Manual Arts block was undertaken when a query was raised of Central Office by the auditing team regarding the condition of this particular roof. An inspection and risk analysis was undertaken by Central Office support staff and the material was reevaluated as being in satisfactory condition with no associated health risk to students or other persons. The roof is registered on the planned removal schedule under the maintenance program. Obtaining a second opinion is common, and good practice in this industry.

(5) Students and staff have not been exposed to any asbestos-related health or safety risks. The only asbestos in the 'immediate' removal category was contained in a lab oven. This oven was taken out of service when the asbestos was identified and assessed, and has been rectified as part of the 1996-97 program. The remaining asbestos identified is in a stable condition. It poses no immediate threat to health or safety and can be safely managed in situ until it is removed.

(6) All asbestos identified as requiring immediate removal has been removed.

744.State Bank

Mr T. B. SULLIVAN asked the Deputy Premier, Treasurer and Minister for The Arts (3/9/96)—

With reference to her pledge that a State Bank would be good for Queensland—

(1) In which State did she find the person selected to head the merger planning group?

(2) In which State is the company she selected to lobby Metway shareholders based?

(3) In which State is the company she employed as her adviser and broker for this merger based?

(4) In which State is the company she is employing to perform the independent valuation for the merger based?

Mrs Sheldon (3/10/96): No pledge has been made in relation to a State Bank—Labor Governments have presided over disasters in relation to State Banks in other States; we are ensuring that Queensland does not suffer the same fate. However, I have stated that the merger of three fine Queensland institutions would provide significant benefits for the State and was in the best interests of all concerned: the businesses of Suncorp, QIDC and Metway; the staff and customers of the three entities; the shareholders including the people of Queensland as owners of QIDC and Suncorp. The merger also produces financial and economic benefits for the State.

1. The chairman of the Merger Planning Group, Mr John Lamble, is from New South Wales. The fact that the merged group can attract a national business leader of the calibre of John Lamble should indicate the strength and prospects of the merged group.

2. Metway shareholders were not lobbied. Polling of Metway shareholders by Metway and by the Government was conducted by Levita Pty Ltd, a New South Wales based firm.

3. Brokers and advisers on the issue of Exchanging Preferred Units by the listed unit trust is a consortium of Brisbane based stockbroking firms. Lead managers are Wilson HTM and Morgans Stockbroking, together with the national stockbroking firm, J. B. Were & Son.

4. Consultants for the independent valuation were selected and employed by the Merger Planning Group. They were not employed by me.

745.Wet Tropics Management Authority

Mr WELFORD asked the Minister for Environment (3/9/96)—

With reference to the Wet Tropics Management Authority (WTMA)—

(1) Does he support the $1.2m cut in the Federal Government budget allocation to the WTMA announced in the Federal budget?

(2) What activities of the WTMA does he believe should be cut to accommodate this reduction in funding?

(3) When did he last have contact with Councillor Jim Chapman regarding his proposal for him to become Chair of the WTMA?

(4) Has he advised Mr Chapman that Senator Hill regards Mr Chapman to be an unacceptable choice for Chair?

(5) Which WTMA Board members does he consider to be representing the Queensland Government?

(6) Which of the board members did he write to informing them of the State Governments policies in terms similar to that in a letter of advice to Dr Lesley Clark?

(7) What areas of inefficiency and waste has he identified in the WTMA to justify any funding cuts?

Mr Littleproud (24/9/96):

1. I am aware that the Federal Government framed its budget on the basis of what was best for the nation given the disastrous financial situation left by the previous Labor Government. This approach did require a reduction in funding in certain areas

including the Wet Tropics Management Authority (WTMA).

2. Even if the Federal Government's Budget Allocations to the WTMA for the 1996/97 financial year had remained at the previous year's level, I would have been encouraging the WTMA Board to review its operations to ensure that its activities were the most cost effective ones. This approach is even more important now that Federal Government funding for the current financial year has been reduced. I would expect the WTMA Board to undertake a comprehensive review of its operations and budget arrangements and allocate funds to the highest priority areas.

3. I have not had contact with Councillor Jim Chapman for some weeks. However, he is only one of several people being considered with regard to the position.

4. See (3) above.

5. Two Board Members nominated by the Queensland Government.

6. Two Board Members nominated by the Queensland Government.

7. See (1) and (2) above.

746.Rail Line Location, Bracewell

Mrs CUNNINGHAM asked the Minister for Transport and Main Roads (3/9/96)—

With reference to residents of the Bracewell areas who continue to be frustrated in reaching a satisfactory finalisation to discussions with QCL for their proposed expansion—

What progress has the department made on the issue of the rail line's location, particularly as Option 7 affects Mrs McInally and Mr and Mrs Paget whose preference is Option 4—a scenario examined in the IAS and dismissed apparently only on cost factors?

Mr Johnson (3/10/96): The QCL Impact Assessment Study process involved consultation with landholders and resulted in the evaluation of a total of 7 options for the rail spur layout at East End. Option 4 is the least feasible and practical alternative of the layouts. This is because the option requires sterilisation of mining reserves, the topography of the land makes construction of a rail spur difficult and it would result in a significant increase in rail spur and conveyor construction costs.

Option 7 has been identified as the preferred layout for the rail spur. Option 7 does not sterilise mining reserves and it provides the benefits of being practical and cost effective to construct and operate, while attempting to address the concerns of all of the parties consulted. In fact, it minimises the overall resumptions from all landholders, not just Mrs McInally.

Notices of Intention to Resume to landholders were issued on 2 August 1996 in accordance with the Option 7 layout. Objections to the resumptions have been lodged by Mrs McInally and Mr and Mrs Paget. The resumption process allows these objections to be heard on 13 September 1996, with the outcome being a determination on the respective landholders' concerns and the finalisation of the spur alignment.

747.Rockhampton, Office of the Premier

Mr SCHWARTEN asked the Premier (3/9/96)—

With reference to the Office of the Premier to be established in Rockhampton—

(1) When will this office officially open?

(2) What staff numbers will be employed in this office?

(3) What duties will these staff perform?

(4) What is the classification and salary of each of these staff?

(5) What process will be used to employ these staff?

(6) Will these staff be public servants or political appointments?

(7) Will these staff be expected to travel to other central Queensland centres?

(8) Will Government vehicles be provided to these staff; if so, what type of vehicles will be provided and will they be officially marked?

(9) Where will this office be located?

(10) What annual rent is to be paid for these premises?

(11) What is the proposed annual budget for salary and running of this office?

Mr Borbidge (3/10/96): There is no Office of the Premier to be established in Rockhampton.

(1) to (11) see above.

748. Ipswich General Hospital; Asbestos Removal Program

Mr HAMILL asked the Minister for Public Works and Housing (3/9/96)—

With reference to alarming reports in the Queensland Times (2 September) of asbestos materials being present in the Maternity Wing of the Ipswich General Hospital—

(1) When will this material be removed?

(2) At what cost?

(3) Has the Asbestos Management Program been curtailed by the Coalition Government?

(4) Is it proposed to withdraw over $3m from the program in 1996-97?

Mr Connor (3/10/96):

(1) The material will be removed as soon as planning for coordination with hospital operations is complete.

(2) Approximately $10,000 to $12,000.

(3) No. There has been no change of policy.

(4) A direct allocation of $2.5M for the program will be available in 1996-97 for auditing and management of the program. The program has been made more flexible by making funds available from Departmental maintenance programs for the removal of high priority asbestos.

749. Royal Children's Hospital

Ms BLIGH asked the Minister for Health (4/9/96)—

With reference to a memorandum to all staff at the Royal Children's Hospital (RCH), dated 21 August 1996, which confirmed that a number of options designed to effect budget savings included the closure of the Sega Ward for at least six months and the decommissioning of the specialist infectious diseases unit previously provided for in the Patterson Ward—

(1) Will he accept any responsibility for increased rates of cross-infection in children receiving treatment at the RCH caused by putting infectious beds in with the general medical ward for children?

(2) Does he accept that the decommissioning of the Patterson Ward was causing serious distress to parents of young patients and nursing staff because of the heightened risk of cross-infection in a mixed ward arrangement such as this?

(3) Will he explain the details behind recent reports of a proposal that hospital staff could face fines if cross-infection in patients under their care could be proven against them?

(4) Why was this proposal aired and then later withdrawn by him?

(5) Has he approved any documents of a submission nature concerning this proposal to fine hospital staff on infection control issues?

(6) What consultation took place, if any, between either himself or his department and the generous sponsors of the children's ward mentioned for closure at the RCH (Sega and Woolworths) to maintain their valued support in the future?

Mr Horan (2/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. However, for the benefit of your constituents, I provide the following answer.

No final decision has been made about the patient management changes at the Royal Children's Hospital. Management has initiated a consultation phase to seek input from medical and nursing staff on the proposals.

At a meeting of the Medical Staff Association with Hospital management on 2 September, medical staff voted overwhelmingly to proceed to develop an implementation plan for the possible merger of three medical wards into two medical wards. Only one medical staff member voted against the motion. Management is now in a detailed process of consultation with medical and nursing staff to develop a plan for the ward merger. The current proposal incorporates concerns about cross-infection. As a result, an infectious area will be maintained and a more rigorous admission assessment will identify clinical infection status. This initiative has potential to raise infection control standards. When an acceptable plan has been developed, discussions will be held with the sponsors to ensure they are informed and their interests taken into account. I deeply value their support.

The issue of fines was raised in an interview which a journalist conducted with a senior officer of my Department. That officer has told me that he was misreported. The reported views do not reflect either Departmental policy, nor even views of the officer concerned. I have not and will not be approving any scheme of this nature.

750. Queensland Health, Board Appointees

Mr WELLS asked the Minister for Health (4/9/96)—

(1) Will he confirm his commitment to the role of consumer representatives on appropriate boards?

(2) Will he confirm that it is the role of these appointees to represent the interests of health consumers?

Mr Horan (2/10/96):

(1) The current health practitioner legislation draft paper proposes doubling the current representation. The Government's preferred position will be canvassed in a policy paper on all the health practitioner legislation (with the exception of the Queensland Nursing Act) which will be released shortly.

(2) The current registration legislation uses the term "representing users of the services" of the relevant practitioners. The legislation does not specify the roles and responsibilities of that member of the Board and this will be addressed in the policy paper. However, in Bennetts v The Board of Fire Commissioners of NSW and Others, His Honour Mr Justice Street commented that:

> "Nomination of the individual members and their election to membership by interested groups ensure that the Board as a whole has access to a wide range of views, and it is to be expected within this wide range of views that inevitably there will be differences in the opinions, approaches and philosophies of the Board members. But the predominating element which each individual must constantly bear in mind is the promotion of the interests of the Board itself. In particular a Board Member must not allow himself to be compromised by looking to the interests of the group which appointed him rather than to the interests for which the Board exists."

Clearly Mr Justice Street's opinion in this definitive case establishes the benchmark for the role of any board member.

751. Compulsory Third-party Insurance

Mr BRISKEY asked the Deputy Premier, Treasurer and Minister for The Arts (4/9/96)—

With reference to the Fitzgerald Audit Report recommendation to deregulate Compulsory Third Party insurance—

What effect would the implementation of this recommendation have upon the premiums paid by motor vehicle owners?

Mrs Sheldon (3/10/96): The Government has established an Audit Commission Implementation Office to coordinate the assessment of the recommendations from the Commission of Audits' report. No assessment has been made of the potential impact of the recommendation regarding the setting of CTP insurance premiums.

Meanwhile the existing legislation requires an annual review by the Motor Accident Insurance Commission of CTP premium levels. This encompasses actuarial advice and culminates in a recommendation to Government, and the fixing of premiums by Regulation. This process is enhanced by the legislative requirement that if the Government fixes premiums, different to the Commission's recommendation, the Government must table in the Legislative Assembly a report setting out in detail the reasons for the difference.

752.Suncorp/Metway/QIDC Merger

Mr MILLINER asked the Deputy Premier, Treasurer and Minister for The Arts (4/9/96)—

With reference to the unanimous vote of this Parliament on 11 July 1996 that the proposed merger of Suncorp, Metway and QIDC does not result in forced redundancies or diminution of services—

(1) Will the Government be able to deliver the outcome for which its members, to a person, voted?

(2) What advice has she received from Treasury or Mr Lamble on the number of jobs to be lost and branches to be closed as a result of the merger?

(3) Does that advice indicate that forced redundancies will be necessary to achieve savings targets imposed by the costs of this mega-bank merger; if so, how many forced redundancies will occur, and over what period?

Mrs Sheldon (3/10/96):

1. Consistent with the position it has stated from the outset, the Government expects that there will be some rationalisation of branches and staff arrangements arising from the merger. However, this is expected to be accommodated through natural attrition without recourse to forced redundancies and without diminution of services.

2 and 3. Treasury conducted a review of Queensland Government Financial Services Sector for the previous Government in December 1995. That report is now outdated as circumstances have changed significantly since that time. Accordingly, some of the analysis is no longer relevant. For example, it was assumed that all duplicated branches in any centre would be closed and all jobs lost. It made no allowance for expanded staffing requirements of branches of the new bank that would provide a wider range of services to a larger customer base. Further, the report took no account of the jobs saved or additional jobs created by a major head office located in Brisbane. Up to 600 jobs in Metway's head office would have been lost if the St George takeover proceeded. Jobs also will be preserved in businesses providing support services. Importantly, as part of a solid merged group, the Suncorp, Metway and QIDC businesses will be stronger and, in the longer term, will have the opportunity to grow and provide enhanced job and career prospects for staff.

Mr Lamble has not provided any advice on this issue.

753.Timber Industry

Mr PEARCE asked the Minister for Natural Resources (4/9/96)—

With reference to the National Forestry Policy Statement and the concept of Deferred Forest Areas based on a 15 per cent criterion, both of which are supported by the Howard Government—

(1) Does the Queensland Government support a national reserve criterion which includes a benchmark of 15 per cent of the pre-1750 distributions of forest type?

(2) In light of the fact the Forestry Working Group, established by Labor and supported by the Queensland Timber Board and the conservation movement, has not been permitted to meet under this Government, what process does he have in place to ensure the long term protection of areas of high conservation value as well as the future viability of the more than 300 native forest timber mills in Queensland?

Mr Hobbs (30/9/96): (1) The Queensland Government remains opposed to the arbitrary application of a 15% reservation rule.

The latest version of the reserve criteria, produced by the Joint Australian and New Zealand Environment and Conservation Council/Ministerial Council for Forestry Fisheries and Aquaculture National Forest Policy Statement Implementation Sub Committee Group (JANIS) represents a substantial moderation of the earlier position (established unilaterally by the Commonwealth Government) of an absolute 15% reserve lock up. Queensland representatives on JANIS argued for, and won significant amendments to the original criteria. For example, the report now recognises the need for flexibility in the application of the criteria to deliver "optimal nature conservation outcomes as well as acceptable social and economic outcomes". It further indicates that area criteria such as the 15% should be "considered as guidelines rather than mandatory targets". Thus the 15% can be modified for areas where the forest ecosystem is extensive, or where there are selectively harvested areas over a long rotation or where there are unsatisfactory social or economic consequences.

(2) The Forest Working Group is supported by this Government. It has met three times since early July this year and is making a very significant contribution to the forest policy debate. In giving positive support to the concept of a Forest Working Group, I restructured it in consultation with my colleagues the Minister for Primary Industries and the Minister for

the Environment to make it a far more representative body.

The Queensland Cabinet will be considering Queensland's position with respect to the whole Regional Forest Agreement process in the near future, and I will be announcing that position when it has been resolved. In the meantime let me assure you that this Government will be providing resource security to the timber industry and at the same time ensuring that nature conservation values of our forests are adequately protected.

754.Police Staffing

Mr NUNN asked the Minister for Police and Corrective Services and Minister for Racing (4/9/96)—

(1) How many police officers have resigned or left the Police Service since 15 February 1996?

(2) How many police have been recruited in that time?

(3) How many police stations have had an increase in the number of uniformed officers in that time?

(4) Which stations?

(5) By how many?

(6) How many police are expected to be recruited in 1996-97?

Mr Cooper (27/9/96):

(1) A total of 138 separations from the Service have occurred between 15 February 1996 and 1 September 1996.

(2) A total of 175 new officers have been sworn in during that period.

(3), (4) and (5) The Authorised strength for the Service has not altered over the period commencing 15 February 1996 through to the present time. The actual strengths of individual stations may have fluctuated a number of times during this period with increases and decreases occurring as a result of transfers, secondments, appointments and natural attrition. Identification of increases in the actual strength of individual stations would not present a valid representation of staffing trends across the Service as other stations experience commensurate decreases in actual strengths. Increases to the authorised strength of the Service together with the continued implementation of the civilianisation program have been incorporated into the budget for the 1996/97 financial year.

(6) A total of 410 new officers are expected to be sworn in during the 1996/97 financial year.

755.Fertilisers

Mr HOLLIS asked the Minister for Primary Industries, Fisheries and Forestry (4/9/96)—

With reference to the fact that certain commonly used fertilisers can be used as explosives when mixed with diesel fuel—

(1) Is he aware of American legislation requiring fertiliser manufacturers to put chemical "fingerprints" or tagettes in certain products so their origin could be identified after their unauthorised use as explosives?

(2) Will he consider similar legislation to prevent the use of these fertilisers for unlawful purposes?

Mr Perrett (2/10/96):

1. From the best advice that I can obtain it would seem that legislation as you have outlined does not exist in America. Advice to me, however, suggests that the United States Congress has foreshadowed such legislation but that this foreshadowed legislation is still on hold pending further investigation as to its suitability.

2. I have no plans to introduce similar legislation.

In this regard I would advise as follows. It may be useful to include taggants (spelt incorrectly in question) in fertilisers that have the capacity to cause an explosion when mixed with other substances, for the purpose of ascertaining the origins of that fertiliser. However, in the absence of a licensing scheme requiring all parties in the sale and transfer of the fertiliser to record all such sales or transfers, the taggants included in fertilisers would not help in any way to identify the individual or individuals that committed the actual unlawful act.

Legislation already exists under the Queensland Explosives Act prohibiting any person from manufacturing any explosive unless that explosive is approved under the Act and the person manufacturing the explosive is licensed under that Act.

756.Parking of Buses and Trucks in Suburbs

Mr ROBERTSON asked the Minister for Transport and Main Roads (4/9/96)—

With reference to concerns expressed by many residents with respect to the parking of buses and trucks in suburban streets which can compromise the safety and visual amenity for neighbouring residents—

What plans or proposals does he have to address this problem and when can concerned residents expect action in response to their concerns?

Mr Johnson (4/10/96): There is little evidence to suggest that the parking of heavy vehicles on residential streets adversely affects road safety as the speed limits in these areas are relatively low and drivers normally approach large vehicles with extra care. I acknowledge that large vehicles can impede a driver's sight line, however the other factors I have mentioned generally negate any adverse road safety implications. This issue is more one of residential amenity.

The Traffic Act 1949 sets out the necessary controls for the safe movement of, and equity of access for, pedestrians and vehicles when using a road. The Traffic Act 1949 was amended in July 1994 to provide clear examples of how a local government may control various activities in its area of jurisdiction. One activity in particular was the control of "parking by time" restraints which limits the time that a single vehicle may park in a particular area, and

by doing so, provides the opportunity for other road users to utilise the parking facilities in that area.

The decision to delegate this authority was made in consultation with Local Governments. Local Governments are in a better position to make informed decisions based on local circumstances regarding the regulation of parking within a particular area. When making a determination regarding parking restrictions, Local Governments must take into consideration traffic safety issues and equity of access to all road users.

While these amendments provide Local Governments with greater control over the parking of vehicles, the amendments do not interfere with the existing authority of a police officer to direct the immediate removal of a vehicle that is parked in a manner which creates a danger, hindrance or obstruction to other road users.

757.Cattle Industry

Mr BEATTIE asked the Minister for Economic Development and Trade and Minister Assisting the Premier (4/9/96)—

With reference to plans for the Queensland cattle industry to supply more than 100,000 live cattle to Indonesia as a result of a recent trade delegation he led—

(1) Are any of these cattle coming from the following properties (a) Gilgunyah—Richmond area, (b) Woodmillar—Gayndah area, (c) Campbell Grove—Gayndah area, (d) Yetton—Gayndah area, (e) Dutton Downs—Hughenden district and (f) Glenearn—Surat district?

(2) Will he also outline (a) what numbers of cattle are involved from whichever properties are involved, (b) the likely cash return and (c) the Indonesian companies purchasing the cattle?

Mr Slack (2/10/96): I take it that the Leader of the Opposition's question relates to the indication by the Indonesian Government of their desire to purchase 100,000 breeding stock for their transmigration program.

For the information of the honourable member, talks are occurring between the Indonesian Departments of Transmigration and Agriculture and the Department of Primary Industries regarding the possible sourcing of some or all of these cattle from Queensland.

In answer to Section 1, it is not anticipated that any of the cattle would be sourced from the properties mentioned in the question.

If the honourable member is trying to imply by the question that I may be involved in the gaining of some personal benefits from the program, I can assure him that this is not the case.

I can also assure him I will continue to push for more exports of Queensland cattle and beef for the benefit of Queensland cattlemen, rural communities, the Queensland economy and jobs for Queenslanders.

Section 2 does not apply.

758.Aboriginal Housing; Palm Island Dam

Mr SMITH asked the Minister for Public Works and Housing (4/9/96)—

With reference to his recent expression of concern about inadequate Aboriginal housing and the international consequences of not addressing the problem, and the fact that the Goss Government had committed to a substantial increase in public housing, together with financial assistance for the development of residential blocks where housing construction was to be funded by ATSIC on Palm Island, the largest Aboriginal community in Queensland contained within my Electorate of Townsville, and in view of the occupation of existing homes running in some instances up to 20 people per dwelling—

(1) Will he provide a detailed commitment of his Government's intention to address the problem in (a) the immediate future, (b) to the end of the decade and (c) beyond the year 2000?

(2) As well, in a related field, does he acknowledge the progress and planning of the new Palm Island Dam has fallen well behind schedule?

(3) When is the dam now proposed for completion?

(4) What plans does the Government have to guarantee a supply of potable water to the island community, particularly prior to the completion of the new dam, and more seriously, if a water shortage arises through unfavourable seasonal conditions?

Mr Connor (3/10/96):

(1) The Queensland Government is committed to addressing the housing needs of all Aboriginal and Torres Strait Islander communities in Queensland, including Palm Island. The magnitude of the housing problems on these communities cannot be solved by the resources of the Queensland Government alone. In order to have any impact on the problem, a substantial injection of Commonwealth Funding is required.

(2),(3) and (4)The Palm Island Dam construction is a joint State/ATSIC project and the State Government's involvement in the project is managed by the Department of Local Government and Planning, through the Aboriginal and Torres Strait Islander Infrastructure Program.

The Honourable Member should therefore direct these questions to my Cabinet colleague, the Honourable Di McCauley MLA, Minister for Local Government and Planning.

759.Logan Motorway Toll

Mr HAMILL asked the Deputy Premier, Treasurer and Minister for The Arts (4/9/96)—

With reference to her statement in Parliament on 3 September 1996 where she claimed that "I do not see why the people of the Sunshine Coast should pay twice for an arterial road through their taxes and through the toll" and as the Logan Motorway is also an important arterial road which is extensively used

by workers travelling to and from their place of employment and by small business operators—

Will she apply the same policy to the collection of tolls on the Logan Motorway as she has to the collection of tolls on the Sunshine Motorway; if not, isn't this a clear demonstration that she and her Government applies one rule for the Sunshine Coast and another for the people of Ipswich and Logan?

Mrs Sheldon (3/10/96): There are several significant differences between the Sunshine Motorway and the Logan Motorway which make the removal of tolls on the Logan Motorway inappropriate. In particular:-

the large proportion of local traffic captured by the Sunshine Motorway is in direct contrast to the significant proportion of commercial and non-local traffic using the Logan Motorway. This difference is illustrated by the fact that the Logan Motorway will form part of a priority freight network to the south of the City once the Southern Brisbane Bypass is completed;

whilst tolls have been in place continuously on the Logan Motorway since 1988, there have been various changes to tolling arrangements on the Sunshine Motorway (including no toll on the Maroochy River Bridge for a period of time), leading to a high degree of uncertainty for the local community;

there exists readily accessible toll free alternative routes to the Logan Motorway. The alternative route over the Maroochy River involved a disproportionate additional driving time; and

both sides of politics undertook to eliminate tolls on the Sunshine Motorway. No such promises have been made for the Logan Motorway.

For the reasons outlined above, a clear distinction can be made between operational and economic features of the Sunshine Motorway and the Logan Motorway. Under present Government policy, removal of the tolls on the Sunshine Motorway is not intended as a precedent for Queensland's other existing motorways.

There is planned to be a review of the toll structure applying to the Logan Motorway after completion of the Southern Brisbane Bypass to ensure consistency of toll structure across the full Logan/Southern Bypass/Gateway network.

760.Mr I. McCauley

Mr McGRADY asked the Minister for Mines and Energy (4/9/96)—

With reference to the DME Project Management and Control Structure and noting that Mr Ian McCauley is a member of the Steering Committee—

(1) Is this Mr McCauley related to any prominent National Party identity?

(2) Will Mr McCauley receive any payment from the Queensland Government for any work performed?

(3) Who recommended Mr McCauley for the position?

(4) Will the report go to Cabinet for consideration?

Mr Gilmore (1/10/96):

(1) Mr Ian McCauley is the spouse of Mrs Di McCauley the Minister for Local Government and Planning.

(2) Mr McCauley is entitled to receive meeting fees as remuneration arrangements prescribed by Government (Department of Training and Industrial Relations) for attendance at Steering Committee Meetings for part-time chairs, members of Government Boards, Committees and Statutory Authorities. (A maximum rate of $140.00 per meeting is payable for a chair for a steering committee that will involve general consultation, advice and liaison activities).

(3) Mr McCauley was recommended for the position because he is a mining engineer who has been involved in metalliferous mining at Mount Isa (in his early years) and been very prominent in the coal industry in the Bowen Basin. Mr McCauley has also been involved with Queensland Mining Council for many years.

(4)The Report is not intended to go to Cabinet for consideration.

761.Speed Cameras

Mr ARDILL asked the Minister for Transport and Main Roads (4/9/96)—

With reference to the impending introduction of speed cameras to curb inappropriate speed on all roads—

What steps have been taken to ensure that local authorities survey roads under their control so that some inappropriately low speed limits do not unfairly trap drivers travelling at a safe speed?

Mr Johnson (4/10/96): Initially, speed cameras will be used on State-controlled roads only, with the inclusion of other roads later as part of a staged implementation process. A staged approach is being adopted due to the complexities and costs associated with implementation. State-controlled roads will provide the most efficient first stage of implementation as over 50% of all speed related crashes occur on this part of the road network which represent just 20% of the total road network for Queensland.

Expansion of the program onto Council-controlled roads will be subject to the extent of cooperation received from Local Governments in reviewing speed limits on their networks. It will be incumbent on Local Governments to demonstrate that these reviews are conducted in accordance with the new Speed Control Guidelines developed by Queensland Transport in consultation with Local Government representatives and other stakeholders. In addition, Queensland Transport and the Department of Main Roads will conduct random checks of Local Governments to ensure adherence to the new guidelines during the review phase.

Any expansion, including any additional funding requirements, is expected to occur in late 1997, subject to approval by Cabinet. In the interim, it is expected that the method of deploying cameras, and the complementary public education program, will have an effect on all drivers on all roads. It is also expected that the use of speed cameras will contribute to increased availability of conventional enforcement resources for application to local roads which have documented safety problems.

With respect to Local Governments setting inappropriately low speed limits on some roads, there will be rigorous selection criteria in place for the selection of speed camera locations. One such criterion is that the speed limit must be reviewed on a given section of road, in accordance with Queensland Transport Speed Control Guidelines and Supplementary Policies, prior to the use of a speed camera being approved.

Work is also continuing at a national level to resolve issues relating to the use of limits less than 60 km/h in urban areas. Once resolved the Speed Control Guidelines will be amended to suit. The current guidelines only allow for the use of lower limits where there are supporting physical devices (40 km/h) or where it is clearly a shared traffic environment (10 km/h).

762. Townsville/Thuringowa, Home Help Services

Mr McELLIGOTT asked the Minister for Health (4/9/96)—

With reference to complaints from residents of Townsville/Thuringowa to me that their home-help services have been totally withdrawn—

(1) What are (a) the total hours withdrawn for the Townsville/Thuringowa area and (b) the dollar savings?

(2) To which other section of the health budget will these savings be applied?

(3) Given that the previous recipients of home-help services are almost exclusively elderly and ill, how are they expected to carry out the chores no longer done for them?

Mr Horan (2/10/96):

(1 & 2) (a) Under an initiative of the Beattie administration, a total of 192 hours per fortnight of home-care service has been withdrawn. This represents services to 122 clients.

(b) Under my administration, there have been no dollar savings, since service hours have been reallocated to the highest risk clients in the Townsville/Thuringowa area.

(3) I am assured that the level of need of home-care recipients is regularly reassessed. When demand for services exceeds available funds the most highly dependent clients are given priority. The way in which your now Leader, Mr Beattie, managed this change was precipitous and caused unnecessary distress.

763. Bundaberg, Railway Crossing

Mr CAMPBELL asked the Minister for Transport and Main Roads (4/9/96)—

With reference to the railway crossing at Bourbong Street, Bundaberg and my understanding that interim works would be undertaken to repair the very rough and dangerous surface in July/August 1996, and that a major replacement to the crossing would be carried out in the near future—

(1) As no repairs have been made to date, will he request Queensland Rail to undertake interim repairs as a matter of urgency?

(2) When would the works be undertaken to upgrade the crossing as a long term permanent solution to the very rough and dangerous (for bikes, motorcycles and loaded trucks) road/rail crossing?

Mr Johnson (4/10/96):

1. I can confirm that the repair work proposed was completed as scheduled.

2. The works to upgrade the crossing are programmed to be completed by the end of September 1996.

764. Granville Bridge

Mr DOLLIN asked the Minister for Transport and Main Roads (4/9/96)—

With reference to further widening of the Granville Bridge which is under way, the third such addition since its construction in 1926—

(1) Is he aware that the foreman in charge of work has commented that the bridge is not in good shape?

(2) Is he aware the bridge was designed and constructed as a one-lane bridge 70 years ago to carry horse drawn traffic with a maximum weight of a few tonnes and yet today it is carrying hundreds of vehicles, some weighing up to 60 tonnes?

(3) Is he aware the extra width and added weight to the top of the bridge puts it at higher risk in times of floods?

(4) Is he aware that if we were to lose the bridge it would be an absolute disaster for Maryborough as Hyne Timber Mill, Maryborough Sugar Mill and Walkers Engineering Works plus many other smaller businesses resource their materials and workforce via the Granville bridge, as do some thousands of residents of Granville, Poona, Maroon and traffic of the Cooloola Coast Road that is increasing rapidly?

(5) In view of all this, does he agree it would be prudent to start now to procure a corridor and site for a new bridge across the Mary River since the period from planning to construction is usually about 5 years?

(6) Will he give an undertaking to Maryborough citizens that he put into action the securing of a corridor and site for a new bridge across the Mary River?

Mr Johnson (4/10/96):

(1) I have been advised of the comments made by the foreman-in-charge on the project. These were referred to the Main Roads Bridge Design Section. Since the comments were made, the Senior Engineer (Bridge Design) inspected the bridge on 21 August 1996.

During the inspection of the bridge, it was noted that some areas of honeycombing were evident in the concrete of the existing footpath, as well as some areas of poor concrete compaction in the piers.

The areas inspected on the bridge that raised the concerns are not extensive and do not affect the structural integrity of the bridge.

(2) Granville Bridge was designed for the Granville Bridge Board in 1923. The bridge was 23 feet wide and consisted of a 5 foot footpath and an 18 foot roadway. An 18 foot roadway was the standard width of two-lane bridges in that era.

The live load design criteria for the design of the bridge is not currently known by the Department of Main Roads . The bridge is currently rated by Main Roads as "A" class, which is the highest rating which existed in 1923, but subsequently has been assessed as capable of carrying current vehicle loads.

(3) The flood loading of a submerged bridge is a function of the cross-sectional area of the bridge. The footpath extension does not alter this cross-section area. The original widening was on the downstream side. The footpath extension is on the upstream side which will provide additional stability to reduce the risk in times of flood.

(4) I am aware that the loss of the bridge would be a major issue to Maryborough; however, the threat of the loss of the bridge is no greater now than in the past.

(5) The 1989 Maryborough Road Network Study identified the need for an additional bridge over the Mary River as a low priority; however, the study did recommend to protect a corridor for a new bridge.

The Bundaberg Office of Main Roads has concept planning proposed to commence in the next two years to address this issue.

(6) Depending on the outcome of the concept planning for a new bridge over the Mary River, action will be taken at an appropriate time to secure the necessary corridor required.

765.Ron Camm Bridge

Mr MULHERIN asked the Minister for Transport and Main Roads (4/9/96)—

With reference to the Federal Coalition Government's intention to cut $622m from the National Highway system—

(1) What discussions has he had with the Federal Minister for Transport to ensure that the duplication of the Ron Camm Bridge at Mackay will proceed in line with his departmental forecast, as detailed in the National Highway document which was forwarded to the Federal Department of Transport in February 1995?

(2) Will he detail the extent and cost of preliminary work that has been completed or is currently under way on this project?

(3) Will he provide details of the overall cost of this project including State and Federal funding contributions?

(4) Will he guarantee that the project, including associated roadworks, will be completed as scheduled in the National Highway document; if not, what is the projected completion date of the project?

Mr Johnson (4/10/96):

(1) I have met with the Honourable John Sharp MP, Federal Minister for Transport, regarding funding provided under the National Highway Program and discussed State priorities for funding of specific projects. The Ron Camm Bridge duplication is one of several high priority projects which the State is seeking to have proceed in accordance with timing and funding schedules provided previously

(2) Main Roads has carried out site investigations and preliminary planning and is currently finalising plans and specifications for the bridge duplication and approach roadway upgrading. Expenditure on this work to 31 August 1996 was $506,000 with an estimated total cost of $700,000.

(3) The estimated cost of the Ron Camm Bridge and approach roadway duplication between the Showgrounds and Philip Street is $23.55 million. The project has been proposed to be funded by the Federal Government under the National Roads Program.

(4) Currently, the National Roads Program is being prepared by the Federal Department of Transport in conjunction with State agencies. The final funding and timing of individual projects will be dependant on funding available and Federal and State Government's priorities. The Federal Budget cuts to National Road funding inevitably will lead to delays in the National Roads programs.

767.Workers' Compensation

Mr PURCELL asked the Minister for Training and Industrial Relations (4/9/96)—

With reference to workers' compensation matters—

(1) Does a 15 per cent WRI equate to a 37 per cent injury to the lower limb or 25 per cent injury to the upper limb?

(2) Does a tradesman with a knee injury, who can't climb ladders, work in confined spaces or walk on uneven surfaces like house roofs, fall short of the threshold?

(3) Does a carpenter who can't work his tools because of a shoulder injury, also fall short of the threshold?

(4) How does he expect such a person and their family to survive if the person can't carry out their trade and is left with a handout of around $10,000?

(5) Does the Government intend to pay approximately $160m to employers in merit

bonuses despite the current situation of the Workers' Compensation Fund?

(6) How much of this is attributable to employers who had a common law claim made against them in the period to which the merit bonus relates?

(7) How many employers who have common law claims from previous years still in the courts received merit bonus payments in 1996?

(8) Is it true that under the Workers' Compensation scheme envisaged by the Government, medical assessment tribunals will be left to determine the extent of an injured worker's WRI, and that the injured worker will have no right of appeal from any such determination?

(9) Is it true that the Government's proposed answer to employer avoidance of payment of premiums is to restrict coverage to PAYE employees with a right to self insurance with Workcover to be provided to certain workers who are non-PAYE employees?

(10) What if any affect does the Government expect that this will have on increasing the premium income to be recovered by Workcover?

(11) What if any impact does the Government expect that this will have on the number of future claims, both statutory and common law, to be paid from the fund?

(12) Will common law be made a separate part of the fund or will common law be paid out of the general fund?

(13) Will common law claims still not affect employer merit bonuses?

(14) Does no other compensation scheme in Australia require that for any injury to be compensable, work be the major significant contributing factor to its development; if so, why does the Queensland scheme need such a requirement?

(15) Who are the 132 employers (0.06 per cent of all workplaces) who are responsible for 30 per cent of all Queensland Common Law claims as referred to in the Kennedy Report?

(16) As over 105,000 injury claims occurred in Queensland in 1995 and as these were caused by only 7.98 per cent of all employers, what industries (the top six) were responsible for these claims (e.g. building, mining etc.)?

Mr Santoro (2/10/96):

(1) The 15 per cent Work Related Impairment (WRI) is not expressed as a proportion of the injured part of the body or of the whole body but as the percentage of the statutory maximum compensation (recommended to be increased to $130,000) payable for the permanent impairment. In order for a worker to access common law, they must have a WRI of greater than 15 per cent which in effect means a lump sum amount payable from the Table of greater than 15 per cent of $130,000 that is a lump sum greater than $19,500.

A 37% permanent impairment to the leg would result in a statutory lump sum payment of $36,075 which equates to 27.75% WRI.

A 25% permanent impairment to the arm would result in a statutory lump sum payment of $26,000 which equates to 20% WRI.

(2)-(4)In the absence of any definite medical diagnosis or evaluation of WRI in the cases and scenarios outlined at numbers (2)-(4), it is impossible to respond to these questions.

(5) While merit bonus discounts on employers' workers' compensation premiums will still be paid, the rates at which the discounts will be granted have been scaled back to a maximum of 35% and will cost approximately $138M. The merit bonus will be granted as an incentive for employers to maintain safe workplaces. The abolition of the merit bonus would have punished the employers with good claims records, sending the wrong message to employers.

(6)-(7) This information is not readily available with respect to individual employers. As a measure of the impact of the exclusion of common law payments from merit bonus calculations, the following information may be of assistance. $126.6M in merit bonus was granted in the 1995/96 financial year, in respect of 1994/95 assessments. Had common law payments been included in the calculation of merit bonuses granted in the 1995/96 year, (which was based on claims experience for the 1994/95 year and excluded common law claims payments) the merit bonuses would have been reduced by approximately $17M. Common law claims were excluded from merit bonus calculations by the previous Labor Government from 1 July 1994 in respect of merit bonus granted in the 1995/96 financial year for 1994/95 premium assessments.

(8) WRI is the percentage of the statutory maximum compensation ($130,000) payable for the permanent impairment sustained. The statutory lump sum entitlement is determined under the table of Injuries by a registered medical practitioner. If a dispute occurs regarding the level of permanent impairment, the case will be referred to a Medical Assessment Tribunal for determination. Medical Assessment Tribunals are comprised of independent medical specialists in the field of the injury, appointed on the basis of their qualifications, experience and professional standing. While there is no appeal from a decision of a Medical Assessment Tribunal, there is an avenue of review should a worker, within 12 months of the first hearing, present fresh medical evidence unknown to the original Tribunal. This represents a retention of the system introduced by the Labor Government for determining permanent impairment for statutory lump sum payments on the "election" provision.

(9) The determination of who is a "worker" for the purposes of statutory workers' compensation has been a difficult area for many years. This definition will clarify the issue for all stakeholders and will allow those under the PPS system to be clear of the need to take responsibility for their own cover. Kennedy stated in his Report:-

> "The Inquiry has undertaken an analysis of premium avoidance. This is an issue of concern. The concerns relate primarily to labour only contractors, labour hire workers and other out workers.
>
> The changing nature of employment in many occupations and industries has progressively created compliance difficulties with the payment of premium for workers in certain occupations where traditional employer/employee relationships do not operate."
>
> Given that 'workers' by definition under the Workers' Compensation Act are automatically covered, the above described arrangements mean that the Fund carries the liability for injuries to these people without adequate premium being collected from employers.
>
> The legislation must be defined to limit opportunities for avoidance and there must be a policy of vigorous pursuit of employers who avoid paying required premiums with significant penalties applied, particularly now that there will be more clarity and certainty as to which workers are covered. Under the PAYE scheme there will be no excuse for understating premiums."

It is important to note that increased efforts by the Board have also been devoted in recent times to reducing premium avoidance. Considerable extra resources have already been allocated to this area and more will be utilised in 1996/97.

(10) While the change in definition will allow more accurate monitoring and auditing of employers with less opportunity for fraud, Kennedy stated:-

> "I am not able to estimate the financial benefits which might follow stronger enforcement but they could be considerable."

(11) Mr Kennedy states that one of the advantages of the new PAYE definition is the cost savings through certainty as to who is and who is not covered. This definition will clarify the issue of who is and who is not covered for all stakeholders. The actual number of claims affected by this definition change is difficult to quantify.

(12) No. Common law claims costs will continue to be made from the Workers' Compensation Fund.

(13) No. Under the proposed experience rating premium system, employers will receive premium assessments calculated on their individual claims performance, including both statutory and common law claims, with corresponding increases or decreases in the premium calculation. Merit bonus premium discounts/demerit charges will not apply under this system.

(14) In four other jurisdictions, the definition of injury requires employment to be a significant or substantial contributing factor. The Tasmanian definition requires employment to contribute to the incapacity to a substantial degree, i.e. to be the major or most significant factor.

(15) The reference in the Kennedy Report is at Appendix Volume 7, page 20 of Background Paper No. 6 from the Department of Training and Industrial Relations which provided an analysis of non-Government statutory claims and stated that "132 policyholders (0.1%) accounted for 29.8% of claims". This clearly relates to statutory claims and not common law claims. WCBQ statistics show that in 1994/95 132 Queensland employers were responsible for approximately 30% of all statutory claims and approximately 27% of all common law claims. It must be noted that these 132 employers comprise some of the largest employers in Queensland, who contributed approximately 30% of workers' compensation premium for the corresponding period. Thus their claims performance is commensurate with their premium contributions.

The Workplace Health and Safety Council was advised on 15 August 1996 that of these 132 employers only one received a demerit penalty on their workers' compensation premium based on their claims to premium ratio and the remainder received varying merit bonus discounts from their premiums as a result of their low claims to premium ratios. In short, once size is taken into account, 90% of these employers are performing very well in terms of their safety record.

(16) This question appears to relate to the 1994/95 financial year in which 100,530 statutory claims were lodged. The six industries with the most claims were, in order—

> Retail/Wholesale; Manufacturing; Engineering/ Metal Trades; Government; Health; and Building/Construction.

768.Rockhampton Base Hospital

Mr SCHWARTEN asked the Minister for Health (4/9/96)—

With reference to his recent statements that waiting lists are being reduced in Rockhampton—

(1) How many patients are on Priority 1, 2 and 3 waiting lists to access surgery at the Rockhampton Base Hospital?

(2) How many patients were on Priority 1, 2 and 3 waiting lists as at 1 July 1995 and 1 January 1996?

(3) What is the average waiting time (as at 4 September 1996) that patients can expect in order to access non-urgent surgery at the Rockhampton Base Hospital?

(4) What is the average waiting time for this surgery as at 1 January 1996 and 1 July 1995?

Mr Horan (2/10/96): Reduced waiting times are the objective and the success of the Coalition's Surgery on Time initiative. The number of patients on the waiting list matters little to the individual patient, but the length of his or her wait is critically important. It is in reducing waiting times that the Coalition has delivered to the people of Rockhampton. In this context, waiting list data would not be helpful; in fact, information systems under the Beattie administration were so poor that much of the information you seek in not available. But I am happy to supply the following waiting time data from the term of the Coalition Government.

As at 1 September 1996, the average waiting time for Category 1 patients was 1 month, for Category 2 patients, 2.8 months, and for Category 3 patients, 19.8 months.

The lack of full-time staff anaesthetists has been a significant contribution to long average waiting times at the Rockhampton Base Hospital, where these still exist. It is to the disgrace of the ALP that one of these positions has been vacant since it came to office in 1989, and another lay vacant for the whole period of Labor's failed Regional system.

In contrast, the Coalition is already fulfilling its commitment to the people of Rockhampton. I am advised that another two full-time staff anaesthetists are commencing employment at the Rockhampton Base Hospital. One has already commenced and the second will commence in December/January. A third additional anaesthetist was to have been engaged by this time but in the event did not take up the position. This latter position will therefore be readvertised. The current full-time locum will continue employment until late 1996.

769. Central Queensland, Water Infrastructure

Mr LIVINGSTONE asked the Minister for Primary Industries, Fisheries and Forestry (4/9/96)—

(1) Did the Coalition on 27 June 1995 promise to proceed with Central Queensland Water Infrastructure Projects announced in "From Strength to Strength"?

(2) Will this initiative cost up to $500m to introduce?

(3) When will this promise be implemented?

Mr Perrett (18/9/96): The matter which Mr Livingstone raised comes under the portfolio of Minister for Natural Resources and should be referred to the Minister the Honourable Howard Hobbs.

770. Government Projects

Mr HAYWARD asked the Minister for Tourism, Small Business and Industry (4/9/96)—

What projects have been initiated and completed through the Major Projects Incentive Scheme in the period since his Government came into office?

Mr Davidson (16/9/96): My Department is actively managing twenty five projects under the Major Project Incentives Scheme. For a total of $27.2 million in financial assistance, these projects represent $570 million in new capital expenditure and the direct creation of approximately 2,900 new full time jobs for Queensland. At least another 6,000 jobs will be created indirectly in downstream and upstream support activities.

Since taking office, the Government has received five applications from companies seeking assistance under the Major Project Incentives Scheme. These projects represent $83 million in new capital expenditure and the direct creation of a further 1,160 jobs in Queensland.

Four offers of assistance have been made since February 1996. These offers will result in a payback to the State of an additional $26 million in new investment plus another 165 full time jobs.

At present, officers of my Department are also negotiating with a further three major project proponents on investments worth $315 million in new capital expenditure and 715 new jobs for the State.

771. Teacher Relief Scheme

Mr BREDHAUER asked the Minister for Education (4/9/96)—

With reference to the concerns being expressed by many schools and Parents and Citizens' Associations about the Teacher Relief Scheme and its proposed devolution to schools, and specifically to concerns that schools will not be provided with sufficient resources to cover genuine teacher absences and that this will impact on schools with sick teachers feeling compelled to turn up for work and, in other cases, schools engaging in unacceptable relief practices and also concerns that Parents and Citizens' Associations may find themselves in the position of having to "top up" teacher relief funds—

Will he give a commitment to resolve the concerns of teachers and parents before proceeding with this area of devolution?

Mr Quinn (2/10/96): Two regions are currently implementing a devolution of TRS to schools. Resources for relief teachers have been increased over the past few years and my Department continues to monitor the overall position. In addition, resources have continued to be applied to provide teachers with a rehabilitation service to assist their early return to work.

Placing the funds for TRS in schools allows them to manage their total staffing process, including relief, in the way that is most suitable. However, as I have indicated, the resources need to be adequate.

I am confident that this will resolve the concerns of teachers and parents.

772. National Parks, Contaminated Land

Mr D'ARCY asked the Minister for Environment (4/9/96)—

With reference to reports of highly contaminated land being located near homesteads on a number of Western Queensland National Parks—

(1) Which National Parks have been identified with this contamination?

(2) What levels of contamination have been detected?

(3) What steps have been taken to assess the health impact on staff living in those homesteads?

(4) Are staff still using the homesteads; if not, what alternative arrangements have been made to house these staff?

(5) What steps are being taken to solve this contamination?

(6) How are park visitors being excluded from the contamination areas?

(7) Have homesteads on other Western Queensland parks been tested for similar contamination; if so, which other parks were checked and what results were achieved?

(8) If no checks have been made, why not?

(9) If National Park homesteads are contaminated, why couldn't other property homesteads be similarly contaminated and their occupants at risk; if so, what warnings have been issued to all Western Queensland property owners?

(10) If none has been made, why not?

(11) When does he intend to issue such a warning and direct his Contaminated Land Section to address this potentially major health risk in rural Queensland?

Mr Littleproud (3/10/96):

(1) This is, of course, a problem inherited from the Labor Governments given their lack of funding for National Park management. The homestead at Lochern National Park is the only residence on a national park found to date to have significant and unusual levels of contamination. The circumstances arose due to poor maintenance practices and the unusual and persistent use of farm chemicals within the house previously. The problem was exacerbated by previous poor maintenance practices.

Most of the other residences checked had levels of contamination at various levels either associated with the house or associated rural infrastructure such as sheep and cattle dips and outbuildings which had previously been used for storing chemicals. These are Bielba, Culgoa, Currawinya, Diamantina, Girraween, Idalia, Sundown, Thrushton, Welford.

(2) Levels of selected contaminants in the dust samples taken from the house at Lochern National Park are:

Arsenic 10-80 (mg/kg dust)

Chromium 10-20

Lead 40-490

Mercury <10

Copper 10-120

Zinc 200-1,600

Aldrin 25-109

Dieldrin 45-172.

(3) Blood samples were taken from the occupants at Lochern. The blood tests of the occupants of the house revealed that:

Blood Aldrin levels were not significant and were below the detection limit,

Dieldrin was detected, but not at toxic exposure levels,

Blood lead levels were within acceptable levels.

Blood tests have been requested for occupants of Currawinya and Sundown National Parks as a precautionary measure.

(4) The occupants of the Lochern residence were moved into rented accommodation in Longreach pending further investigation. The levels of contamination at other parks are not expected to require staff and their families to move from the houses.

(5) Due to the poor condition of the house at Lochern and its location in a flood prone area, the Department has taken the decision to demolish the old part of the house and to build a new house on a flood free location. A newer addition to the homestead has been cleaned, moved and renovated at the new house site to serve as the park office and as quarters for visiting staff. This information is, of course, not new and correction of the problem was an option forgone by the previous Labor Government as its financial position deteriorated.

However, funds have been set aside in the 1996/97 budget to deal with problem areas identified in the study of western parks. Studies will be conducted in other parks this financial year to ensure that national park workplaces are safe.

Disused cattle and sheep dips have been assessed and where they are not required for cultural heritage purposes will be filled in. All dips not in use are to be adequately fenced. Dips with significant levels of contamination will be referred to officers of the Waste Management Branch of the Department for inclusion on the Contaminated Sites Register.

(6) Park visitors do not normally have access to the staff residences and associated infrastructure.

(7) See (1).

(8) See (1).

(9) Medical and scientific advice was sought from the Environmental Toxicology Branch of the Queensland Department of Health in the investigations. The officers found that there were no significant health problems associated with the level of contaminants found in the survey.

It is likely that many rural and urban homesteads throughout Australia suffer in some degree from contaminants of various forms. The indications from the national park study are that in some houses the level of some contaminants in localised areas may be within the level requiring investigation.

In regard to paint lead contamination, a major and joint Commonwealth/State program was put in place two years ago. Brochures are generally available at hardware stores and paint outlets advising of the potential risk associated with renovating older houses which may have lead paints.

(10) See (9).

(11) If any warning in the future is required it would be issued through the Department of Health as the lead agency in these matters. The Queensland Department of Health has participated in the review and has not provided this Department with any concerns in relation to long term health risks. It should be noted that the Contaminated Land Act 1991 provides a mechanism for notification and management of contaminated sites.

If there is to be any condemnation of the Department of Environment in this matter, it should be that we have been over cautious in ensuring that our ranger staff have a safe environment in which to work.

773. Water Infrastructure Task Force; Winton District, Dam

Mr PALASZCZUK asked the Minister for Natural Resources (4/9/96)—

With reference to recent recommendations from his Water Infrastructure Taskforce—

(1) What are the locations and rivers involved in the 75 recommended dam proposals?

(2) Is one of them in the Winton district, affecting the Bladensburg National Park?

(3) Will the dam wall be located within the national park?

(4) What area of the park will be inundated by the dam?

(5) To what uses will the water be directed?

(6) Does the Water Resources Commission support this proposal as a viable dam option?

(7) How does he see this complying with the requirements of the Nature Conservation Act?

(8) Did he recently visit Winton and inspect the site of this proposed dam?

(9) Who is proposing this dam proposal?

(10) Has the Department of Environment been involved in this proposal; if so, what is their position?

Mr Hobbs (30/9/96):

(1) The Water Infrastructure Task Force has not yet made any recommendations to me concerning 75 dam proposals. Their Terms of Reference require that they submit an interim report to me by 30 September and a final report by the end of the year.

After a public call for submissions for water infrastructure requirements, the Task Force has received notices of intention to lodge submissions relating to more than 75 dams or dam raising proposals—from industry groups, from my department, local governments, from other agencies and from individuals. In some cases, the same proposal has been nominated by more than one group. The submissions themselves are now being received and the Task Force will assess them over the next few months.

Again, I do not expect to receive Task Force recommendations relating to any of the proposals until the end of the year.

The notices of intention to lodge submissions indicate interest in water storage development in every region of the state which is not surprising given the very limited program of water resources development in recent years. I will provide the Honourable Member with a list of the proposals actually submitted when that becomes available to me.

(2)-(5) Yes, I can advise that the Winton Shire Council has forwarded a submission relating to a dam proposal on Mistake Creek to the west of the town.

The site proposed by the Council is located within the Bladensburg National Park. A lake of some 1,000 hectares would be created if the proposal were to proceed. The purpose of the Council's proposal is for town water supply, the creation of a horticultural industry and for stock fodder on a limited basis.

(6) Neither the Water Infrastructure Task Force nor my Department have a position on the Council's specific submission which has only just been received and it is yet to be assessed. However, my Department is aware that there are other options for the supply of water in the area.

(7) Regarding compliance with the Nature Conservation Act, this proposal or indeed any of the proposals for new water storages will need to comply with all legislative requirements.

(8) Yes—I did visit the Winton District recently and was invited to inspect the Bladensburg site together with a number of other areas of interest in the district. I am concerned that the Winton town water supply is limited in terms of quantity and quality and trust that the most appropriate way of addressing the town's problem is identified in the near future.

(9) The Winton Shire Council

(10) I am aware that officers of the Department of Environment know of the proposal but I am not aware whether they have been actually involved in the Council's preparation of their submission to the Task Force. You should direct inquiries in that regard to my colleague, the Honourable the Minister for the Environment.

I stress that all projects recommended by the Task Force will be subject to normal impact assessment procedures.

774. Demolition of Irish Club, Toowoomba

Mr NUTTALL asked the Minister for Environment (4/9/96)—

With reference to the recent midnight demolition of the old Irish Club in Toowoomba—

(1) When did he and his department first become aware that this building or its heritage listed neighbour were under any threat of demolition?

(2) What action did he or his department take at that time to address this issue?

(3) Why didn't he issue a stop order notice against the demolition when he and his department were first aware of the threat?

(4) On what date and at what time was the stop order eventually issued?

(5) What engineering advice has he taken to save the heritage listed building that has been damaged?

(6) What costs are likely to be incurred in restoring this building?

(7) What legal action is he considering against the owners and the demolishers responsible and if he is not doing so, why not?

(8) Is he and the Toowoomba City Council considering withholding development approvals on the site of the demolished building to send a clear message to other like-minded developers; if not, why not?

(9) Was the demolished building ever proposed for heritage listing; if so, when was it due for consideration by the Heritage Council?

Mr Littleproud (24/9/96):

1. On 19 June 1996 an application was lodged with the Heritage Council by Betros Bros Pty Ltd, under s.34 of the Queensland Heritage Act 1992, for the demolition of the former Toowoomba Auto Electrical Shop. The former Irish Club building did not form part of the s.34 application.

The Department only became aware of the threat to the former Irish Club building when demolition commenced.

2. None, as the former Irish Club building was not entered in the Heritage Register and was therefore not subject to the provisions of the Queensland Heritage Act 1992.

3. The former Irish Club building was not entered in the Heritage Register, nor was it the subject of an application under s.24 of the Queensland Heritage Act 1992 seeking its entry in the Heritage Register.

The Department therefore had no evidence that the former Irish Club building was a place of cultural heritage significance for the purposes of s.58.(1) of the Queensland Heritage Act 1992—Stop orders.

4. The Department was advised of the demolition of the former Irish Club building of Friday 5 July 1996. A "stop order" in relation to the former Toowoomba Auto Electrical Shop, a Heritage Registered place, was signed by me on Monday 8 July 1996, and attached to the building at approximately 6.00 pm on that date.

5. No engineering advice has been sought by the Department in relation to the damage to the former Toowoomba Auto Electrical Shop.

6. No figures for the cost of restoration of the former Toowoomba Auto Electrical Shop have been sought.

7. Legal advice has been sought in relation to the unauthorised works to the former Toowoomba Auto Electrical Shop.

8. Any future development of the former Toowoomba Auto Electrical Shop requires the submission of an application for Heritage Council approval under s.34 of the Queensland Heritage Act 1992. This is therefore a matter which rests entirely with the Heritage Council.

The Department has no knowledge of Toowoomba City Council's position in relation to the future development of the site.

9. The former Irish Club was not proposed for entry in the Queensland Heritage Register.

775.Townsville Watchhouse

Mr BARTON asked the Minister for Police and Corrective Services and Minister for Racing (4/9/96)—

With reference to overcrowding in the Townsville watchhouse—

(1) What numbers have been held in the watchhouse on a daily basis from 1 August 1996 to the present?

(2) What classification of prisoners were involved?

(3) What was the longest period any one inmate was held in the watchhouse?

(4) What numbers of inmates is the Townsville watchhouse designed to hold?

(5) What caused this overcrowding situation?

(6) Why wasn't the Stuart Correctional Centre in Townsville able to accept this overload from the Townsville watchhouse?

(7) What were the numbers of inmates on a daily basis in the Stuart Correctional Centre over the same period?

(8) What number of inmates is the Stuart Correctional Centre designed to accommodate?

(9) How does he intend to address the overcrowding problem in the Townsville watchhouse?

(10) How does he explain why his seven day rule for watchhouse stays has not been followed in Townsville?

Mr Cooper (1/10/96):

(1) The following table represents the maximum number of prisoners at the Townsville Watchhouse on the given day for the period 1 August 1996 up to and including 5 September 1996.

	Male prisoner	Female prisoner	Male child prisoner	Female child prisoner
01/08	24	2		
02/08	22	1	2	
03/08	26	1		
04/08	24			
05/08	22			
06/08	19		3	
07/08	18		2	
08/08	23	3	1	
09/08	23	2		
10/08	13	1	1	
11/08	16	1		
12/08	15	3		
13/08	19	4		
14/08	21	4	2	
15/08	11			
16/08	18	2		
17/08	22	1	2	
18/08	22	2	3	
19/08	20	3	2	
20/08	17	1	3	
21/08	18	3	4	
22/08	11	2	2	
23/08	12	2	2	
24/08	14	3	2	
25/08	19	3	2	
26/08	25	1	1	
27/08	29			
28/08	29	2	1	
29/08	29	1		
30/08	28	1		
31/08	28	1		
01/09	28	1		
02/09	30	1		
03/09	27	4		
04/09	36	5	3	
05/09	28	2		

(2) The prisoners held within the Townsville Watchhouse during the period were classified under the following categories:

Corrective Service prisoners remanded in custody

Corrective Service prisoners sentenced to imprisonment

Corrective Service prisoners held on warrants of commitment (unpaid fines)

Corrective Service prisoners who had been escorted to the Watchhouse pending a court appearance

Persons refused bail awaiting court appearance

Recent arrests waiting to be processed before being bailed

Persons arrested for offences where a mandatory period is to be held in a Watchhouse before release (eg arrests for drunkenness, drink driving offences over .15%, detentions under Domestic Violence Act)

At any given time during a day, a minimum of 90% of the prisoners held within the Watchhouse are Corrective Service prisoners.

(3) The longest period of detention for any one inmate during the above period was 15 days.

(4) The Townsville Watchhouse is able to hold a maximum of 42 prisoners at a given time. There are three separate 'areas' within the Watchhouse which house 14, 10 and 18 prisoners respectively.

(5) Townsville Correctional Centre is usually able to promptly accommodate receptions from the local courts. A backlog arises when as many as a dozen prisoners are sent to Townsville Watchhouse from Mount Isa without notice to the Townsville Correctional Centre. This can result in overcrowding as Townsville Correctional Centre also assists the Lotus Glen Correctional Centre by taking prisoners from the Cairns Watchhouse.

(6) The Townsville Correctional Centre has a total capacity of 416 which includes 89 male and female mainstream prisoners cells with double up facilities. This is the current agreed maximum state. The only time that prisoners are not received from the watchhouse is when the Centre is at its maximum occupancy rate.

(7)

01/08/96—403;	13/08/96—394;	25/08/96—403;
02/08/96—400;	14/08/96—398;	26/08/96—403;
03/08/96—402;	15/08/96—403;	27/08/96—397;
04/08/96—402;	16/08/96—403;	28/08/96—409;
05/08/96—400;	17/08/96—403;	29/08/96—398;
06/08/96—400;	18/08/96—401;	30/08/96—410;
07/08/96—402;	19/08/96—401;	31/08/96—400;
08/08/96—401;	20/08/96—396;	01/09/96—400;
09/08/96—401;	21/08/96—404;	02/09/96—402;
09/08/96—401;	22/08/96—408;	03/09/96—400;
11/08/96—402;	23/08/96—403;	04/09/96—400;
12/08/96—402;	24/08/96—403;	05/09/96—405

(8) The total number of prisoners that the Townsville Correctional Centre is designed to accommodate in single mainstream cells and rooms is 351 (open and secure custody). However, 24 cells are off line for refurbishment. The maximum capacity in single and double up cells and rooms is 416. Although the daily prisoner population for this period would be less than maximum capacity, vacant beds would have existed for women and for protection prisoners.

(9) Prisoners will continue to be removed as expeditiously as possible within seven days, from the Townsville watchhouse to the Townsville Correctional Centre.

(10) Since the instruction was issued regarding this rule (as from 1/3/96) no prisoner was to stay in a watchhouse for a period longer than seven days. This instruction, with rare exceptions, has been followed in Townsville. Occasionally the Police have required a prisoner to remain in the Watchhouse for a period in excess of seven days for the convenience of processing further matters through the courts. During a Nurses industrial dispute at Townsville Correctional Centre when there was limited capacity to process new prisoners, it was not possible to ensure that all prisoners were transferred within the seven day rule.

776.Flaggy Creek, Dam

Mr WELFORD asked the Minister for Environment (4/9/96)—

With reference to proposals to dam Flaggy Creek—

(1) What correspondence or other communication has he had with the Wet Tropics Management Authority (WTMA) over this matter?

(2) Why did he attempt to pressure the WTMA into compromising the ecological impacts of such a proposal?

(3) Why does he disregard the Wet Tropics Management Plan which specifically does not contemplate such a dam?

(4) Upon what evidence does he base his view that a dam would be consistent with ecologically sustainable development or the Wet Tropics Management Plan?

(5) What environmental impact assessment has been conducted into this proposal; if none, will he direct one be conducted before the matter proceeds further?

(6) Has an Integrated Catchment Management Plan been prepared for the relevant region; if not, will one be prepared to address the streamflow and other downstream effects of a dam?

Mr Littleproud (24/9/96): WTMA was asked for a briefing note for a deputation with Cairns City Council on the day of the Regional Cabinet Meeting in Cairns on 12 August. WTMA's Manager of Policy and Planning and a Planning officer attended the meeting. Subsequently, another briefing note was requested and the Authority was also consulted with regard to a media release on the matter.

No pressure was exerted on WTMA. It is obvious from this question that the Labor Opposition, including Mr Welford and his colleague, the Member for Cairns, have no interest in taking note of the concerns of Cairns City Council with regard to future water supply for the city.

The Plan is currently in draft stage and will be finalised following consideration by Queensland Cabinet and the Wet Tropics Ministerial Council, taking into account submissions from interested bodies and individuals including the Cairns City Council.

Any views I have on the matter will reflect the advice of the WTMA.

If the proposal were to go ahead in the future, possibly 20 years away, an EIS would be required before approval.

Flaggy Creek is part of the Barron River Catchment. A coordinating committee is preparing a Water Quality Strategy for this catchment as part of the process of integrated catchment management. An integrated management plan would be expected to be part of this process.

777. Ipswich General Hospital; Asbestos Removal Program

Mrs EDMOND asked the Minister for Health (4/9/96)—

With reference to recent reports regarding funds assigned for the removal of asbestos at the Ipswich Hospital maternity ward—

(1) As the Minister responsible for hospital facilities, what communication has he had with the Department of Administrative Services regarding the delay in the removal of dangerous asbestos from the maternity ward at Ipswich Hospital?

(2) What are the details of all hospitals identified for asbestos removal?

(3) What is he doing to ensure the safety of patients and staff in other hospitals affected and to avoid any additional delays in the asbestos removal program caused by funding reviews?

(4) What public health advice has he received from his own department on asbestos removal in buildings which house health or administrative services provided by Queensland Health?

(5) What, if any, communications has he forwarded to the relevant authorities in the matter including his Ministerial colleague in the Administrative Services portfolio?

(6) What communications has he received from the authorities (mentioned in Part 5 of this question)?

(7) Will the delayed removal of asbestos from the maternity ward at Ipswich Hospital have any impact on the $6m upgrade of the hospital which he claims will take place in 1997?

Mr Horan (2/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. However, for the benefit of the people of Ipswich, I provide the following answer.

(1, 3 & 4) I am advised that there has been no major delay in removal of asbestos where it could significantly impact on safety of patients or staff, and further that there is no site where the safety of either patients or staff is at risk.

(2) A number of asbestos audits completed to date for Queensland Health. Facilities recommended for significant asbestos removal include:

Ingham Hospital

Townsville Hospital

Toowoomba Hospital

Baillie Henderson Hospital

The Prince Charles Hospital

Princess Alexandra Hospital

Queen Elizabeth II Jubilee Hospital

Gold Coast Hospital.

It should be noted that all of the above facilities, with the exception of Ingham Hospital, are to undergo major redevelopment. In such cases, asbestos identified during audit will be removed in conjunction with the redevelopment. Such removal will be in accordance with management procedures developed to minimise/eliminate any potential health risks to builders, users and maintenance personnel arising from the asbestos. All work involving asbestos containing materials must be undertaken in accordance with strict codes, guidelines and procedures.

(5 & 6) There has been ongoing dialogue between officers of my Department and officers of the Department of Public Works and Housing in relation to asbestos audits and removals.

(7) No. Removal of asbestos at Ipswich Hospital will be undertaken when an effective and safe removal plan has been established by Public Works and Housing. Close liaison with Ipswich Hospital will occur to decide on the best method and timing in undertaking the removal.

778. Macgregor, Noise Barriers

Ms SPENCE asked the Minister for Transport and Main Roads (4/9/96)—

With reference to a speech by the Member for Mansfield to the House on 3 September relating to unacceptable delays in the completion of any freeway noise barriers to Portulaca Street, Macgregor in which the Member states that "a substantial reason for delay in our ability to complete those fences were the absence of the Upper Mount Gravatt Development Control Plan"—

(1) Will he confirm that his department has delayed building these fences because of the Upper Mount Gravatt Development Control Plan; if so, why has this control plan delayed these fences and what consultation has his department entered into with the Brisbane City Council regarding these fences?

(2) Does he agree with the Member for Mansfield that the delay in building these fences under his Government is indeed unacceptable?

Mr Johnson (4/10/96):

(1) I am not aware of any association between the Brisbane City Council Upper Mount Gravatt Development Control Plan and the provision of noise barrier fences along the South East Freeway.

(2) As stated several times previously, the provision of noise barriers has been delayed pending the resolution of issues in relation to busways and proposed eight-laning of the freeway and Pacific Highway between Brisbane and the Logan Motorway.

You will be aware that State Cabinet now has approved planning to build a busway on the South East Freeway between the City and the Gateway Motorway and additional transit lanes between Mains Road and the Logan Motorway.

Main Roads now will reactivate the implementation of noise reduction measures on the South East Freeway. This will include redesign where earlier proposals now require amendment in light of the busway decision. Public consultation also will be undertaken.

779.Industrial Relations Act

Mr ROBERTS asked the Minister for Training and Industrial Relations (4/9/96)—

With reference to the Governments proposed changes to the Industrial Relations Act which are anticipated to be similar to those contained in the Commonwealth Workplace Relations Bill—

Will he guarantee that no Queensland worker will be worse off as a result of the implementation of the Government's proposed new industrial laws?

Mr Santoro (18/9/96): Industrial relations reforms will be introduced into Queensland in order to promote a more flexible industrial relations system that allows employers and employees greater choice in establishing working arrangements suited to the enterprise or workplace. The final form that the legislation will take in Queensland to support these reforms has not been determined.

Industrial relations reforms are not being introduced either federally or at the State level in order to reduce wages or conditions of employees. The reforms at both the State and Federal level will increase flexibility and improve productivity and promote economic growth, including growth in wages and profits. The result of economic growth will be to create more jobs and to reduce unemployment.

It is through more cooperative working arrangements that employers and employees can work together to improve wages and conditions through improved efficiency and ultimately the living standards of the community.

780.Anti-Discrimination Commission

Mr FOLEY asked the Attorney-General and Minister for Justice (4/9/96)—

(1) Is he planning to dismantle the Anti-Discrimination Commission by requiring its functions to be undertaken through Magistrates Court Registries?

(2) Does this mean, for example, that an Aboriginal person from Cherbourg with a complaint of racial discrimination against local police would be obliged to attend the Murgon Court House to lodge a complaint and have any conciliation undertaken?

(3) Does he accept that such an arrangement would be likely to deter the victims of discrimination on the grounds of race, sex or disability from seeking access to justice?

Mr Beanland (1/10/96): (1) (2) & (3) The existing arrangements whereby the Commonwealth Human Rights and Equal Opportunity Commission acts as the Queensland Anti-Discrimination Commissioner under the Anti-Discrimination Act 1991 expire in December 1996. The Commonwealth has indicated it will not renew such arrangements. The Queensland government is continuing to explore options to fulfil its obligations under the Anti-Discrimination Act 1991. The Queensland government will ensure that all persons who claim to be the subject of discrimination will have appropriate mechanisms available to resolve their complaints.

781.Caloundra Coastal Plain, Land-clearing

Mr J. H. SULLIVAN asked the Deputy Premier, Treasurer and Minister for The Arts (4/9/96)—

With reference to the recent formation of an ECO Caloundra Network of 15 different environmental groups in response to the massive extent of land clearing on the Caloundra coastal plain and as it appears that if the present rate of land clearing continues there will be no native bushland left in the area by the year 2004—

(1) What percentage of land on the coastal plain does she believe should be retained in its natural state?

(2) On what basis should this land be selected?

(3) Under what tenure should this land be protected?

(4) Will she support a buy back of land supporting remnant native vegetation on the coastal plain?

(5) Will she support a compensation scheme for landholders holding rezoning approvals for urban development over areas of remnant native?

Mrs Sheldon (3/10/96): (1) to (5) These are policy issues outside my portfolio and should therefore be referred to the responsible Minister.

782.Mahogany Glider Habitat

Mrs ROSE asked the Premier (4/9/96)—

With reference to the ongoing destruction of the habitat of the rare mahogany glider as a result of his Government's failure to honour the Labor Government's rescue package put together at both State and Federal levels—

(1) What was the Coalition's policy prior to the July 1995 election and the Mundingburra by-election in relation to protection of this glider and its habitat?

(2) Did he give the environment movement an undertaking to honour the $16m joint Federal/State rescue package for this glider; if so, what was the nature of this commitment?

Mr Borbidge (3/10/96):

(1) The Coalition's policy prior to the July 1995 election and the Mundingburra by-election was to protect the mahogany glider habitat. Furthermore, this commitment has been demonstrated clearly by the issuing of interim conservation orders on land supporting key habitat until acquisitions were completed where necessary. In addition, funding was provided in the 1996-97 Budget to implement the strategy.

(2) Yes, I did give an undertaking to the North Queensland Conservation Council Inc. by correspondence dated 8 November 1995 that the Federal/State conservation package announced in late 1995 had the support of the Coalition and would continue to be fully supported in the event of a change of Government. Further reference was made to this issue in correspondence to the Queensland Conservation Council dated 19 January 1996.

To date the Coalition has fully matched the financial contribution of the Federal Government. You should be aware that the previous Labor Government, while making promises regarding the conservation of the area, failed miserably by not making provision for full funding of the initiative. This has resulted in the Federal Government's level of funding to date being at only $6 million. I am advised that ongoing discussions are occurring at officer level to clarify any misunderstanding the Federal Government may have concerning the total level of funding required for this initiative.

783.Calliope River

Mrs CUNNINGHAM asked the Minister for Environment (4/9/96)—

With reference to high current and expected levels of industrial development for the Gladstone/Calliope region and the need for balance in environment, social development, recreation, primary industry and development generally—

What is the department's view of the proposed damming of the Calliope River given its impact on ecology, primary production (fisheries) and nursery areas?

Mr Littleproud (24/9/96): The issue of assessing the potential impacts of the proposed dams on the Boyne and Calliope Rivers is being addressed in close consultation between the Departments of Environment, Primary Industries, Fisheries and Forestry and Natural Resources.

A wide range of issues are being raised and considered including:

Protection of fisheries resources, including habitats, nursery areas and the requirements for fish migration.

The high priority of maintaining proper environmental flows to maintain habitats and river sediment dynamics. This would include the potential effects on critical habitats, sand resources and coastal sediment supply.

Consideration of the full range of biota that may be effected, not just fisheries species, but also significant groups such as turtles, lungfish, amphibians, reptiles, crustaceans and other aquatic invertebrates.

The protection of unfettered coastal streams, under the Department's proposed 'Natural Rivers Policy' which is at policy-in-principle stage. The Calliope River has been discussed in connection with the proposed policy.

The needs of present and future urban and industrial growth in the Gladstone as well as the wider strategic water needs such as in Miriam Vale. The Department is also considering strategies to encourage best practice including water use minimisation and options for water reuse to reduce pressure on water resources.

Longer term studies to supplement and extend existing baseline information are already being formulated and commenced against which a comprehensive assessment of local, regional and wider issues will be made. These studies would ultimately be input into the EIS process at the appropriate time.

I would draw your attention to the environmental outcomes achieved by agreement between the Departments in respect of recognition, assessment and protection of the environmental values of Baffle Creek north of Bundaberg and Raglan Creek south of Rockhampton. In these cases development was precluded on the basis of environmental and other considerations.

If the proposal for resource development on the Calliope River progresses further the appropriate detailed assessments of the full range of issues will be carried out and the necessary decisions made in the context of ecologically sustainable development.

784.School Swimming Pools

Mr T. B. SULLIVAN asked the Minister for Education (4/9/96)—

With reference to the problem of shallow end diving in school swimming pools, and to material forwarded to his office, which includes advice from Mr John Kane (Senior Policy Officer, Physical Education, Studies Directorate) and Australian Swimming Inc, and the draft policy currently being developed by a school in my electorate—

(1) Recognising that the frequency of injury resulting from shallow end diving is very low, how will the Department of Education address the difficulties arising from this problem?

(2) How will school swimming carnivals and amateur swimming clubs be able to operate if a strict policy of "no shallow end diving" is adopted by State schools?

(3) Will the Education Department take a statewide approach to this growing problem, which strives to achieve a balance between the safety of pool users and common sense?

(4) If capital works are needed to render pools safer, how will the Government fund these works?

Mr Quinn (2/10/96):

(1) & (2) The depth at the shallow end of school swimming pools varies throughout the state. Swimming pools at primary schools are built to teach children to swim, and in order to enable the average height Year 1 student, and some shorter Year 2 students, to stand in the shallow end of the pool, the depth does not generally exceed 0.8 metres; whereas some high school swimming pools have a shallow end which is up to 1.2 metres in depth.

From a departmental perspective, it is quite clear that in a "teaching situation", where children are learning basic aquatic skills, there is little doubt that diving should not be permitted from the shallow end of a pool. However, it is important to note, the Department of Education and Australian Swimming Incorporated (the national swimming body) recognise that there is a clear distinction between the practice involved in "teaching activities" and "competition activities".

Students who have mastered the sequential steps in learning a standard dive may be competent to perform the skill into water, which is less than the recommended depth for novice swimmers.

Amateur school swimming clubs must consider the size and weight of competitors before convening events that require shallow end diving. As a general safety rule, no person should dive from the edge of a pool if the water depth is below waist level. In such instances, consideration should be given to starting competitive events, including relay changes, at the deep end of the pool.

(3) It is not proposed to have one single rule for all school swimming pools as physical conditions, and human characteristics, vary significantly. School swimming pools vary in terms of depth, the actual water level and the slope of pool bottom, at the shallow end. As mentioned, the age, size, experience and skill level of the competitor must be assessed in determining whether shallow end diving should be permitted. It is also important for schools and other pool users to ensure that they have access to competent teachers, coaches and officials.

(4) If the above criteria are applied, in the risk assessment/risk management process, injury should not occur, and capital works should not be required.

785.Justices of the Peace (Qualified), Training

Mr WELLS asked the Minister for Training and Industrial Relations (4/9/96)—

(1) Did his Director, Development Directorate, receive a letter dated 22 April from the Justice of the Peace unit in the Attorney-General's Department, which indicated that following a statistical analysis of Justices of the Peace (Qualified) in rural and remote electorates, a further major need for training in these electorates had been identified?

(2) Was a priority need for training identified in the electorates of Western Downs, Crows Nest, Callide, Cunningham, Warwick and Tablelands, and a need also identified in Barambah and Lockyer?

(3) Were the centres identified as sites for that training Dalby, Roma, Chinchilla, Miles, Injune, Crows Nest, Esk, Oakey, Gayndah, Monto, Biloela, Theodore, Rolleston, Kingaroy, Murgon, Pittsworth, Goondiwindi, Gatton, Boonah, Laidley, Inglewood, Texas, Stanthorpe, Warwick, Mareeba, Atherton, Mount Molloy, Ravenshoe and Chillagoe?

(4) Was the funding for that program available from his department at the time his department received the letter, as his departmental officers had previously confirmed that it was?

(5) Was the payment of circa $450,000 payable to the JP training organisation, Walker Pender, ready and available at the time, stopped as a result of a communication from the Attorney-General's Department advising they did not want the money for this training any more?

Mr Santoro (18/9/96):

(1) Yes—the Director, Development Directorate did receive a letter dated 22 April from the Justice of the Peace unit in the Attorney-General's Department. This letter indicated that following a statistical analysis of Justices of the Peace (Qualified) undertaken by the Department of Justice in rural and remote electorates, a major need for training had been identified in a number of electorates.

(2) A major need for training was identified in those electorates.

(3) Yes.

(4) Yes.

(5) No. A stop was not placed on the funding, for any reason.

786.Suncorp/Metway/QIDC Merger

Mr D'ARCY asked the Deputy Premier, Treasurer and Minister for The Arts (5/9/96)—

(1) Which Government agencies and enterprises have been involved in the Suncorp/Metway merger process?

(2) What expenses have been incurred by each of these agencies for activities related to the merger proposal?

(3) How much has each agency paid for activities related to this proposal?

Mrs Sheldon (3/10/96):

1. Treasury, Suncorp and QIDC are the government agencies that have been involved in the Suncorp/Metway merger process.

2. All of their expenses in relation to the merger have been incurred by Treasury and will be recouped from the proceeds of the float of the Government's interests.

3. An amount of $518,000 was outlaid for consultancies in 1995-96.

787. Reef Tax

Mrs BIRD asked the Minister for Tourism, Small Business and Industry (5/9/96)—

With reference to the recent Federal Budget announcement of an increase in the then Environment Contribution of $1 per person to a Reef Tax of $6 per person—

(1) When did he become aware of the budget increase?

(2) Did either the Federal Minister for Environment or Federal Minister for Tourism or any member of their staff approach him or discuss with him the budget announcement?

(3) Was he or his staff involved in any discussions concerning the budget announcement on Reef Tax subsequent to the Budget?

Mr Davidson (3/10/96):

(1) Like the Opposition Leader, I was overseas at the time of the Federal Budget. I was informed of the Federal Government's planned increase in the Environment Management Charge on the day following the Federal Budget.

(2) My staff have been in constant liaison with both the office of the Federal Minister for the Environment and the Federal Minister for tourism since the Federal Budget. I have written to both Ministers and have spoken to the Prime Minister on this issue.

(3) No.

788. Department of Mines and Energy, Appointment of Director-General

Mr PEARCE asked the Minister for Mines and Energy (5/9/96)—

With reference to the appointment of the Director-General of the Department of Mines and Energy and in view of the fact that the energy side of his portfolio is of paramount importance in the months and years ahead—

(1) What qualifications has the newly appointed Director-General in the field of energy?

(2) What criteria was used in appointing this person and how can the energy industry of Queensland have confidence in a person who is now the leader of this important portfolio yet is understood to have little, if any, knowledge of energy matters?

Mr Gilmore (1/10/96):

(1) The qualifications of the newly appointed Director-General of the Department of Mines and Energy, Dr R W Day, are highly relevant to the field of energy. He has formal qualifications in Science (Bachelor of Science with 1st Class Honours and Doctor of Philosophy) and Business Administration (Graduate Diploma in Business Administration), his experience encompasses employment in both private and Government energy sectors, and he has held significant senior level positions in Government and in energy industry bodies.

(2) The following standard criteria were used in appointing the Director-General of the Department of Mines and Energy:

1. A demonstrated ability to determine and achieve corporate goals through successful performance as a strategic leader responsible for the management of a diverse organisation.

2. Highly developed interpersonal skills, with the ability to negotiate and communicate at all levels of Government and with relevant outside bodies, coupled with a sound understanding of intra and inter-Governmental relations.

3. Demonstrated high calibre conceptual, analytical and problem solving skills.

4. Demonstrated outstanding abilities in policy formulation and strategic planning, including the development of regional strategies.

5. Demonstrated innovative and strategic approach to service delivery and organisational improvement.

6. Demonstrated ability to manage a work force undertaking diverse functions, including the ability to develop further the effectiveness of a senior management team.

7. Demonstrated commitment to community consultation.

A merit selection process confirmed that Dr R W Day was the most suitable candidate for appointment to this position. The energy industry in Queensland can have every confidence in Dr Day's leadership of the Department.

789. Southern Brisbane Bypass, Freight Rail Line

Mr ROBERTSON asked the Minister for Transport and Main Roads (5/9/96)—

With reference to the proposed freight rail line along the southern Brisbane Bypass outlined in his Draft Integrated Regional Transport Plan and in order that I can properly advise and consult with constituents in my electorate about this proposal and encourage them to make comment during the public consultation period which is intended to end on 31 October—

Will he provide as soon as possible (a) all necessary information, including maps of suggested routes for this freight line, (b) the reasons why this rail line is deemed necessary, including any technical papers prepared to justify this proposal and (c) any other advice as to probable impacts on residential areas and the environmentally sensitive bushland known as Karawatha Forest?

Mr Johnson (7/10/96):

(a) The draft Integrated Regional Transport Plan for South East Queensland (IRTP) does not include a proposal for a freight rail line along the Southern Brisbane Bypass. It does, however, refer to a need for rail to deliver a service competitive with road freight, and the need to develop new freight rail facilities.

It proposes investigations of the most cost effective way to segregate passenger and freight rail onto separate dedicated systems.

The schedule for such investigations is indicated in the draft IRTP as occurring within the next two years.

Using the Logan Motorway, the Southern Brisbane Bypass and Gateway Motorway Corridor for a new freight rail connection to the Port of Brisbane would be one option to be considered in those investigations.

For this reason, the draft IRTP identifies those corridors as part of multimodal investigations for long term improvements to both road and rail.

It must be stressed that the building of a new freight rail along these corridors is simply one option for improving the ability of the rail system to carry freight. Other obvious options would include upgrading existing railway facilities.

For this reason, the draft IRTP does not include maps of the option.

(b) The draft IRTP says that an investigation is required to establish new rail facilities. It does not establish that a new freight rail line along the Logan Motorway/Gateway Motorway corridor is necessary. It simply points to a potential difficulty which requires further investigation.

Technical reports, as well as public information brochures would be prepared in the event the study of options does proceed.

The major purpose of having the IRTP stems from a need to establish a strategic context for transport investigations, so they do not proceed on an ad hoc basis.

Within this strategic context, investigation of transport facilities, including establishing a clear need, can be undertaken.

There is a working paper on freight issues prepared in 1995, which discussed freight rail options. Mr Robertson is welcome to a copy and he might care to contact my office in this regard. I should stress this is a working paper prepared under the previous government and is not this government's policy.

There is no formal study of impacts of any such freight railway on surrounding communities, or the environment it may traverse.

Environmental and social considerations would play a big role in deciding on future options, and would be a part of the investigations recommended in the draft IRTP.

It is an important theme of the draft IRTP that decisions on major transport facilities be taken with appropriate information on environmental and social impacts, and with community involvement at an early stage, before any decision is made.

790. South-East Queensland Vegetation Clearance Summit

Mr MILLINER asked the Minister for Local Government and Planning (5/9/96)—

With reference to the recent South-East Queensland Vegetation Clearance Summit held in Nambour—

(1) Was she invited to speak at the summit?

(2) Did she accept; if so, when?

(3) Did she attend; if not, why not?

(4) When and how did she advise the organisers of her inability to attend?

(5) Whom did she send in her place?

(6) Why didn't an elected representative such as a member of the Minister's Parliamentary Committee attend in her place?

(7) Does she believe the level of land clearing on the Sunshine Coast on freehold land is appropriate and ecologically sustainable?

Mrs McCauley (8/10/96):

1. Yes.

2. Yes.

3. No, I was unable to attend due to unforeseen urgent Ministerial business.

4. The summit organisers were advised by my Personal Secretary by facsimile on 17 July 1996 that I was unable to attend the summit. They were also advised that Mr Ian Schmidt, Director of the SEQ 2001 Regional Resource Unit in my Department would attend in my place and address the conference on my behalf.

5. See response to (4) above. It should also be noted that Mr Schmidt is a Senior Executive Officer in my Department whom I consider was best placed to speak on my behalf at short notice.

6. I did not consider it appropriate for another Member of Parliament to deliver my speech given its content was portfolio specific. In any event, there would have been insufficient time in which to arrange for a member of my Policy Committee to attend the conference in my place, as the members of this Committee all reside outside of Brisbane and Parliament was not sitting on the day that the summit was held.

7. I am not prepared to comment on levels of vegetation clearing in specific areas, given that the matter of vegetation management throughout the whole of Queensland needs to be fully examined and a determination made as to the most effective and appropriate manner in which to manage vegetation clearance.

791. Childers, State Forest

Mr NUNN asked the Minister for Natural Resources (5/9/96)—

With reference to his intention to excise 7,182 hectares of land from State Forest 179 in the Childers area—

(1) Will 7000 hectares of the area be made national park as intended; if so, when?

(2) What plans does he have for the 36 hectares of leasehold land in the north of the State forest which he intends to excise from the State forest?

(3) What future water storage use does he intend for the 126 hectares he intends to excise and convert to resource reserve?

Mr Hobbs (30/9/96): I presume you are referring to State Forest 169 (Good Night Scrub State Forest).

A proposal for the revocation of the setting apart and declaration as State Forest of about 7,186 hectares of State Forest 169 (Good Night Scrub State Forest), was tabled in the Parliament on Thursday 25 July 1996.

(1) About 7,000 hectares of the land is proposed for conversion to National Park under the provisions of the Nature Conservation Act 1992. However this cannot occur unless and until the current revocation proposal is approved by the House. The matter will then be one for my colleague the Honourable Brian Littleproud, MLA, Minister for Environment.

(2) About 36 hectares in the north of the reserve is currently leased for grazing purposes. The area was not required for National Park and is no longer required for forestry purposes. The lessee has been offered a further lease for "Primary Industry Grazing Purposes" provided the proposed revocation is approved by the House.

(3) It is proposed the balance of the revoked area will be declared a Resource Reserve with the Department of Environment and the Department of Natural Resources as joint trustees. This land which is located in the south of the proposed revocation area has been treated in this way to accommodate possible future water storage requirements in the area. Unless and until the land is required for this purpose it will be managed to protect and maintain its natural condition to complement adjoining areas which are proposed for conversion to National Park.

Any future use of the proposed Resource Reserve for water storage purposes will be determined following a full and proper water allocation and management planning process, assessment of future water supply needs in the Burnett River Basin and full consideration of all options available to meet these needs. There are no current plans for development of a water storage on this reserve.

This proposal has the support of the Department of Natural Resources, the Department of Environment, the Department of Primary Industries, Fisheries and Forestry and the lessee and will formalise the future management of the respective areas under the most appropriate land management agencies, legislation and management strategies.

792.QE II Hospital

Mr BRISKEY asked the Minister for Health (5/9/96)—

With reference to the status of a major upgrading for the QE II Hospital ordered by the former Labor Government to improve health services to Brisbane's southside and announced by the former Minister for Health, Hon Peter Beattie on 16 October 1995, and noting the Minister's previous answer to a Question on Notice from the Honourable Member for Archerfield refers only to the staged implementation of initiatives already announced by the Labor Government late in 1995—

Will he provide a more detailed response regarding the Government's intended service profile for this hospital to allay community fears that the work started by Labor will be reviewed and probably dropped off the agenda and in doing so will he provide specific details regarding (a) the Function Plan guiding the Government's capital works projects for the hospital, (b) new management arrangements in place to provide the hospital with increased autonomy and enhanced identity in the transition to a community hospital facility, (c) full costings associated with the upgrade and a list of all services to be provided, (d) details of the hospital's elective surgery capacity as a result of the upgrade and (e) an action plan documenting the progress of the staged implementation process and current starting and completion dates for the upgrade of the QE II Hospital?

Mr Horan (2/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. What is worse, it is identical to Question 398 asked by the Member for Sunnybank and answered on 14 June 1996, so please refer to that answer.

The people know that the Labor Government effectively destroyed the once great QE II Hospital and that during the 1995 state election the Coalition promised to restore it to a full community and general hospital.

The people also don't need to be reminded that Mr Beattie's announcement of 16 October 1995 copied the Coalition's earlier commitment of 4 July 1995. They saw nothing happen when Mr Beattie was Health Minister but since the Coalition has come to power, constituents have witnessed a major recruiting exercise for specialists, medical staff, nurses and allied staff. Now bed occupancy is increasing as more and more services open under the Coalition action plan.

793.Public Service Staffing

Mrs WOODGATE asked the Deputy Premier, Treasurer and Minister for The Arts (5/9/96)—

With reference to the spate of staff cuts to the public service under the new Government—

Will she provide the following information in table form including the following (a) the name of the department, (b) the name of the units in each department, (c) the number of staff working in each unit as of 19 February 1996, (d) the number of staff removed from each unit, (e) the number of staff removed from each department, (f) the number of temporary staff removed from each department, (g) the number of permanent staff removed from each department, (h) the number of contract staff removed from each department, (i) the total number of voluntary redundancies taken in each department, (j) the total number of sackings from each department and (k) the total number of temporary, permanent and contract staff removed from all departments?

Mrs Sheldon (3/10/96): Information on these matters is not collected by the Queensland Treasury Department.

794. Bruce Highway, Gunalda Range

Mr DOLLIN asked the Minister for Transport and Main Roads (5/9/96)—

With reference to a strong case put to his Federal counterpart for funding to carry on the planned realignment of the Bruce Highway at the Gunalda range and in view of the Federal Government's slashing of $622m from National Highway funding—

Will he now be able to secure the $14m necessary to carry out this urgently needed realignment; if so, when will construction begin?

Mr Johnson (7/10/96): Officers from the Federal Department of Transport have inspected the Gunalda Range section of the Bruce Highway and are aware of the current concept planning in progress.

Following the completion of the concept planning, a Project Proposal Report, including an estimate of cost for the project as well as a statement of benefits that will accrue from the construction, will be submitted to the Federal Government for funding consideration.

Approval of funding for the construction of this project is a matter for the Federal Government.

I am confident the Federal Government will recognise that this project warrants high priority. Given the Federal Government's budgetary restraints, it remains to be seen whether funding will be approved in 1996/97.

795. Department of Environment, Staff Retrenchments

Mr BEATTIE asked the Minister for Environment (5/9/96)—

With reference to recent cutbacks his Government has made to temporary staff in the Department of Environment—

(1) How many temporary or contract staff have been cut from the department, or not had their contract renewed, since February 1996?

(2) How many temporary or contract staff were in the department at the change of Government earlier in 1996?

(3) What was the source of funding for those staff retrenched?

(4) How many temporary or contract staff remain with the department?

(5) What is their source of funding?

(6) What further retrenchment of temporary or contract staff is he planning?

(7) What number of these retrenched staff received redundancy payouts?

(8) From what sections of the department have these staff losses occurred and in what numbers and at what classification levels?

(9) What plans does he have to cover the loss of these staff?

(10) Will he guarantee the public of Queensland the delivery of services they have come to expect from the Department of the Environment?

Mr Littleproud (24/9/96): The bottom line is that the new Coalition Governments at both State and Commonwealth levels inherited serious financial situations.

(1) 269, or net 127

(2) 480

(3) Consolidated Revenue, New Initiatives, Commonwealth, Revenue Retention, Treasury Specials, Revenue Offset, Capital Works, Trust.

(4) 353

(5) Consolidated Revenue, New Initiatives, Commonwealth, Revenue Retention, Treasury Specials, Revenue Offset, Capital Works, Trust.

(6) No retrenchments are planned. However as the Honourable Member would know temporary staff join or leave Departments as their contract projects commence or cease. There is always an ebb and flow of temporary staff and it is not possible to predict future levels with complete accuracy.

(7) 9

(8) From most sections of the Department, at most classification levels.

(9) and (10) My Department has strategies in place to ensure that quality of service delivered to clients will continue at a high standard. The record level of funding provided in the recent Budget will ensure that the Department has the resources to implement the Coalition Government's commitments in the Environment area. I can guarantee that we will be tackling these challenges in the most efficient and cost effective way possible—without resorting to the employment of consistently high levels of temporary staff which characterised the last few years of the previous Government's administration.

796. Fertilisers

Mr HOLLIS asked the Minister for Mines and Energy (5/9/96)—

With reference to an article in the *Courier-Mail* on 5 September titled "Internet recipe leads to boys bomb horror" and to the fact that certain commonly used fertilisers can be used as explosives when mixed with diesel fuel—

Will he take appropriate steps to prevent the illegal use of fertilisers and chemicals that are easily obtained from pool and hardware outlets, by either requiring manufacturers to put "chemical fingerprints" or tagettes on their products to identify unauthorised use, or to establish a uniform register of purchases of these products so that potential illegal users can be identified?

Mr Gilmore (1/10/96): I share the concerns, expressed by the Honourable Member, with respect to the apparent ease with which various chemicals can be used to make explosive devices. Such

devices can, as indicated in this particular incident in Cairns, lead to tragic consequences.

However, the suggestions proposed would be ineffectual in preventing such incidents. While it is true certain fertilisers can be used as explosives when mixed with diesel fuel, neither of these materials was used in this instance. The materials used could be found in most supermarkets and households in Queensland. Indeed, I am told, the range of chemicals that can be used in explosives manufacture is quite extensive, including very common ingredients selected from most household kitchens, medicine cabinets and garden sheds. Hence any proposals for controls on chemicals or registers of purchases would be impractical and without significant effect anyway.

It needs to be stated that the manufacture of any explosive is already controlled under the Explosives Act, which makes it illegal to make explosives unless the explosives have been approved and the maker has been licensed. Such a licence would ensure the safety of the operations undertaken and the competence of the persons involved.

It is worrying that information concerning the making of explosives is freely available on the Internet and in publications targeting an immature or less than professional audience.

We need to continue to warn children in particular that playing with chemicals to achieve explosive effects is fraught with dangers and inevitably leads to tragic consequences. The story in the Courier-Mail on 5 September describes but one of the many incidents around Australia that provide unfortunate testimony to those dangers.

797.Toxic Waste Treatment Plant, Townsville

Mr SMITH asked the Minister for Environment (5/9/96)—

With reference to his recent statement that the State Government will take over the responsibility for the control of toxic waste from Local Government and in view of Townsville's central location in North Queensland and its prominence as the principal centre for both production and distribution of industrial products—

Will he commit to the establishment of a toxic waste treatment and disposal plant in the Townsville region to be developed in parallel with and in the same time frame as the facilities proposed for South East Queensland?

Mr Littleproud (24/9/96): Firstly, it should be realised that waste management is an area which was not adequately addressed by the Labor Government. This Government has taken a lead role in the management of hazardous waste, and is putting in place a framework for the private sector to establish treatment facilities in the State. The priority for establishing such facilities in different areas of the State and the number and type required, will not be set by the Government, nor is it likely that the Government itself will establish and operate any facilities. However, there may be a government role in facilitating the establishment of some disposal facilities in the future. It is expected that the private sector would follow normal land use approval processes for any proposed facilities.

With regard to Townsville, the city's Mayor stated recently that Townsville is a likely site for a hazardous waste disposal plant, and that a suitable site could be found to the south or west of the Twin Cities region. Local support for this initiative is obvious.

With a cooperative approach involving state and local government and industry, the establishment of hazardous waste disposal facilities for Queensland can be achieved in a responsible and expeditious manner.

798.Oakey Power Station; Mr T. St Baker

Mr MULHERIN asked the Minister for Mines and Energy (5/9/96)—

With reference to his recent announcement concerning the Oakey Power Station where the contract was awarded to a consortium which had, as one of its leading consultants, a Mr Trevor St. Baker—

(1) Is this Mr Trevor St Baker the same person who was an unsuccessful National Party candidate in the State election?

(2) Is this Mr Trevor St Baker a member of his Minerals and Energy Committee?

(3) What advice, if any, did this committee offer the Government in formulating its policy for the last round of power station announcements?

(4) Will he assure the people of Queensland that there was no involvement at all from the people who have a vested interest in any of the bids?

Mr Gilmore (1/10/96): Mr St Baker ran for the seat of Moggill in the 1992 State Election, and the seat of Dixon in the 1993 Federal Election.

Yes, Mr St Baker is a member of the Coalition Party's Minerals and Energy Committee.

The Coalition Party's Minerals and Energy Committee played no role in the determination of the successful bidders from the recent competitive bidding process.

This bidding process was conducted by an independent Tender Assessment Panel to ensure that all bids were assessed in an even-handed and fair manner. Furthermore, the evenhandedness and confidentiality of the process was overseen by an independent probity auditor. On the basis of its evaluation, the Tender Assessment Panel recommended the three projects which included the Oakey Power Station.

There was no involvement in the evaluation process by people with vested interests in the bids. Declarations of Interests and employment contracts were signed to ensure that those people involved in the process were impartial and not influenced by outside interests.

The fact that the Government accepted the recommendation of the Panel as it stood without alteration clearly shows that there was no political influence on the process.

799.Mr A. Meuhl

Ms BLIGH asked the Premier (5/9/96)—

With reference to the engagement of Mr Arthur Meuhl by the Government—

(1) Was Mr Meuhl engaged by the Department of the Premier and Cabinet or by his Ministerial Office?

(2) On what basis was Mr Meuhl engaged?

(3) On what level and on what remuneration (including salary and non-salary components) was Mr Meuhl employed?

(4) What were Mr Meuhl's duties during his engagement?

(5) What action, if any, did the Premier take about Mr Meuhl's attacks on staff in the Planning Division of the Department of Local Government and Planning, as outlined in an article in the *Courier Mail* on 30 August?

Mr Borbidge (7/10/96):

(1) Mr Meuhl was employed by the Department of the Premier and Cabinet.

(2) Mr Meuhl was engaged on a fixed term contract basis from 7 March 1996 until 7 June 1996. These arrangements were extended by mutual agreement until 18 June 1996.

(3) Mr Meuhl was paid at a rate of $60.00 (gross) per hour. Payment of a $20.00 (gross) per hour travelling allowance for work that had to be performed outside the Brisbane Metropolitan Area up to a maximum of $ 100.00 (gross) per day.

(4) Mr Meuhl's duties were as designated by the then Acting Director-General.

(5) By 30 August 1996 Mr Meuhl had ceased providing consulting services to the Department of the Premier and Cabinet.

800.Water Supply, Thuringowa City Council

Mr McELLIGOTT asked the Minister for Local Government and Planning (5/9/96)—

With reference to a State Government subsidy of $210,000 paid to the Thuringowa City Council for a reticulated water supply to the suburb of Jensen of which only $105,000 has been applied to that scheme and as the original source of funding for the Jensen reticulation extension came via the then Minister for Housing, Local Government and Planning, the Hon Terry Mackenroth—

(1) What is proposed to be done with the remaining $105,000?

(2) If there is no other scheme in Thuringowa to which the funds can appropriately be applied, will they now be used to reduce the cost to ratepayers of the Jensen scheme?

Mrs McCauley (27/9/96): The former State Government made available on 21 June 1995 a special 30% subsidy to a maximum of $210,000 to Thuringowa City Council to provide a reticulated water supply to residential properties in Jensen, Black River, Hencamp Creek Road and O'Connor Road.

On 27 March 1996, council advised that works to the value of $534,768 had been undertaken and further works were continuing.

In accordance with the standard subsidy guidelines, $105,000 (i.e. 50% of the $210,000) was paid to council.

Upon completion of the works and council submitting a final claim, the balance of subsidy will be paid (i.e. 30% of the total final cost up to a maximum subsidy of $210,000).

Council has advised my department a final claim for the project will be forwarded shortly.

If the total final cost is less than the $700,000, the unused subsidy will remain in my department's general budget allocation for infrastructure grants to local governments.

801.Prince Charles Hospital

Mr T. B. SULLIVAN asked the Minister for Health (5/9/96)—

With reference to his Ministerial Statement of 4 September 1996, "Surgery on Time"—

Will he provide the following statistics with respect to the Prince Charles Hospital cardiac waiting lists (a) the current waiting lists in all categories and (b) the waiting lists in all these categories over the last 12 months?

Mr Horan (2/10/96): Reduced waiting times are the objective and the success of the Coalition's Surgery on Time initiative. The number of patients on the waiting list matters little to the individual patient, but the length of his or her wait is critically important. It is in reducing waiting times that the Coalition has delivered to the patients of The Prince Charles Hospital. In this context, waiting list data would not be helpful; in fact, information systems under the Beattie administration were so poor that some of the information you seek in not available. But I am happy to supply the following waiting time data from the term of the Coalition Government.

As at 1 September 1996, 16.6% of Category 3 cases were classified as long waits, as were 40.8% of Category 2 cases. No Category 1 case (the most urgent) had waited longer than 30 days. This is a great achievement for the patients of The Prince Charles Hospital, and I would like to place on record my acknowledgment of their tremendous efforts.

802.Caboolture Hospital

Mr J. H. SULLIVAN asked the Minister for Health (5/9/96)—

With reference to development plans for Caboolture Hospital—

(1) Will he confirm that documentation provided to prospective tenderers for Stage 2 of the hospital require them to consider a 68 bed addition?

(2) How does he justify effectively halving the size of the new stage that had been planned for the hospital by the former Labor Government?

(3) What is the mix of beds planned to be included in the reduced development and what new services will these enable the hospital to provide to the people of the Caboolture areas?

Mr Horan (2/10/96):

(1) No, because I am advised that no documentation has been provided to prospective tenderers for Stage 2.

(2) The local District Health Service and the Queensland Healthcare Research Group planning team engaged by the department have recommended 68 additional beds plus an additional 20 day surgery beds. Under this proposal Caboolture Hospital will increase its inpatient bed numbers in Stage 2 by 68, bringing its total bed allocation to 198 plus the additional day surgery beds.

As for the number of beds "announced" by Labor, this was admitted at the time to be "indicative only".

My position remains one of support for what is necessary in terms of bed numbers and hospital services for the population now and in the future.

(3) The mix of beds planned in the redeveloped Caboolture Hospital will depend upon the outcome of the bed numbers decision.

As the Honourable Member is aware, there is also a proposal for a collocated private hospital for which Expressions of Interest have been invited. A short list of applicants is now being evaluated.

The new services to the Caboolture area arising from the redevelopment will be mental health inpatient services, neonatal services and critical/coronary care. Moreover, the existing services will be substantially enhanced, including obstetric, day surgery, accident and emergency, and medical imaging. The total cost is estimated at $35 million for this stage, with further stages envisaged when population growth demands.

To this must be added services yet to be identified as benefits of the proposed collocation, with sharing of resources reducing costs, increasing private specialist facilities and making private beds more attractive.

803.Public Service Bill

Mr PURCELL asked the Minister for Health (5/9/96)—

With reference to the concerns raised by 200 delegates representing 25,000 nurses at the 15th Annual Queensland Nurses Union conference in Brisbane during the week ending 31 August relating to the Government's Public Service Bill which will give the Premier unlimited powers to sack independent commissioners, tribunals or statutory boards at any time without reason—

(1) Will he be taking or has he taken any action to represent concerns expressed by Queensland nurses who marched to the Executive Building and onto Parliament House during the conference to protest against the introduction of this Bill in its present form?

(2) What action has he taken in relation to concerns about the offensive dismissal clauses in Part 8 of the Government's Public Service Bill and the impact on several independent statutory bodies, independent boards and tribunals in his portfolio responsibilities such as the Queensland Nursing Council and the Health Rights Commission?

(3) Has he requested or received any advice or briefing material in relation to his responsibilities as Minister responsible for ensuring the independence and impartiality of many functions of his department on these matters from his department or any other Government agency on the subject; if so, what was the nature of that advice?

Mr Horan (2/10/96):

(1) No. The substance of their concerns has not been communicated to me.

(2) Provisions under Part 8 of the Bill allow for statutory offices exempt from that Part to be specified by regulation.

The Premier during debate on the Bill tabled a draft regulation setting out those offices which the Government intended to exempt from the operation of Part 8 and stated that all departments would be consulted by the Office of the Public Service to determine if any further offices should be exempted. In tabling this regulation the Premier made it clear that its presentation to Parliament in association with the Bill was to ensure that quasi judicial offices and offices critical to the body politic would be exempted from Part 8 of the Bill.

The position of Health Rights Commissioner was included in this draft regulation and will be exempted from the operation of Part 8.

Removal from office of members of the Queensland Nursing Council by the Governor in Council is already provided for in section 24 of the Nursing Act 1992, which allows such removal in a similar manner as provided for under Part 8 of the Bill.

(3) As Minister I am aware of my obligations to statutory bodies, boards and tribunals which come under my portfolio.

804.Bundaberg Abattoir

Mr CAMPBELL asked the Minister for Primary Industries, Fisheries and Forestry (5/9/96)—

With reference to the urgent need for the Bundaberg Abattoir to be upgraded to a modern flexible meat processing facility to not only ensure jobs remain in Bundaberg but also to provide a valuable service to the regional meat producing industries—

(1) Will the Government provide funding for investment in the abattoir?

(2) Will the Government make available the reserves built up by the previous Bundaberg Abattoir Board for investment in new facilities?

(3) Will the Government allow the abattoir to develop the valuable excess land and the funds reinvested in the abattoir redevelopment?

(4) Is he committed to ensuring a meat processing industry in Queensland, especially for meat for the domestic market; if so, will he ensure the Bundaberg Abattoir is part of this commitment?

Mr Perrett (2/10/96):

1. At its meeting on 9 September 1996, Cabinet considered a submission by me on Government Involvement in Meat Processing in Queensland. The submission included a description of the historical involvement of Government in meat processing. It also highlighted a number of key factors that are currently influencing the meat processing sector. These included the present service kill requirements and client demand for that service in Queensland. It also highlighted the concerns among producers about competition and the extent of foreign ownership in the meat processing sector. You will be aware that the Industry Commission Report on Meat Processing has questioned the need for continued direct Government involvement in the meat processing industry while the Queensland Commission of Audit has recommended that Government should privatise the Queensland Abattoir Corporation.

The Queensland Abattoir Corporation is currently preparing options concerning its future operations in South East Queensland and will report on these to me and Cabinet in the near future. At the same time, there have been a number of proposals to Government by private sector enterprises for developments in meat processing in Queensland including alternative approaches to Government involvement in providing a service kill for the industry.

Because of the complexity of issues now impacting on the involvement of Government in the commercial aspects of meat processing, Cabinet accepted my recommendation for the establishment of a Steering Committee. The Committee will comprise representatives of the Departments of Primary Industries, Treasury, Economic Development and Trade, Tourism, Small Business and Industry, Office of Rural Communities, industry and a consultant and will be chaired by the Director-General of Primary Industries.

The Committee will:

review the Queensland Abattoir Corporation Business Plan;

report on the capacity of the private sector to provide an alternative to the Queensland Abattoir Corporation for service kill for cattle, sheep and pigs;

recommend a strategy on the future of the Corporation with particular attention to existing strategies compatible with industry's improved operations;

develop strategies for harnessing private sector interest including key infrastructure so as to improve the meat industry's international competitiveness;

consult with the Corporation, relevant producer and processor organisations, key clients and customers of the Corporation, the Australasian Meat Industry Employees' Union and other parties the Committee considers relevant in developing its report; and

report to Cabinet via the Treasurer and myself by 4 November 1996 or such later date as may be approved by me and the Treasurer in consultation with the Premier.

Until the work of this Steering Committee has been completed, and indeed in order not to pre-empt its findings, I believe it is inappropriate for me to comment on what funding Government will or will not provide for investment in abattoirs generally and Bundaberg Abattoir in particular.

2. With regard to the reserves built up by the previous Bundaberg Abattoir Board for investment in new facilities, these reserves were vested in the Queensland Abattoir Corporation under the Meat Industry Act 1993 along with all public sector assets that were previously owned by the former Livestock and Meat Authority of Queensland. Investment decisions concerning those funds are part of the commercial business operations required of the Corporation, and are not a decision for this Government.

However, I am advised by the Corporation that since June 1992, some $367,373 has been spent on repairs and maintenance of the Bundaberg Abattoir compared with expenditure of $275,183 in the five years prior to 1992 when the abattoir was run by a local public abattoir board.

3. As I have explained, decisions by Government in regard to public abattoir assets will be considered in the light of the outcomes of the Steering Committee investigating Government involvement in meat processing. Therefore, I believe it is inappropriate for me to comment on any possible future development or investment of funds that may result from such development at Bundaberg at this time.

4. The meat processing industry is a major contributor to the economy of Queensland. Beef remains a major rural export earner with a value to Queensland of some $1.6 billion in 1994/95. While the industry is facing some present difficulties economically, I believe the future of the industry is assured both domestically and internationally.

In recognition of the very important role played by the beef industry, I have recently established the Beef Industry Development Advisory Council under the Chairmanship of prominent industry identity Mrs Hazel Marland, with a view to bringing the representatives of all major sectors of the industry together to advise me on major policy issues for the future of the beef industry. The meat processing sector has three representatives on this Council out of the eight industry organisations represented.

Further, I believe there is a very positive contribution to be made by processors who can meet the commercial realities of the strong competitive environment provided by the meat industry, including Bundaberg Abattoir.

805.Glasshouse Mountains Quarry

Mr WELFORD asked the Minister for Environment (5/9/96)—

(1) Is he aware of proposals by a multi-national company to expand a major quarry at the Glasshouse Mountains?

(2) What is the proximity of this quarry to national parks in the area?

(3) What is the current size of the quarry in terms of area and extraction rate and what is the change in these to result from the expansion?

(4) What are the assessed social and environmental impacts of this proposal on any national parks and on the environmental values of the Glasshouse Mountains area generally?

(5) Does he accept that the Glasshouse Mountains region has a high level of cultural and natural heritage significance to the Queensland people?

(6) What action is he taking to protect the values referred to in (4) and (5) from the threat posed by this proposal to the economic, tourism and environmental benefits of the area?

(7) Will he intervene to stop the quarry expansion as the Glasshouse Mountains community has requested?

Mr Littleproud (24/9/96):

(1) Yes.

(2) Quarrying is proposed to within about 300 metres of the boundary of Coonowrin Section of Glass House Mountains National Park and to within 800 metres of the mountains in the long term. The developer has proposed to retain a vegetation buffer between the National Park boundary and the proposed expanded quarry operation.

(3) The current size of the quarry is 12 to 14 hectares and is contained within a 16 hectares area. The current extraction rate is 400,000 to 600,000 tonnes per annum. The proposed expanded quarry would be 42 hectares within a 95 hectare land holding leaving approximately 53 hectare for buffers and associated infrastructure. The proposed quarry extension is not to increase the rate of extraction but to increase the life of the quarry from less than 20 years to more than 40 years if the present rate of extraction is maintained.

(4) The Environmental Impact Study indicates that there will be no significant changes from the proposed expansion. The environmental impact will remain relatively constant as crushing, screening and other operations will remain on site. Areas disturbed by quarrying will be progressively rehabilitated as the expansion continues.

(5) The Glass House Mountains region is known to have high levels of cultural and natural heritage significance to the Queensland people and in particular to Queensland Aboriginal people. In 1996 a study of the cultural heritage values of the development proposal was undertaken for the developer by a cultural heritage consultant, Dr Neale Draper. This report details some of the Aboriginal cultural and mythological values of the Glass House Mountains. Dr Draper undertook an extensive community liaison process with the Aboriginal community and especially Gubbi Gubbi, Djala and Undambi descendants.

The cultural heritage consultant's findings were that "There are no sites, objects, or places of Aboriginal or colonial heritage significance registered for the subject land." and "...while the Glass House Mountains as a whole represents an important natural and cultural heritage asset, the quarry extension proposal does not represent a direct impact on any currently defined heritage areas."

(6) Appropriate actions to protect the natural, cultural and social values of the area have been outlined in the environmental management assessment for the development proposal. The management plan and proposals put forward in the Environmental Impact Assessment are considered adequate and appropriate for the maintenance of natural and cultural values.

(7) No. At no stage have I been involved in the process. The existing approvals and planning outlined in the Environmental Impact Assessment are considered adequate and appropriate. Planning decisions are made by the Local Government Authority, in this case Caloundra City Council, and are reviewed by the Minister for Local Government and Planning.

806. Tweed River

Mr ROBERTS asked the Minister for Environment (5/9/96)—

With reference to the recent damming report on water quality in the Tweed River and the subsequent closure of that river's once lucrative oyster industry—

(1) Which sewerage treatment plants discharge from Queensland into the river?

(2) What other pollution sources could have caused this problem from the Queensland side of the river?

(3) What monitoring is conducted by Queensland authorities in the river?

(4) What results have been obtained from this monitoring over the last six months?

(5) What communications has he had with his New South Wales counterpart on the matter?

(6) What joint action does he have planned to address this issue?

Mr Littleproud (24/9/96):

(1), (2), (3) and (4) Virtually the entire catchment of the Tweed River and its tributaries lies within New South Wales. As such, responsibility for managing the river rests with the New South Wales Government. The Queensland Government does not undertake any monitoring or pollution management programs with regard to the Tweed River. There are no Queensland discharges to the Tweed River.

(5) and (6) I have had no communication from my New South Wales counterpart on this matter, and I do not propose any specific joint action.

807. Aquaculture

Mrs ROSE asked the Minister for Environment (5/9/96)—

With reference to a recent announcement by the Minister for Primary Industries introducing 15 year licenses for Queensland aquaculture projects—

(1) Was he consulted on this decision?

(2) What advice did the Department of the environment supply him with on this matter?

(3) What advice did he supply the Minister for Primary Industries with on this matter?

(4) Will this 15 year licensing affect environmental licensing of aquaculture projects?

(5) Is he satisfied that the requirements of the EPA will be met under this new licensing?

(6) What constitutes "Special circumstances" which could allow shorter licensing periods?

(7) What consultation was undertaken on this change with the environmental movement?

Mr Littleproud (24/9/96):

(1) No. The decision is about management of the industry, not the environment.

(2) No advice was sought.

(3) No advice was given. However, the Department of Environment was consulted and it supported the proposal.

(4) No.

(5) Yes.

808.Eco-Challenge, Far-north Queensland

Mr NUTTALL asked the Minister for Tourism, Small Business and Industry (5/9/96)—

With reference to his recently announced Eco-Challenge event planned for Far North Queensland—

(1) What events will be conducted either partially or totally in national parks and/or world heritage areas?

(2) Which national parks and which parts of the world heritage areas are involved?

(3) How many anticipated competitors will take part?

(4) What level of support services and staff will be required to monitor/stage those sections of the event?

(5) What discussions have occurred with the Queensland National Parks and Wildlife Service, the Great Barrier Reef Marine Park Authority and the Wet Tropics Management Authority regarding the staging of this event?

(6) What advice was received from those organisations?

(7) What consultation has occurred with the local environmental movement on the staging of this event?

(8) Has he examined the track record of the foot race that used to be run between O'Reilly's and Binna Burra lodges in Green Mountains National Park in southern Queensland in planning this event?

Mr Davidson (3/10/96):

(1) Eco-Challenge is a single event held over 9-11 days which passes through and around three National Parks and the Wet Tropics World Heritage Area between Koombaloomba Dam and the eastern side of Bartle Frere.

(2) Herbert River National Park; Tully Gorge National Park; Bellenden Ker National Park; and the Wet Tropics World Heritage Area between Koombaloomba Dam and the eastern side of Bartle Frere.

(3) 50-75 teams of five. 250-375 competitors. Team numbers drop drastically on day two through day four.

(4) 25 check point staff; 10 mountain guides; 45 cameramen and assistants; and at the assistance points; 100-150 assistants (2 per team); 10 medical staff; 20 technicians; 20 organisers staff; 25 TV production people; 10 safety guide staff; giving a total of 265-315 staff.

(5) Full and ongoing discussions have occurred with Department of Environment—National Parks; Department of Environment—Marine Parks; Wet Tropics Management Authority; Department of Primary Industry—Natural Resources and Forestry; and Austa Electric.

(6) Generally the advice received from the above authorities was based around keeping the race to corridors already utilised by the general public or tourist operators; areas of concern were discussed and Department policy explained which affected these areas; and in keeping with Eco-Challenge policy it was agreed by all, the event should be staged both within and outside the above areas with the absolute minimal impact to the immediate environment.

The general attitude was one of support and cooperation as this one off event properly stage (as is has been over the last three years) would be seen as a positive outcome for those involved.

(7) As yet no discussions have occurred with local environmental groups but this is planned as soon as the final course outline is in place and a response from the above authorities has been received. On a time scale this should take place by mid October keeping in mind the event is not planned until August 1997.

Additional to the above, local government and local land holders over the proposed course have also been consulted and the event has received their enthusiastic support.

It is one of the challenges of the Eco-Challenge that the competitors do not know the exact course until the start of the event. It is therefore imperative that the course outline is kept "confidential", all authorities spoken with understand this and have agreed to this.

(8) There is no comparison between the Eco-challenge event and a foot race between O'Reillys and Binna Burra lodges.

The Eco-Challenge is an internationally renowned, ecologically correct wilderness expedition. Strictly low impact rules are enforced including no cooking, no washing in streams, no campfires and a total pack it in-pack it out philosophy. Human waste is carried out by teams to special sanitised receptacles. In the areas of sensitive plants, teams will be required to

disinfect their footwear prior to entering to prevent unwanted transmission of non-native plants.

The Eco-Challenge organisers include a team of environmentalists whose sole responsibility is to sweep any event area and restore it to its original state. The sweep team follows behind the last team, sweeping the entire course. In addition each check point has a trash container and each transition area has its own clean up monitor.

The underlying environmental theme extends to the television coverage of the Eco-Challenge which is not only about the event and its competitors but it also focuses on promoting environmental awareness and covers specific environmental issues and history. The whole philosophy of the Eco-Challenge is about responsible low impact existence in the wilderness environment.

809. Criminal Justice Commission Request About Ministerial Staff

Mr BARTON asked the Minister for Police and Corrective Services and Minister for Racing (5/9/96)—

With reference to claims that the Criminal Justice Commission recently called for copies of all curriculum vitaes and job applications of staff appointed to his office since the change of Government—

(1) Did he supply the material requested by the CJC; if not, why not?

(2) What did he supply to the CJC?

(3) Did other Ministers receive a similar request from the CJC?

(4) What response did they make to the request?

(5) What directive did he receive from the Premier's office in regard to this request?

Mr Cooper (1/10/96): The Honourable Member should be aware that the matters to which he refers are currently the subject of investigation by the Criminal Justice Commission.

It is therefore inappropriate to respond.

I would suggest that the Honourable Member resubmit his question once the matters subject to inquiry have been reported on.

810.Ambulance/Fire Facilities

Mr SCHWARTEN asked the Minister for Emergency Services and Minister for Sport (5/9/96)—

With reference to the joint ambulance/fire facilities which were intended to be constructed under the previous Government's Policy—

(1) How many (and at what locations) are there of these facilities?

(2) How many (and at what locations) will be constructed in 1996-97?

(3) When is the joint facility at Rockhampton, planned under the previous Government to be sited on land in Yaamba Road, to be constructed?

Mr Veivers (2/10/96):

(1) There were eight (8) locations where it was identified there was the possibility to construct joint facilities. I have included for tabling a list of the locations and current status.

(2) There is no proposal to commence the construction of new joint facilities in 1996/97. As outlined in the tabled list a number of facilities have been completed and two (2) facilities will be constructed as single agency facilities during 1996/97. The major joint facility, the Greater Brisbane Communication Centre, is presently being constructed and is scheduled to be completed and operating by the end of March 1997.

(3) The joint facility at Yaamba Road, North Rockhampton was never approved as a Capital Works Project by your Government. The Queensland Fire Service and Queensland Ambulance Service submitted a long form proposal in October 1995 for consideration for the 1996/97 Capital Works Program. The Project was then placed on the Reserve List for consideration pending funding and prioritisation. The facility is still on the Reserve List but will be critically assessed for the 1997/98 Budget.

811.Princess Alexandra Hospital

Mr ARDILL asked the Minister for Health (5/9/96)—

(1) Will he direct more resources to the Princess Alexandra Hospital to reduce the unnecessarily long waiting time for appointments to obtain prescriptions for spectacles, or alternatively, will he allow Brisbane patients to be examined at nearby public hospitals which are sometimes more accessible and could have shorter waiting times?

(2) Does he intend to reduce the situation where spectacles can be denied to pensioners for long periods?

Mr Horan (2/10/96):

(1) Queensland Health has a finite budget and an allocation of resources for the provision of spectacles is usually made by each District Health Service. The spectacle appointment system enables hospitals to monitor expenditure on the provision of spectacles. Hospitals have varying lengths of wait for members of the community to gain access to prescriptions for glasses and it is possible for residents to visit different hospitals. The amount of money available in each hospital is a local decision based on the historical need in the District.

(2) Where there is a demonstrated need to be provided with glasses, the patient can be provided with spectacles on an urgent priority basis. There is no intention to deny access by pensioners to the provision of spectacles and Districts allocate resources in accordance with community needs. This is monitored annually in accordance with the budget cycle.

812. Quilpie State School

Mr BREDHAUER asked the Minister for Education (5/9/96)—

With reference to the decision by the Education Department to withdraw a teacher from Quilpie State School affecting the supervision of year 11 and 12 students attending the school and given the concern of parents and the community that educational standards at Quilpie State School are declining and that year 11 and 12 students are being forced to do their School of Distance Education schooling from home—

(1) How does he justify taking this service away from the Quilpie State School community?

(2) Will he act to restore this teacher to the school?

Mr Quinn (2/10/96):

(1) You refer to the "supervision of year 11 and 12 students attending the school". At present some 65 periods per week, that is in excess of two full-time teachers, are devoted to 'teaching' rather than 'supervising' Year 11 and 12 students.

In written correspondence (26/06/94) from the then Minister, the Honourable Pat Comben, MLA, to the Reverend J. Skully, the Minister wrote "I have since approved Quilpie State School as a secondary department. The secondary year levels will be phased in—Year 8 beginning in 1995, Year 9 in 1996 and Year 10 in 1997. Students in Years 8, 9 and 10 will be able to study a range of subjects that are taught locally at Quilpie State School. Quilpie State School has not been approved for studies in Years 11 and 12. Students in these year levels may enrol in the Brisbane School of Distance Education and receive support and supervision from teachers at Quilpie State School."

Presently such students are receiving tuition as evidenced by the teaching returns of the school, which shows the instruction of the previous Minister, that supervision and tutorial support be provided, has been exceeded.

I question and refute your comment that "educational standards at Quilpie State School are declining". The provision of education provided in the Quilpie Secondary Department is equal to that of all secondary departments in the South-Western Region. Students wishing to proceed to Year 11 are not prevented from studying any post-compulsory subjects that are offered by the Brisbane School of Distance Education.

Further, co-curricular offerings at the Quilpie State School are extensive and include a range of sport, instrumental music, cultural pursuits (including Rock Eisteddfod, Charleville Eisteddfod), leadership and enrichment camps, and youth clubs.

Quilpie State School is a designated P-10 campus. The school is staffed to ensure these year levels are receiving maximum opportunities to achieve learning outcomes. As at the 2 August 1996 there were effectively 30 students in Years 8, 9 and 10. Such numbers are insufficient to justify the formal establishment of Years 11 and 12. Additionally, the size of any senior group would make it impossible to encompass the innovative and responsive curriculum that is currently being offered in larger high schools.

(2) I have outlined the fact that there are insufficient numbers to give serious consideration to the establishment of senior school facilities and personnel. It is also important to note that there is no consideration being given to staffing the school so that support can be given to students who are accessing Brisbane School of Distance Education papers.

813. Lake Julius-Ernest Henry Mine Pipeline

Mr LIVINGSTONE asked the Minister for Primary Industries, Fisheries and Forestry (5/9/96)—

(1) Did the Coalition, on 26 June, promise to proceed with the water pipeline from Lake Julius to the Ernest Henry Mine?

(2) Will this initiative cost up to $53m to introduce?

(3) When will this promise be implemented?

Mr Perrett (18/9/96): The matter which Mr Livingstone raised comes under the portfolio of Minister for Natural Resources and should be referred to the Minister the Honourable Howard Hobbs.

814. Infrastructure Spending

Mr HAMILL asked the Deputy Premier, Treasurer and Minister for The Arts (5/9/96)—

With reference to her persistent claims that the former Labor Government failed to invest in the States infrastructure—

As the Goss Labor Government increased infrastructure spending by 25 per cent in real terms, making Queensland the State with the highest per capita spending on infrastructure, was the previous levels of the Queensland Government spending on infrastructure inadequate, or are other States making inadequate provision for infrastructure spending?

Mrs Sheldon (3/10/96): Analysis of capital expenditure between the States is best done in terms of Australian Bureau of Statistics data on the State and Local Government sector. This overcomes problems in making valid comparisons between the States, especially where the mix of functions undertaken by the two levels of Government differ markedly. In Queensland, for instance, water and sewerage functions are undertaken by Local Government Authorities whereas in other States these functions may be a State Government responsibility. On a comparable basis, the data shows that previous National/Liberal Governments have maintained capital expenditure at higher levels in real per capita (rpc) terms than the other State average in every year since 1962-63. In the ten years between 1979-80 and 1988-89 expenditure on new fixed assets averaged $1,136 per annum (rpc). In contrast, average spending in the years 1989-90 to 1994-95 averaged $1,063 per annum (rpc). Expenditure under Labor in 1993-94 and 1994-95 still was below the levels achieved by previous National and Liberal Governments in 1981-82 through to 1986-87.

815.Boxing Subsidy

Mr HAYWARD asked the Minister for Emergency Services and Minister for Sport (5/9/96)—

With reference to the request made by the Queensland Amateur Boxing Association for an urgent subsidy to ensure that the Queensland boxing team will be adequately represented at the 1996 Australian Amateur Boxing titles to be held in Melbourne—

Will he, through his department, ensure that the subsidy is made available?

Mr Veivers (2/10/96): In response to the specific question made by Mr Hayward, I can advise as follows: I am advised all funding to this sport has been frozen following departmental investigations which revealed that assistance provided by the Department in 1993 and 1994 had not been expended in accordance with the funding guidelines under the State-wide Sports Development Program.

I am advised no formal request has been received by my Department for the specific funding of athletes to attend the 1996 Australian Amateur Boxing Titles to be held in Melbourne this year.

An inquiry about possible funding has been received via a telephone call and the Queensland Amateur Boxing Association has been requested to submit travel expenditure receipts so that consideration can be given.

816. Justice Department Staff; Alternative Dispute Resolution Program

Mr FOLEY asked the Attorney-General and Minister for Justice (5/9/96)—

With reference to the sacking of court orderlies and other staff—

(1) Who is to carry out the duties formerly undertaken by these orderlies?

(2) Did he consult with the Chief Justice of the Supreme Court and the Chairman of the District Court about this matter prior to the announcement of the sacking of the court orderlies?

(3) Given the Government's recent sacking of 20 prosecution staff, the dismantling of the Alternative Dispute Resolution program, and the sacking of court orderlies, what other Justice Department staff face sacking under his Government?

(4) Will he reconsider his dismantling of the alternative Dispute Resolution Program in view of the support for the program in the recent report of the Police Service Review chaired by Sir Max Bingham QC?

Mr Beanland (1/10/96):

(1) The primary duty of court orderlies is to assist the bailiff in monitoring a jury. The extent to which any actual duties were carried out varies from court to court. In Rockhampton, for example, court orderlies have not been used for a number of years. Most of the time orderlies sat in the court with no duties or with the only duty of calling witnesses. These tasks will now be performed by Judges' Associates or instructing solicitors as the Judge thinks appropriate. Where two juries cannot be supervised by one bailiff (in some cases the design of the Court allows this to be done) a casual bailiff or other court staff will be used.

(2) The Chief Justice, Senior Judge Administrator and Chief Judge of District Courts were made aware of the proposal before the orderlies were informed.

(3) With respect to the Honourable Member's suggestion that 20 prosecution staff were sacked, he deliberately misrepresents the position. As with all organisations, staffing levels change to meet workloads so that public monies are used prudently. The only officers of the Office of the Director of Public Prosecutions who have left since I have been Attorney-General have either done so voluntarily or have been employees who have been engaged on the basis of employment being non-permanent. With respect to the Honourable Member's suggestion that the Alternative Dispute Resolution program has been "dismantled", I refer him to answer number (4).

(4) The Alternative Dispute Resolution Program has not been dismantled. It has been integrated and expanded into the Court system throughout Queensland. I refer the Honourable Member to his earlier Question on Notice number 706 of 8 August 1996, where, in my answer, I proved that victim/offender conferencing under the former Labor government was an overwhelming failure at a huge cost to the people of Queensland. With respect to the report of the Police Service Review chaired by Sir Max Bingham QC, the report itself states that in a six month period only 56 cases were referred to the Alternative Dispute Resolution Division equating to 2 cases per week. The Honourable Member will undoubtedly not be proud of his former government's record in relation to victim/offender conferencing. Its approach was unplanned, uncoordinated and conceptually ineffective. This Government's approach will utilise a model which involves implementation in an effective way and including proper design and selection to achieve the Government's objectives and any recommendations of the Police Service Review. Further, these services will continue to be available through the court system throughout the whole of Queensland, unlike the policy of the former government which favoured only certain areas of Queensland.

817.Police Resources, Mount Isa

Mr McGRADY asked the Minister for Police and Corrective Services and Minister for Racing (5/9/96)—

With reference to claims in 1995 that Mount Isa had the highest serious crime figure in the State—

(1) What has he done to rectify this situation?

(2) How many extra police officers has he allocated to Mount Isa district?

(3) How can he prove that the situation has improved?

Mr Cooper (1/10/96):

(1) and (3)

A significant policing initiative to be undertaken within the Mount Isa police district was the construction of a Police Beat Shopfront facility in August 1995. This establishment is situated in Miles Street within the central business district. The shopfront is staffed by three personnel—a Senior Constable, Constable and Administration Officer. The work performed by these officers within the central business district has resulted in—

a reduction in the number of street offences occurring within the C.B.D.; and

a general perception among community members that the C.B.D. is a much safer place to visit.

The 1994/95 Police Service Annual Report, in its reference to serious offences against the person, equates 1,004 offences per 100,000 population within the Northern Police Region, of which Mount Isa is a part. The Mount Isa Police District, with its population of 33,000, had 270 reported serious offences against the person in the 1995 year.

The following table shows the 1995 and 1996 comparative figures concerning serious offences against the person. Based on current trends and projections, reported serious offences against the person, with the exception of robbery/extortion, will be reduced this calendar year, with a significant reduction in serious assaults.

	1/1/95 to 31/12/95			1/1/96 to 16/9/96			Projected 1996 totals
Offence	Reported	Cleared	% cleared	Reported	Cleared	% cleared	
Serious Assault	218	180	83	123	88	72	173
Homicide	5	5	100	0	0	-	0
Rape/Sexual Assault	40	34	85	27	19	70	38
Robbery/Extortion	7	3	43	7	4	57	9
TOTAL	270	222	82	157	111	71	220

(2) During 1995, the Queensland Police Service staffing allocation model showed the Mount Isa police district strength at 111 sworn officers. Position numbers existed for all of these positions.

The present strength within the district is 113 officers. The two extra positions were created with the introduction of the Police Beat Shopfront.

Normal transfer of staff does bring with it periodic vacancies but these positions are filled expeditiously.

The staffing levels within the Mount Isa police district are being monitored constantly. Recent applications for additional positions including—

a second District Inspector;

a third Prosecutor; and

a second District Education and Training Officer

have all been approved pending the allocation of position numbers.

818.Mr M. Daly

Mr MILLINER asked the Minister for Mines and Energy (10/9/96)—

With reference to the appointment of a Mr Malcolm Daly to head the environmental section of the Department of Mines and Energy—

(1) For what length of time has Mr Daly been engaged, on what classification and at what salary?

(2) When was he appointed?

(3) What are Mr Daly's environmental qualifications that equip him for this position?

(4) What is Mr Daly's environmental experience that qualifies him for this position?

(5) Was the position Mr Daly holds, advertised; if not, why not?

(6) Does he intend to publicly advertise this position; if so, when and where?

(7) Is this the same Mr Daly who was named in evidence before a CJC Inquiry into toxic waste disposal as being reluctant to act on complaints of pollution?

Mr Gilmore (9/10/96):

(1) Mr Daly accepted the position as Director of the Environmental Compliance Division in an acting capacity until recruitment action could be completed. The classification of the position is a Senior Executive Service (SES) 2—(low). Mr Daly has been classified at SES2—(high) since January 1992 when the Senior Executive Service was introduced. He was classified at an equivalent level prior to the establishment of the SES.

(2) Mr Daly commenced in the position on 7 May 1996.

(3) Mr Daly has a Bachelor of Science degree.

(4) Mr Daly has some 30 years experience with the minerals and energy industries and almost 20 years leading multi-disciplinary teams, including environmental specialists. His environmental experience is considerable including—

> substantial responsibility for the establishment and management of environmental management regime for uranium mining in the Alligator Rivers Region of the Northern Territory (late 1970s);
>
> As Director of Mines (1981-85), responsible for environmental management of all mines in the Northern Territory;
>
> principal responsibility for the development and implementation of major changes in the approach to environmental management in the mining industry in Queensland (1989-1993 whilst Director of Minerals) which have led to substantial improvements;
>
> Director of Environment in the Department of Mines and Energy between March and September 1995 under the previous Government.

(5) The position was advertised in the Queensland Government Gazette on 16 August and in news media on 17 August.

(6) Advertisements were placed in the *Courier-Mail* and *Weekend Australian*.

(7) Mr Daly was not named in the report of the CJC Inquiry referred to. In fact the Inquiry clearly indicated that there was no evidence of misconduct by any officer of DME. Mr Daly and many others were mentioned in a statement put to the inquiry by an individual. The comments about Mr Daly were unsubstantiated and clearly in error (see Answer (4), point 3).

819.State Budget Forecast

Mr McELLIGOTT asked the Deputy Premier, Treasurer and Minister for The Arts (10/9/96)—

With reference to her claim of a $337m underlying deficit and to last year's Budget papers which forecast an underlying surplus of $455m—

Is she saying that the Budget forecast, calculated using uniform national accounting standards defined by the Australian Bureau of Statistics, is wrong and that this $455m underlying surplus is really an underlying deficit?

Mrs Sheldon (11/10/96): The question shows a lack of understanding of the different measures of financial performance. The figure of $455M published in last year's Budget Papers includes capital transactions and superannuation. In calculating the Government's net operating position, it is not appropriate to include either of these items.

The accrual deficit of $337M estimated by the Commission of Audit excludes these factors and takes into account the depreciation of capital to give a measure which is similar in concept to the measure used to assess business performance. There is no doubt that if superannuation was excluded from the Government Finance Statistics data, the calculated result would be, in fact, an underlying deficit. Superannuation provisions in the 1995-96 Budget amounted to $683M. Excluding these alone would give an underlying deficit of $228M.

820.Public Dental Facility, Sunshine Coast

Mr NUTTALL asked the Minister for Health (10/9/96)—

(1) Did the Coalition, on 1 July 1995, promise to provide a public dental facility in Mooloolaba or Maroochydore?

(2) Will this initiative cost up to $1.4m to introduce?

(3) When will this promise be implemented?

Mr Horan (9/10/96):

(1) The Maroochydore School Dental Clinic has been converted to accept adult patients and agreement has been reached with the management of the school. Some minor modifications are still to be made to allow wheelchair access.

(2) $35,000 has been spent on the conversion.

(3) Staffing arrangements for the clinic are still being finalised. It is anticipated that adult patients will be accepted in October 1996.

821.Aquatic Centre, South Bank

Mr NUNN asked the Minister for Tourism, Small Business and Industry (10/9/96)—

With reference to recent media comments by him in relation to plans to possibly construct an $80m aquatic centre at South Bank as part of Queensland's bid to host the 2006 Commonwealth Games—

(1) Where on the South Bank site would the centre be built?

(2) As a master plan was developed for the South Bank site in the early days of the previous Government, which proposal is being dropped to accommodate this centre?

(3) As the popularity of South Bank has come mainly from its open space areas, wouldn't the best use of any available land area on the site be in expanding open space rather than erecting yet another building?

(4) What elements would be incorporated in the proposed aquatic centre?

(5) Will the public gain free access to the centre following its possible Commonwealth Games use?

Mr Davidson (10/10/96): The possible construction of an Aquatic Centre at South Bank is an issue that is subject to current discussions between the 2006 Commonwealth Games Bid Committee and the South Bank Corporation.

822.Child-Care Centre, Mackay

Mr MULHERIN asked the Minister for Families, Youth and Community Care (10/9/96)—

With reference to the funding approval in November 1995 by the former Labor Government for the construction of a child care centre, which was to be managed and operated by the Catholic Church, at

the corner of Bridge Road and Holland Street, Mackay—

(1) Why has this project been delayed?

(2) When will Executive Council approve this project?

Mr Lingard (26/9/96):

(1) The need for expediency with construction projects of this nature must be balanced by the need to ensure that the expenditure of public monies is done in such a way that all parties involved are satisfied. In this case care had to be taken in the design phase to ensure the finished building would be cost effective and functional and also reflect best practice in the provision of child care. Given that the funds being used to construct this building are coming from the State and Commonwealth Governments there is a strong need to ensure public accountability for the expenditure of the funds.

(2) The tender process has been assessed by the Queensland Building Services Authority. The role played by the Authority is important in ensuring that preferred tenderers for government funded capital works have the capacity to fulfil their contracts. This project will now be submitted to Executive Council for consideration.

823.Commercial Fishing Licences

Mr BRISKEY asked the Minister for Primary Industries, Fisheries and Forestry (10/9/96)—

(1) Did the Coalition, on 2 July 1995, promise to review commercial fishing licenses and provide funding for any necessary buy backs?

(2) Will this initiative cost up to $5m to introduce?

(3) When will this promise be implemented?

Mr Perrett (2/10/96):

1. Yes

2. The Coalition committed $5 million towards a review and any necessary buyback of commercial licences. The actual cost will be determined as the review proceeds.

3. Implementation has commenced through the work of a joint industry/departmental working group. The group is developing policy, adjustment and buyback mechanisms and a process to analyse fisheries and fishing areas to determine the need for and type of licence buyback. It is important that any restructuring is in accordance with the fisheries management planning processes in place.

824. Gas Corporation Accounts, Early Payment Discount

Mr McGRADY asked the Minister for Mines and Energy (10/9/96)—

With reference to the recent decision of Gas Corporation of Queensland to remove the 5 per cent early payment discount—

(1) Does he consider this to be a defacto 5 per cent increase in gas prices?

(2) Was he requested to approve such a rise?

(3) Does he agree that this is a de facto rise?

(4) Does he propose to take any action?

Mr Gilmore (9/10/96):

(1) No. The scheduled tariffs for supply of gas by Gas Corporation of Queensland set out the prices charged for gas supplied to consumers. Any offer of a discount for payment within a specified period is not part of the scheduled price for supply of gas and, consequently, the removal of the discount is not an increase in the scheduled price.

(2) No.

(3) I have already stated that I do not consider the removal of the discount to be a defacto price rise.

(4) No. The offer of a discount or any other incentive for early payment of accounts is at the discretion of the gas supplier concerned. While the removal of the discount is regretted, it would be inappropriate for me to seek to intervene in any decision of a gas supplier in relation to such incentives.

825.Public Housing, Acacia Ridge

Mr ARDILL asked the Minister for Public Works and Housing (10/9/96)—

With reference to the severe shortage of public housing in Southern Brisbane suburbs and also to the old housing stock which has been demolished to make way for new construction—

When will his department commence erecting housing on the vacant spaces now available for that purpose in Acacia Ridge?

Mr Connor (10/10/96): My Department is currently investigating preferred yields on land available in Elizabeth Street, Amherst Street and Mortimer Road, Acacia Ridge.

826.Aboriginal Heritage Museum

Mrs WOODGATE asked the Deputy Premier, Treasurer and Minister for The Arts (10/9/96)—

(1) Did the Coalition, on 25 June 1995, promise to provide funding for Aboriginal heritage museum work at the Queensland Museum?

(2) Will this initiative cost up to $1m to introduce?

(3) When will this promise be implemented?

Mrs Sheldon (11/10/96):

(1)The Coalition Government indicated in the Arts Initiative Statement that $1 million would be set aside in the 1995/96 financial year to address preservation of Aboriginal heritage at the Queensland Museum.

(2) It is envisaged that the total cost of this initiative would be $1 million.

(3) In the current budget context the Coalition Government has not cancelled the initiative but has decided on a more prudent, staged introduction of the initiative when funds become available.

The Museum has appointed an Aboriginal and Torres Strait Islander Consultative Committee to assist in development of a plan in relation to skeletal and other sensitive items being held in the State Collection. The plan was adopted by the Minister.

32 items have been returned with a further 40 items deaccessioned, involving 13 communities and individuals.

827.Timber Industry, Wide Bay Region

Mr DOLLIN asked the Minister for Primary Industries, Fisheries and Forestry (10/9/96)—

With reference to his statement in Parliament that 15 per cent retention of forests pre-1750 would dismantle the cypress pine and hardwood timber industries in Queensland and his undertaking that, if elected, his Government would have no part of that 15 per cent agreement—

Why is he and his Government now agreeing to sign this agreement that will kill the hardwood sawmilling industry in the Wide Bay Region at a cost of a thousand jobs?

Mr Perrett (2/10/96):

1. The Queensland Government is committed to maintaining an ecologically sustainable and economically viable native timber milling industry in Queensland. The Government will not act to close the hardwood milling industry in Wide Bay region.

2. The Government remains opposed to the arbitrary imposition of any "15% of pre 1750 forest distribution" rule to lock up forested areas in Queensland. No agreement to impose such a "15% of pre 1750" rule has been signed by the Government.

3. The Queensland Government has been negotiating with the Commonwealth Government, exploring the possibility of signing a Regional Forest Agreement (RFA) Scoping Agreement. These negotiations have included discussions about the criteria to be used in establishing a comprehensive, adequate and representative (CAR) nature conservation reserve system. A set of criteria known as the JANIS criteria are emerging as those most likely to be accepted nationally. These criteria refer to "15% of pre 1750 forest distribution", but not as a mandatory target. JANIS recognises flexibility in application of the criteria as a key issue, with social and economic factors being important considerations. For example, the draft JANIS criteria acknowledge that "... where socio-economic impacts are not acceptable, ... a lower level of reservation may prove adequate."

828.Railway Facilities, Townsville Region

Mr SMITH asked the Minister for Transport and Main Roads (10/9/96)—

With reference to his answer to Question 687 wherein he stated: "There is no timetable at this stage to relocate Townsville station to the possible site south of Ross Creek. Planning is proceeding to finalise road/rail grade separation options at Boundary Street, which can incorporate a station north of Boundary Street adjacent to the Civic Theatre. However, constructing a new station is not a high priority, particularly given the recent upgrade of the existing heritage station" and to the new rail facilities in Cairns in the North and Mackay in the South and draw an unfavourable comparison to the third rate passenger facilities in Townsville where less than half of the platform is covered and to statistical data which shows Mackay having slightly higher and Cairns having slightly lower number of passenger movements—

(1) As the "recent upgrade" to which he refers does nothing whatsoever to upgrade platform facilities for passengers, passengers who include the aged, women struggling with luggage and children having to entrain and detrain, fully exposed to the tropical sun and at times torrential rain, does he believe this to be an acceptable standard of service approaching the 21st Century?

(2) Will he reconsider his priorities and give urgent attention to providing a new passenger facility to be located in the vicinity of the Townsville Civic Theatre?

Mr Johnson (10/10/96):

1) It is difficult to justify spending considerable public funds upgrading the Townsville station when it is most likely a new station will be built in the next five to ten years at Reid Park. In addition, Queensland Rail has a station upgrade program which prioritises stations based on utilisation. This analysis shows there are other more heavily utilised stations that are considered to be in greater need of upgrading than Townsville.

While the Government would like to be able to upgrade all stations in the network, it is necessary to ensure that, with limited funds available, they are used in the areas of greatest need, taking into account passenger utilisation as well as safety and comfort issues.

2) While I can appreciate the Honourable Member_s concern for a new station to be located near the Civic Theatre, there are many priorities that must be considered with limited funds available. Queensland Rail has a long term plan to relocate the existing shunting, freight terminal and locomotive servicing facilities from the north and south yards at Townsville to Stuart, when funds become available. The Workshops will remain in the south yard due to Government commitment. The overall strategy is to streamline operations and avoid environmental problems associated with the current operations in the north and south yards. However, these events will happen over a period of years from the current to the year 2001. It is anticipated that at that time, subject to funding being available, that it would be appropriate to construct a new passenger station at a location such as Reid Park.

829.Logan Motorway

Mr BARTON asked the Minister for Transport and Main Roads (10/9/96)—

With reference to that section of the Logan Motorway between Beenleigh-Kingston Road and the South East Freeway/Pacific Highway—

(1) When will this section of the Logan Motorway be widened to four (4) lanes?

(2) What will be the cost?

(3) Will it involve resumptions; if so, how many?

(4) Will this widening include reconstruction of the interchange between the Logan Motorway and the South East Freeway/Pacific Highway?

(5) When will this interchange reconstruction take place?

(6) What will be the cost?

(7) Will it involve resumptions; if so, how much?

Mr Johnson (10/10/96):

(1) Present programming indicates that the widening to four lanes of the Logan Motorway, east of Wembley Road to the Pacific Highway, is due to commence by 2005. The desirability of an earlier completion, to complement the widening of the Pacific Highway, is recognised and if extra funds become available the work will be expedited.

(2 & 3) Design of the duplication, commissioned early by the Logan Motorway Company to effectively utilise material generated by the realignment of the Gateway extension near Stretton, has not reached the stage where costs and resumption requirements have been finalised.

However, I am advised that preliminary assessment of the cost of construction is of the order of $50-$55 million.

(4) The reconstruction of the interchange between Logan Motorway and the Pacific Highway is not included in the Logan Motorway widening. Most likely it will form a separate scheme after public comments on the proposed layouts have been received and analysed and a detailed design is commissioned and completed.

(5, 6) The cost and extent of resumptions will be determined by the detailed design.

(7) The time of construction will be dependent on the final programming of the Pacific Highway widening, both north and south of the Logan Motorway, and the availability of funds.

830.Tobacco Tax

Mrs EDMOND asked the Minister for Health (10/9/96)—

(1) Will he explain why, in his capacity as Health Minister, he was reported in the media several weeks ago as ruling out any increase in the tobacco tax but he is now supporting the increase as part of the State Budget, which represents a major breach of the Coalition promise not to raise or increase taxes?

(2) What percentage of the tobacco tax will be injected directly into health services in Queensland?

(3) What is his calculation of the total revenue per annum resulting from the tobacco tax increase which will go into the Health Budget?

(4) Will he outline all new Coalition initiatives in health advancement and health promotion programs which specifically address health problems associated with smoking. (Do not make mention of existing programs established under the previous Labor administration)?

Mr Horan (9/10/96):

(1) The Member for Mount Coot-tha may not be aware that decisions in regard to taxation are matters for Treasury and not the Health portfolio.

The decision to increase tobacco tax was made in the context of the 1996-97 budget following Federal Government financial cutbacks to this state.

(2) The Health Budget has been increased by 11.6%, an increase of $311.7 million over the previous Budget. This increase in the Health Budget has been supported, in part, through the projected revenue arising from the tobacco tax.

(3) See answer 2.

(4) Queensland Health has been developing a Bill intended to reduce youth access to tobacco and to prohibit the marketing of tobacco products to children.

831.South East Freeway

Mr ROBERTSON asked the Minister for Transport and Main Roads (10/9/96)—

With reference to the recommendation outlined in the draft Integrated Regional Transport Plan to establish a continuous dedicated busway system along the South East Freeway past the Gateway Arterial Road intersection to the Logan Hyperdome—

If this recommendation is accepted, will this busway system be in addition to the eight-laning of the South East Freeway between the Gateway Arterial Road and the Hyperdome to accommodate his high occupancy vehicle lanes?

Mr Johnson (10/10/96): The Government announced on 23 August 1996 that the eight-laning of the Pacific Highway/South-East Freeway between the Logan Motorway and the Gateway Arterial would take the form of a widened eight lane cross-section of motorway, incorporating two high occupancy vehicle lanes.

Queensland Transport, as the lead agent for the project north of the Logan Motorway, is concentrating its planning efforts on implementation of the above decision.

While recognising that the draft Integrated Regional Transport Plan does provide for a future southwards extension of a busway past the Gateway Arterial, I must point out that this document has not yet received government endorsement and is in the public arena for consultation.

At this stage, it is not possible to make any definitive statement about whether or not any future busway extension southwards of the Gateway would be in addition to or within the proposed 8 lane corridor width. This would need to be determined whenever more detailed planning for the busway extension takes place. At this stage, I believe the current proposal which provides for the inclusion of two high occupancy vehicle lanes in the 8 lane cross-section will satisfy the public transport requirements of the corridor between the Gateway and Logan for many years. I also believe the final priorities for extension of the busway network after the current project between the Gateway and the Brisbane CBD

will most likely favour work in other corridors, notably north of the Brisbane River.

832.Commission of Audit

Mr FOURAS asked the Deputy Premier, Treasurer and Minister for The Arts (10/9/96)—

With reference to the statement issued by Dr Vince Fitzgerald on 10 July 1996 that retained earnings for public enterprises were fully incorporated in the assets and net worth as at 30 June 1995, and to the Statement of Assets and Liabilities on page 102 of Volume 1, where the item for Public Enterprise assets does appear to be a full estimate including all Operating Income for 1994-95, and I draw her attention to the Operating Statement on page 105, where the entry for public enterprise operating income in 1994-95 reads 'not available'—

How can figures which are included on one page of the report, be 'not available' for inclusion in another table only 3 pages on?

Mrs Sheldon (11/10/96): (1) This question confuses two basic concepts—stocks and flows.

The Commission of Audit's Statement of Assets and Liabilities as at 30 June 1995 includes, implicitly, the accumulated stock of earnings retained by public enterprise.

The figures shown as 'not available' on page 105 of the Commission of Audit report are flows. Note 22d on page 117 explains that these relate to the retained earnings of public enterprises for 1995-96 and 1994-95. These are completely different figures to the stock of accumulated retained earnings as at 30 June 1995.

833.Royal Brisbane Hospital

Mr T. B. SULLIVAN asked the Minister for Health (10/9/96)—

(1) Will he outline the details of the Royal Brisbane Hospital Functional Plan, documenting capital works associated with the $600m redevelopment of the hospital, including the Royal Women's Hospital capital projects announced by him during the week ending 7 September, including existing bed numbers as compared with beds agreed to by the Government?

(2) Will he briefly document information obtained regarding projected needs analysis studies held by Queensland Health in relation to bed requirements at the RBH?

(3) Will he break down costs of the RBH redevelopment program against each planned stage of redevelopment (ie stage I, II, III, IV) as separate items and give completion dates for projects included in each stage?

(4) Will he provide full costings of projects included in the Functional Plan for the hospital and show recurrent expenditure allocated to each and every capital project including equipment upgrades as well as building projects?

(5) What stage is the redevelopment at currently with respect to commencement and completion dates for all works planned and works already under way?

(6) When exactly will the $600m redevelopment be completed?

(7) How much of the $600m will be spent in total on the Royal Women's Hospital redevelopment and how many beds are registered to the women's presently?

Mr Horan (9/10/96): I am disappointed that you have asked a question with so many parts, which breaches the spirit of the Standing Orders and which creates an unnecessary burden on the staff of Queensland Health. However, for the benefit of the people of Chermside, I provide the following answer.

(1) Capital funds provided for the redevelopment of both Royal Brisbane and Royal Women's Hospitals on the Herston Campus amount in total (as from 1 July 1996) to $419 million, as outlined in the 1996/97 State Budget—Capital Outlays, Budget Paper No. 3.

Major revision of the draft Functional Plan was essential to assess capital costs without compromising services for the Herston Complex. As a result of this revision and due to the adoption of other funding options pertaining to the Butterfield Street carpark, a new budget of $419 million has now been allocated.

Bed numbers agreed to as part of the redevelopment are 790 beds—Royal Brisbane Hospital and 187 beds—Royal Women's Hospital. It was necessary to negotiate the bed numbers to enable further detailed planning to proceed.

(2) The following is an overview of methodology used by the Queensland Health Care Research Group on behalf of Queensland Health to establish acute bed numbers:

> The current acute bed projection methodology takes account of:
>
> > future population changes; and
> >
> > projected clinical trends for admission rates, length of stay and day procedure rates.
>
> Projected clinical trends are based on mathematical projections of rates of change occurring over the past 10 years in Queensland. The mathematical projections for length of stay and day procedure rates have been capped at levels considered to be achievable upper limits.
>
> The data only includes patient stays of up to 90 days. Patient stays of over 90 days have been excluded from the projections.
>
> The data is separated into 34 Service Related Groups and day only and overnight admissions are presented separately.
>
> The following assumptions were made when establishing bed numbers from the projected activity data.

Length of Stay for Day Only Separations

A length of stay of 1 day has been assigned to day only separations. This is considered very generous as the majority of day only patients would not stay a full day and much activity recorded as day only does not require a bed.

Bed Occupancy Levels

The following bed occupancy levels have been applied:

hospitals with >300 beds—80% occupancy*;

hospitals with 100—300 beds—75% occupancy; and

hospitals with < 100 beds—70% occupancy.

* This occupancy level is considered generous as hospitals of this capacity typically operate at an average annual occupancy of 90% or more.

The above methodology and assumptions indicate a requirement for the following acute beds by the year 2006 -

Royal Brisbane Hospital—728 beds

Royal Women's Hospital—167 beds

Royal Children's Hospital—142 beds

(3) Defined costs for each stage of the redevelopment are yet to be confirmed within the overall project budget. Stages 1B and 1C relating to new hospital facilities and new ward accommodation are to proceed under a single contract. It is expected and programmed that a tender approval will be accepted by June 1997. The Project Definition Plan is well advanced with schematic design in progress and a number of subsidiary activities to occur prior to commencement of major building activity. A major component of the redevelopment relates to the construction of a Central Energy Unit which will replace and/or upgrade all energy distribution systems for the hospital campus. Contractors have been appointed with construction to be completed by August 1997. Supporting redevelopment is the need to provide a substantial carpark for which tenders have recently been invited.

(4) As part of the completion or finalisation of the planning process prior to commencement of a major building activity, a recurrent cost planning exercise is under way which will determine the degree of operational costs required in meeting service provision. This activity will complement programming activity and final cost analysis of each stage of redevelopment. Consultants to undertake programming were appointed on 17 September 1996 and will not complete this exercise for a few weeks.

(5) Refer to (3) above. Phase B is expected to be completed by 1999 and Phase C, depending on circumstances, is expected to be completed by 2000.

(6) Redevelopment of Royal Brisbane and Royal Women's Hospitals is expected to be fully completed by the Year 2001.

(7) Actual costs to be expended on redevelopment of the Royal Women's Hospital is somewhat difficult as the facility will be incorporated within the structure of the Royal Brisbane Hospital.

The number of beds currently provided by the Royal Women's Hospital is 210.

834. Glenmore State High School

Mr SCHWARTEN asked the Minister for Education (10/9/96)—

With reference to his commitment to a $900,000 indoor sports complex at Glenmore State High School and his recent statements that this centre will now be built in stages—

(1) How many stages will be involved in the construction of this centre?

(2) What is the expected opening date of the fully completed centre?

(3) Is the school Parents and Citizens Association expected to contribute to the project; if so, what is the level of contribution expected from the parents and citizens?

(4) What consultation with the parents and citizens is currently being undertaken by his department?

Mr Quinn (2/10/96):

(1) The plans for construction are still under negotiation between the school community, Project Services and the Capricornia Regional Office. This negotiation presents a unique opportunity for the community to influence directly the design of the centre to ensure that it meets the future curriculum and growth needs specific to their school.

(2) The opening date of the fully completed centre will depend upon the outcome of negotiations with the school community and Project Services.

(3) The P&C Association may wish to make a contribution to facilitate the inclusion of its own priorities and plans for the complex.

(4) Officers of the Capricornia Regional Office have initiated consultation through discussions with the Honorary Secretary of the Glenmore SHS Parents and Citizens Association, the administrators of the Glenmore SHS and Glenmore SS, and the Capricornia School of Distance Education. The Association has been invited to provide a full brief of its proposal to the regional office by the end of October.

835. "No More, it's the Law" Campaign

Mrs BIRD asked the Minister for Tourism, Small Business and Industry (10/9/96)—

With reference to an article on page 105 of the Sunday Mail on 23 June entitled 'No More, it's the law' which was included as part of an advertising feature on behalf of the Queensland club industry—

(1) Who paid for the article?

(2) How much did the article cost?

(3) Who wrote the article?

(4) Who provided the photograph for the article?

(5) Is the 'No More, it's the law' campaign a new guide, as stated in the article, or is it in fact a continuation of a program established by the Labor Government?

Mr Davidson (10/10/96):

(1) My Department's Liquor Licensing Division.

(2) $2,463.

(3) My Department's Liquor Licensing Division.

(4) My Department's Liquor Licensing Division.

(5) The article refers to the launch of a component of the "No more—It's the Law" campaign, being a new

booklet, the "No More its the law—Guide to Responsible Service of Alcohol". This particular guide was first published by the Liquor Licensing Division in May, 1996 and I had the pleasure of launching it to the industry in July. The guide's major focus is as a training tool for licensees to ensure that their staff are aware of the liquor laws and the physical effects alcohol can have on patrons. It also carries hints and strategies for providing a safe drinking environment, preventing under-age drinking, establishing house policies and identifying telltale signs of intoxication.

836. Water Charges, Mackenzie River-Saraji Pipeline

Mr PEARCE asked the Minister for Natural Resources (10/9/96)—

(1) Is the Department of Natural Resources proposing to increase the price of water supplied to land owners via the Mackenzie River-Saraji pipeline from 27 cents per kilolitre to 42 cents per kilolitre?

(2) What impact will this increased cost have on rural producers who draw water from the pipeline and is it an attempt to stop landowners from taking advantage of the supply system and resource?

Mr Hobbs (9/10/96):

(1) The Department is not proposing to increase the price of water supplied to land owners receiving stock water from the Saraji Pipeline.

There has been some discussion locally suggesting that the present price of 27c/kilolitre will be increased to 42c/kilolitre for new applications only. This is not being progressed and the existing delivery charge of 27c/kilolitre will remain. The present charge of 27c/kilolitre will only be reviewed if cost increases are experienced in operating the service. This charge covers established annual costs of operating and maintaining the system but does not include capital costs.

(2)While the Blackwater and Gregory pipelines are fully committed, some spare capacity in the Saraji and Oaky Creek pipelines will provide opportunity for producers to increase their allocations if they require further water.

837.Caboolture Northern By-Pass

Mr J. H. SULLIVAN asked the Minister for Transport and Main Roads (10/9/96)—

With reference to the decision to defer construction of the Caboolture Northern By-Pass—

Will he give an undertaking to bring forward a replacement for the Moodlu bridge, which would have been part of the by-pass construction, and which represents a significant danger spot for motorists using the Daguilar Highway?

Mr Johnson (10/10/96): No. There have been two accidents reported at the Moodlu Bridge on the highway in the past twelve years, neither of which were fatal. The bridge is narrow and should be replaced when funds are available; however, it is not regarded as a "blackspot".

The Department of Main Roads carried out a safety audit of this part of the D'Aguilar Highway earlier this year. Subsequently, warning signs for the bridge have been upgraded.

The replacement for the Moodlu Bridge will be constructed as part of the western interchange of the Caboolture Bypass. It will be in a new location and it is not practicable to construct the new bridge without the bypass which would connect to it.

The first stage of the bypass will connect from the Bruce Highway, just north of the Caboolture/Bribie Island Road interchange, to the western interchange at Moodlu. It will cost approximately $32 million in 1996 dollars.

In the interim, the Government intends to advance preconstruction activities and, in this year's review of the Roads Implementation Program, $500,000 will be allocated in the 1996/97 financial year and $800,000 in the 1997/98 financial year for early hardship acquisitions of affected properties, detailed planning and design.

Timing of construction also is dependent on receiving Federal approval for funding of the Bruce Highway/Bypass interchange, which is a Federal responsibility as part of the National Highway System.

838.Education Department Restructure

Mr BREDHAUER asked the Minister for Education (10/9/96)—

With reference to his "Leading Schools Program" which is part of his plan to restructure the Education Department and to embark on a major exercise to devolve bureaucratic and administrative tasks to schools and to his proposal to raise additional funds for his departmental restructure by outsourcing other head office services—

(1) How many public servants will lose their jobs when he abolishes the 11 Education Department regions, downsize school support centres to 35 and restructure the head office of his department?

(2) Will he provide details of what services will be privatised and how many additional jobs will be lost?

Mr Quinn (2/10/96): (1) & (2) The Government has not made any decision to restructure regions, downsize school support centres, or restructure head office. Therefore the question of related job losses is baseless.

839.Public Housing, Redcliffe Electorate

Mr HOLLIS asked the Minister for Public Works and Housing (10/9/96)—

With reference to his answer to Question on Notice No. 565 relating to public housing projects in the Redcliffe Electorate—

If there has been no cessation of building projects in the Redcliffe Electorate, will he now detail such current building projects?

Mr Connor (10/10/96): My Department plans to commence construction of 17 dwellings in the Redcliffe electorate during 1996/97. Twelve of these

dwellings will be used to accommodate seniors and five persons with disabilities will be housed in the other new projects. Under the Housing Industry Trade Training scheme, local apprentices will construct a detached house in the Scarborough area.

The State's $110.5 million community housing program, including $93.6 million for the building of 992 additional homes, has the potential to provide additional housing.

840."Home Bookie" Advertisement, 4TAB

Mr D'ARCY asked the Attorney-General and Minister for Justice (10/9/96)—

With reference to an advertisement on 4TAB for a program called the "Home Bookie"—

(1) Has the program been subjected to any complaints?

(2) Has 4TAB complied with advertising regulations and do they have the necessary signed documentation that the program is not a scam?

Mr Beanland (9/10/96):

(1) No. The Office of Consumer Affairs is aware of the program, "Home Bookie", but to date no complaints have been received from members of the public. "Home Bookie" is a computerised gambling system and five complaints have previously been received against the company, Peicor Pty Ltd, which markets the system. Peicor Pty Ltd previously traded under the name Integrated Computer Solutions Pty Ltd which also had five complaints against it and before that as Silver Sun Computers Pty Ltd which was also the subject of complaints from members of the public. Neither the advertisement extensively broadcast on 4TAB nor the material provided by Peicor Pty Ltd in response to inquiries makes reference to the cost of the "Home Bookie" program but from previous experience with systems marketed by Peicor Pty Ltd, it is suspected that the cost would be about $48,000. The contract used by Peicor Pty Ltd in previous instances only guarantees that the computer equipment is brand new and is covered by the manufacturer's warranty. No guarantee of financial returns are made and no provision for a refund for dissatisfaction with the system are included in the contract. Given the previous record of Peicor Pty Ltd, it is suspected that the "Home Bookie" program is the same system previously marketed by this company.

(2) Legislation administered by the Office of Consumer Affairs does not specifically set any guidelines for advertising on either radio or television and as such this does not come within the jurisdiction of the Office of Consumer Affairs. However, should the contents of such advertisements be misleading Consumer Affairs would consider taking action under the Fair Trading Act 1989.

841.Alternative Dispute Resolution Program

Mr WELLS asked the Attorney-General and Minister for Justice (10/9/96)—

With reference to recommendation 161 of the Bingham Report, which recommends that external mediation, "as provided by the Alternative Dispute Resolution Division of the Department of Justice and Attorney-General be promoted in appropriate cases"—

In the light of this recommendation will he undertake to abandon his plans to cease the Alternative Dispute Resolution Division?

Mr Beanland (9/10/96): The Alternative Dispute Resolution Program has not been "ceased". It will be integrated and expanded into the Court system throughout Queensland. Victim/offender conferencing under the former Labor government was an overwhelming failure. The community would undoubtedly be startled at the level of resources and lack of action that occurred in this area under two Labor Attorneys-General. In the 1993-94 financial year, $22 500 was allocated when the Honourable member was the Attorney-General, and for that funding only 19 conferences were convened. This amounts to an average cost of $1184 per conference which had to be met by tax payers. In the following year, 1994-95, again during the Honourable member's term, $43 000 was allocated to victim/offender conferencing. For this almost doubled funding provision only 18 conferences were held that year, one less than the previous year. The average cost per conference in that year was $2389, more than double the cost in the previous year but with reduced output. In the 1995-96 financial year, under former Attorney-General Matt Foley MLA, $133 000 was allocated. For this vastly increased amount to victim/offender conferencing, only 22 conferences were undertaken. This disgraceful output amounts to a cost of $6 045 per conference. With respect to the report of the Police Service Review chaired by Sir Max Bingham QC, the report itself states that in a six month period only 56 cases were referred to the Alternative Dispute Resolution Division equating to 2 cases per week. Therefore, the Honourable Member will undoubtedly not be proud of his former government's record in relation to victim/offender conferencing. Its approach was unplanned, uncoordinated and conceptually ineffective. This Government's approach will utilise a model which involves implementation in an effective way and including proper design and selection to achieve the Government's objectives and any recommendations of the Police Service Review. Further, these services will continue to be available through the court system throughout the whole of Queensland.

842.Asbestosis; Workers' Compensation Act

Mr PURCELL asked the Minister for Training and Industrial Relations (10/9/96)—

(1) Is he aware that under the proposed changes to the Workers' Compensation Act, there is no provision for a care package as is currently available under Common Law?

(2) Does he intend to take into account the 24 hours a day, 7 days a week that carers for asbestosis and related disease sufferers need in order to remain at home?

(3) What provision is being made in the proposed changes to the Workers' Compensation Act for meeting the financial costs of providing life supporting oxygen to individuals suffering from asbestosis?

(4) Is he aware that the cost to purchase a new oxygen concentrator is over $4,000 second hand between $2,500 and $3,000 and costs $1.68 per day in household electricity to run?

(5) Will he consider making changes to the Act to provide for asbestosis sufferers to enter nursing homes by paying the Federal Government's $26,000 entrance fee?

(6) Is he aware that without the care package, many sufferers of asbestosis and related diseases will be unable to pay the $1,600 a year for private health cover?

(7) What provision is being made to ensure that sufferers are financially covered for private health insurance?

(8) Is he aware that people between the age of 34 and 54 years are the most vulnerable age group to contact asbestosis and its associated illnesses and that the gestation period is up to 50 years?

Mr Santoro (10/10/96):

(1) This is not correct. The Kennedy Report recommended that a statutory benefit of up to $150,000 be payable to cases approved by WorkCover for gratuitous care provided to seriously injured workers. These recommendations extend the access to a carers benefit from the approximately 3.7% of injured workers who claim at common law to all seriously injured workers, regardless of whether they can prove negligence on the part of their employer.

(2) In 1995/96 42 new statutory claims for asbestosis were lodged. In the same year 7 new common law claims for asbestosis were lodged. It is clear that the introduction of a gratuitous care lump sum in the statutory compensation system should assist more workers than the current common law provision.

It is important to realise that the proposed statutory gratuitous care payments relate to gratuitous care, i.e. provided at no charge by family or friends, in the same manner as Griffiths and Kerkemeyer awards.

Payment for professional caring and nursing services is still available both under the statutory system and at common law.

The statutory gratuitous care payment, payable at the finalisation of a claim, will take these factors into account. In addition, the statutory carers allowance (Section 153 of the Workers' Compensation Act 1990) will continue to be paid for voluntary care provided to a worker during the duration of the claim where appropriate. As previously advised professional caring and nursing costs remain payable under the statutory and common law systems.

(3) Provisions in the legislation relating to the provision of medical treatment and medical aids, including the provision of oxygen, will not be changed. The Act allows for the payment of reasonable and necessary medical and rehabilitation costs.

(4) The Act allows for the payment of reasonable medical expenses and aids which would include the provision of oxygen for an injured worker where necessary. It is expected that the claim manager would also investigate alternate arrangements such as hire of such equipment.

(5) Benefits payable in relation to such claims would be decided on the individual merits of each case.

(6) As stated in (1) above, the abolition of the common law gratuitous care head of damages will be more than matched by the introduction of the statutory gratuitous care lump sum. Also, as advised in previous responses, payments for professional care will remain payable under the statutory and common law systems.

(7) The election to take out private health insurance is an individual decision and is not an issue for the workers' compensation insurance scheme of this State. This does not represent a change to the existing provisions. Once again the costs of professional medical and care services remain covered under both the statutory and common law systems.

(8) Advice from the Senior Medical Officer of the Workers' Compensation Board is that there is no relationship between age and vulnerability to contraction of asbestos related diseases. The time for these diseases to become clinically manifest depends on the time of first exposure and the dosage received. A study has set the mean age at diagnosis of mesothelioma to be 64 years, but this related to the time of initial exposure and lag time for manifestation.

The approximate lag time for the various asbestos related diseases is as follows:-

Benign asbestos pleural disease—20 years

Malignant mesothelioma—35-40 years

Symptomatic Asbestosis—10 years of moderate to severe exposure.

843. Murrumba Downs High School

Mr HAYWARD asked the Minister for Education (10/9/96)—

When will construction of the Murrumba Downs High School commence?

Mr Quinn (2/10/96): The timing for construction of a high school at Murrumba Downs is reviewed periodically by officers of the Department of Education, in light of statewide priorities. Other priorities, such as the construction of a new state high school at Burpengary, are currently placing a higher demand on the Capital Works budget. Consequently, this project is not on the medium term planning program of the Department.

844. Appointment of Judges, Supreme and District Courts

Mr FOLEY asked the Attorney-General and Minister for Justice—

When will he deliver on his pre-election promise of (a) 5 extra judges in the District and Supreme Court and (b) a Supreme Court judge based in Cairns?

Mr Beanland (9/10/96): The Government has always anticipated that it might have to make up to five new judicial appointments. The *Courier-Mail* of 11 July 1995 reports that: "Mr Beanland said the Coalition would give Queensland's legal system the tools it needed to deal with the blowout in court lists and the breakdown of the legal aid system ... The five extra judges, three to the District Court and two to the Supreme Court, would only be temporary appointments to help clear the case backlog." Since taking office, I have appointed one additional Magistrate and two additional District Court judges. It should be noted that these are permanent appointments. Further judicial appointments will be made as and when the need arises.

845.Rules Beach

Mr WELFORD asked the Minister for Environment (10/9/96)—

With reference to the proposed acquisition of private property at Rules Beach—

(1) On what basis is his approval for this acquisition justified?

(2) What is the source of funding for the acquisition and which divisional budget of his department will allocate the purchase price?

(3) What area of "land" is being acquired?

(4) What is the Valuer-General's unimproved capital value and total area of the Lot, part of which is being acquired?

(5) What are the respective land areas and unimproved capital values of each Lot adjoining the Lot, part of which is to be acquired?

(6) What are the real property descriptions of the Lot (part of which is to be acquired) and the immediately adjoining lots?

(7) What is the amount of public funds allocated to meet the purchase price?

(8) What associated costs other than the actual purchase price will be incurred in finalising the acquisition and what are the respective amounts of these costs?

Mr Littleproud (1/10/96):

1. The main justification for the acquisition of the area is to provide a practical land access to the mouth of Baffle Creek Conservation Park. Prior to this acquisition access to the park was only possible via boat.

2. Funding from the Conservation Division Coastal Zone special initiative is being used.

3. 3.552 hectares

4. Unimproved Capital Valuations are provided by the Department of Natural Resources. I am advised by that Department that the unimproved valuation of Lot 1 on RP 618453 is $52 000, Lot 1 had an area of 118.4219 hectares before the acquisition.

It must be understood that an Unimproved Capital Valuation is not an indication of the Current Market Value of the land. A UCV assumes the land is in its virgin state without any clearing, fencing or other development work, and is not comparable with a market valuation of the land in its current developed state.

5. There are 2 adjoining lots. One has an area of 12.2 hectares and a UCV of $245 000. The other has an area of 123.572 hectares and a UCV of $52 000.

6. Lot 1 on RP 618453 is the RPD of Rules Land prior to the acquisition. The adjoining lots are 2 on RP 618453 and 2 on RP611700.

7. $112 000, based upon the Market Valuation provided by the Department of Natural Resources, including items of disturbance and severance. Severance is in this case a considerable component because the balance of the land loses its absolute beach frontage.

8. $2 214 for survey, $112 for proclamation and costs not yet incurred for gazettal of the area as Conservation Park.

846.Boondall North Railway Station

Mr ROBERTS asked the Minister for Transport and Main Roads (10/9/96)—

With reference to Boondall North Railway Station—

(1) Was a decision made or was it ever intended to upgrade this station; if so, (a) what improvements to facilities were planned for the station buildings and on the platform, (b) what was the cost of the improvements, (c) when was the project expected to commence and be completed and (d) is it intended that this upgrade will still proceed; if not, (a) on what date was the decision made to withdraw funding or not proceed with this upgrade, (b) what is the reason for this decision and (c) when will funds be allocated to enable this necessary upgrade to occur?

(2) Is he aware that station staff and patrons at this station have to use a demountable hut as the station building and as male and female toilets and that these unacceptable and temporary arrangements have been in place for several years?

Mr Johnson (10/10/96):

1) It was proposed to upgrade Boondall North station as part of Operation Facelift between June and October 1996.

Proposed improvements included a new station building, new 'pool-type' fencing along the length of the platforms and new public toilet facilities.

The proposed work was deferred to allow funding to be diverted to high priority safety issues eg: the Train Safe Program.

The estimated cost of this upgrade was $220,000.

2) The new station would have allowed the removal of the demountable hut and temporary toilets.

847.Gold Coast Hospital

Mrs ROSE asked the Minister for Health (10/9/96)—

(1) Will he give details of the extremely unsafe waiting period being experienced by a woman with an operable aneurism requiring surgery at the Gold

Coast Hospital which was reported in the Gold Coast Bulletin on Monday 9 September?

(2) Does he still believe the Gold Coast Hospital is an "outstanding achiever" with respect to waiting times for elective surgery?

(3) What action has he taken to address the seriousness of this case and when can this patient expect to receive the treatment she needs?

(4) What steps has he taken since he became Health Minister to specifically address cross-border issues affecting residents on the South Coast?

(5) Specifically, will he provide details of where negotiations between Queensland and New South Wales are at under his direction?

Mr Horan (9/10/96):

(1) I am advised that the patient referred to and whose situation was reported in the Gold Coast Bulletin on Monday, 8 September 1996 does have an aneurism requiring surgery. The patient is currently in a stable condition and is receiving treatment from her General Practitioner.

The patient was placed on the waiting list on 24 May 1996 as a Category 3 patient and was upgraded to a Category 2 patient on 27 June 1996. It is the surgeon's clinical opinion that the patient requires admission within 90 days from 27 June 1996.

I certainly regret that the patient's appointment for surgery has been delayed twice by the Hospital. However, I am given to understand that this is the result of the clinical needs of other patients whose conditions required more immediate treatment. The Gold Coast Hospital gives first priority to emergency neurosurgery cases who are unstable.

(2) The Gold Coast Hospital is an "outstanding achiever" with respect to waiting times for elective surgery. This is demonstrated by the Hospital having made significant progress towards achieving the elective surgery goal of having less than 5% Category 1 long wait patients waiting by 31 December 1996.

The number of long wait Category 1 patients continues to reduce at the Gold Coast Hospital. It has reduced from 47% at 1 July to 15% at 1 August 1996 to 12% at 1 September 1996, and as of 1 October this number was zero!.

By way of contrast, in November 1995 when I was the Opposition Spokesperson for Health and the Member for Currumbin's party was in power, the proportion of long wait Category 1 patients on the waiting list at the Gold Coast Hospital was 58%.

Since in the period since November 1995, the number of Category 1 long wait patients has fallen to zero, I therefore believe that the Gold Coast Hospital is an outstanding achiever.

(3) I am advised that the patient will have her operation as soon as it can be scheduled, being mindful of the competing need from emergency cases.

(4) Queensland is obligated under the current Medicare Agreement (1993-1998) to provide inpatient hospital services to interstate residents who are treated in Queensland public hospitals and vice versa. For the 1994/95 financial year, Queensland received a net amount of approximately $11.3 million from the New South Wales Government for the treatment of New South Wales residents in Queensland's public hospitals.

Data on admitted patients is obtained under the inpatient cross border charging arrangements. Queensland Health is currently enhancing the casemix based funding model to address the issue.

(5) Discussions are currently under way to ensure that undue pressures are not being placed on Queensland Health's facilities as a result of deliberate steps by the New South Wales Labor Government to reduce health funding in that State.

At a local level, a Cross Border Joint Planning Committee has been established between the Gold Coast Hospital and the Tweed Heads District Health Service. This Committee meets regularly to discuss areas of concern for the Gold Coast and Northern New South Wales districts, and to plan strategies to enhance the delivery of health services to the community. The Committee's report on cross border issues and its recommendations will be completed before the end of the year and forwarded to the respective District Managers.

848.Public Housing, Bundaberg

Mr CAMPBELL asked the Minister for Public Works and Housing (10/9/96)—

(1) What are the number of public housing units and dwellings built in the Bundaberg City area in the years 1993-94, 1994-95 and 1995-96 and the number proposed to be built in 1996-97?

(2) What is the total number of housing stock in the Bundaberg City area?

(3) How many people are on waiting lists for each class of public housing?

(4) What is the expected waiting period for people for each class of housing?

(5) What was the expenditure on public housing for the years 1993-94, 1994-95 and 1995-96 and how much has been budgeted for 1996-97?

Mr Connor (10/10/96):

1. My Department constructed 114 dwellings in the Bundaberg local authority in the past 3 years. The breakdown by years is

1993/94	29 dwellings
1994/95	49 dwellings
1995/96	36 dwellings

The large number of constructions were the result of a redevelopment strategy to increase the yield on sites owned by the Department where old houses had reached the end of their economic life.

It is proposed in 1996/97 that 9 new construction commencements plus the purchase of existing houses and construction under community housing as determined by the Community Housing Grants Board will be undertaken.

2. Departmental housing stock in the Bundaberg City area is 616 dwellings at 30 June 1996.

3. There are 624 persons on the wait list in Bundaberg local authority.

4. Expected wait times for public housing in the Bundaberg local authority are:

1 bedroom accommodation	32-40 months
2 bedroom accommodation	18-36 months
3 bedroom accommodation	8-20 months
Large dwellings	28-38 months
Senior Units	22-28 months

5. Capital expenditure on Public Housing in the Bundaberg Local Authority for the following years was:

1993/94	$4.3 million
1994/95	$4.2 million
1995/96	$4.8 million

For the year 96/97 expenditure cannot be fully determined until determinations are made by the Community Housing Grants Board.

849. Southern Brisbane Bypass

Mr ELDER asked the Minister for Transport and Main Roads (10/9/96)—

What were the details of his figures for the costs added to the Southern By-pass project by the alterations I made to the alignment in 1995?

Mr Johnson (10/10/96):

The detail of the figures for costs added to the Southern Bypass project by the alteration made by Mr Elder as Minister for Transport in 1995 are as follows:

Extra work to contract—$2,349,474

Relocation of previously relocated 750 millimetre diameter Brisbane City Council water main—$211,589

Rehabilitation works to Paratz' western severance—$500,000

Settlement of claim for additional wet weather risk due to extended contract period—$525,600

Payment of delay/disruptions costs—$1,633,500

Resale value foregone of Paratz' western severance—$2,000,000

Provision of bonus for early completion (possible acceleration cost)—$1,470,000

TOTAL—$8,690,163

The balance of the overall $18.19 million is made up of expenditure required to usefully utilise the extra material generated by the alignment shift and thus minimise waste. This is being done by constructing embankments from imported fill for the future duplication of the Logan Motorway east of Wembley Road.

850. Australian Labor Party Election Commitments

Ms SPENCE asked the Minister for Health (10/9/96)—

With reference to the many questions which were asked prior to the Budget concerning Labor election commitments announced in 1995—

Is he able to provide a list of all 1995 Labor election commitments which have been scrapped or scaled back by the Budget?

Mr Horan (9/10/96): Only two Labor Health election commitments have been reprioritised: the Enrolled Nurse Upgrade; and the Queensland Positive Parenting Program.

The Enrolled Nurse Upgrade commitment will not receive additional funding in the 1996/97 financial year because the current Poisons Regulation 1973 which prohibits enrolled nurses administering medication is under review and a review sponsored by the Queensland Nursing Council is currently examining the scope of nursing practice. The findings and recommendations of these reviews will impact on the role of enrolled nurses by redefining the scope of enrolled nurses' practice.

Queensland Health funding for the Queensland Positive Parenting Program has been withdrawn as it is considered to be outside of the scope of the Health portfolio. This work is now being taken forward by the Department of Families, Youth and Community Care.

In relation to capital works, Townsville Spinal Rehabilitation Service has only been deferred pending the outcome of the Statewide review of rehabilitation services initiated by the previous Government and consideration of Coalition policy as part of master planning of Townsville health facilities. Acquisition of a Magnetic Resonance Imaging (MRI) machine at Nambour and an MRI at the Gold Coast Hospital have been deferred pending the outcome of a review of MRI services by the Australian Health Technology Advisory Committee to be completed in December 1996.

851. Public Sector Enterprise Bargaining

Ms BLIGH asked the Premier (10/9/96)—

With reference to the implementation and conclusion of the Public Sector Enterprise Bargaining Agreements—

(1) What, if any, discussions have occurred between the Government and Public Sector Unions regarding future wage increases?

(2) Will future public sector wage increases be based on enterprise bargaining; if not, on what basis is it intended to award future increases?

(3) When can public sector employees expect to receive an increase in their wages and how much increase can they expect?

Mr Borbidge (10/10/96):

(1) Preliminary discussions have taken place between officers of the Department of Training and Industrial Relations on behalf of the Government and the public sector unions about the future progression of enterprise bargaining in the budget dependent areas of the public sector.

(2) Yes.

(3) It is inappropriate to speculate on the timing or quantum of future wage increases.

852.Timber Industry

Mr PALASZCZUK asked the Minister for Primary Industries, Fisheries and Forestry (10/9/96)—

With reference to current forestry practices employed by timber workers in native forests—

(1) Do the practices currently employed conform to world's best practice and what evidence does he have to support his answer?

(2) Does he support the notion of timber certification and has his department been approached by any organisation to provide supporting evidence which would help the organisation in qualifying as an approved supplier of certified timber?

(3) What evidence exists to support the claim that current practices are both environmentally and economically sustainable?

Mr Perrett (2/10/96):

1. DPI Forestry native forest operations are considered to conform to world's best practice.

Reasons to support the claim are:

DPI Forestry has in place a clearly defined environmental policy which aims to achieve sustainable forest management.

An organisational structure is in place which can support its environmental policy.

The DPI Forestry data collection and yield calculation system has been externally audited, and is open to external scrutiny, eg. by the Department of Natural Resources.

Documented operational procedures are based on sound research carried out over many years.

Queensland is actively and expertly participating in national initiatives which aim to extend the Montreal Process criteria and indicators of sustainable development for application to the regional level.

The Codes of Practice to be implemented as part of the Comprehensive Regional Assessment process, leading to the signing of Regional Forest Agreements, are largely based on existing DPI Forestry practice.

2. The notion of timber certification is supported.

DPI Forestry is in the process of implementing an Environmental Management System towards this end.

DPI Forestry has been approached by one sawmilling company, in relation to timber harvested from native forests, for the provision of supporting evidence which may help the company to qualify as an approved supplier of certified timber.

The request has been complied with by DPI Forestry.

3. Comments under 1. above is the best evidence available to support the claim that current practices are environmentally sustainable.

Economic sustainability will be ensured in the following manner:

DPI Forestry will begin to monitor the achievement of economically sustainable forest management with Montreal Process derived indicators, applicable at the regional level, as soon as the indicators have been developed and agreed to, expected to be late this calender year.

DPI Forestry is providing practical input into the development of Codes of Practice, thus ensuring that the Codes can be realistically implemented.

DPI Forestry will negotiate a financial return from commercial sales sufficient to ensure that the native forest zoned for production can be managed in a sound, sustainable manner, and

DPI Forestry provides support to industry development via a newly established Forest Industries Development Division.

853.Flinders Highway

Mr McGRADY asked the Minister for Transport and Main Roads (11/9/96)—

With reference to the Flinders Highway and in particular the section around Richmond and in view of the wet season approaching—

(1) Why are there still a number of deviations on the Flinders Highway?

(2) When will such roadworks be completed?

(3) What plans are in hand for additional roadworks on that highway?

Mr Johnson (10/10/96):

(1) The Department of Main Roads has three sidetracks on the Flinders Highway between Hughenden and Cloncurry:

(a) Job 55/14C/808—this is at Walkers Creek, 45 kilometres west of Hughenden;

(b) Job 134/14D/804—a section of project under sidetrack which is three to eight kilometres west of Richmond and is the project referred to in the question; and

(c) Job 79/14D/804—this is at Nelia, 50 kilometres east of Julia Creek.

All of the projects are designed to upgrade the Flinders Highway to a modern standard capable of carrying Type II road trains.

Projects are typically 10 kilometres long, as this is a convenient length to construct in one year. The work is performed by the relevant local government, under an Agreed Price Performance Contract to provide employment for the Shire Councils.

The opportunity is being taken to rebuild culverts to a design more suited to "blacksoil" foundations. The remainder of the work involves excavating the shoulders and replacing them with wider ones. For these reasons it is necessary to build a detour to carry the traffic.

The roads are in "blacksoil" areas where good paving materials are scarce. Typically, the gravel is carried up to 50 kilometres and is expensive. It is not used in detours except were necessary, such as low spots.

An average traffic volume on the road is about 250 vehicles per day. Of these, 20 per cent are commercial.

The Department has found that sealing sidetracks would add about 10 per cent to the cost of a typical project. The natural "blacksoil" material makes a good temporary running surface when dry, but is untrafficable when wet. Roadworks are programmed to be done in the dry months of March to November, when wet weather disruptions should be at a minimum.

The deviation near Richmond, referred to by Mr McGrady, was closed twice in August, for about eight hours each time. However, the rainfall for Richmond in August was 32 millimetres, some 10 times the long-term average of three millimetres. While the closures were inconvenient for industry and the public, they were associated with an unusual event.

The Department considers that with proper maintenance and appropriate care by motorists, unsealed sidetracks on low-volume roads are an acceptable and economic dry season provision for traffic. Construction programs are managed so that alternative arrangements are available in the normal wet season period.

(2) The projects referred to are scheduled to be completed between November 1996 and July 1997. They are programmed so that traffic will be able to use the original road if it rains in the traditional wet months.

(3) The Government is committed to the upgrading of the Flinders Highway between Cloncurry and Townsville to allow Type II road trains to travel from North-West Queensland to Townsville. This is consistent with the current Roads Implementation Program approved by the previous Government. The major works will focus on the Mingela Range and the sections of the highway between Charters Towers and Pentland and Hughenden and Julia Creek.

A total expenditure of $60 million is planned over the next five years on these works with Type II road train access to Townsville being achieved within eight years.

854. Artificial Reefs

Mr D'ARCY asked the Minister for Primary Industries, Fisheries and Forestry (11/9/96)—

(1) Did the Coalition on 2 July 1995 promise to provide assistance for the development of artificial reefs?

(2) Will this initiative cost up to $250,000 to introduce?

(3) When will this promise be implemented?

Mr Perrett (11/10/96):

1. Yes.

2. The initiative will cost $250,000 over three years and will be used to establish guidelines for construction, location of artificial reefs and to determine the impacts of artificial reefs on fish stocks through a trial project in Hervey Bay or Moreton Bay.

3. The initiative will be implemented in late 1996 with the employment of a fisheries biologist to be based at the Department of Primary Industries Southern Fisheries Centre.

855. Machinery of Government Committee, Ministerial Staff Selection Panel, Budget Review Committee, Membership

Mr ROBERTSON asked the Premier (11/9/96)—

(1) What is the current membership of the Machinery of Government Committee and what is the role of that committee?

(2) What is the current membership of the selection panel for Ministerial staff for each Minister's office?

(3) What is the current membership of the Budget Review Committee?

Mr Borbidge (11/10/96): This question was previously asked by the Leader of the Opposition on 15 May 1996.

(1) The Premier, Deputy Premier, the Director-General of the Department of the Premier and Cabinet, the Director-General of the Office of the Public Service and the Under Treasurer are members of the Machinery of Government Committee. The role of the Machinery of Government Committee is to oversee the process of Departmental integration, to advise Cabinet on significant appointments and to manage the administrative arrangements that may have to be instituted from time to time.

(2) The procedures for the employment of Ministerial Staff are overseen by the individual Minister in conjunction with senior officers from the Premier's and Deputy Premier's Offices.

(3) The Premier, Deputy Premier, and the Minister for Economic Development and Trade are the members of the Cabinet Budget Committee.

856. National Electricity Grid

Mr MILLINER asked the Minister for Mines and Energy (11/9/96)—

With reference to comments in the Fitzgerald Audit Report, page 202, Volume II where a very strong recommendation is made for Queensland to interconnect with the National Electricity Grid—an action the Report estimates would yield cost advantages to Queensland of $150m to $200m per annum—

Will he now admit that his decision to scrap Eastlink, and claim interconnection is "not a priority", is a costly blunder, and that not even the Commission of Audit appointed by his Government believes that he is serious about interconnection?

Mr Gilmore (9/10/96): No, the previous Government's decision to proceed with Eastlink was wrong on both environmental and economic grounds. On environmental grounds because it traversed intensely cultivated areas on the Darling Downs and Lockyer Valley, and on economic grounds because the timing and configuration of Eastlink would have resulted in the importation of electricity from New South Wales and a loss of jobs in the Queensland electricity industry.

At the time Eastlink was cancelled, the Government reiterated its support for the development of a competitive national electricity market and Queensland's participation in that market. The

Government also committed itself to considering alternative options for interconnection with New South Wales to ensure that when interconnection does happen that it is in the best environmental and economic interests of Queensland.

On 2 August 1996, the Queensland Government gave in principle approval to interconnection with New South Wales and indicated that the preferred route would traverse Crown land and State Forests wherever possible and be located near Queensland's undeveloped coal reserves on the Darling Downs and close to the gas pipeline supplying South East Queensland.

Such a route makes environmental and economic sense because it enables the development of the vast energy resources in the Darling Downs region to meet the growing electricity needs of Queensland and Eastern Australia and minimises the impact of the line on local communities by placing the line away from the intensely cultivated agricultural land on the Darling Downs.

An additional benefit of the Government's proposed new interconnection project is that it is proposed to have an initial transfer capacity of 500 MW north and 1000 MW south. The ability to send greater amounts of power south strategically advantages the Queensland electricity industry and reinforces the opportunity to develop the energy reserves in the Darling Downs and thereby provide Eastern Australia with a source of competitively priced power for future requirements.

In principle agreement to proceed with interconnection reinforces the Queensland Government's commitment to the establishment of a competitive national electricity market.

857.Cultural Centre, Maryborough

Mr DOLLIN asked the Deputy Premier, Treasurer and Minister for The Arts (11/9/96)—

(1) Did the Coalition on 24 May 1995 promise to construct a cultural centre at Maryborough?

(2) Will this initiative cost up to $3m to introduce?

(3) When will this promise be implemented?

Mrs Sheldon (11/10/96):

(1) The Coalition Government recognises the importance of supporting arts in regional areas and of delivering basic infrastructure to artists in these areas. As part of this commitment, the Coalition has committed $3 million for the development of a Cultural and Entertainment Centre at Maryborough.

(2) Plans previously developed by the local community indicate that the total cost of a Cultural and Entertainment Centre is up to $18 million. The Government's contribution of $3 million will be a contribution towards the total cost.

(3) The timeframe, which has yet to be determined, will be dependent on planning at a local level and the local communities ability to meet their share of the total project cost.

858.Koalas; Nature Conservation Act

Mr BEATTIE asked the Minister for Environment (11/9/96)—

With reference to the recent announcement by the Deputy Premier and Treasurer that the koala would be listed as vulnerable under the provisions of the Nature Conservation Act—

(1) Was he party to the decision?

(2) Does he agree with it?

(3) What scientific justification does he have for this classification?

(4) Which scientists provided him with this information?

(5) Was the scientific advisory group that originally gave the koala the classification of common, party to this decision; if so, what was their advice?

(6) What other Queensland species of wildlife that enjoys a similar distribution and abundance to the koala also have a vulnerable classification under the Nature Conservation Act?

(7) Was this decision more an exercise in election promise keeping than a rational scientific assessment?

Mr Littleproud (11/10/96):

Q1—Q7:

The Deputy Premier and Treasurer has restated Coalition policy on the koala. However, this may need to be modified because of a review of options for amendment of the Nature Conservation Act.

This will provide categories of wildlife consistent with the wildlife classification system adopted by the International Union for the Conservation of Nature (IUCN).

A reassessment of the koala's conservation status will then be made in the context of the new list of categories by the Scientific Advisory Committee advising me as Minister for Environment.

859.Sunfish

Mr MULHERIN asked the Minister for Primary Industries, Fisheries and Forestry (11/9/96)—

(1) Did the Coalition on 2 July 1995 promise to provide funding for Sunfish for promotion of fisheries issues?

(2) Will this initiative cost up to $125,000 to introduce?

(3) When will this promise be implemented?

Mr Perrett (11/10/96): Yes. The funding is for a range of projects which will contribute to public awareness and community agreement on fisheries issues.

Yes. The initiative will cost $125,000 per year for three years.

An advance payment of $10,000 has already been made to Sunfish for this financial year to allow the projects to begin. Performance agreements and accountability requirements are currently being developed by my Department and the remainder of this year's allocation will be provided to Sunfish as soon as these have been finalised.

860.Crocodiles, Cairns

Mrs BIRD asked the Minister for Tourism, Small Business and Industry (11/9/96)—

With reference to recent media comments by former Cabinet Minister Martin Tenni, that the tourism industry in Cairns had put their own interests ahead of the safety of local residents in supporting the retention of crocodiles in local streams as a tourist attraction—

(1) Does he support Martin Tenni in his criticism; if not, does he intend to publicly reject Mr Tenni's call for all crocodiles to be removed from any built up areas in the Cairns district?

(2) Does he believe wild crocodiles are an important tourist attraction in Cairns?

(3) Does he support the present practice of removing only those crocodiles that pose a problem to residents?

(4) Has any research been undertaken to assess the role crocodiles play in peoples impression of Cairns as a tourist attraction with high natural appeal; if so, what were the results?

Mr Davidson (10/10/96):

(1) I cannot support Mr Tenni's views as crocodiles are protected under the Nature Conservation Act 1992. A Conservation Plan has been developed for the management of crocodiles and under the plan, a problem crocodile is removed from the area and placed in a zoo, a licensed crocodile farm or a remote area. The safety of human beings is the highest priority and crocodiles should be removed if they pose a threat to people or property. Mr Tenni is entitled to express his personal views on this matter, however on this occasion his views are contrary to the current Act.

(2) Crocodiles that are kept in a safe environment, such as a wilderness park, can be a popular attraction for visitors. Crocodiles in the wild can also be of interest to visitors provided reasonable safety precautions are taken.

(3) In the main, crocodiles live in their natural environment. However, when a crocodile becomes a problem it should be removed and placed in an appropriate habitat.

(4) I am not aware of any research specifically undertaken to assess the role crocodiles play in people's impression of Cairns as a tourism attraction. However, a recent branding study of Far North Queensland undertaken by the Queensland Tourist and Travel Corporation did ask about 'aspects which might turn people off Far North Queensland'. Crocodiles were mentioned by only 5% of the respondents to the survey.

861.State Government Buildings

Mr ROBERTS asked the Deputy Premier, Treasurer and Minister for The Arts (11/9/96)—

With reference to the Executive Building, George Street, Brisbane, the Main Roads Building, Boundary Street, Spring Hill and the Forestry Complex in Gympie—

(1) What were the sources of finance for the construction of these buildings?

(2) What were the sources of finance for the payment of any debt on these buildings?

Mrs Sheldon (11/10/96):

(1) Funds for the total construction cost of these buildings were provided from the then State Government Insurance Office as part of its normal investment portfolio.

(2) Under the financial arrangement between the SGIO and the government, SGIO, and subsequently the Workers' Compensation Board, received lease payments on the buildings from the government.

862.Gold Coast Hospital

Mrs ROSE asked the Minister for Health (11/9/96)—

With reference to assertions made in Parliament by the Member for Maroochydore Miss Fiona Simpson regarding waiting times for elective surgery particularly as they apply to the Gold Coast Hospital—

(1) Is Miss Simpson correct to assert that the Gold Coast Hospital's waiting list for surgery stands at a total of 2,700 patients?

(2) Will he provide information across the three elective surgery categories 1, 2 and 3 which accounts for these 2,700 patients?

(3) If Miss Simpson is not correct in asserting that 2,700 are awaiting elective surgery, will he please set the record straight?

Mr Horan (9/10/96):

(1) As at 1 September 1996, the number of patients waiting for elective surgery at the Gold Coast Hospital totalled 2,834.

(2) Of the 2,834 patients waiting for elective surgery, 59 patients were Category 1 patients, 804 were Category 2 patients and 1,971 were Category 3 patients.

However, I am amazed that the Honourable Member for Currumbin is not too embarrassed to ask this question, given the appalling record of the Labor Party when in office in regard to waiting times for surgery, and in particular the previous long wait situation at the Gold Coast Hospital, which under the Coalition has been drastically reduced.

As you should be aware, this Government is determined to set right the mistakes of the previous Labor government and slash waiting times for elective surgery. We have set elective surgery targets for Queensland public hospitals and provided considerable resources so that hospitals can achieve these targets. These targets include reduction in numbers of Category 1 patients subjected to clinically inappropriate waiting periods to less than 5 per cent statewide by December 1996; reduction in Category 2 long wait patients to less than 5 per cent Statewide by December 1997; and reduction in Category 3 long wait patients from previous levels.

Thanks to the Coalition's strategy, Gold Coast Hospital has reduced the percentage of Category 1

patients waiting clinically inappropriate times from 58% when Labor was in power to nil as at 1 October 1996.

(3) Not applicable.

863.Fraser Island

Mr NUNN asked the Premier (11/9/96)—

With reference to recent ABC Radio comments by a spokesman for Environment Minister Littleproud in which it was stated that the $10.6m commitment over 3 years for the management of Fraser Island made by him prior to the last State Election was now under review—

(1) Is this commitment under review; if so, why?

(2) If not, will he reaffirm his support for this election promise?

(3) If he intends to honour this election promise how does he justify his Environment Minister sacking nine rangers, part of whose duties was the management of Fraser Island?

(4) If he intends to honour this election promise what will this $10.6m be spent on?

(5) Will staffing levels be returned to the levels they were at the time of the change of Government in February?

Mr Borbidge (11/10/96): I believe the comment has been taken out of context or misunderstood. However:

(1) No.

(2) Yes.

(3) The reduction of nine staff in the Great Sandy Region was necessary as the Growth and Development Package funding ceased on 30 June 1995. Despite this funding, this State Government inherited a legacy of Labor neglect in this and other protected areas.

(4) Funding of $5.366 million is provided in 1996/97 for management of the Great Sandy Region of which $3.5 million will be spent on Fraser Island management operations and $0.554 million on Fraser Island capital works projects.

Management operations include: staffing; provision and maintenance of recreational infrastructure; maintenance of staff accommodation, office and workshop infrastructure; road and track maintenance; natural resource management; plant and equipment replacement and maintenance; and waste management.

It is planned that funding for Fraser Island management operations in 1997/98 and 1998/99 will be maintained at the present level of $3.5 million. The capital works projects on Fraser Island receiving funding in 1996-97 are as follows: a new viewing platform at Lake Wabby $59,000; boardwalks and lookouts at Middle Rocks $240,000; upgrading of the Eli Creek boardwalk $5,000; a new toilet and redeveloped day use area at Ocean Lake $85,000; a new road at the Moon Point barge landing site $40,000; a new generator shed at Eurong $45,000; and upgrading of the Waddy Point Ranger residence $80,000.

(5) No. Staffing levels will be at a level sufficient to provide effective management.

864.Parliamentary Education Grant

Ms SPENCE asked the Minister for Education (11/9/96)—

With reference to the recent Federal Government decision to change the eligibility for the Parliamentary Education Grant—

(1) Does he agree that the decision to make the Citizenship Visits Program available only to secondary schools seriously disadvantages Queensland school students who remain at primary school longer than in other States?

(2) Does he agree that it is more appropriate that year 7 students receive this grant as Parliamentary Education is taught in year 7?

(3) Does he agree that the subsidy has been of great financial help to parents of year 7 students who will be forced to forego the Canberra trip without this subsidy?

(4) What steps has he taken to ensure that Queensland students are not discriminated against with respect to this decision?

Mr Quinn (2/10/96):

(1) The recent changes to the Citizenship Visits Program do not disadvantage specifically Queensland year 7 students. All year 7 Australian primary school students travelling 1,000 km, or more, to Canberra are now excluded.

The existing eligibility criteria provided financial assistance to final year primary school students travelling 1,000 km, or more, to visit Parliament House, Canberra. Existing eligible states and territories included Queensland, Northern Territory, South Australia and Western Australia. Ineligible states and territories under the existing criteria, (i.e. final year primary students less than 1,000 km from Canberra) include New South Wales, Victoria, Tasmania and the Australian Capital Territory.

(2) Parliamentary education remains an important and valued component of year 7 social studies, in Queensland primary schools. It is critical that our primary students understand the links between rights and responsibilities and be actively involved in making informed decisions. The annual visits to Parliament House by year 7 Queensland students provide a concrete learning experience that greatly enhances the level of political literacy among young Australians.

(3) The subsidy has been a valuable financial assistance to parents of year 7 Queensland students.

(4) The Government takes this national curriculum issue very seriously. I have already indicated that there is particular concern to ensure that Queensland students are not, in any way, disadvantaged relative to their counterparts in other States and Territories.

The Honourable the Premier has written to the Speaker of the House of Representatives, and the President of the Senate, to have this restriction which affects Queensland school children removed. The Department of Education contacted the

Department of Premier and Cabinet, in relation to these letters, to ensure that a strong case was presented to the Commonwealth.

865. Department of Primary Industries, Fisheries and Forestry Research Projects

Mr J. H. SULLIVAN asked the Minister for Primary Industries, Fisheries and Forestry (11/9/96)—

With reference to research projects presently being undertaken by the Department of Primary Industries, Fisheries and Forestry—

Will he provide information on each project, including (a) location where project is conducted, (b) brief statement of the project's purpose, (c) date when project commenced, (d) project cost to 30 June 1996 and (e) budget for the project for 1996-97?

Mr Perrett (11/10/96): The Department of Primary Industries, Fisheries and Forestry is presently undertaking 561 research projects.

These are being undertaken in the following Departmental Business Groups:

Agriculture—442

Fisheries—63

Forestry—42

Drought and Rural Development—14

To provide the information requested on research projects would require 95 hours of officer and administrative staff time and would cost $4,460.

The information is presented in the attached documentation.

866. Caloundra Hospital

Mr NUTTALL asked the Minister for Health (11/9/96)—

(1) Did the Coalition on 1 July 1995 promise to upgrade the Caloundra Hospital to include a dedicated specialist surgeon, a unit for palliative care and specialist services and provide an additional 20 beds?

(2) Will this initiative cost up to $2.3m to introduce?

(3) When will this promise be implemented?

Mr Horan (9/10/96):

(1) The Coalition Government announced a Sunshine Coast Strategy during the 1995 election campaign which included a number of initiatives in relation to Caloundra Hospital. However, it did not include a 'dedicated specialist surgeon' but a 'dedicated visiting specialist physician'.

(2) The cost of redeveloping Caloundra Hospital has been estimated at $10.8 million.

(3) Caloundra Hospital is considered to be an integral part of the health services available on the Sunshine Coast. In considering the redevelopment of Caloundra Hospital, it is necessary to plan for service provision as part of a network with both Nambour and Noosa Hospitals. Detailed planning is expected to commence in the near future and will consider the appropriate range of services that should be provided by each of these hospitals. The service profile for Caloundra Hospital will be confirmed as part of this exercise.

868. Environmental Conference, Sunshine Coast

Mr WELLS asked the Deputy Premier, Treasurer and Minister for The Arts (11/9/96)—

With reference to the recent land clearing/remnant vegetation conference on the Sunshine Coast organised by the local Environment Council—

(1) Was she invited to open the conference and did she accept; if so, when?

(2) Why did she fail to attend?

(3) When and how did she advise of her inability to attend?

(4) Did she arrange for another Coalition member to deputise for her; if so, whom?

(5) Was the failure to attend by both her and the Minister for Local Government an indication of Coalition lack of interest in excessive land clearing on the Sunshine Coast?

(6) Is she aware that Government officials at that conference left delegates with the impression that funding for regional planning programs for South East Queensland, Wide Bay and Far North Queensland were to be the subject of funding cuts?

(7) What funding arrangements have been secured for these programs and do these represent a cut?

Mrs Sheldon (11/10/96):

(1) Following a meeting with Mr Joe Ruiz-Avila and Jill Chamberlain in her Electorate Office on 8th May, 1996, regarding deforestation. Mrs Sheldon agreed to facilitate a meeting between Sunshine Coast Mayors and representatives of the SCEC. The SCEC organised their conference of their own volition.

(2) Mrs Sheldon was unable to attend due to a severe bout of the flu as published at the time.

(3) Informed Elaine Green, a representative of the Environment Council.

(4) No.

(5) No.

(6) There were two Government officials at the conference, a deputy for the Minister for Environment and a deputy for the Minister for Local Government and Planning (LGP). The deputy for LGP was asked a question in relation to the present position and future of regional planning programs. The deputy's response to this question was that "The programs are being held in abeyance pending review."

(7) All of the regional planning programs for South East Queensland, Wide Bay and Far North Queensland which were funded in 1995-96 will continue in 1996-97 at approximately the same level of funding. These programs include the SEQ/FNQ Public Awareness Campaign, FNQ 2010 Planning Process, FNQ 2010 Hillslopes, Key Centres for SEQ and Wide Bay Growth Management.

869. Theresa Creek Dam

Mr PEARCE asked the Minister for Natural Resources (11/9/96)—

(1) Is he aware of reports that the dam on Theresa Creek, near Clermont, is having a significant impact on downstream underground water tables, therefore reducing availability of resource for landowners?

(2) Is an agreement by Water Resources to replenish underground supplies through regular releases from the dam now being ignored in favour of maintaining dam reserves?

Mr Hobbs (30/9/96): The Theresa Creek Dam was constructed by Blair Athol Coal and is owned and operated by the Belyando Shire Council.

The Department of Natural Resources has not received reports that the Theresa Creek Dam is having a significant impact on the downstream groundwater. There is currently no agreement in place with Belyando Shire Council to specifically replenish groundwater reserves through releases from the dam.

The recent drought and flow patterns in Theresa Creek are likely to lead to a decline in the limited groundwater resources associated with the stream.

The Council has a riparian water release policy which conformed to the requirements of Water Resources (now Department of Natural Resources) at the time of its implementation.

Advice from the Shire indicates that Council's operation of the storage is consistent with the agreed policy. The storage is currently operated on the basis that inflows which are allocated to riparian landholders are held in storage on behalf of landholders until an elected representative of those landholders approaches Council to make a release. There was a release of 553 Ml planned for Monday 16 September 1996.

Should there be a need to consider variations to the existing release policy, then the issue should be raised with my Department and the Belyando Shire Council.

870. Caboolture Hospital

Mr HAYWARD asked the Minister for Health (11/9/96)—

With reference to a visit to Caboolture in May, during which he reportedly told Caboolture Shire Councillors the second stage of the Caboolture Hospital would include 130 beds plus a range of specialist services—

Will this pledge to the people of Caboolture be met, given that one of his staffers has said that the commitment was not made in the first place?

Mr Horan (9/10/96): I refer the Member for Kallangur to Question on Notice 802 asked by his colleague, the Member for Caboolture over a month ago, in which both the situation at Caboolture Hospital and my consistent position upon bed numbers there was made clear.

871. Travel Expenses, Queensland Principal Club Chairman

Mr J. N. GOSS asked the Minister for Police and Corrective Services and Minister for Racing (11/9/96)—

(1) How many return and single airline flights between Gladstone and Brisbane did the Queensland Principal Club meet the cost of for travel by the Chairman, Mr R Bentley, in 1994-95 and 1995-96?

(2) What was the cost of the airfares in each period?

(3) In view of the fact that Mr Bentley represents the Ipswich Turf Club on the Queensland Principal Club what is the basis on which he is paid for travel to and from Gladstone?

(4) Are guidelines laid down governing such travel by the Queensland Principal Club Chairman, and is he required to meet part of the cost of trips which include business other than that carried out in his capacity as Queensland Principal Club Chairman?

(5) If the answer to (4) is "Yes" on how many occasions in each of the past two years has he reimbursed part of the cost of airfares to or from Gladstone?

Mr Cooper (11/10/96): I am advised by the Queensland Principal Club of the following information in response to the questions asked by Mr Goss:

(1) 1994-95: 10
1995-96: 33

(2) 1994-95: $3,456.40
1995-96: $11,148.00

It should be noted that on a number of occasions, the Chairman's travel has been for the purpose of attending meetings at destinations beyond Brisbane. In respect of those occasions, an attributed cost of travel between Gladstone and Brisbane has been used.

(3) As a long standing and continuing member and committee member of the Ipswich Turf Club, Mr Bentley is no doubt cognisant of the interests of the Ipswich Turf Club—he is not however, in the sense that Mr Goss appears to understand it, that Club's "representative".

To clarify the structure and role of Queensland Principal Club members, I refer to the recent judgment handed down by Mr Justice Thomas in relation to applications for judicial review of a decision of the Queensland Principal Club concerning centralised handicapping. Mr Justice Thomas stated:

> "The QPC is a separate entity consisting of eleven members, and its duties are Queensland-wide. The office is honorary and the tenure of the members is three years. The duties of the members of this governing board are directed to "the development and welfare of the racing industry and the protection of the public interest, in relation to the racing industry" (s.11A(1)(b)).

In a practical sense they may wish to bear in mind the welfare of their own clubs, and sometimes a member might find a conflict of duty between the welfare of his own club and the duty that he owes to the QPC. However each member of the QPC was under a duty to act in a way that would properly discharge the functions described in s.11A.

The duties of the QPC are of a public nature. Responsibilities are in turn cast upon those who accept membership of the governing body, and their duties are of a fiduciary kind. Each of the persons on such a board might owe his membership to the nomination of a particular interested group, but such a member would be derelict in his duty if he used his membership as a means to promote the particular interests of the group which chose him."

Nothing in the fact that Mr Bentley is domiciled in Gladstone is of any relevance to the nomination he received from the Ipswich Turf Club or his position as member and Chairman of the Queensland Principal Club.

(4) The Queensland Principal Club has established guidelines governing travel and other expenditure in respect of its committee members. These guidelines have been formulated having regard to Queensland Public Service standards for senior executive service officers and guidelines for other statutory bodies such as the TAB.

Importantly, the Queensland Principal Club's expenditure guidelines have been considered and approved by the Queensland Audit Office.

In accordance with these guidelines the Chairman's costs are only met where his trips are for the purpose of conducting Queensland Principal Club related business.

(5) I am advised the Queensland Principal Club is satisfied that each of the Chairman's trips in respect of which the Queensland Principal Club has met the costs of air travel has been undertaken for the purpose of conducting QPC related business.

I am also advised that all claims made by the Chairman are entirely in accordance with the Queensland Principal Club's Queensland Audit Office approved guidelines. I note finally in this respect that all the Queensland Principal Club's accounts, including such expenditure, is audited annually by the Auditor General, with absolutely no irregularities having been reported.

872.Commission of Audit

Mr BRISKEY asked the Deputy Premier, Treasurer and Minister for The Arts (11/9/96)—

With reference to the two Operating Statements on pages 103 and 105 of Volume I of the Commission of Audit report firstly to the Statement of page 103 which provides estimates for an Operating Result—figures which have been used up and down the State to distract attention away from her own budgetary problems but the Statement of page 105 does not provide an Operating Result because an estimate for public enterprise operating income is said to be "not available"—

Now that we have determined that this estimate was in fact available, and was used only 3 pages earlier, can't the Queensland public reasonably assume that this supposedly "independent" report was deliberately nobbled to avoid the presentation of Operating Result which was not as confronting as her $337m deficit?

Mrs Sheldon (11/10/96): See answer to Question On Notice 832.

873.Medical Tribunals; Workers' Compensation

Mr PURCELL asked the Minister for Training and Industrial Relations (11/9/96)—

(1) Are medical tribunals quasi-judiciary?

(2) Do medical tribunals make their decisions within the terms of the Workers' Compensation Act; if so, how can medical tribunals decide if an injury is an injury under the terms of the Act when the facts about the work place are not inspected by Workers' Compensation field officers and information is only taken about the work place from the employer?

(3) How many field officers does Workers' Compensation employ to inspect work sites where accidents have occurred?

(4) What is the cost of these inspections?

(5) Does every medical tribunal receive a field officers report on the work place before making decisions on injured workers; if not, why not?

Mr Santoro (10/10/96):

(1) No. Medical Assessment Tribunals (previously Medical Boards) were established specifically to remove the determination of complex medical claims from the adversarial system. Medical Assessment Tribunals (MATs) determine claims of a complex medical nature and are not considered to be quasi-judiciary. They are panels of independent medical specialists appointed on the basis of their qualifications, experience and professional standing who determine claims of a complex medical nature.

(2) Yes. The terms of reference to the MATs are as set out in part 10 of the Workers' Compensation Act 1990 and the Tribunal is limited to answering the questions as set out in that part of the Act. MATs are independent of the Workers' Compensation Board. Neither the Board nor the employer make submissions to the Tribunal hearing. MATs make determinations on the medical aspects of a claim and the work relationship of the injury. Administrative decisions in relation to such matters as to whether the applicant is a "worker"are made by the claims manager prior to reference to a MAT.

It must be noted that not all claims are referred to a MAT for determination. In 1995/96, 93,008 new claims were lodged. In the same year 345 claims were referred to the tribunals to determine whether the matters alleged in the claim constituted an "injury" within the terms of the Act.

Prior to determination, either by the claims manager or by a Tribunal, information is obtained from all relevant sources regarding the injury. This may include a statement from the injured worker providing detail on their duties, work environment, how the

injury occurred, medical treatment sought and progression of symptoms. All Tribunal referrals contain medical specialists' reports providing details of the injured worker's medical background relevant to the injury and the specialist's opinion. Statements may also be obtained from the employer, colleagues or witnesses and may involve a field officer report. A field officer report does not necessarily include details of the work environment unless relevant to the claim.

Further, the worker attends the MAT hearing and may have union or legal representation. In addition to being able to address the Tribunal, the worker may be asked to explain some detail of the injury occurrence or symptoms suffered.

(3) Statewide there are 27 field officers who undertake investigations for the Board.

(4) The cost of inspections is not readily available.

(5) Tribunal members have access to the full and complete workers' compensation file which, as explained in (2) above, would include any field officer report of the workplace and statements from the worker, colleagues, employer and medical practitioners. In addition, Tribunals have the authority to defer a determination and request further information be obtained.

874. Public Sector Wage Increases

Ms BLIGH asked the Deputy Premier, Treasurer and Minister for The Arts (11/9/96)—

What allocation, if any, has been made in the 1996-97 Budget for wage increases for public sector employees during 1996-97?

Mrs Sheldon (11/10/96): Specific allocations have been made in the 1996-97 Budgets of individual Departments for the full year cost of wage increases approved in 1995-96. For example, an additional $40M has been provided in the Education Budget for the cost of Enterprise Bargaining Stage 3.

Specific Departmental allocations have been made for 1996-97 wage increases and improved award conditions where the cost of these increases are known in advance. For example, $8.738M has been provided in the Education budget to guarantee the first hour of non-contact time for preschool, primary and specialist teachers and to commence implementation of the second hour in 1997.

A central provision has been set aside to meet public sector wage increases which are awarded over 1996-97. Funds will be allocated to Departments, as necessary, over the course of the year.

It would be inappropriate to disclose the actual provision made for future wage increases. This would pre-empt the outcome of wage negotiations which are yet to take place.

875. Queensland Masters Games

Mr SCHWARTEN asked the Minister for Tourism, Small Business and Industry (11/9/96)—

With reference to an application made by Rockhampton to host the 1997 Queensland Masters Games—

(1) Is Rockhampton being given due consideration to host these games?

(2) Is Rockhampton's bid likely to succeed?

(3) When will he be able to advise whether or not Rockhampton's bid is successful?

(4) Will he provide any additional information which may assist in improving Rockhampton's bid?

Mr Davidson (9/10/96): There has been no call for submissions, nor is it proposed to call submissions for the staging of a Queensland Masters Games in 1997.

From this year, the Queensland Masters Games is to be staged as a biennial event. Consequently there will be no Queensland Masters Games staged in 1997. This has been done to avoid clashing with the Australian Masters Games which are next due to be staged in 1997.

I have been informed that the Q.E.C. has not received any application from Rockhampton to host the 1997 Queensland Masters Games.

876. Victim-Offender Conferencing

Mr FOLEY asked the Attorney-General and Minister for Justice (11/9/96)—

(1) What action has he taken to facilitate victim-offender conferencing provided for under the Juvenile Justice Act?

(2) How many mediation sessions of this kind have been organised since the passage of the Act?

Mr Beanland (11/10/96):

(1) As the Honourable member knows the Juvenile Justice Legislation Amendment Act 1996, passed in August, provided, among many other things, the framework for juvenile offenders to meet with the victims of their offence and "make right the wrong". Work is now under way within my Department to put flesh on the bones of this framework to ensure that community conferencing will work in the way it is intended. This work, to be completed within six months, entails consulting with key stakeholders, establishing a service delivery mode, developing the support infrastructure, eg. procedural manuals, recruitment and training of persons to convene conferences and establishing a referral protocol with the Queensland Police Service and Courts. It is intended that community conferencing will be trialled in a couple of locations prior to it being implemented state wide.

(2) None, as the provisions have not commenced. As indicated in my answer to the above question, work is being carried out to ensure that community conferencing is implemented effectively. The provisions in the Act for conferencing will be proclaimed when this work is completed. It is my intention that this will occur early in the new year.

877. Hospital and Medical Waste

Mr WELFORD asked the Minister for Environment (11/9/96)—

With reference to the disposal of hospital and medical wastes—

(1) What facilities are operating in South East Queensland for the disposal of contaminated hazardous wastes from hospitals?

(2) Which of these facilities have been required to prepare on environmental impact statement upon their establishment?

(3) If any facility has not done so, why has it not been required?

(4) Are there any limitations on the categories of waste which each of these facilities are authorised to or capable of treating?

(5) What measures are in place to monitor compliance with these authorisations and any attached conditions?

(6) What assessments of NO_x and SO_x and odour emissions have been made of these facilities in the last 12 months?

(7) Is the medical waste going to these facilities segregated?

(8) Which of these facilities is receiving body parts, chemicals, pharmaceuticals, cytotoxic or radioactive waste?

(9) Have any other departments placed conditions on the approval for these facilities to operate?

(10) What measures are in place to monitor and enforce compliance with these conditions?

Mr Littleproud (1/10/96):

1. The facilities which are currently operating in South East Queensland for the treatment of biomedical waste from hospitals are Ace Waste P/L incinerator at Willawong, which operated during the term of the previous Labor Government, and Australian Waste Services P/L autoclave facility at Yatala, which began operating during the term of the previous Labor Government.

2. Ace Waste P/L was required to prepare an Environmental Impact Statement (EIS) in 1992 as part of its town planning consent application to Brisbane City Council. A further EIS was prepared in 1994 for an auxiliary incinerator on the site. This EIS has not been approved by Brisbane City Council and is a matter before the Courts.

Australian Waste Services P/L was not required to prepare an Environmental Impact Statement as part of its town planning consent application.

3. Australian Waste Services was not required to prepare an Environmental Impact Statement as part of the company's town planning consent application for the autoclave facility at Yatala. The requirement for an EIS is made through the Department of Local Government and Planning and this is a matter for Gold Coast City Council.

4. The autoclave facility is capable of treating the following categories of biomedical waste:

clinical waste (including sharps, excluding cytotoxics)

The incineration facility was authorised under the Environmental Impact Statement 1992 (town planning consent) to accept the following categories:

biomedical wastes

quarantine wastes

security wastes

miscellaneous wastes

Applications for environmental authorities (licences) under the Environmental Protection Act 1994 have been received by the Department. The licence conditions for both facilities will authorise what wastes can be accepted for treatment at each facility.

5. As stated above applications for licences have been received and have not yet been issued. These licences, once issued, will require regular ongoing self monitoring.

6. NO_x and SO_x emissions from the Ace Waste incinerator are monitored every six months by Ace Waste. An assessment of these results was made during the licence application process and NO_x and SOx emissions are within recognised standards.

No monitoring of NO_x, SO_x and odour emissions has been required from Australian Waste Services' autoclave. This facility has only been in operation for approximately nine months.

Both facilities will be required, through licences issued under the Environmental Protection Act 1994 and subordinate Environmental Protection (Interim) Regulation 1995, to monitor for a number of air emission contaminants.

7. Cytotoxic waste and body parts are not part of the medical waste sent to the autoclave facility. Regular audits of waste received are carried out by the operator of this facility to ensure this is occurring. These results are faxed to the Department on a weekly basis.

The Ace Waste incinerator receives unsegregated medical waste.

8. The Ace Waste incinerator receives body parts, chemicals, pharmaceuticals, cytotoxic waste. It does not receive radioactive waste.

The Australian Waste Services autoclave receives clinical waste (including sharps) only.

9. Approvals were issued by the Health Department for the facilities' equipment. These approvals are now administered by this Department under the Environmental Protection (Interim Waste) Regulation 1996. Both facilities have town planning consent approvals. These approvals contain conditions relating to environmental management.

10. The responsibility is placed on the operator to advise of any non-compliance or that any major modification to the piece of equipment is approved.

As stated above the licences to be issued under the Environmental Protection (Interim) Regulation 1995 will require regular self monitoring as well as

Departmental audits and measures such as unannounced inspections.

878. Level Crossings

Mr ARDILL asked the Minister for Transport and Main Roads (11/9/96)—

When will funds be available to enable the elimination of dangerous and complicated level crossings, such as the one at Boundary, Beenleigh and Orange Grove Roads and Breton and Henley Street, Coopers Plains?

Mr Johnson (10/10/96): Projects to eliminate railway level crossings have to compete with other road infrastructure projects for the limited funds available. Projects are prioritised utilising cost benefit analysis. The project to eliminate the level crossing on Boundary Road at Coopers Plains is complex because of the proximity of the major intersections with Beenleigh and Orange Grove Roads. Also, the maintenance of access to commercial premises and residential streets needs to be considered.

Brisbane City Council's estimate for construction is of the order of $20 million. Neither Council nor the State Government have been able to fund the project at such cost. Agreement in principle between Council and Main Roads on a first stage proposal has been reached. This proposal is being considered for funding in the 1996/97 and 1997/98 financial years.

880. Sandfly Creek Aboriginal Archaeological Site

Mrs WOODGATE asked the Minister for Environment (11/9/96)—

With reference to the Sandfly Creek Aboriginal archaeological site south of Townsville—

(1) Has the site been acquired by the Government; if not, why not?

(2) If it has been acquired, what area was acquired and at what price?

(3) Did the matter go to the Land Council for a final determination of the price to be paid for the land?

(4) What was the Department of Natural Resources valuation of the land?

(5) What valuation did the owners place on the land?

(6) What is the present tenure of the acquired land and what is its proposed tenure?

(7) Does the additional area of land purchased by Korea Zinc encompass any of these burial sites?

(8) Are there any plans to allow local aboriginal people access to the area or ownership of the area?

(9) What further archaeological studies are planned for the site?

Mr Littleproud (1/10/96):

1. The property known as "Sandfly Creek" was acquired by the Queensland Government on 22 March 1996 under the provisions of the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 and the Acquisition of Land Act 1962.

2.The area of land acquired totalled 362.6ha. The final settlement price has not been negotiated at this date.

3.Your question refers to the Land Council however I believe you are actually referring to the Land Court. The matter has not been referred to the Land Court at this date however the former owner has been advised from the start of negotiations that this avenue is available.

4. I am not in a position to release the valuation of the land at this time because negotiations regarding the purchase price are continuing.

5. It would be inappropriate for me to make public information which is the prerogative of the owner and which is the subject of ongoing negotiations.

6. The acquired land is currently Unallocated State Land awaiting a recommendation by the Department of Environment as to the future tenure.

7. Yes. The area of sand dunes, within the land purchased by Korea Zinc, contains cultural and archaeological material of a similar type to that found on "Sandfly Creek". Negotiations are under way to have these dunes added to the Unallocated State Land which was the former "Sandfly Creek" property.

8. The future management of the land is currently being discussed with the various Aboriginal people who claim affiliation with the area.

9.No further archaeological studies are planned at this time. Future research on the site will depend on negotiations between the Aboriginal custodians and the Department of Environment.

881. Cape York Tourism Agreement

Mr BREDHAUER asked the Minister for Tourism, Small Business and Industry (11/9/96)—

With reference to the Cape York Tourism Agreement currently being put together by traditional landowners and Far North Queensland tourism bodies—

(1) What role is he or his department playing in the ongoing development of this agreement?

(2) What progress has been made with the agreement so far?

(3) What problems have been encountered causing a slowdown in the development of the agreement?

(4) What funding is he seeking in the State Budget to facilitate the early finalisation of this agreement?

(5) What discussions has he held with his cabinet colleagues on the future of the Cape York Wilderness Zone and its attendant ECO and cultural tourism potential?

(6) Does he agree that the wilderness zone proceeding is desirable if the Cape York Tourism Agreement is to realise its full potential?

(7) Will he oppose any moves by the Queensland Government to dispose of any of the properties purchased by the previous Government to form the wilderness zone?

Mr Davidson (11/10/96):

(1) The Cape York Tourism Heads of Agreement is to be an articulation of protocols between the Cape York Peninsula Development Association (CYPDA), the Cape York Land Council, the Cape York Development Centre, the ATSIC Peninsula Regional Council, the Cook Shire Council and the Far North Queensland Tour Operators Association. At the CYPDA's 1995 tourism workshop in Cooktown, a resolution was passed to form a working group comprising these organisations. A second resolution sought to establish a common set of principles to enable proper land management and appropriate tourism and tourism related economic development, including joint ventures. The development of an Agreement will be an important component of the Tourism Strategy which is being developed for the region. The Cape York Peninsula Tourism Committee was subsequently formed and has been involved in developing the Agreement and the Tourism Strategy. The Queensland Tourist and Travel Corporation Coordinator for Aboriginal and Torres Strait Islander Tourism is an invited member of this committee and the regional office of my Department is also an ex officio member.

(2) Overall, progress to date has been extremely positive. Extreme care is being taken to ensure the views of all stakeholders are correctly represented. The isolation of the communities has made the process quite time consuming because of a conscious effort to elicit the opinions of all stakeholders. Three meetings have been held over the last eight months, resulting in a discussion paper followed by a draft document. I understand that the draft Tourism Strategy will be released for public comment on 31 October 1996 and the development of the Cape York Tourism Heads of Agreement will be one of the priorities to be discussed at the Cape York Tourism Workshops to be held in November at Cooktown.

(3) The Agreement has progressed relatively smoothly between all parties. I have been informed that minor delays have been encountered at some stages in the progress of the Agreement because of the isolation of some communities and because consultations have coincided with the peak tourism season making it difficult for industry stakeholders to provide a continuity of representation. Earlier this year, the FNQ Tour Operators Association felt that there had been insufficient time for consultation. The subsequent 'slowdown' in development has been a deliberate measure on the part of those developing the Agreement to reassure stakeholders that there will be a full consultation to gain the support of all stakeholders. The FNQ Tour Operators Association has now nominated two members who are prepared to be involved in any subsequent negotiations. The views of some individuals that have not been canvassed in the first instance will be sought at a later stage. This includes both residents and tourism industry operators.

(4) My Department funds the CYPDA through its Rural and Remote Area Board Initiative. I understand that to date, $93,750 has been provided to the CYPDA for economic development projects since July 1995. I have committed a further $95,000 for the 1996/97 financial year. This is a maximum figure subject to budget considerations, for specific economic development projects. The CYPDA is currently investigating sources of funding for Cape York tourism events such as the Laura Dance Festival and has made initial inquiries to the Queensland Events Corporation.

(5) Discussions with my Cabinet colleagues remain Cabinet-in-Confidence.

(6), (7) With regards to the Cape York wilderness zone proposal, I believe that the tourism industry, one of the major stakeholders, was not originally consulted by the previous Government. However, any further discussions should be deferred until the release of Stage 2 of the Cape York Peninsula Land-Use Study (CYPLUS) and its recommendations. This multiple land-use study, commenced in 1990, has had approximately $9 million invested in it. Stage One, costing approximately $7.9 million, was a series of extensive data collection programs and interpretative studies which resulted in 48 reports. Stage Two, to cost approximately $1.16 million, will result in a comprehensive Regional Development Strategy. Given this, it would be more appropriate to know the outcomes of this study before commenting any further.

882.Mice Plague, Darling Downs

Mr McELLIGOTT asked the Minister for Natural Resources (11/9/96)—

With reference to "new" control measures used recently to control another mouse plague on the Darling Downs—

(1) What were the control measures used on this occasion, particularly, the active ingredient of any poison used?

(2) Is this poison in general use for mouse control in other parts of Australia?

(3) What results were achieved on the Darling Downs?

(4) What monitoring was conducted of adverse side affects on native wildlife?

(5) What results were achieved from this monitoring?

(6) Which scientific institution conducted the monitoring?

(7) Was a community representative from a recognised environmental group involved in this monitoring?

(8) Is he satisfied that these control measures are safe?

Mr Hobbs (9/10/96): My Department has not been involved in any baiting or "new" control of mice on the Darling Downs since the 1995 Mouse Plague.

Areas within and peripheral to the Darling Downs experienced high mouse numbers during Autumn 1996. Some landholders called for strychnine baiting to protect plantings of this year's wheat and other winter crops. Due to legislative, operational and environmental considerations it was decided not to proceed with strychnine baiting at that time.

My department will continue to collaborate with industry, interstate and Federal counterparts in the development of future control options.

I recently announced a $750,000 commitment to an extensive research program each year for the next five years. This initiative aims to develop a) a suitable in-crop rodenticide b) long term integrated management strategies c) strategies for reducing mice numbers in buildings and other harbour areas.

883.Tannum State High School

Mrs CUNNINGHAM asked the Minister for Education (11/9/96)—

With reference to the Tannum State High School and given that planning funds have been allocated for the school—

Will he confirm the ongoing capital works funding in the May 1997 Budget?

Mr Quinn (2/10/96): As confirmed previously in writing, and as reported in the State Budget 1996-97 (Capital Outlays: Budget Paper No. 3, p. 42), planning will continue on a new high school at Tannum Sands, for opening in 1998. The project budget stands currently at $7.745 million, with planning funds of $500,000 allocated in 1996-97, and the balance for construction in 1997-98.

884.Mahogany Glider Habitat

Mr BARTON asked the Premier (11/9/96)—

With reference to the ongoing destruction of the habitat of the rare mahogany glider as a result of his Government's failure to honour the Labor Government's rescue package put together at both State and Federal levels—

(1) What was the Coalition's policy prior to the July 1995 election and the Mundingburra by-election in relation to protection of this glider and its habitat?

(2) Did he give the environment movement an undertaking to honour the $16m joint Federal/State rescue package for this glider; if so, what was the nature of this commitment?

Mr Borbidge (11/10/96):

(1) The Coalition's policy prior to the July 1995 election and the Mundingburra by-election was to protect the mahogany glider habitat. Furthermore, this commitment has been demonstrated clearly by the issuing of interim conservation orders on land supporting key habitat until acquisitions were completed where necessary. In addition, funding was provided in the 1996-97 Budget to implement the strategy.

(2) Yes, I did give an undertaking to the North Queensland Conservation Council Inc. by correspondence dated 8 November 1995 that the Federal/State conservation package announced in late 1995 had the support of the Coalition and would continue to be fully supported in the event of a change of Government. Further reference was made to this issue in correspondence to the Queensland Conservation Council dated 19 January 1996.

To date the Coalition has fully matched the financial contribution of the Federal Government. You should be aware that the previous Labor Government, while making promises regarding the conservation of the area, failed miserably by not making provision for full funding of the initiative. This has resulted in the Federal Government's level of funding to date being at only $6 million. I am advised that ongoing discussions are occurring at officer level to clarify any misunderstanding the Federal Government may have concerning the total level of funding required for this initiative.

885.Bunda Industrial Estate, Bundaberg

Mr CAMPBELL asked the Minister for Tourism, Small Business and Industry (11/9/96)—

With reference to the fact there are few, if any, blocks of land available on the Bunda Industrial Estate in Bundaberg for industry—

(1) When will the Government provide funds for the extension of the Bunda Industrial Estate to provide industrial land in Bundaberg?

(2) Why wasn't funding provided for the extension of the Bunda Industrial Estate in 1996-97?

Mr Davidson (11/10/96): The Bunda Industrial Estate comprises 124 hectares and is a successful estate administered by my Department.

Approximately 100 hectares has been developed and fully serviced sites are still available for sale within the Estate.

My Department has recently advised the Bundaberg City Council that it is prepared to surrender approximately 10 hectares of undeveloped land to the rear of Wide Bay Brickworks to provide for the establishment, by Council, of a drainage retardation basin to overcome a recurring flooding problem within the city.

The remaining 14 hectares of undeveloped land is subject to an application to the Native Title Tribunal for the determination of Native Title over the area. Pending a decision no consideration can be given to undertaking further development within the Estate.

My Department is currently liaising with the Bundaberg City Council regarding the completion of a Development Control Plan for the city. This Plan will, in part, identify areas of undeveloped land suitable for future business and industry requirements.

886.Airconditioner Noise Limits

Mr SMITH asked the Minister for Environment (11/9/96)—

With reference to a survey by Local Government Environment Health Officers in Townsville recently which revealed that 70 per cent of residential air conditioners cannot conform with the proposed noise limits, Townsville City Council and other authorities are concerned that the State Government's draft for the Environmental Protection Policy, which will provide legal guidance for Local Authorities, actually compounds the issue instead of resolving this problem by recommending even more

severe noise limitations, for instance, it is proposed that after 10 p.m. no air conditioner or other appliance will be allowed to produce more than 3 decibels above the background noise levels as this would mean virtually every air conditioner in Townsville would have to be turned off at 10 o'clock on summer nights and clearly it should not fall to councils to be forced into prosecutions for high noise levels when the standards cannot be achieved by most manufacturers particularly with the popular and less expensive RACs (room air conditioners)—

(1) Is he aware of serious anomalies in noise control regulations which a number of Local Government Authorities have inherited from State Government regulations and which are likely to become even more confusing under the State Environment Protection Policy which is presently being formulated?

(2) Is he aware his department is supporting proposed local laws which impose noise levels which cannot be met by most room air conditioners supplied by the industry?

(3) What action, if any, does he propose to bring some sanity into this intolerable situation?

Mr Littleproud (24/9/96):

1. The State Government does not impose regulations for noise control on local government. Each local government has its own responsibility for preparing suitable local laws for noise control if it wishes to make them. There is a Protocol establishing the roles and responsibilities of State and Local Government in the management of Queensland's environment in relation to the Environmental Protection Act 1994. The Protocol relates to a limited number and type of functions. The administration of the proposed noise policy is not one of those functions and further negotiations with local governments are planned in regard to the future administration of the policy.

2. I am advised by the Department that there is a number of local governments which have noise bylaws or ordinances. My Department is aware of the Townsville City Council Bylaw and it appears to be based on the Model Noise Bylaw prepared by the former Division of Noise Abatement. The model bylaw and training notes were based on Australian Standards current at the time. My Department is not aware of any proposed local laws or local law policies based on the draft Environmental Protection (Noise) Policy or on any other standard.

It is incorrect, therefore, to suggest that the industry cannot meet such noise criteria as the criteria have not been confirmed. It is also clear, however, that most domestic air conditioners can, and do, meet the requirements of the existing bylaws and the proposed noise policy.

3. The proposed noise policy is based on existing bylaws and guidelines. The criteria in the policy is more flexible than existing bylaws. This is because the policy is responsive to complaint and does not set rigid criteria that must be met by all domestic air-conditioners.

The noise levels in the policy and existing bylaws are being very carefully reviewed for their practicality and reasonableness. It is my intention to provide a noise policy that will be fair and reasonable, yet still provide sufficient guidance to the public for compliance with the Environmental Protection Act. It is also important that the noise policy provide sufficient guidance for those persons responsible for administering the policy consistently across the State.

889. Boating and Fisheries Patrol

Mr NUNN asked the Minister for Primary Industries, Fisheries and Forestry (12/9/96)—

(1) Did the Coalition on 2 July 1995 promise to increase resources for the boating and fisheries patrol?

(2) Will this initiative cost up to $5m to introduce?

(3) When will this promise be implemented?

Mr Perrett (11/10/96):

1. Yes.

2. Yes.

3. The Queensland Boating and Fisheries Patrol was allocated an additional $801,000 in the 1996-97 budget as the first stage towards meeting this three year commitment.

890. Trading Hours Inquiry Costs

Ms BLIGH asked the Minister for Training and Industrial Relations (12/9/96)—

With reference to the Commission of Inquiry to determine the effects of the 1994 legislative changes to the Trading (Allowable Hours) Act 1990—

What was the total cost of the Commission of Inquiry, including a breakdown of (a) wages and expenses paid to Sir William Knox, (b) wages and expenses paid to all other staff of the commission, (c) travel, accommodation, meals and related costs associated with the commission in any way, (d) printing and distribution costs of the report and (e) any administrative costs?

Mr Santoro (10/10/96): The Inquiry was set up by Executive Council on 16 May 1996 in pursuance of the provisions of the Commission of Inquiry Act 1950 to determine the effects of the 1994 legislative changes to the Trading (Allowable Hours) Act 1990. The total cost to date for the Inquiry is $157,608 and the following are the costs to date in relation to the specific questions raised.

(a) Sir William Knox was appointed Commission to head the Inquiry. His remuneration was set at $540 per day. The Inquiry commenced on 23 May 1996 and Sir William handed his report to me on 30 August 1996. Sir William Knox received fees of $37,530 as Commissioner and was reimbursed travel expenses for meals and out of pocket expense of $654.80.

(b)The Commission was supported by three Departmental officers. Salaries and related costs for these officers (excluding superannuation) were $35,811. Departmental officers were reimbursed travel expenses for meals and out of pocket expenses totalling $1,241,60.

(c)Travel, accommodation, meals and related costs associated with the commission were:

Airfares $8,244 for trips to Townsville, Mackay, Rockhampton, Adelaide, Melbourne and Sydney. Accommodation costs whilst travelling was $2,310.85 and taxi fees 521.45. Accommodation cost for the Commission premises at Citibank was $15,079.

(d) Printing of the report is $5,970. Consultancy fees totalled $45,159 for an economic impact study and a consumer study. Other administrative costs totalled $5,085 (including $2,170 for advertising).

891.Patient Transit Scheme

Mr McGRADY asked the Minister for Health (12/9/96)—

With reference to a Patient Transfer Assistance Scheme workshop which was held in Brisbane on 5 and 6 September where approximately ninety people attended, with only five of these people coming from rural areas, namely Longreach, Weipa, Thursday Island, Mornington Island and Mount Isa and to comments made by a guest speaker where it was claimed that bush people rorted the Patient Transfer System and had been doing so for the past 35 years and that people in Mount Isa had a 'hand-out' mentality and used the system for holidays and not really to seek medical attention and his statement regarding the number of patients who wished to travel to Brisbane during August and December, these times just happening to coincide with the Brisbane Royal Show and Christmas—

Is he aware that those comments were made; if so, does he agree with them; if not, what action does he propose to take to publicly reprimand the guest speaker?

Mr Horan (11/10/96): I understand 90 people were invited to attend the two day Patient Transfer Assistance Scheme workshop held on 5 and 6 September 1996, with 85 actually attending. It is not true that only five of those attending came from rural areas. Of the 90 people invited, 40 were from rural and remote Queensland. People from rural and remote areas, other than centres already mentioned, came from, Roma, Charleville, Dalby/Jandowae, Biloela, Bowen, Moranbah, Goondiwindi, Torres Strait Island, Stanthorpe and Warwick to name a few.

The purpose of the workshop was to review the management of the Scheme and not only to review the guidelines. Therefore there were also representatives from the major tertiary receiving hospitals in Queensland in attendance. Also attending were a number of private doctors, specialists and general practitioners who travel to country areas to provide services to rural people, along with representatives from the Queensland Cancer Fund and the Leukemia Foundation of Queensland. I am given to understand that the participation at the workshop was highly representative of consumers and providers involved in the Scheme.

With regard to a guest speaker making comments about a 'handout mentality' and 'rorting in country areas', I am advised that the comments were indeed made. However, I am advised that the comments were only made to focus discussion on issues which affect the Scheme. In the open discussion section of the session, I understand that the guest speaker's comments were, quite properly, challenged by a representative from Mount Isa.

I wish to make it clear that the comments made by the guest speaker in no way reflect my own or the Government's view. These kinds of comments however point to the need for the review of the current Scheme. The previous government did not address the issues when they arose and as a result the scheme now needs immediate attention. Research undertaken as part of the review has clearly indicated that adverse perceptions of the scheme are often the reflection of a lack of clarity about entitlements and responsibilities in the present guidelines. Due to the previous government being out of touch with the community, such problems with the operation of the Scheme have generated an unnecessary level of distress for people in need of this important service. I am confident that this review which, due to the last 6 years of neglect, has aired contentious views of the Scheme's operation will produce a useful end outcome. I anticipate that through the genuine community input to the review, a better and fairer Scheme to serve the needs of rural people will result.

The Coalition government is and always will be committed to ensuring that all Queenslanders, regardless of their location in the state, get equal opportunity of access to essential medical facilities.

892.Works Department Depot

Mr BEATTIE asked the Minister for Environment (12/9/96)—

With reference to the recent partial demolition of the old Works Department Depot building at the bottom end of Alice Street as part of the Mirvac's Grosvenor development—

(1) Was the depot on the Heritage Register?

(2) What was the heritage significance of the building that warranted its inclusion on the Heritage Register?

(3) On what basis did the Heritage Council decide that this significance warranted only retention of the facade of the building and parts of its sides?

(4) Was the building listed on the National Estate?

(5) Was the building listed with the National Trust?

(6) What role will the remnants of the building play in the new development?

Mr Littleproud (24/9/96): Firstly, it should be noted that Heritage Council approval for the proposal was given during the term of the previous Government—on 26 June 1995.

(1) Yes. The property was included in the schedule to the interim Heritage Buildings Protection Act 1990 and transferred to the Heritage Register established under the Queensland Heritage Act 1992 by the Transitional Provisions of that Act.

(2) The heritage significance of the place is stated in the entry in the Heritage Register as: an example of

an intact 1880s industrial building with a decorative facade; as evidence of engineering and foundry works which previously were a major activity in Alice Street; its contribution to the Alice Street streetscape along with neighbouring Old Mineral House.

(3) The Mirvac Grosvenor development site included four Heritage Registered places namely the former Alice Street Works, Old Mineral House, the Smellies Building and the Port Office Hotel. A Conservation Plan was prepared for these four buildings in April 1993. A detailed examination of the former Alice Street Works as part of the Conservation Plan revealed severe structural problems with the building.

The Heritage Council concluded at its meeting on 26 June 1995 that the impact of the proposed development on the former Alice Street Works was acceptable having regard to its structural condition, and the protection afforded to the remaining Heritage Registered places on the site. The proposal retains the decorative facade and the contribution it makes to the Alice Street streetscape.

A condition on the Heritage Council approval required the former Alice Street Works to be fully recorded prior to the demolition works. This has been undertaken.

(4) The building is not entered in the Register of the National Estate.

(5) The building is listed by the National Trust of Queensland.

(6) The front 8.0 m of the building fronting Alice Street is to be conserved and incorporated in the new development as a commercial premises.

893.Deaths in Custody

Mr BRISKEY asked the Minister for Police and Corrective Services and Minister for Racing (12/9/96)—

With reference to the tragic death of 10 prisoners in custody in 1996—

(1) What steps is he taking to ascertain what has caused this tragic significant increase in the number of deaths?

(2) What steps is he taking to ensure that the Corrective Services Commission improves its procedures, to avoid further tragic deaths?

Mr Cooper (27/9/96):

(1) During 1995/96 there were 10 offender deaths. Nine of these occurred in custodial correctional centres while the other occurred in a community corrections centre. One of the deaths in the custodial correctional area resulted from natural causes. This number is not a substantial increase but is, in fact, a reduction on the number of deaths which occurred in the preceding two years. There were twelve deaths in 1994/95 and in 1993/94. Further, during 1995/96 there was a considerable increase in prisoner numbers.

Notwithstanding the number of deaths in real terms, a more revealing statistic is the death rate. This figure is calculated using the following formula: number of deaths multiplied by 100, divided by the daily average prisoner population.

For the deaths which occurred in a custodial correctional setting, the death rate for 1995/96 is .29. This figure is substantially lower than rates for 1994/95 and 1994/93 which stand at .45 and .53 respectively.

Having regard to the figures detailed here, there has been no increase in the number of deaths in the 1995/96 period.

(2) As Minister responsible for Corrective Services, I am fully aware of and support the actions taken by the Queensland Corrective Services Commission in their endeavours to eliminate what the Honourable Member refers to as "tragic deaths".

All prisoners entering the system are screened on reception to identify at risk persons and to implement management regimes which minimise the risk of self harm, including suicide.

The Commission has had in place since May 1994, a Suicide Prevention policy and procedure and from December 1994 a complementary Buddy System of support for at risk persons. Initiatives to minimise the possibility of deaths have included the reduction of hanging points in designated cells in established prisons and the reduction of hanging points in all cells within the centre under construction at Woodford through the airconditioning of accommodation and communal areas. All secure centres have observation cells subject to continuous Closed Circuit Television (CCTV) monitoring capability. Cell call systems have been upgraded at Lotus Glen and Sir David Longland Correctional Centres. In all, in excess of $900 000 was spent in 1995/96 in upgrading facilities to reduce the number of deaths in the correctional environment.

Suicide prevention training is a compulsory unit of the Commission's staff training program.

A further initiative was the construction and commissioning of a Crisis Support Unit at the Moreton Correctional Centre in the Wacol area. This purpose built facility has capacity for eight inmates. The primary focus of the unit is to provide a safe and secure environment for those prisoners who are identified and assessed as being acutely suicidal or who have the potential to lethally self harm, but cannot be effectively managed in their referral centre. This unit is available as a placement option for all centres for those prisoners meeting the criteria. The unit commenced operation on 15 July 1996. A similar unit is currently under construction at the Townsville Correctional Centre and is expected to be commissioned in December of this year. This unit will provide for the specialised management of up to six persons at any one time. A further Crisis Support Unit will be provided at the Woodford Correctional Centre.

The Commission has recently advertised for expressions of interest from local Aboriginal and Torres Strait Islander organisations in the Brisbane/Ipswich and Townsville areas to provide a pilot Support Worker scheme to the Sir David Longland and Townsville Correctional Centres. Under this scheme, a member of the Aboriginal and

Torres Strait Islander community, through the sponsor organisation, will attend the centre each day at lock down time to mix with and provide support to prisoners at this critical time in the prison day. At risk persons identified through this process will be monitored and alternative management regimes put in place to ensure the safety and wellbeing of the individual. If the pilot proves successful this scheme will be introduced into other secure centres with significant Aboriginal and Torres Strait Islander prisoner populations.

Each death in custody is subject to investigation by the Police Department, Inspectors appointed by the Commission under the Corrective Services Act and the Coroner. Any finding or recommendations arising from these investigations are thoroughly considered and appropriate action taken. All centre operations are subject to audit to ensure compliance with approved practices and procedures.

The matter of deaths in custody is taken very seriously by all involved with the provision of corrective services in this State. All possible options to prevent deaths will be investigated and trialled where considered appropriate.

895.Toxic Waste Treatment Plant

Mr ARDILL asked the Minister for Environment (12/9/96)—

When will he be taking action to open a new treatment plant to handle toxic liquids, the residues of which are ultimately interred at Gurulmundi, in view of the urgency of the need to close Willawong and remove a public health hazard and public nuisance?

Mr Littleproud (1/10/96): Following six years of Labor inaction on waste management, officers of the Department of Environment and myself have undertaken discussions with the private sector about their future role in hazardous waste treatment and destruction. The response to date has been very encouraging with several Queensland and interstate waste management companies expressing positive interest in building new facilities, expanding current activities or making use of their facilities interstate. Such interest, when realised, will lay the foundations for the responsible management of waste in Queensland. Indeed, a proposal is currently under assessment by the Department which may be able to treat and dispose of, in a secure manner, those residual wastes currently treated at Willawong.

As I have stated previously, I do not see a role for the State Government in owning and operating waste treatment facilities, but there is a clear role in facilitating their introduction and in ensuring their compliance with the Environmental Protection Act 1994.

896.Suicide

Mr WELLS asked the Minister for Families, Youth and Community Care (12/9/96)—

With reference to his answer to my Question on Notice No 91 in which he indicated that he was aware of studies which showed that people who attempt unsuccessfully to commit suicide are more likely than the general population to make another attempt, and to his indication that the only attempted suicides which come to his attention are those of existing clients of his department to whom he has a legal duty of care—

Given the potential for saving lives, particularly of young people, will he give consideration to expanding his department's information base, and subsequently offering counselling to people, many of whose lives could be saved merely by such counselling?

Mr Lingard (26/9/96): For clients for whom the Department has a duty of care who have attempted suicide, all efforts are made to provide direct assistance and counselling or referrals are arranged to other specialist services. In addition, my Department also funds many community organisations, throughout Queensland, which offer assistance, information and counselling to people who are experiencing crises including attempted suicide.

Additionally, my Department is presently developing an information database which will enable these persons to be referred to the nearest appropriate service where counselling is able to be provided.

I have had discussions with the Federal Minister for Family Services Judi Moylan MP regarding special funding for Youth Suicide Programs in Queensland. These discussions are to continue and I will keep your comments in mind.

897.Railway Station, Narangba-Burpengary

Mr HAYWARD asked the Minister for Transport and Main Roads (12/9/96)—

Are there any plans in place to construct a railway station between Narangba and Burpengary?

Mr Johnson (10/10/96): At this stage, neither Queensland Rail nor the Department of Transport have any definite proposals to construct a new station between Narangba and Burpengary.

While it is acknowledged that this is a high growth area, development to date is not such that would justify the significant cost involved in providing a new station.

Recent speculation on such a proposal may have been fuelled by the fact that Queensland Rail owns land near the western end of Callaghan Road which may be used to provide a future station if and when it is deemed necessary.

898.Bundaberg Railway Station

Mr CAMPBELL asked the Minister for Transport and Main Roads (12/9/96)—

(1) As Bundaberg Railway Station is in urgent need of upgrade (a) by raising the platform for passenger trains, especially when the tilt train is introduced and (b) by providing better passenger facilities, when will work be carried out on the Bundaberg Railway Station?

(2) What work will be done and what will be the approximate cost of this necessary upgrade?

Mr Johnson (10/10/96):

(1) The proposed upgrading of Bundaberg station is dependent upon the availability of suitable funding, which is yet to be allocated.

(2) The scope of work for the project will include:

raising the platform

refurbishment of toilet facilities

rationalisation of surplus station buildings

replace and/or repair platform awning, guttering and piping

replace signage to corporate standard

exterior painting

The objectives of this work will be to improve access for the mobility impaired, and to bring Bundaberg station, Traveltrain's third busiest station in the State, into line with other major passenger stations. When Bundaberg station is upgraded, retention of the heritage value will be paramount.

The estimated cost of the project is currently $1.2 million to be spent over two years.

899.National Park Fees

Mr SCHWARTEN asked the Minister for Environment (12/9/96)—

With reference to access to national parks charges announced in the 1996-97 Budget—

(1) What national parks are situated within a 500km radius of Rockhampton?

(2) How much will it cost individuals and families to access each of these parks?

(3) How will these fees be collected?

Mr Littleproud (3/10/96): The introduction of the ParkPass system of National Park charges has been made necessary at least partly by the Labor Government's failure to adequately fund National Park management.

(1) There are 99 national parks situated within a 500 km radius of Rockhampton. A list is attached.

(2) ParkPass fees are as follows:

Adult annual—$20 Concession annual—$10

Adult holiday—$10 Concession holiday—$5

Adult day—$3 Concession day—$2

Children and teenagers under 18 years old may enter parks free of charge.

(3) Fees will be collected by the following methods:

purchase of either an annual, holiday or day ParkPass in advance from any staffed Department of Environment office or sales outlet;

purchase of either an annual, holiday or day ParkPass in advance at an agency where these passes may be sold. Examples may be local retail outlets, tourist information centres or service stations.

National Parks within a 500 km radius of Rockhampton—

Cape Upstart National Park; Holbourne Island National Park; Gloucester Island National Park; Whitsunday Islands National Park; Dryander National Park; Mount Aberdeen National Park; Molle Islands National Park; Conway National Park; Lindeman Islands National Park; Smith Islands National Park; South Cumberland Islands National Park; Brampton Island National Park; Newry Islands National Park; Eungella National Park; Cape Hillsborough National Park; Bushy Island National Park; Mount Ossa National Park; Pioneer Peaks National Park; Reliance Creek National Park; Mount Martin National Park; Northumberland Islands National Park; Homevale National Park; Blackwood National Park; Cape Palmerston National Park; North East Island National Park; South Island National Park; West Hill National Park; Dipperu National Park (Scientific); Swain Reefs National Park; Wild Duck Island National Park; Mazeppa National Park; Epping Forest National Park (Scientific); Peak Range National Park; Mount O'Connell National Park; Byfield National Park; Narrien Range National Park; Keppel Bay Islands National Park; Capricorn Coast National Park; Mount Etna Caves National Park; Keppel Bay Islands National Park (Scientific); Goodedulla National Park; Mount Jim Crow National Park; Capricornia Cays National Park; Mount Archer National Park; Capricornia Cays National Park (Scientific); Taunton National Park (Scientific); Curtis Island National Park; Rundle Range National Park; Blackdown Tableland National Park; Wild Cattle Island National Park; Eurimbula National Park; Minerva Hills National Park; Snake Range National Park; Castle Tower National Park; Deepwater National Park; Kroombit Tops National Park; Mount Colosseum National Park; Carnarvon National Park; Littabella National Park; Cania Gorge National Park; Great Sandy National Park; Palmgrove National Park (Scientific); Nuga Nuga National Park; Expedition National Park; Burrum Coast National Park; Isla Gorge National Park; Precipice National Park; Fairlies Knob National Park; Mount Walsh National Park; Poona National Park; Coalstoun Lakes National Park; Auburn River National Park; Mount Bauple National Park (Scientific); Pipeclay National Park; Chesterton Range National Park; Mount Pinbarren National Park; Tregole National Park; Ferntree Creek National Park; Mapleton Falls National Park; Conondale National Park; Triunia National Park; Kondalilla National Park; Eudlo Creek National Park; Mooloolah River National Park; Bunya Mountains National Park; Dularcha National Park; Tarong National Park; Bribie Island National Park; Glasshouse Mountains National Park; The Palms National Park; Freshwater National Park; Crows Nest National Park; Erringibba National Park; D'Aguilar National Park; Ravensbourne National Park; Southwood National Park; Repulse Island National Park; Noosa National Park; Mount Coolum National Park.

900.Efficiency Dividends

Mr PEARCE asked the Minister for Health (12/9/96)—

With reference to the Fitzgerald Audit Report recommendations on page 59 of Volume I to impose

an efficiency dividend of one per cent on the full cost of services for all Government departments and agencies—

Does he stand by his implacable opposition to efficiency dividends when, as a Shadow Spokesman, he described them as "a despicable tax on health" or has he gained too much affection for the feel of ministerial leather?

Mr Horan (11/10/96): In Opposition as in Government, my concern is with good, accountable management. In the Health portfolio, this has meant working to get the hospitals and services right after Labor's mistakes, which has meant finding necessary funding for additional beds, services, capital works and professional salaries.

From a financial management perspective, the objective of realising efficiency dividends can be an important element of an accountable and responsible budget management process in a resource constrained environment. Efficiency dividends which are derived from budget savings that are generated through targeted productivity initiatives such as the adoption of best practice management and improved service delivery arrangements can be an incentive to productivity, depending upon the circumstances in which they are applied.

Unlike the situation that existed when I was in Opposition, the Coalition has provided for a $312m increase in the Health budget.

901.Incident Investigation, Eumundi

Mr BARTON asked the Minister for Police and Corrective Services and Minister for Racing (12/9/96)—

With reference to a reported incident on the weekend of 17 and 18 August at Eumundi, where off duty members of the Queensland Police Service were reported to have been in brawls, damaged vehicles and abused a bar attendant at Joe's Waterhole Hotel—

(1) How did he investigate this matter?

(2) On what basis was it determined that police members of this football team were not the offenders?

(3) Have charges been laid against any other people for offences relating to this incident?

Mr Cooper (1/10/96):

(1) On Monday 19 August 1996 2 Commissioned Officers from the Sunshine Coast went to Eumundi to carry out investigations regarding a media release on Channel 9 which alleged unruly behaviour by police members of a football team. Channel 9 reported that a number of incidents had supposedly taken place at Eumundi on Saturday and Sunday 17 and 18 August 1996 by members of a football team known as the Logan Vikings Police Rugby League Team.

Inquiries were conducted by the Commissioned Officers with all possible witnesses in the Eumundi township who had close association with the movements of police officers from this football team and who may be able to offer assistance in relation to this alleged incident.

No evidence has come to light in the Eumundi area from any person to support the allegations made by Channel 9. An apology has since been received from the management of Channel 9 addressed to the District Officer at Logan District dispelling any suggestion of involvement of police officers in a brawl or misbehaviour at Eumundi on the weekend in question.

(2) Investigations established that a Logan Vikings Police Rugby Team stayed at the Imperial Hotel in Eumundi from about 2 pm Saturday 17 August 1996 until about 1 pm Sunday 18 August 1996.

The investigating Commissioned Officers reported that there was no evidence to suggest that any officers had been involved in unruly behaviour of any nature or had been involved in any behaviour that would bring embarrassment to the Police Service during the course of this weekend. All inquiries made in relation to this complaint indicate that the behaviour of all members of this team was nothing but exemplary whilst at Eumundi.

(3) There is no evidence to suggest that any breach of discipline or misconduct has been committed by any member of the group referred to.

There were no complaints forthcoming from any member of the public in regard to the behaviour of police officers on the weekend in question.

There is no evidence that any offences were committed by any person concerning any conduct similar to that reported by Channel 9 relating to Joe's Waterhole Hotel.

902.Redcliffe Hospital

Mr HOLLIS asked the Minister for Health (12/9/96)—

With reference to the budget documents in which there is no designated recurrent funding for the two newly constructed operating theatres at the Redcliffe Hospital—

When is he going to fulfil his pre-1995 election promise and later verbal promise in March 1996 and provide the $2.6m to enable these operating theatres to be utilised?

Mr Horan (11/10/96): Additional recurrent funds needed for the commissioning of new services are provided from growth funding. Specific growth fund allocations are not included in budget papers.

This Government initiated a review of growth funds to ensure they were being directed to areas of need. As a result, a further $1.2 million of growth funds has already been set aside in 1996/97 for the Redcliffe Hospital operating theatres . This amount increases to $1.8 million in 1997/98. An additional $600,000 has been provided to Redcliffe Hospital specifically for additional theatre opening. We have put new money into this project where as the previous government didn't allocate any additional money to operate the theatre at Redcliffe Hospital.

As part of Stage 2 of the Redcliffe Hospital redevelopment a recurrent cost study will be

undertaken to ensure appropriate future recurrent funding is provided.

904.Slurry Pipeline, Karumba

Mr McELLIGOTT asked the Minister for Economic Development and Trade and Minister Assisting the Premier (12/9/96)—

With reference to his recent Parliamentary statement on the Century Mine and particularly the comment that the water extracted from the slurry at Karumba will be used in irrigation and watering of cattle—

(1) What volume of water will the operating pipeline be delivering to Karumba per hour?

(2) How many, and which irrigation projects have agreed to take this water and in what quantities?

(3) Which properties have agreed to take this water for stock watering and in what quantities?

(4) How much of this water will these two users consume during the wet season when the rainfall in this ares is often prolonged and intense?

(5) At these times will all of the water from the slurry pipeline be discharged to the Norman River?

(6) Which studies indicated that this volume of water coming from the pipeline combined with freshwater runoff in the wet season would have an almost undetectable effect on the salinity of the Norman River?

Mr Slack (10/10/96):

(1) The water treatment plant at Karumba will be processing approximately 50 litres per second or 162,000 litres per hour (1600 megalitres per annum).

(2) The Carpentaria Shire Council has indicated its desire to distribute the water for Shire purposes. Projects include the irrigation of crops, pastures, horticulture or for amenity irrigation purposes such as watering lawns, parks, sport fields and golf courses. It is expected that the extra water supply will greatly encourage agricultural production in the region. With the increase in the number of cattle expected to be exported via Karumba, the treated water will be necessary to water livestock being held in yards awaiting shipment. The water will be a valuable resource for the Karumba/Normanton area, which currently has water supply constraints.

(3) The Carpentaria Shire Council is currently negotiating with Century Zinc Limited to take all the water produced by the treatment plant. The Carpentaria Shire Council may then on-sell the water to pastoral companies, as well as using it for its own Shire purposes.

(4) It is not possible to indicate seasonal consumption levels at this stage. The Carpentaria Shire Council, in conjunction with Century Zinc Limited, is currently investigating the options open to it in respect of either rebuilding the dam or constructing a new reticulation system in which to store the water for use within the shire. (answer relates to (5) and (6))

(5) The discharge of pipeline water into the Norman River is dependent upon the Carpentaria Shire Council's changes to its water plan. This is further dependent upon the type of infrastructure that will be put in place by the Council. (this relates to concerns about decreasing salinity around the Karumba loading facility see (6))

(6) The typical salinity of the estuary in the wet season varies from 0 per cent to 3.6 per cent salt (at high tide). The typical daily tidal volume of water that moves past the Karumba loading facility is about 50 000 megalitres (one tide per day). Using this data, if the annual volume of treated water was discharged into the estuary in one day, the salinity would only decrease by 0.1 per cent (ie less than normal daily variations).

These studies were conducted by WBM Oceanics for Century Zinc Limited.

906.TAFE Training, Caboolture

Mr J. H. SULLIVAN asked the Minister for Training and Industrial Relations (12/9/96)—

With reference to concerns that trade training at the Caboolture Campus of the Northpoint Institute of TAFE is being wound back—

Will he give the House, and the people of Caboolture, a commitment to retain trade training in hairdressing, hospitality and horticulture currently provided at the Caboolture Campus?

Mr Santoro (10/10/96): I am aware that negotiations are currently under way between the North Point Institute and the Brisbane Institute of TAFE with a view to rationalising course offerings in the horticulture area. However, these discussions are at an early stage and will involve widespread consultation with stakeholders such as teachers, industry and the local community. Until this consultation is concluded, and the position of stakeholders is known, I am unable to give the commitment you are seeking.

The adjustment of course offerings in particular locations results from the ongoing review of the changing training requirements of local communities. It is expected, however, that the North Point Institute of TAFE will increase its student places by over 10% this financial year. A large proportion of this increase in student places will be located at the Caboolture Campus. As the Caboolture area further develops its industry base, it is essential that the Campus' training courses, which include hairdressing and hospitality, are reviewed to ensure that the training required by industry and the local community are provided through the Caboolture Campus of the North Point Institute of TAFE.

907.Banyo State High School Land

Mr ROBERTS asked the Minister for Education (12/9/96)—

With reference to the sale of surplus land at Banyo State High School—

(1) Which department purchased or is negotiating the purchase of the land?

(2) What was the sale price?

(3) Will any proposed rezoning of this land be publicly advertised to enable local residents to express any concerns about the proposal?

Mr Quinn (2/10/96):

(1) The surplus portion of the school site was purchased by the Department of Public Works and Housing.

(2) The land was sold for $675,000.

(3) When the land was sold it was zoned for school purposes. In order for any other development to take place the land must be rezoned. As any decision to apply for rezoning is a matter for the new owners, it is inappropriate for me to speculate about what use, time frame, or process, may be adopted.

908. Permit Applications, Cultural Record (Landscapes Queensland and Queensland Estate) Act

Mrs ROSE asked the Minister for Environment (12/9/96)—

With reference to his letter to the editor of The Australian of 10 June in which he stated that there are delays in processing permit applications under the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987—

(1) What has caused this delay in processing these applications?

(2) As these applications require ministerial approval is the delay in his office rather than the department?

(3) Have staff levels in the section of the department processing these applications dropped since the change of Government; if so, what were the previous levels and what are the present levels?

(4) Were any of these losses the result of the Government's 10 per cent head office cuts and termination of temporary employees?

(5) What funds did he seek in the State Budget to solve this delay?

Mr Littleproud (1/10/96):

(1) A short delay in processing applications for permits under the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 occurred in the period May-July 1996 due to the introduction of improved procedures for the processing and consideration of permit applications.

(2) The delay occurred in the Department.

(3) No

(4) No

(5) The delay was eliminated by mid-July this year, apart from a few applications which did not include all the information necessary for applications to be processed and considered. No additional funding was required to eliminate the delay.

909. Privacy Legislation

Mr FOLEY asked the Attorney-General and Minister for Justice (12/9/96)—

(1) What steps has he taken to introduce privacy legislation as promised by him prior to the 1995 election?

(2) Has he ensured that there are adequate privacy safeguards governing the data to be stored regarding firearm owners throughout Queensland?

(3) When will he establish a Privacy Commissioner in Queensland?

(4)(a) When will he introduce privacy legislation and (b) what is the estimated cost to the whole of Government of introducing and operating privacy legislation?

Mr Beanland (9/10/96):

(1) This matter is still under review. However, the Government remains committed to the introduction of privacy legislation during the course of the current Parliament.

(2) Questions concerning firearms should be directed to the Hon. Russell Cooper MLA, Minister for Police and Corrective Services and Racing.

(3) See 1.

(4) See 1.

910. Fauna Parks

Mr WELFORD asked the Minister for Environment (12/9/96)—

With reference to his responsibility for standards of management and care for captive wildlife in private commercial fauna parks—

(1) How many fauna parks/sanctuaries are licensed to operate in Queensland?

(2) What are their names and locations?

(3) Under what statutory provisions are they licensed?

(4) Is there a Code of Practice in place for the conduct of these businesses and is it applied to licensed parks?

(5) Is he aware of the injuries, feed deprivation and harsh treatment of wildlife at the Illawong Fauna Sanctuary?

(6) What has caused the obvious injuries to the wallaroos at the sanctuary?

(7) Why are kangaroos subjected to feeding off the ground which is infected with faeces of hundreds of fowl and other macropods?

(8) Why are many of the confined spaces in which birds and other small animals are caged, left without water or left with water that is stagnant?

(9) Why were 4 possums left caged together with one possum lying dead on the floor of the cage?

(10) What inspection regime is in place to prevent cruelty to fauna in captivity?

(11) Why has he refused to meet with the Wildlife Education and Rescue Service of Central Queensland so that he can be appraised first hand of these and other concerns of these dedicated volunteer community wildlife carers?

Mr Littleproud (11/10/96):

(1) As at the end of August 1996, there were 50 wildlife exhibitors licensed under the provisions of the Nature Conservation Regulation 1994.

(2) If Mr Welford is serious about obtaining a list of their individual names and addresses, he can write to the Department of Environment and request them.

(3) With respect to legislation which is the responsibility of my portfolio, wildlife exhibitors are licensed under the provisions of sections 93 and 199-208 of the Nature Conservation Regulation 1994.

Licensing under Local Government legislation may also be necessary.

(4) Yes, the Code of Practice of the Queensland Wildlife Parks Association, which was approved by the (then) Minister for Environment and Heritage in March 1995. By section 204(2)(b) of the Nature Conservation Regulation 1994, the holder of a Wildlife Exhibitor Licence is required to display wildlife in accordance with the provisions of this Code.

(5) I have received correspondence from a member of the public alleging substandard husbandry at the Illawong Fauna Sanctuary. An inspection of the conditions of wildlife and facilities at Illawong Fauna Sanctuary was conducted on 18/4/1996 by the Wildlife Ranger, Mackay, Department of Environment, and an independent Veterinary Surgeon.

(6) Only one wallaroo was kept on the premises. At the time of inspection the animal had a leg puncture on the lateral side of the right leg, just proximal to the hock and anterior to the Achilles tendon. This did not appear to involve the tendon itself, directly. There was no apparent discharge from the wound, which appeared to mainly involve the skin and subcutaneous tissue. The leg from mid tibia to the hock area was swollen, in comparison to the other leg. Upon approach, the wallaroo hopped away, using both legs. There were remains of purple colouring about the wound area.

The cause of this injury was unknown to the proprietor and no definitive cause could be ascertained by either the Veterinary Surgeon or the Wildlife Ranger.

(7) On 18/4/1996 the Wildlife Ranger, Mackay, informed the proprietor that this practice was a breach of the QWPA Code of Practice.

Illawong Fauna Sanctuary has since relocated from Mackay to Mirani and the proprietor is now working towards full compliance with the Code of Practice. Note that the facility is not currently approved to open to the public pending full compliance. Above ground feeders are now used.

(8) The proprietor had left minors in charge of wildlife husbandry without adequate supervision whilst he was undertaking development of his new facility at Mirani.

(9) No dead possums were observed in any cage during the inspection of the facility by the Wildlife Ranger, Mackay, and the Veterinary Surgeon on 18/4/1996.

Only two live brushtailed possums were observed on the premises at that time.

(10) Ranger staff of the Department of Environment have inspected the facility in question on approximately 5 occasions in the last 2 years. These random inspections are conducted in order to monitor compliance with the requirements of the Nature Conservation Regulation 1994.

(11) I intend to arrange a meeting with the Wildlife Education and Rescue Service of Central Queensland when I visit Mackay.

It is understood that the proprietor of the Illawong Fauna Sanctuary has offered to meet with W.E.A.R.S.

911. Labelling of Edible Oil Products

Mr D'ARCY asked the Attorney-General and Minister for Justice (12/9/96)—

With reference to the meaningless term "cold pressed" used on many edible oil products which have been heated in production—

Will he take the necessary steps with the Australian Ministerial Council to have labelling of supermarket products accurately reflect information useful to the consumer, for example, the more accurate labelling should state if the oil was mechanically or chemically extracted?

Mr Beanland (9/10/96): The Department of Health, Environmental Health Branch and Government Chemical Laboratory, Food Quality Section have provided advice and explanations on cold pressed oil extraction methods.

Cold pressing is a process for oil recovery which goes back into antiquity. High oil content seeds, such as sesame, peanut and the oily pulp of olives, yield free oil by the simple application of pressure. Oils of this type require no further processing.

Aside from olive oil, cold pressed oils from various sources are sold mainly through health food outlets. As cold pressing is not very efficient this method is not common practice and has now largely been replaced in most countries with advanced processing technology such as solvent oil extraction or hot pressing (expeller extraction).

Hot pressed oil extraction from peanuts involves subjecting shelled and crushed raw peanuts to open steam which heats the peanuts prior to them being placed on press cloths which are latter subjected to a hydraulically generated pressure of about 14,000 pounds per square inch. The extracted oil may contain some fatty acids which are neutralised by treatment with sodium hydroxide, after which the oil is deodorised by passing superheated steam through it at a negative (vacuum) pressure.

The term cold pressed is the terminology used for describing a process and consequently could not be termed meaningless as it provides information for the consumer.

My Department has no legislation requiring that process used for oil extraction on edible oil products be marked on the product. Advice from the Department of Health and Primary Industries indicates that there is no legislation administered by those Departments which require the oil extraction processes to be marked on the label of products.

The marking of the term cold pressed on labels of edible oil products is solely at the discretion of the

manufacturer. However, this statement must not be of a false or misleading nature. My Department's Office of Consumer Affairs administers the Fair Trading Act which prohibits a person in trade or commerce from falsely representing that the goods are of a particular standard, quality, grade, composition, style, model or have had a particular history or particular previous use. Should there be any evidence to suggest that statements such as "cold pressing" were false or misleading investigations could be undertaken under this legislation.

Labelling edible oil products with the oil extraction method such as mechanically or chemically extracted would provide consumers with additional information which they could use when considering their purchase. However, there is no legislation currently requiring this information to be marked on the product.

913. Fire Service and SES, Ipswich West Electorate

Mr LIVINGSTONE asked the Minister for Emergency Services and Minister for Sport (12/9/96)—

With reference to the 1996-97 Budget for his department—

(1) What is allocated for the fire service in the Ipswich West electorate and how does this compare with the 1995-96 Budget?

(2) How many extra firefighters will be allocated to Ipswich fire stations?

(3) Are there any extra or new fire appliances to be issued in Ipswich?

(4) What new equipment will be issued to Ipswich firefighters as a result of the 1996-97 Budget?

(5) What is the Budget for the SES in the Ipswich West electorate and how does this compare with the 1995-96 Budget?

Mr Veivers (2/10/96):

(1) The budget allocation for the Fire Service in the Ipswich West electorate for 1996/97 is $5.089M. The budget allocation for 1995/96 was $4.796M. This represents an increase of $0.293M.

(2) There will not be any extra firefighters at Ipswich fire stations as there has been no authorised increase in the operational staffing for that district.

(3) There will be two new fire appliances for the Ipswich District to act as replacements for existing appliances. These vehicles are a new Telescopic Aerial Pumper (TAP) and a new Firepac.

(4) As a result of the new 1996/97 Budget, the following new equipment and facilities upgrading will occur in the Ipswich District:

(a) Three new Level 3 fully encapsulated gas suits for Hazard Material incidents

(b) Two motorised Disc Cutters for making forcible entry into buildings

(c) One "Hooligan" tool for every fire appliance for making forcible entry into buildings

(d) One Thermal Lance for making forcible entry into buildings

(e) Total refurbishment of the breathing apparatus room at Ipswich station

(f) Upgrading of staff facilities at Redbank Station

(g) Upgrading of station security and an enhancement of the station turnout capabilities at Ipswich Station by the fitting of automatic appliance bay doors.

(5) The Ipswich City Council receives an annual grant of $3,300 to assist with the administration of the Ipswich State Emergency Service (SES) Unit, including the SES Groups located at Marburg, Rosewood and Redbank Plains/Goodna. This amount was paid in F/Y 1995/96 and will be again available in 1996/97.

Each year the State Government pays the registration costs for all vehicles, trailers and caravans operated by the local SES unit as well as paying the comprehensive insurance charges for the vehicles. The registration costs for the Ipswich SES for F/Y 1995/96 was $5,570.60 with a similar amount budgeted for 1996/97.

Volunteer Local Executives receive out of pocket expenses of $250 for the Local Controller, $190 for the Deputy Controller and each Group Leader. Local Executives of the Ipswich SES Unit received a total of $1,200 in 1995/96 and will receive similar expenses in 1996/97.

All members of the Ipswich SES continue to be provided with workers' compensation coverage by State Government and members are issued with protective dress and footwear.

In addition, the Ipswich City Council may apply for a wide range of subsidies including SES rescue vehicle purchase or replacement, flood rescue boat hull and motor replacement, purchase of training equipment, etc. In F/Y 1995/96, the Ipswich City Council received a total of $19,242.00 in subsidy payments for the replacement of rescue vehicles and vehicle accessories.

Subsidy payments for F/Y 1996/97 are dependent upon the receipt of applications and State priorities.

Members of the Ipswich Unit will have access to training and exercise activities conducted at District, Regional and State level. The Unit will continue to be provided with communications development and maintenance support and issued with operational equipment on an as needs basis.

Counter-disaster operations during F/Y 1995/96 resulted in the Ipswich SES being reimbursed through the Natural Disaster Relief Arrangements to a value of $2,486.25 for operational consumables and the Ipswich City Council $182,452.18 for debris removal from private property.

914. Comments by Ms P. Hanson

Mr ROBERTSON asked the Minister for Economic Development and Trade and Minister Assisting the Premier (12/9/96)—

With reference to recent comments by the Federal Member for Oxley in her maiden speech to the

Federal Parliament that were so offensive to Australia's Aboriginal and Asian communities and have been rejected by any fair minded Australian—

(1) Is he aware as to whether the Member for Oxley's comments have been reported by the media in our major trading partners in Asia; if so, where and what was reported?

(2) What damage, real or potential, can such outrageous comments do to Queensland's current and future trade opportunities with this important region?

(3) What action does he intend to take to ensure that Mrs Hanson and others, who publicly state such offensive and racist views do not jeopardise Queensland's standing in the region and our own economic prosperity which is so reliant on sound relations with our Asian neighbours?

Mr Borbidge (2/10/96):

1. I have asked my Department to check with our overseas offices and from the information from those offices and our international secretariats, we are not aware of any reports.

2. I believe that our trading partners in Asia are represented by Governments that would recognise that the Member for Oxley's views do not represent the policies of the Government of Queensland and her comments would be heard in that context.

3. I am surprised that the Honourable Member should put such a question, as I can only surmise that he is implying by the question that some restriction should be put on the Member of Parliament's right to free speech in our Parliament and seeks to deny a Member of Parliament's right to represent the views of their constituents.

I am sure such a suggestion would be rejected by most Australians, especially other Members of Parliament who support the principles of democracy. The question also indicates that the Honourable Member seeks to deny Australian citizens the right of free speech.

In the best interests of trade, our economic prosperity and jobs for Queenslanders, it is my opinion that rather than reacting hysterically and resorting to personal attacks, we should work towards ensuring that there is better community understanding and tolerance of racial and cultural differences, particularly in relation to the benefits that the community can derive from cultures other than their own.

I am disappointed in the mischievous raising of this issue by the Honourable Member. He is attempting to make connections that do not exist, and by doing so is guilty of the very thing of which he accuses the Member for Oxley; that is risking offending our trading partners. He should be careful that this doubtful exercise does not rebound on him or his party and damage Queensland's proud record in trade and multiculturalism.

That record includes the active fostering of cultural and trade ties with Asian neighbours as evidenced by the Sister-State Agreements with Central Java and Shanghai; Government Trade and Investment Offices throughout the region including new Offices planned for Shanghai and Jakarta, and the massive two-way trade between Asia and Queensland.

The Coalition Government recognises the value of our multicultural society in furthering business and trade, and is establishing closer ties with ethnic communities. My Department of Economic Development and Trade is looking to support Queensland's ethnic Chambers of Commerce through a 'Productive Diversity' program. This support will assist a range of business communities contribute more fully to the economic and export development of Queensland. As the Honourable Member might be aware, business operators from other countries have established in Queensland and have valuable world contacts which they are utilising to the benefit of Queensland trade. The Coalition Government will provide practical assistance to encourage this.

915. Apprenticeship Scheme, Gladstone

Mrs CUNNINGHAM asked the Minister for Training and Industrial Relations (12/9/96)—

With reference to the renewed importance given to the apprenticeship scheme—

What action will he take to remove the problem now faced by groups such as the Gladstone Apprentice Scheme where they will now be required to find up to $40,000 (and perhaps more) for payments to Government that they could previously pay retrospectively as no defaults occurred on these payments, however, retrospective payment allowed scheme organisers to more accurately bill employers and to be in receipt of review in order to be in a position to fulfil their obligations?

Mr Santoro (10/10/96): When the Group Apprentice Scheme began to train large numbers of apprentices, the Workers' Compensation Board agreed in 1988 to assist individual schemes with meeting their workers' compensation obligations.

To assist the Schemes with their initial funding and cashflow problems the Board agreed to accept quarterly payments in arrears without imposing interest charges. This agreement was to be reviewed on an annual basis.

The Workers' Compensation Regulation (Section 11(4)) requires that interest be charged where a policyholder pays premium by instalments. This is equitable because most policyholders pay their total premium by the due date for payment. Policyholders who pay by instalment are required to pay interest on the outstanding amount.

In June 1996, the Board advised Group Apprenticeship Schemes in writing that for premium assessed after July 1996, interest will be charged on instalment payments.

There has been no change to the Group Apprenticeship Schemes' ability to pay their premium retrospectively by instalment in the same manner as they have in the past. The only change is the application of interest charges on the instalment plan which will put the schemes on an even playing field with all other employers paying by instalment.

It has been calculated that if the Gladstone Apprenticeship Scheme applied to pay their premium by instalments on a quarterly basis for the 1996/97 year, the amount of interest payable over the year will be approximately $3,351.

917.Eel Farms

Mr PALASZCZUK asked the Minister for Primary Industries, Fisheries and Forestry (12/9/96)—

With reference to plans by Cooloola Shire to set up eel farms principally for export to South East Asia—

(1) Will seed stock for these farms come from the wild; if so, what controls and supervision will be put in place to prevent over exploitation?

(2) Will harvesting from the wild for direct marketing be allowed; if so, what control and supervision will be put in place to prevent over exploitation?

(3) Has an impact assessment study been conducted for this farming?

(4) Will he ensure that wild populations of eels won't be harvested to bolster farm bred stock?

(5) How will the department distinguish between the two?

Mr Perrett (11/10/96):

1. Seed or culture stock for all eel farms around the world comes from the wild because eels cannot as yet be bred in captivity. All eel aquaculture licence holders can apply for a Culture Stock Collection Permit to collect glass eels or elvers from specified Queensland rivers.

Culture Stock Collection Permits are issued by the Department of Primary Industries (DPI) on behalf of the Queensland Fisheries Management Authority (QFMA). Permit conditions set by QFMA, dictate how, and with what type of equipment, glass eels can be collected. Permit holders will be required to record nightly catches and report monthly to QFMA.

Interim permit conditions apply until after public consultation on the Freshwater Management Advisory Committee Discussion Paper for Freshwater Fisheries in Queensland, prepared by QFMA is finalised. The Minister for Primary Industries will be releasing the Discussion Paper for public consultation and submissions, on 15 October 1996.

Permit conditions may be changed following the Discussion Paper/Management Plan process but any changes will be made by QFMA in consultation with DPI and industry.

2. Wild harvesting of glass eels for direct marketing is not being considered. Under the interim permit conditions, eel aquaculture licence holders will be able to trade glass eels with other eel aquaculture licence holders. Export of glass eels is not, and will not be permitted. People can apply to QFMA for an eel trapping permit to catch wild eels longer than thirty centimetres only. This is a separate issue and fishery.

3. There has not been an impact assessment for eel farming in general. However each Local Shire Council may call for an Environmental Impact Statement (EIS) for any development in its planning area, including aquaculture.

DPI as part of its New Initiative for Aquaculture has funded two full-time positions (a scientist and technician) to carry out a three year stock assessment study of wild glass eel resources in southern Queensland. The study will provide fisheries managers with information on glass eel numbers, their movements and seasonality, essential for the development of a sustainable eel aquaculture industry.

4. As mentioned previously in response to question 1, currently eels cannot be bred in captivity. Therefore an eel aquaculture industry will need to access, under Permit, glass eels from the wild as seed stock.

Trapping of wild eels over thirty centimetres in length has been authorised by QFMA, under a General Fisheries Permit, over the past twelve years. This has been related to a 'predator control program' and the Government's Recreational Fishing Enhancement Program in freshwater.

5.Wild eels and cultured eels of the same species, are from the same fisheries stock and cannot be physically distinguished.

QFMA requires eel trappers to maintain a monthly catch record. Eel aquaculturists collecting glass eels under a Culture Stock Collection Permit will also be required to record nightly glass eel catches and lodge a monthly catch return.

Trading of eels less than thirty centimetres between eel trappers or between eel trappers and eel aquaculturists is not permitted. Catch records will be carefully scrutinised.

Eels harvested from the wild in Queensland are predominantly longfin eels, Anguilla reinhardti. Aquacultured eels may be shortfin Anguilla australis or longfin as both species are found in southern Queensland. Longfin eels are found from Tasmania to Cape York. Shortfin eels are found approximately from Bundaberg south to New South Wales, Victoria and Tasmania.

918.Wet Tropics Management Authority

Mr MILLINER asked the Minister for Environment (13/9/96)—

With reference to the Government's cut to the Budget of the Wet Tropics Authority and coming on top of a similar cut to the same Budget by the Federal Coalition Government—

(1) Where does he see the authority cutting its operations and why does he see these areas of operation as being superfluous?

(2) Is he satisfied that the authority will still be able to dispense its responsibilities to protect the World Heritage values of the rainforests?

(3) Does he wish to see the authority continue to exist following the completion of the management plan for the area?

(4) Would he prefer to see the wet tropics area come under Queensland Department of Environment control?

(5) Does he intend to continue the process of conversion of State forest areas in the world heritage area to national park; if not, why not?

Mr Littleproud (1/10/96):

(1) The Authority is currently developing detailed budget allocations for a broad range of projects across all Authority programs, within its total budget allocation for 1996/97. Following consideration by the Authority Board of Directors (during October) the budget will be formally submitted to the Wet Tropics Ministerial Council for approval on 30 November 1996. The budget cuts will be applied across all program areas with particular emphasis on non core activities such as corporate services, community relations and capital infrastructure developments.

(2) I am satisfied that the Authority will continue to be able to dispense its responsibilities to protect the World Heritage Area of the rainforests and will be ably supported by the on ground management expertise within the Department of the Environment.

(3) The Wet Tropics Management Authority is a statutory body and as such its functions and responsibilities are clearly delineated. There will be an announcement shortly on the appointment of a new Chairperson of the Board. I have no intention of recommending the termination of the Authority in the foreseeable future.

(4) My major concern is that the objectives under various protocols are met and that the legislative requirements are satisfied in the most effective and efficient manner. Who controls the Wet Tropics World Heritage Area is not a concern.

(5) The process of conversion of State Forest areas in the World Heritage Area to protected area tenure is under review.

920. Community Health Facilities, Redcliffe Electorate

Mr HOLLIS asked the Minister for Health (13/9/96)—

With reference to Question on Notice No. 674 and to the third part of that question which referred to initiatives and additional funding for Community Health to the Redcliffe district to make allowances for the savings that have been delivered by the Redcliffe Hospital—

Will he be providing additional funding to community health facilities in the Redcliffe district, to allow for the short length of stay in the Redcliffe Hospital therefore placing greater strain on community health providers?

Mr Horan (11/10/96): I understand that since the inception of the current Medicare Agreement, Redcliffe Hospital has been successful in securing funding from the Commonwealth Post Acute Care Program. The program funding has enabled the hospital to purchase health services available in the community for the support of patients following early discharge from hospital. As a result of the successful introduction of this program, Redcliffe Hospital has been able to achieve relatively low average length of stays—as revealed by Dr Tony Morton in his study.

This lower average length of stay is clearly being achieved because appropriate community resources are currently available to support early discharge.

I stress that early discharge of patients is made only in circumstances where appropriate community based care is available. To this end, the Medical Superintendent of Redcliffe Hospital meets bi-monthly with the Domiciliary and Community Services to discuss issues surrounding the early discharge of patients. This communication ensures the appropriate allocation of resources so the needs and choices of our patients are met, this in turn provides a service benefiting to the whole community served by the hospital.

922. Fire Service, Rockhampton

Mr SCHWARTEN asked the Minister for Emergency Services and Minister for Sport (13/9/96)—

With reference to staffing levels at the Rockhampton Thozet Road and Park Avenue Fire Stations—

(1) How many fire appliances are available on a 24 hour basis at each of the above stations?

(2) How many emergency tenders are available at each station on a 24 hour basis?

(3) How many of these fire appliances are available to turnout to incidents with the required 1 and 4 staffing levels?

(4) In the past 3 months how many incidents have been responded to by appliances which do not have the standard 1 and 3 crewing levels?

Mr Veivers (11/10/96):

(1) There is one fire appliance available at each of the three Rockhampton Stations. These appliances are available to respond 24 hours per day.

(2) There is one emergency tender available at the Rockhampton Station. The emergency tender covers all requirements for the Rockhampton District.

(3) The required crewing level is not 1 and 4, but the appliances are crewed with the standard crew of 1 and 3 at Rockhampton and 1 and 2 at both Thozet Road and North Rockhampton Fire Stations.

(4) In the past three months, all incidents in Rockhampton have been attended with the standard crews of 1 and 3 and 1 and 2 as detailed in response (3) above.

923. Workers Compensation Fund

Mr ARDILL asked the Minister for Training and Industrial Relations (13/9/96)—

What action does he intend to take to recover due premiums which are not being paid by many employers who refuse to accept their responsibilities to the Workers' Compensation fund?

Mr Santoro (11/10/96): In terms of the Workers' Compensation Act, employers are required to hold workers' compensation insurance to cover workers.

To ensure greater equity among employers, stiff penalties were introduced for employers found to be uninsured or to have underdeclared their wages.

These penalties were introduced from 1 July 1995, following an extensive advertising campaign and a six month moratorium on the penalties for those employers who advised the Board of their non-compliance.

Increased compliance activities were introduced at the same time and were aimed at ensuring employers were fully insured, this coincided with the application of the financial penalties. Six additional Compliance Officers were employed by the Board in regional areas in 1995/96.

As a result, a total of $1.87 million in additional premium income was identified in 1995/96 for recovery from uninsured and underinsured employers.

The Kennedy Inquiry identified that a significant proportion of employers in some industries avoid their liability to pay workers' compensation premiums. Those employers try to circumvent the Act by classing their employees as subcontractors. To address this issue, Kennedy proposed to clarify "worker" within the legislation to mean persons working under the PAYE taxation system. Apprentices are paid within this system and will continue to be covered for workers' compensation as "workers".

The Kennedy Inquiry recommended that compliance resources be increased to ensure that equitable premium contributions are made by all employers and commitment has been given through the Budget process to increase resources for this purpose.

924.QE II Hospital

Ms SPENCE asked the Minister for Health (13/9/96)—

With reference to his statement in the House on 12 September that the QE II Hospital will shortly be up to its full capacity—

(1) When will the QE II Hospital achieve a 160 bed capacity?

(2) When will the 17 additional doctors, 16 allied health workers and additional 100 nurses commence work at the QE II?

(3) Will he outline the use that will be made of the 5th floor of the QE II and the timetable for its implementation?

Mr Horan (11/10/96):

(1) It is anticipated that the QE II Hospital will have 161 beds operating by March 1997, subject to the successful recruitment of staff.

(2) There will be a progressive increase in medical, allied health and nursing staff to match increased activity at the QE II Hospital.

(3) Approximately half of the floor space on the 5th floor of the QE II Hospital will be occupied by Divisional hospital and administrative staff, which will enable existing space on the ground floor (currently used for administrative staff) to be utilised for clinical services. The other half of the 5th floor will house an Aged Care Assessment Team (to be relocated from the PA Hospital where redevelopment is to occur), and the Annerley Community Health Service (which is currently housed in substandard facilities).

926.Environment Department Privatisation

Mrs ROSE asked the Minister for Environment (13/9/96)—

With reference to the requirement of the Government's Budget Review Committee for each department to privatise at least one section of its operations—

(1) Which section of the Department of Environment does he intend to offer up for privatisation?

(2) Will he guarantee that no job losses from the department will occur as a result of this privatisation?

(3) What department savings does he expect to make from this move?

Mr Littleproud (24/9/96): I am advised by the Honourable the Deputy Premier, Treasurer and Minister for The Arts that no such requirement has been made by the Cabinet Budget Review Committee.

Given the above, the remainder of the question is irrelevant.

927.Tyre Levy

Mr DOLLIN asked the Minister for Environment (13/9/96)—

With reference to a growing storm of protest from the tyre industry towards his $3 tyre levy—

(1) How did he arrive at this figure?

(2) Was a cost benefit analysis done on it?

(3) What consultation occurred with the tyre industry?

(4) Will the administration costs come from the levy?

(5) Will the levy cover the tip disposal costs of tyres?

(6) How much of the actual $3 will find its way to the Department of the Environment?

(7) How much will come from the levy to finalise the Waste Management Strategy?

(8) How much will go towards finalisation of EPPs?

(9) How much will go towards a waste regulation to deal with matters of litter, medical waste, landfill activities and hazardous waste?

(10) How much will go towards identifying future landfill sites?

(11) How much will go towards a cleaner production program?

(12) Will farmers using off-road vehicles such as tractors be exempt from both the tyre and oil levy?

Mr Littleproud (1/10/96): There is no storm of protest, but there is legitimate concern in the community about waste following six years of Labor inaction on the issue.

(1) The $3 figure was derived from an assessment of the environmental costs associated with the use and disposal of tyres, and having regard to:

commercial rates charged by collectors and shredders;

information provided at meetings held with industry representatives;

typical landfill charges for the disposal of whole and shredded tyres;

typical vehicle operating costs; and

estimated administrative costs.

(2) No. However, the Department of Environment has worked in consultation for a number of years on the implementation of management systems that would provide long term management solutions for the disposal of waste tyres.

While the franchise scheme will raise an estimated $8.0m in a full year from tyres, the financial and environmental impacts from tyre fires; the implication of tyres in the spread of mosquito borne diseases and the subsequent increase in morbidity rate; clean up costs from illegally disposed tyres; the loss of earnings as a result of fires; and the cost of the environmental management of the use and disposal of tyres, are estimated to exceed the anticipated income.

(3) The tyre industry has been consulted on a regular basis on mechanisms for the treatment and disposal of tyres leading up to the budgetary process. However, the only contact which took place during budget preparation was to determine the extent of the Queensland market.

(4) Yes.

(5) No. The franchise fee will support implementation of the Environmental Protection Act, implementation of the Queensland Waste Management Strategy and the provision of a financial assistance package for industry. Within the financial assistance package is a rebate program and part of this will provide funds to local government for tyre disposal. The extent to which the rebate will cover the disposal cost will vary because landfill charges vary from no charge to $125 per tonne.

(6) All funds generated by the environmental franchise scheme will be allocated to the Environment Program within the Department of Environment.

(7) The Waste Management Strategy has been finalised, and $2.5m in 1996-97 will be allocated to the Waste Management Branch for program delivery which will include phased implementation of the Strategy.

(8) An initial allocation of $150,000 has been provided to assist in developing EPPs.

(9) An initial allocation of approximately $550,000 has been provided to assist in developing a waste regulation.

(10) An initial allocation of around $100,000 has been provided to assist in identifying future landfill sites.

(11) While a major thrust of the Environment Program is related to "cleaner production", some $120,000 has been allocated specifically for cleaner production activities.

(12) No.

928. Water Supply, Bundaberg

Mr CAMPBELL asked the Minister for Economic Development and Trade and Minister Assisting the Premier (13/9/96)—

With reference to his comments in the Newsmail that the lack of water has stifled industry in Bundaberg—

Will he name the businesses and companies which have not set up in Bundaberg because they could not get water?

Mr Slack (10/10/96): The Honourable Member for Bundaberg would have only to read the extensive local media coverage of the critical shortage of water to appreciate the impact that this is having on the communities and industry of the Bundaberg region. Local Authorities in the Bundaberg region have also described the water supply shortage as "critical".

Lack of water has hampered industry development. The Honourable Member would appreciate the fact that the region's sugar and horticultural industries, for example, face significant problems as a result of water shortages.

The Queensland Government is determined to deliver a more dependable water supply to industry in the Bundaberg area through the construction of the Walla Weir. I look forward to the Commonwealth addressing its responsibilities and financially committing itself to the project.

930. National Park Fees

Mr BRISKEY asked the Minister for Environment (13/9/96)—

With reference to his planned introduction of national park entry fees—

(1) Will parks which have been gazetted for claim or already claimed by traditional owners be exempt from this fee; if so, will this exemption apply to both European and Aboriginal visitors or only those with traditional links to the land?

(2) Will all island national parks be exempt from the fee; if not, how will the fee be collected at high visitor national park islands like Heron and Green?

(3) How will the fee be collected at parks like Noosa and Burleigh Heads?

(4) What percentage of park visitors does he believe will actually pay the entry fee on the honesty system he has put in place?

(5) What administration fee are commercial operators who sell the passes to receive for each of the levels of passes?

(6) What returns does he expect in the first, second and third years of operation?

(7) Why is he delaying the introduction of the entry fee for 6 months?

(8) Will fishermen traversing national parks to get to fishing grounds off parks like Fraser and Moreton Islands have to pay the entry fee?

Mr Littleproud (3/10/96):

(1) Increased use of National Parks has led to a need to introduce user charges. The situation was

exacerbated by inadequate funding for National Parks under the Labor Government. Many issues relating to native title legislation are still being explored. Special arrangements regarding ParkPass may be made for Aboriginal and Torres Strait Islander people in particular areas.

(2) Island National Parks are not exempt from the park entry fee. Fees will be collected by the following methods:

purchase of either an annual, holiday or day ParkPass in advance from any staffed Department of Environment office or sales outlet;

purchase of either an annual, holiday or day ParkPass in advance at an agency where these passes will be sold. Examples may be local retail outlets, tourist information centres or service stations.

(3) Fees at all Queensland parks will be collected by the following methods:

> purchase of either an annual, holiday or day ParkPass in advance from any staffed Department of Environment office or sales outlet;
>
> purchase of either an annual, holiday or day ParkPass in advance at an agency where these passes will be sold. Examples may be local retail outlets, tourist information centres or service stations.

(4) Since it is a legal requirement for park visitors to carry a valid ParkPass, all park visitors are expected to purchase one.

(5) Negotiations with commercial operators and sales outlets are not finalised. It is expected that many will stock ParkPasses as a service to their customers, in the same way that postage stamps or phonecards are carried by retailers, thus keeping administration fees to a minimum.

(6) The following gross returns are expected from the initiative:

> Year 1—$1.1 million
>
> Year 2—$4.5 million
>
> Year 3—$4.5 million

(7) Introduction of the entry fee has been set for 1 March 1997 to allow the public to become familiar with the system of pre-purchase of ParkPasses via a promotional campaign. It also allows for on-park awareness over the busy Christmas period while not adding to the financial burden associated with that time. Consultation with the tourism industry on the system's implementation can also be achieved during this period. The system will not apply to commercial operators until 1 January 1998.

(8) Fishermen traversing national parks on gazetted roads will not require a ParkPass. If the roads are not gazetted roads, they will require a ParkPass. Such roads are wholly maintained by Queensland National Parks and Wildlife Service, and it is appropriate for users of the roads to contribute to the cost of maintenance.

931.National Park Fees

Mr MULHERIN asked the Minister for Environment (13/9/96)—

With reference to charges to access national parks announced in the 1996-97 Budget—

(1) What national parks are situated within a 350km radius of Mackay?

(2) How much will it cost individuals and families to access each of these parks?

(3) How will these fees be collected?

Mr Littleproud (3/10/96): Increased use of National Parks has led to a need to introduce user charges. The situation was exacerbated by inadequate funding for National Park management under the Labor Government.

(1) There are 40 National Parks within a 350 km radius of Mackay. A list is attached.

(2) ParkPass fees are as follows:

> Adult annual—$20; Concession annual—$10
>
> Adult holiday—$10; Concession holiday—$ 5
>
> Adult day—$3;Concession day—$2

Children and teenagers under 18 years old may enter parks free of charge.

(3) Fees will be collected by the following methods:

> purchase of either an annual, holiday or day ParkPass in advance from any staffed Department of Environment office or sales outlet.
>
> purchase of either an annual, holiday or day ParkPass in advance at an agency where these passes may be sold. Examples may be local retail outlets, tourist information centres or service stations.

National Parks within a 350 km radius of Mackay

> Blackdown Tableland National Park; Blackwood National Park; Bowling Green Bay National Park; Brampton Island National Park; Bushy Island National Park; Byfield National Park; Cape Hillsborough National Park; Capricorn Coast National Park; Conway National Park; Curtis Island National Park; Dipperu National Park (Scientific); Dryander National Park; Epping Forest National Park (Scientific); Eungella National Park; Gloucester Island National Park; Goodedulla National Park; Holbourne Island National Park; Homevale National Park; Keppel Bay Islands National Park; Lindeman Islands National Park; Magnetic Island National Park; Mazeppa National Park; Minerva Hills National Park; Molle Islands National Park; Mount Jim Crow National Park; Narrien Range National Park; Newry Islands National Park; North East Island National Park; Northumberland Islands National Park; Peak Range National Park; Pioneer Peaks National Park; Reliance Creek National Park; Repulse Island National Park; Rundle Range National Park; Smith Islands National Park; South

Cumberland Islands National Park; Taunton National Park (Scientific); West Hill National Park; Whitsunday Islands National Park; Wild Duck Island National Park.

933."Stoneleigh"

Mr BEATTIE asked the Minister for Environment (13/9/96)—

With reference to his recent media statements in which he stated that he first received advice from his department in August that the 130 year old cottage called "Stoneleigh" which was destroyed on the night of September 11, had heritage significance and was under threat of demolition and that he was powerless to protect the building because it was not on the Heritage Register—

(1) Why didn't he use his powers under the Queensland Heritage Act to issue a Stop Order and save the building?

(2) Is he aware of clause 58.1 of the Queensland Heritage Act which clearly states that a building only needs to have heritage significance for him to issue a Stop Order to prevent that significance being damaged?

(3) Is he aware that clause 58.1 makes no mention of a building needing to be on the Heritage Register for him to be able to issue a Stop Order?

(4) Why didn't he heed his department's advice in this regard and issue a Stop Order?

(5) Why did he deliberately mislead the media and the people of Queensland in stating that the Queensland Heritage Act was weak in this regard?

(6) Is it more a case of him having such little interest in protecting the heritage of this State, that he is totally ignorant of the legislation he is empowered to enforce?

(7) Will he now admit that he is the person responsible for the loss of "Stoneleigh", a priceless piece of Brisbane's heritage?

Mr Littleproud (1/10/96):

(1) No request was made to me either by a member of the public or the Department, or Mr Beattie the local Member for that matter, to exercise my powers under s.58.(1) of the Queensland Heritage Act 1992. The first briefing I received in relation to "Stoneleigh" was on 12 September 1996. It should be noted that the Brisbane City Council had placed a Stop Order on the building after consultation with the Department.

(2) I am aware that s.58.(1) only requires that a place be of cultural heritage significance for me to issue a "stop order".

(3) I am aware that a place does not need to be entered in the Heritage Register for me to be able to issue a "stop order" under s.58.(1) of the Act.

(4) I received no such advice from the Department on this issue until 12 September 1996, and was therefore not in a position to issue a "stop order" in relation to "Stoneleigh".

(5) I did not mislead the media or the people of Queensland, it is not misleading to say we could look at ways of strengthening the Act. If the Member had the interests of his electorate at heart, and had been genuinely interested in saving this building, he would have made representations or taken steps to have a listing considered earlier, even during the term of the Labor Government of which he was part.

(6) I am fully aware of my powers under the Queensland Heritage Act 1992 to protect the heritage of this State. I issued a "stop order" under s.58.(1) on 8 July 1996 in relation to a Heritage Registered place in Toowoomba threatened with demolition.

(7) No. However, the local Member should accept some responsibility for his lack of action.

934.Diversionary Centre, Townsville

Mr SMITH asked the Minister for Families, Youth and Community Care (13/9/96)—

With reference to the diversionary centre for people suffering alcohol abuse proposed for Townsville by the Goss Government and the 1995-96 monetary allocation set aside for the project and noting his previous statement that the monetary allocation was insufficient to allow the proposed facility to be built near Cleveland Youth Centre—

(1) Has the financial allocation been allowed to lapse or has it been carried over to 1996-97?

(2) Are there now sufficient funds available to proceed with the project by way of carry over and additional funds or by a new allocation?

(3) When does he expect planning for the facility to be finalised?

(4) When does he expect construction to commence?

(5) Does he intend to utilise the site or at least the general area previously recommended by the Ahern Government and later endorsed by the Goss Government?

(6) As a press release from the Minister for Health refers to a $343,000 allocation for the alcohol and drug program for Townsville, is there a budgetary allocation from the Minister's Department to finance the 12-point plan previously agreed to by the Government to compliment the diversion centre; if so, how much?

(7) Is there a separate budgetary allocation for upgrading the Echlin Street facility for the frail aged?

Mr Lingard (26/9/96):

(1) The financial allocation has been carried over to 1996-97.

(2) Refer (1) above. There are sufficient funds to proceed with the project.

(3) No plans for the facility have, or can be drawn up, until all parties agree upon a suitable site. This is the

subject of ongoing local consultation between the State Government, Townsville City Council, and the indigenous community.

(4) This is dependent upon (3) above. Establishment of an interim facility at the Ki-Meta Shelter in Stanley Street opposite Hanran Park is now under way.

The Ki-Meta supported accommodation assistance program for the frail and aged is being transferred to Echlin Street under an agreement with the Directors of the Aboriginal and Islander Health Service.

(5) The initial cost associated with this site was well above $760,000. In addition, there have been significant concerns expressed by local residents about this location. I am therefore reconsidering the suitability of this site.

(6) Part of this question should be directed to the Minister for Health.

Total funding of $1,094,187 is available from my Department to support 6 elements of the agreed 12-point plan which have been endorsed after negotiations involving all parties in the context of recent Human Rights and Equal Opportunity Commission hearings.

(7) An agreement has been made with the Board of Directors of the Aboriginal and Islander Health Service to utilise and upgrade facilities at Echlin Street so they can be used for the care of the frail and aged.

A one off refurbishment grant of $35,000 has been provided through my Department. Recurrent funding is being transferred from the previously operated Ki-Meta frail and aged care program.

936. Pesticide Levels in Oil

Mr D'ARCY asked the Minister for Health (13/9/96)—

(1) Does the department carry out checks on cottonseed oil used in Queensland to ascertain what level of residue from pesticides is safe for public consumption?

(2) Is brominated oil allowed as an additive to fruit juices in Queensland?

Mr Horan (11/10/96):

(1) I have been advised that Queensland Health has not undertaken any survey of pesticide residue in cottonseed oil. However, Queensland Health participates in the Australian Market Basket Survey (AMBS) which examines a wide range of foods for pesticide and other contaminant levels. The 1990, 1992 and 1996 AMBS sampled vegetable oil specifically for pesticide residue. Cottonseed oil was not included in these samplings. However, sampling did include blended oils which may have incorporated cottonseed oil. I am advised that the 1990 and 1992 samplings revealed no pesticide residues in any vegetable oil. The results of the 1996 sampling survey are not yet available.

(2) Qld Health has informed me that The Australia New Zealand Food Authority's Food Standards Code is the operating food standard for Queensland. Standard 02 of this Code—Fruit Juice and Related Products—allows for a range of substances to be added to fruit juice and related products. Brominated oil is not one of these substances.

938. Beenleigh-Redland Bay Road Interchange Closure, Loganholme

Mr BARTON asked the Minister for Transport and Main Roads (13/9/96)—

With reference to the closure of the Beenleigh-Redland Bay Road interchange with the Pacific Highway at Loganholme, for a 3 month period, on only seven (7) days notice, and the failure of his department to provide alternative access to the businesses in the large industrial estate based on Chetwynd Street and as this freeze on access to these businesses is already causing significant loss of business which may result in loss of jobs and the closure of some businesses—

(1) Why has temporary access to these businesses been denied?

(2) Why were they not consulted prior to this decision being made?

(3) Why were they only given seven (7) days notice of this closure?

(4) Did his department influence the decision of the contractor to reverse its decision to construct a temporary access to the Pacific Highway Service Road, after initially advising that they would, when becoming aware of the businesses plight?

(5) Why won't he support these businesses and their employees to maintain their livelihoods contrary to his public claims of concern for businesses and possible job losses as a result of freeway/Pacific Highway widening?

Mr Johnson (10/10/96):

(1) Temporary access to these business has not been denied. Properly signed alternative access via Bryants Road was in place prior to removing the "left in, left out" access to the Beenleigh—Redland Bay Road.

(2) Temporary access alterations to permit roadworks and road maintenance to be carried out occur every day of the week. It would be an unreasonable task to try to consult with every business or household when access is only being changed and not denied.

Normal practice, therefore, is to make the temporary arrangements and provide the necessary signage prior to removal of the usual access. In this instance, the normal practice was followed.

(3) Under the Conditions of Contract which apply to this project, the contractor is responsible for all public advice and consultation. While the notice of seven days given by the contractor complied with contractual obligations, it is clear that, given the scope and duration of the diversion, a greater period of notice would have been helpful. This point has been made strongly to the contractor.

(4) At no time did the contractor reverse its decision to construct a temporary access to the Pacific Highway Service Road, nor did the Department of Main Roads try to influence the contractor.

The temporary access road is on private property. Consequently, the property owner's consent must be obtained by the contractor prior to commencing construction. Negotiations with the landowner are in progress and construction will commence immediately consent is obtained by the contractor.

(5) Both Main Roads and the contractor are making every reasonable effort to minimise the impact of the roadworks construction which includes special measures as detailed above in the case of the Chetwynd Street industrial estate.

When the interchange on the Pacific Highway at the Beenleigh—Redland Bay Road is opened in a few months' time, access to the industrial estate will be greatly enhanced. Direct access to the Beenleigh—Redland Bay Road will be available from both highway carriageways, instead of only the southbound one at present, thereby providing a significant boost for business.

The problems associated with the construction works are temporary but the improved access is permanent. Therefore, it is clear that very real support is being provided for both the businesses and their employees.

939.Legal Profession Reform

Mr FOLEY asked the Attorney-General and Minister for Justice (13/9/96)—

(1) What steps has he taken in relation to legal profession reform?

(2) Is he aware of attempts to reform the legal profession through the Council of Australian Governments?

(3) Is he concerned that his announced refusal to permit a person to be admitted as a legal practitioner, able to practise as both solicitor and barrister, may be in conflict with national competition principles and with the process of reform through the Council of Australian Governments?

(4) When will he finalise the Government's plans on legal profession reform and thereby enable the profession to plan its future with certainty?

Mr Beanland (9/10/96):

(1) I have obtained authority from Cabinet to implement changes improving the current complaints and discipline system governing solicitors. These changes will enable a wider range of matters to be investigated and dealt with, and will introduce a Legal Ombudsman who will have an independent power to bring charges against solicitors. A new disciplinary tribunal will have consumer representation, and will have wider powers than under the current arrangements, including the power to award compensation and make orders in relation to costs charged by solicitors.

I have also been involved in discussions on a national level, through the Standing Committee of Attorneys-General, in relation to the establishment of a national practising certificate scheme, the purpose of which will be to allow a lawyers entitled to practise in one state or territory to practise in another state or territory without any further admission protocol.

(2) Yes.

(3) No, I do not believe that the maintenance of the status quo in Queensland in terms of admission as a legal practitioner is in conflict with national competition principles or the process of reform through COAG.

(4) By announcing the Government's intention not to fuse the legal profession, any uncertainty as to the profession's future has been removed.

The issue of the national practising certificate scheme, which may impact on the profession, is currently before the Standing Committee of Attorneys-General, and has been the subject of discussions with the Law Council of Australia and the professional associations.

A separate issue of possible reform of business structures under which solicitors operate, has been the subject of discussion with the Queensland Law Society and will be further considered by the Government upon receipt of a further information which has been requested from the Society.

The changes to the complaints and disciplinary system for solicitors which have been approved by Cabinet will come before the Parliament before the end of this year.

940.Nundah Fire Station

Mr ROBERTS asked the Minister for Emergency Services and Minister for Sport (13/9/96)—

With reference to Nundah Fire Station—

(1) What is the age of the current fire appliance?

(2) When will this appliance be replaced?

(3) What improvements are planned for this station (staffing, equipment, buildings)?

(4) Are all appliances currently staffed with the recommended safe level of one officer and three firefighters, on all shifts?

Mr Veivers (11/10/96):

(1) The current appliance was brought into commission in May 1980.

(2) The appliance is scheduled to be replaced by a new "Firepac" in December 1996. This replacement appliance will incorporate equipment not available on the existing appliance, namely, road accident rescue equipment, and a heavy duty spray and foam attachment to be used with the existing water monitor.

(3) No alterations to present staffing provisions are contemplated. Other than the innovations associated with the new "Firepac", equipment is to remain the

same. With regard to station buildings, no major refurbishment is planned; rather, the intention is to maintain the station at its current high standard.

(4) At the commencement of each holiday period, (approximately every 8 weeks), it is practice to staff each of the four shifts at the station with one officer and three firefighters. Because of leave requirements, a shift complement may reduce to a minimum of one officer and two firefighters.

941.Dakabin Railway Station

Mr HAYWARD asked the Minister for Transport and Main Roads (13/9/96)—

(1) What plans are in place for the upgrade of the Dakabin Railway Station?

(2) When will the upgrade commence?

Mr Johnson (10/10/96):

(1) Dakabin railway station was upgraded this year. The improvements involved:

provision of 7 metre high light towers with sodium vapour lights

rebitumening of the platform surface

The existing shelters will be maintained.

Queensland Rail has no program for the provision of a station building at Dakabin.

(2) These improvements were carried out earlier this year.

942.South East Freeway/Pacific Highway

Mr ROBERTSON asked the Minister for Transport and Main Roads (13/9/96)—

With reference to the fact that the technical report on travel forecasts prepared by Veitch Lister Consulting for the draft Integrated Regional Transport Plan predicts that by the year 2011, traffic volumes on the outer ring road system, which includes the Pacific Highway, will be 24 per cent above its carrying capacity despite his announced widening of the highway and the upgrading of public transport infrastructure which have both been factored in and which he claims will solve South East Queensland's road network problems—

(1) Is his planned widening of the Pacific Highway/South east Freeway corridor simply a short term measure that will not even meet his 2011 time line?

(2) What effective long-term solutions does he now propose to ensure that this 24 per cent over-capacity does not eventuate?

Mr Johnson (10/10/96):

1. The travel forecasts in the Veitch Lister report were based on the assumption that past trends in travel would continue and no new transport capacity would be provided in the corridor. The forecasts gave a picture of the expected outcomes under a do-nothing scenario.

The planned upgrading of the South-East Freeway/Pacific Highway announced by the Government, not only provides additional capacity, but does it in a way that improves public transport and gives priority to vehicles with the highest occupancy. This will ensure that the demand forecasts in the Veitch Lister report suggesting that the corridor will be at capacity by 2011 do not eventuate. The upgrading to eight lanes was not factored into the demand forecasts in that report.

2. The upgraded highway, including busways and high occupancy vehicle lanes (HOV) will provide sufficient people carrying capacity to meet longer term travel needs in the corridor. The infrastructure provided will be supported by improvements to bus services and incentives to increase vehicle occupancies. This will ensure that the transport capacity lasts beyond 2011.

945.Environmental Protection Agency

Mr WELFORD asked the Minister for Environment (13/9/96)—

With reference to a speech he gave to a Hervey Bay National Party breakfast on 22 August in which he stated that the number of businesses that were to be licensed under the EPA would fall from 15,000 under Labor to 7,000 under the Nationals—

(1) On what basis has he made this calculation?

(2) What justification did his committee give him for requiring 8,000 businesses to not require licensing?

(3) What criteria will be used to determine whether these 8,000 businesses are causing environmental harm?

(4) Who will make the decision whether these 8,000 businesses are not causing environmental harm?

(5) From which sectors of industry will these 8,000 businesses come?

(6) What form of registration or conditional approval will these 8,000 businesses be required to comply with?

(7) Will any charge be associated with this registration or conditional approval; if not, how will this work be funded?

(8) What level of licensing fees does he expect from licensing the 7,000 businesses?

(9) Is he satisfied that adequate funds will be in place to monitor the 7,000 licensed businesses, and enforce the EPA in regard to these promises?

(10) Does he intend to monitor the 8,000 unlicensed premises to ensure they continue to not pollute as originally assessed?

(11) What costs does he anticipate incurring by undertaking this work?

(12) Where are these funds coming from?

(13) How many staff does he intend to dedicate exclusively in 1996-97 to EPA monitoring and enforcement work?

Mr Littleproud (1/10/96):

(1) and (2) In making this estimate I have been influenced by the Recommendations of the Ministerial Advisory Committee I established earlier this year which made a strong recommendation that a number of very small businesses with insignificant environmental impacts should receive a conditional approval. They would still be regarded as environmentally relevant activities, but would not have to pay the annual licence fees as long as they complied with all other requirements of the Act and any reasonable site specific conditions set. Causing material or serious environmental harm would still be an offence, as it would be for any activity licensed or otherwise.

The Ministerial Advisory Committee did not set an exact number of environmentally relevant activities that would benefit from a conditional approval, but there was unanimous support for the recommendation.

(3) The criteria have not been finalised. I have asked the officers in the Department of Environment to implement this recommendation of the Ministerial Advisory Committee as soon as possible. The recommendation requires consultation with local government and industry. Initial discussions have occurred on the possibility of introducing conditional approvals as part of incentive licensing. A draft proposal has been prepared for Parliamentary Counsel to consider from a legislative perspective.

(4) The officers who are authorised under the Environmental Protection Act 1994 have been trained to identify material and serious environmental harm. The Department and Local Governments have authorised persons on staff.

(5) No sector of industry has been specified. The opportunity will extend to all businesses to demonstrate that they are not causing or posing a significant risk of material or serious environmental harm.

(6) The details of the requirements upon those businesses with a conditional approval have not been finalised. The information will be available to the public to ensure the process is accountable.

(7) No decision has been made on whether fees will be required for a conditional approval. Any fee would be nominal and the funding requirements would be negligible after the initial assessment is made.

(8) The revenue for the Department of Environment is not expected to be greatly affected because most of the environmentally relevant activities it administers would have few businesses that would qualify for a conditional approval.

(9) As most of the conditional approvals are likely to be administered by Local Governments, I am particularly interested to hear their reaction to a more detailed proposal. I do note that several Local Governments have passed resolutions setting fees well below the maximums set in the legislation. They would therefore appear to have some scope for negotiating appropriate fee levels.

(10) Monitoring by the Department and Local Governments will be in response to the results from the State-wide ambient monitoring program, the occurrence of environmental harm or public complaints. They will also do some monitoring of unlicensed premises as part of their overall administration of the Act.

(11) The costs of monitoring the performance of businesses with conditional approvals will be considerably less than the cost of licensing these activities especially where the general environmental duty is used to place much of the responsibility on the operator of the activity rather than on the administering authority.

(12) Funds have been provided in the 1996-97 Environmental Program Budget for such activity, with Local Government funding a matter for its own consideration.

(13) The organisation of work in the Regional Offices of the Department of Environment generally does not result in any staff being dedicated exclusively to monitoring and enforcement work. In the smaller offices, staff tend to cover all environmental functions, while in the larger offices, the individual officers tend to specialise on a number of industry sectors and cover all aspects of environmental management for those sectors. In 1996-97, the total number of inspectors and environmental officers in the Regional Offices is expected to increase to around 120, with work increasingly changing from a licensing focus to an environmental management focus.

948. Bayview Country Club Estate, Mount Cotton

Mr PALASZCZUK asked the Minister for Natural Resources (13/9/96)—

(1) Is it true that the Bayview Country Club Estate at Mount Cotton will exceed the legal Deed of Agreement; if so, is the department supporting a council clearly in breach?

(2) Is the Education Department looking at a school site in Bayview next to a sewerage holding tank, a melaleuca swamp and a site which is difficult to access by public transport and is partially in the flood plain?

(3) Is the Department of Natural Resources valuing a property in Bayview Country Club which is made up of 60 hectares of rural non-urban and the remaining land parcel, according to the legal Deed of Agreement capable of only 6,000 square metre lots?

(4) Will a report, confirming that these issues are acknowledged in the valuation, be provided?

Mr Hobbs (30/9/96): The Deed of Agreement is a matter between the developer and the Redland Shire Council. The Department of Natural Resources has not been involved in any consultation between the Council and the developer in relation to the Agreement. To date, the Department's involvement is limited to a request by the developer to purchase a Reservation in Title for road purposes within part of

the area and the provision of valuation services to the Departments of Education and Environment.

The Department of Education is investigating the acquisition of a parcel of land of approximately six ha, of which about .75 ha is covered by melaleuca.

A sewerage pumping station is located opposite this site on the southern side of a proposed connector road within the estate.

The Department of Natural Resources is providing valuation services for the Departments of Education and Environment involving parts of the Bayview Estate. The assessments are being made in consultation with Redland Shire Council planners and the developers.

A full report and valuation detailing a basis and valuation rationale will be prepared as part of the Department's standard valuation practice and will address all relevant influences on property values.

J. R. SWAN, GOVERNMENT PRINTER, QUEENSLAND—1996