TUESDAY, 13 APRIL 1999

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

ADDRESS IN REPLY

Presentation and Answer

Mr SPEAKER: Order! Honourable members, I have to report that on Friday, 26 March 1999, accompanied by honourable members, I presented to His Excellency the Governor the Address of the Legislative Assembly, adopted by this House on 3 March 1999, in reply to His Excellency's Opening Speech. His Excellency has been pleased to make the following reply—

"Mr Speaker and Members:

On the 29th July 1998, I had the honour to deliver a speech at the Opening of the First Session of the Forty-Ninth Parliament of Queensland. As the representative of Her Majesty the Queen, I now extend to you and to the Members of the Parliament of Queensland, my sincere thanks for the formal Address-In-Reply.

It will be my pleasant duty to convey to Her Majesty Queen Elizabeth the Second the expression of loyalty and affection from the Members of the Queensland Parliament.

The Queen remains a strong and unifying figure for the peoples of our Commonwealth of Nations, and a sign of our shared beliefs in freedom and democracy.

Within our own community of Queensland, I encourage all Members of the Legislative Assembly in promoting the well-being and prosperity of our State. And I share the community's desire that your efforts will meet with great success.

On behalf of the people of Queensland, I ask that God guide you and bless your work with abundance."

ASSENT TO BILLS

Mr SPEAKER: Order! His Excellency the Governor acquaints the Legislative Assembly that the following Bills were assented to by His Excellency in the name of Her Majesty the Queen on 30 March 1999—

Gaming Machine and Other Legislation Amendment Bill

Child Protection Bill

Motor Accident Insurance Amendment Bill

Corrective Services Legislation Amendment Bill

Integrated Planning and Other Legislation Amendment Bill

Revenue and Other Legislation Amendment Bill.

MOTION OF CONDOLENCE

Death of Mr D. J. Sherrington

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.32 a.m.), by leave, without notice: I move—

"That this House desires to place on record its appreciation of the services rendered to this State by the late Douglas John Sherrington, a former member of the Parliament of Queensland.

That Mr Speaker be requested to convey to the family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland for the loss that they have sustained."

Douglas John Sherrington was born on 7 December 1914 in Bundaberg, the son of Jane and Thomas, a miner, farmer and tramways worker. He lived his early life in the Booyal district about 30 kilometres from Childers where his parents helped pioneer the district and open up the area for sugarcane.

Douglas was educated at the Booyal Central State School and the Booyal Provisional School. It was this early life spent in a very typical poor bush town that helped form his future attitude to life. Years of serious drought were followed by the farm being repossessed by a bank and the family being forced to move to Brisbane to try to improve their prospects. Douglas went on to attend the Junction Park State School and the Central Technical College. But with the onset of the Great Depression he had to leave school and try to find a job to help support a family which included eight brothers and sisters.

He worked for two years as a junior clerk and started training as an accountant, but lost his job and was unemployed for the next five years. This devastating experience led to his forging an unbreakable bond with the labour movement. He went on to find jobs in the cane fields, in a slaughter yard, as a builder's labourer, as a truck driver and, finally, as an electrical labourer with the Johnstone Shire Council where he joined the Electrical Trades

Union. He worked for 15 years with the Brisbane City Council as a tradesman's assistant and was elected as a voluntary shop steward. During World War II, Douglas served his country as an electrical worker on war ships and in 1942 was seconded to the United States of America small ships section.

He joined the Labor Party in 1949 and believed that it had a great obligation to listen to the people whom he had seen suffering. He believed that, as far as was humanly possible, Labor had to build a society that provided for everybody—especially the sick, the poor and the aged. He was strongly of the view that there should be no place in society for the cheat, the liar and the exploiter.

In 1957 he failed to win the seat of Sherwood but entered State Parliament on 4 May 1960 as the member for Salisbury, holding the seat for nearly 15 years. Douglas was secretary of the Queensland Parliamentary Labor Party from 1969 to 1971 and Opposition Whip from 1971 to 1975. At various times he was shadow Minister for Industrial Relations and Consumer Affairs, Mining and Main Roads, and Aboriginal Affairs. Douglas was an outspoken advocate for the environment before it became a major movement, acting as president of the Save the Trees organisation from 1950 to 1960.

He was a member of the Queensland Littoral Society, the National Parks Association, the Bird Observers Club and the Noosa Parks Development Association. Douglas accepted an invitation to become an associate member of the British Naturalists Society. He took this advocacy into Parliament where he fought to save Cooloola, the Great Barrier Reef and Southwood National Park. He fought against water pollution and soil degradation. He wrote the first draft of the first Labor Party conservation policy.

Disturbed by the increasing number of electrocutions and accidents in the electrical industry, he forced the Government into setting up an electrical safety committee which ultimately led to the establishment of the linesman's training and safety course. He was a tireless worker for the Labor Party, serving in many positions for nearly four decades.

Douglas married in 1940, and he and his late wife Edith had a family of three children. He is survived by his children and their families.

A measure of how well a person is regarded in politics—and we all know that it is a very fickle life—is how well one is regarded by one's friends and peers when one has retired from this place and retired from active politics. In my time as party secretary and as a member of Parliament, whenever I ran into party members or friends of Doug Sherrington, they universally spoke well of him. I think that is the strongest compliment that anyone can pay a person who has served in this place. On behalf of the Parliament, I extend my sympathy, that of this House and of course the Government, to Doug's family.

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (9.40 a.m.): I rise to second the condolence motion moved by the Premier and to echo the sentiments that he expressed in his remarks on the life and times and the parliamentary service of Doug Sherrington. It is a mark of the parliamentary tradition that, despite the differences and the vigour of this place, we are all mates here—former members among that number—and the passing of even a distant mate whose service to this House through the then electorate of Salisbury and the people of Queensland ended fully a quarter of a century ago is something that touches us all.

Doug Sherrington was a Labor man in the proud tradition of his party in those distant days. He did the hard yards. He was never in Government—he served the people through Labor's lean years—but he did serve as a parliamentary secretary and Opposition Whip. As the Premier remarked, he was also an early conservationist, a partisan for that cause and the author of a bitter poem titled The Conservationist's Lament in the Old Curiosity State. In this place he spoke with fervour about conservation. On that score, he backed his parliamentary record with outside interests in the area, serving from 1950 to 1960—his election year—as president of Save the Trees. In his later years, he might have enjoyed the greening of our cities and towns with street plantings. I hope that he did. He was also a member of the Queensland Littoral Society, the National Parks Association and the Victorian Bird Observers Club. As the Premier remarked, he was a life member of the Noosa Parks Development Association and by invitation—a none too common honour—a member of the British Naturalists Society. Doubtless, the robust tongue and insightful political instinct that he demonstrated helped him on the hustings.

He was—and I am indebted to the Parliamentary Library research section for this instruction—the consummate street corner campaigner. In those days it was the era of the loudspeaker car. How times have changed, as I am sure Doug would have found reason to remark. And change they have indeed. In fact, in his maiden speech in the Address in Reply debate on 31 August

1960, Doug felt it appropriate to comment—and I have to say adversely—on the reluctance of then Government members when it came to pledging loyalty to the Queen, then only seven years into her reign. That gripe was voiced just shy of 40 years ago. Times change and people with them. The Queensland of today, the Australia of today, the Britain of today, are vastly different places. However, I think that the lesson that Doug was reading to his recalcitrant classmates on the Government benches at that time still stands today. There is form to be kept; there are traditions to be honoured. Form, tradition and the other casualty of modern life, good manners, are just as valuable in the "McWorld" of today as they were in the days of yesteryear. I am sure that that is the point that Doug was seeking to make at the time. He certainly recognised the essential truth that human society progresses best when it draws on the past to reinforce its adventure into the future.

Doug's maiden speech is well worth reading. He stated—

> "Legislation that is placed before the House must be framed to give the maximum benefit to the State. It is the duty of Parliament to be fully alive to the rapidly changing circumstances that develop in modern civilisation."

I submit that those words are an object lesson in true public service: a beacon that we in this House four decades on—nearly half a century—might like to observe and remember as we strive to do our best for today's Queenslanders and tomorrow's Queenslanders. Doug Sherrington was speaking for his Queenslanders of tomorrow when he made that statement. It is our privilege to be the Queenslanders of his tomorrow.

Doug Sherrington was a common man, and I say that in the nicest sense of the word. That is what made him—makes him, because the spirit never dies—a fine Queenslander. He was a proud Labor man, and we can all honour him for that. We do so today by this motion. Let his life as a private man—husband of Edith, father of one son and two daughters—and as a public figure—member of Parliament, trade unionist, activist for conservation—stand proudly on the record of this place and in the hearts of Queenslanders.

Hon. R. J. GIBBS (Bundamba—ALP) (Minister for Tourism, Sport and Racing) (9.45 a.m.): I rise briefly to pay my respects to the late Doug Sherrington and pass on my condolences to his family. I well recall, going back a lot of years with Doug Sherrington, when I was a young person and joined the Labor Party. In fact, the Deputy Premier just made the comment to me that he can actually remember Doug when he was the local member for the then seat of Salisbury—which in those days took in the whole of the area of Inala—paying him a visit while he was at Inala State School.

Doug played a very vital role in the Labor Party. He was prominent in the preselection to this Parliament of the late Kevin Joseph Hooper. I can well recall at the time of the lobbying that we all get involved in leading up to preselections how he was in it up to his neck not only in ensuring that Hooper got up but also in ensuring that the father of a former Premier of this State, Wayne Goss, did not get up. Doug was a very prominent person in the party. He had a wonderful speaking ability. During the years that I can recollect him being in this Parliament—I was not a member at the time, but I heard him speak on a number of occasions—he had a very gifted, distinguished speaking voice. It stood him in very good stead during his political career.

Doug played a most prominent part in my political career. At the time that I was seeking preselection I rang Doug because I had been friends with him for a number of years. He asked me to visit him one Saturday morning to have a chat about obtaining some support. I can well recall arriving at Doug's house and going into his kitchen for what I thought was a private conversation with Doug Sherrington and there was a small army gathered in the kitchen to do work for me with pieces of paper and names and phone numbers to ring. That rarely happens in the Labor Party at preselections, as all my colleagues would well understand. But that occurred on that particular occasion.

In my opinion, Doug retired from this Parliament prematurely. He retired at a relatively young age for a politician. It was with great regret that he did retire because he did so leading up to that bad year for the party in 1974. I still maintain that had Doug contested the seat of Salisbury in that year—this is hypothetical now—he would probably have beaten Rosemary Kyburz and held that seat for Labor, because he had such a huge personal following throughout the electorate.

Not a lot of people are aware of the outstanding role that Doug played and the great contribution that he made in this Parliament to the conservation cause. In my opinion, he was the first—the original—member of this Parliament to take up the

important issues in relation to conservation. He single-handedly started the campaign in this Parliament to prevent the then Government of the day—his clashes with Joh Bjelke-Petersen were quite memorable—from sandmining at Cooloola. It was as a result of Doug Sherrington's activities in this Parliament, with the support and backing of a lot of people outside in the fledgling conservation movement in those days, that we actually saw the Great Sandy Straits National Park eventuate. Doug was very much responsible for preventing the coloured sands at Cooloola from being mined and destroyed and taken away from this State forever.

Doug Sherrington was passionate about the wedge-tailed eagle. On many occasions in this Parliament, he talked about the magnificent wedge-tailed eagle and how Queenslanders should be ashamed of what was happening to one of our great birds which, in those days, anybody in the west could shoot. He led a campaign to ensure that that bird was placed on the endangered species list. Today it is a protected species due to the activities of Sherrington in this Parliament. As the Premier pointed out and as I recall, he was the first member of Parliament to argue about the conservation of water and water quality.

Mr Sherrington left an indelible mark on his electorate. He was very much a grassroots politician. He knew everybody in his electorate and they knew him. The Deputy Premier made reference to his visit to schools. I know that all the school kids knew who Sherrington was. They knew that he was their local member of Parliament. He would go to every fete and he would be in every bunfight in the electorate. He was a wonderful representative. Doug Sherrington was a very sincere man and an excellent member of the Labor movement. I assure the House that the Labor Party is worse off for the passing of Doug Sherrington.

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (9.51 a.m.): I rise to speak to the condolence motion for the late Douglas Sherrington, the member for Salisbury from 1960 to 1974. From what I am told and what I have heard from the previous speakers, there is no doubt that Doug Sherrington was a visionary. He was a greenie long before it was fashionable to be a greenie. I also understand that Mr Sherrington was a forceful debater who never required the protection of the Speaker.

As the Minister for Tourism, Sport and Racing just mentioned, it was during the debate on the proposed mining of the Cooloola sands that Doug Sherrington was most forceful. Although he was in Opposition at the time, Mr Sherrington's passionate and spirited defence of the Cooloola sands played a real part in saving it from being mined. I think he is entitled to a lot of the credit for locking up the Cooloola sand mass. In fact, I am told on good authority that Doug Sherrington's campaign to save Cooloola was so strong that when the National and Liberal parties discussed the issue in the joint party room, it was decided to hold a secret ballot. I do not know how things work within the Labor Party, but secret ballots in joint party rooms are very rare. In fact, I cannot recall a secret ballot in the joint party room since I have been in Parliament. That demonstrates the impact of Doug Sherrington's campaign and the effective way that he fought it.

When Doug left Parliament, he remained a committed greenie and was very active in the Save the Trees movement. He also fancied himself as a bit of the poet. On 9 September 1971 in this place, he read a poem that he had written, which covered a lot of conservation issues that were very relevant at the time. Those included the sand mining on Fraser Island and at Cooloola, the oil drilling on the Great Barrier Reef and the blasting of the bat caves at Mount Etna. While paying tribute to Doug Sherrington as a visionary and a man who stood up for Queensland, it is interesting to note that some of the predictions that he made in that poem did not come true. He said that scientists had predicted that by the year 2000 the world's oil supplies would be exhausted and the polar icecaps would be melting. To be fair, Doug was not the only person saying that 30 years ago.

Doug obviously did not get everything right, but there is no doubt that he got some important things right. He certainly deserves credit for the tough fight that he fought on behalf of the conservation movement in Queensland. On behalf of the Liberal Party, I pass on our condolences to the Sherrington family.

Mr D'ARCY (Woodridge—ALP) (9.53 a.m.): I rise to express my condolences to the Sherrington family. I am the only member who served with Doug Sherrington in the 1972-74 Parliament. Doug was a big man in every way. I agree with most of the sentiments about his career that have been expressed by members on all sides of the House. Being a big man, he was a man of principle. One certainly knew his views. The Minister for Tourism, Sport and Racing said that he was a passionate speaker; he was a passionate speaker both inside and outside the House.

Party room discussions have been mentioned and that is where some of Doug's best contributions often came. On many occasions he had to convince many of his colleagues of the right of his arguments and his booming voice would often overcome their arguments. It has been mentioned that he was Opposition Whip, which I was very grateful for on many occasions, particularly on the several occasions that I was thrown out of the House over a conservation issue. If it had not been for Doug's support, I would have spent a lot more time in exile than I did, because the matter was very serious. Doug gave me some very judicious advice about cooling certain matters.

Doug Sherrington was a friend of mine, at the political level, the factional level and through the Trades Hall group and the old Queensland Central Executive. I agree totally with the Minister for Tourism, Sport and Racing that we would not have lost the seat of Salisbury in 1974 if Doug had stood for Parliament. However, he retired as a member of Parliament in that year. He continued to make a contribution in all areas. I appeared on many platforms with him. Someone mentioned the Barrier Reef, which was a major issue in the 1970s, an issue that he took up. As most members know, my pet fetish has always been coastal management and Doug was a great help to me in that area. He supported me in the defence of many coastal areas.

Doug Sherrington's contribution to Queensland was so wide and varied that today Queenslanders are still reaping the benefit of the work that Doug did, particularly in the conservation field. Doug's wife Edith predeceased him. During the latter period of his life, he would often visit my electoral area, as he lived nearby in Sunnybank. He was a great contributor to the electorate. Doug was very active in every campaign up until the last couple, and he worked hard for the local area. I pass my condolences on to the family, and I acknowledge his brother Jack and some of his daughters who are in the gallery today.

Ms STRUTHERS (Archerfield—ALP) (9.57 a.m.): It is with both sadness and honour that I speak about the life of Doug Sherrington. I am joined by the member for Sunnybank, who also represents parts of Doug's former seat, in acknowledging that we have both benefited from Doug's hard work. Doug was held in high esteem around the electorate of Archerfield, especially in the older suburbs of Coopers Plains and Salisbury that he served for many years. In seeking preselection myself, I knew that I had to prove to our Labor stalwarts in the area that I would not forget the Labor values and traditions that former members like Doug Sherrington had lived and breathed. There was a sense that no woman was going to get charge of this patch unless she had had her hands dirtied and unless she had the courage to stand up for the battlers. If she was not down to earth, she was out. I know that Doug and his mates had a bit of a say in whether or not I got preselected in the area.

Doug fought hard to hold back the tide of job losses and redundancies that began to emerge in the 1970s. He was one of the many Labor men who, as a young man, attended the Central Technical College in the city near Parliament House, and as a trades assistant and linesman, Doug knew the vulnerability of low-wage earners to economic conditions and the whim of employers. He fought hard to protect the rights of workers.

As others have mentioned, Doug was State member from 1960 to 1974—a time when members did not get the sorts of entitlements that make our job easier today. He worked out of his home in Cooper Plains with his wife, Topsy, also very ably filling the role of State member. As the Opposition Leader mentioned earlier, Doug would drive around the electorate in his car. I remember as a kid hearing the loud speakers as the car drove up and down the street. Once a month the Salvation Army would drive up and down our street and, in pre-election times, Doug would drive up and down the street. When we heard the noise we did not know if it was the Salvos or Doug, but we knew there was a racket outside. Doug was well known around the electorate and, like Len Ardill, he was recognised by his car.

He and Topsy were both well known for never turning anyone away without giving them some sort of decent support. They assisted my family in the early seventies, and I know that my mother held Doug in particularly high regard. As the Premier and others have stated and as local members tell me, Doug was one of the first strong greenies in the party. Many locals have told me the story of his going to a State conference armed with his policy on the environment, only to have Jack Egerton and others argue against it, saying that there were no votes in conservation. Recent history has shown us that, in this instance, Doug was right and Jack was wrong.

Doug's Labor mates have also told me that, in spite of his being a loyal life member of the party, in the past decade or so he became very disillusioned with politics and the ALP. He was very worried about economic reforms and

the inability of Governments to provide full employment. His mates and others close to him were being cast aside from the railways and other industries, and Doug was very sad and disappointed that none of us were able to do much to stop this from happening.

Doug was respected for being a conscience for the ALP in our area and he will be very sadly missed. I wish his family well during their period of grief. As other members have stated this morning, Doug was an accomplished poet. I have had the pleasure of hearing locals reciting some of Doug's poetry to me. This morning I thought it would be apt to pay respect to him by reading a short extract from not one of his poems but one that pays tribute to Doug and others like him. It reads—

> "I think continually of those who were truly great
>
> What is precious is never to forget
>
> The names of those who in their lives fought for life
>
> Who wore at their hearts the fire's centre
>
> Born of the sun they travelled a short while towards the sun
>
> And left the vivid air signed with their honour."

May you be at peace, Doug.

Motion agreed to, honourable members standing in silence.

PETITIONS

The Clerk announced the receipt of the following petitions—

Petford Training Farm

From **Mr Beanland** (69 petitioners) requesting the House to call on the Minister for Families, Youth and Community Care to reconsider the decision to cease the funding for the Petford Aboriginal Training Farm and to reinstate financial support and assistance.

Mount Lofty Nursing Home

From **Mr Healy** (1,123 petitioners) requesting the House to overturn the eviction of 14 psycho-geriatric gentlemen, residents of "The Cottage", Mount Lofty Heights Nursing Home and enable them to continue living as a happy family.

Ms J. Black, Sentence

From **Mr Littleproud** (406 petitioners) requesting the House to request the Attorney-General to lodge an appeal against the light sentence handed down in the recent court case of Miss Jenny Black.

Southern Moreton Bay Islands

From **Mr Paff** (68 petitioners) requesting the House to ask the State Minister for Local Government and Planning, the Honourable Terry Mackenroth, MLA, to cause an immediate, comprehensive, independent, public investigation into (a) the proposed land resumptions on Russell, Macleay, Lamb and Karragarra Islands and (b) possible waste of public funds spent on the Southern Moreton Bay Islands Planning and Land Use Strategy.

Amamoor/Dagun, Electricity Supply

From **Mr Stephan** (175 petitioners) requesting the House to investigate the reasons for the power supply problems in the Amamoor/Dagun district and ensure that the problems are rectified.

Petitions received.

PAPERS

The Clerk informed the House of the tabling of the following documents—

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by The Clerk—

Acts Interpretation Act 1954, Racing Legislation Amendment Act 1998—

- Racing Legislation (Postponement) Regulation 1999, No. 30

Acts Interpretation Act 1954, Wagering Act 1998—

- Wagering (Postponement) Regulation 1999, No. 31

Consumer Credit (Queensland) Act 1994—

- Consumer Credit Amendment Regulation (No. 1) 1999, No. 43

Corrective Services Act 1988—

- Corrective Services (Establishment of Prisons) Amendment Regulation (No. 1) 1999, No. 49

Drugs Misuse Act 1986—

- Drugs Misuse Amendment Regulation (No. 1) 1999, No. 41

Electricity Act 1994—

- Electricity Amendment Regulation (No. 2) 1999, No. 42

Fisheries Act 1994—

Fisheries Amendment Regulation (No. 2) 1999, No. 57 and Explanatory Notes for No. 57

Fisheries Amendment Regulation (No. 3) 1999, No. 58 and Explanatory Notes and Regulatory Impact Statement for No. 58

Fisheries (Freshwater) Management Plan 1999, No. 54 and Explanatory Notes and Regulatory Impact Statement for No. 54

Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999, No. 55 and Explanatory Notes and Regulatory Impact Statement for No. 55

Fisheries (Spanner Crab) Management Plan 1999, No. 56 and Explanatory Notes and Regulatory Impact Statement for No. 56

Gas Act 1965—

Gas Amendment Regulation (No. 1) 1999, No. 59

Government Owned Corporations Act 1993—

Government Owned Corporations Legislation Amendment Regulation (No. 1) 1999, No. 32

Griffith University Act 1998—

Griffith University Statute No. 1.1 (Establishment of a College of Griffith University) 1999

Griffith University Statute No. 1.2 (Establishment of a College of Griffith University) 1999

Griffith University Statute No. 1.3 (Establishment of a College of Griffith University) 1999

Griffith University Statute No. 1.4 (Establishment of a Student Representative Guild of a College of Griffith University at the Gold Coast) 1999

Health and Other Legislation Amendment Act 1998—

Proclamation-certain provisions of the Nursing Act 1992 commence 5 April 1999, No. 40

Justices Act 1886—

Justices Amendment Regulation (No. 1) 1999, No. 33

Meat Industry Act 1993—

Meat Industry Amendment Standard (No. 1) 1999, No. 53

Motor Accident Insurance Act 1994—

Motor Accident Insurance Amendment Regulation (No. 1) 1999, No. 46

National Rail Corporation (Agreement) Act 1991—

Third Amending Agreement, dated 22 March 1999, varying the provisions of the National Rail Corporation Shareholders' Agreement dated 30 July 1991

Nature Conservation Act 1992—

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 1999, No. 51

Nursing Act 1992—

Nursing Amendment By-Law (No. 1) 1999, No. 35

Occupational Therapists Act 1979—

Occupational Therapists Amendment By-law (No. 1) 1999, No. 36

Optometrists Act 1974—

Optometrists Amendment By-law (No. 1) 1999, No. 37

Petroleum Act 1923—

Petroleum (Entry Permission-CS Energy Limited) Notice (No. 1) 1999, No. 52

Plant Protection Act 1989—

Plant Protection (Banana Black Sigatoka) Quarantine Amendment Regulation (No. 1) 1999, No. 45

Podiatrists Act 1969—

Podiatrists Amendment By-law (No. 1) 1999, No. 38

Police Powers and Responsibilities Act 1997—

Police Powers and Responsibilities Amendment Regulation (No. 1) 1999, No. 48

Recording of Evidence Act 1962—

Recording of Evidence Amendment Regulation (No. 1) 1999, No. 34

Speech Pathologists Act 1979—

Speech Pathologists Amendment By-law (No. 1) 1999, No. 39

Sewerage and Water Supply Act 1949—

Standard Sewerage and Water Supply Legislation Amendment Law (No. 1) 1999, No. 60

Statutory Bodies Financial Arrangements Act 1982—

Statutory Bodies Financial Arrangements Amendment Regulation (No. 1) 1999, No. 47

Sugar Industry Act 1991—

Sugar Industry Amendment Regulation (No. 1) 1999, No. 44

Superannuation (State Public Sector) Act 1990—

Superannuation (State Public Sector) Amendment Notice (No. 1) 1999, No. 29

Transport Operations (Marine Safety) Act 1994—

Transport Operations (Marine Safety) Amendment Regulation (No. 2) 1999, No. 50

MINISTERIAL PAPER

The following paper was tabled—

Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities (Mr Mackenroth)

A copy of references to the Electoral Commissioner of Queensland regarding reviewable local government matters.

MINISTERIAL STATEMENT

Premiers Conference

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (10.05 a.m.), by leave: Last Friday in Canberra saw a turning point in Queensland's financial relations with the Federal Government. The previous Government allowed the Howard Government to raid Queensland's financial reserves to prop up Commonwealth finances and those of the other States. The Howard Government tried it again on the distribution of the GST, saying that Queensland could not get its fair share until the other States had caught up.

Last Friday, Queensland drew a line in the sand with the Commonwealth. No longer will Queensland stand by and lose what is rightfully ours. Queensland stood up to Canberra and refused to accept an unfair deal on the distribution of GST revenue, should the GST be passed by the Senate. We fought hard for Queensland on this issue for the last six months. We asked for bipartisan support from the Opposition but, sadly, it was not forthcoming. Standing alone against the Federal Government, their State Opposition mouthpieces and the other States and Territories, my Government has won back for Queensland taxpayers $178.5m that no-one wanted to give us. Members opposite were not prepared to support us in the fight.

I made it clear at the Premiers Conference that the proposal for Queensland to cover almost 50% of the cost of compensating other State Budgets in year 3 of the transition period was completely untenable, unfair and not on. At our insistence, that transition period has been wound back to two years, where the cost to Queensland was much less significant. Instead of the transition costing Queensland $465m, as it was calculated initially, it will now be only $130m. The Treasurer and I also negotiated for Queensland an additional $70m to offset the inflationary impact of the GST on public housing costs, $54m in compensation to the State Budget for the loss of some tax equivalent payments from Government enterprises, and another $38m in compensation for indirect tax savings to local government. That all adds up to an additional $350m for Queensland over the three years starting in July 2000.

We left Canberra $350m better off than when we arrived—with no support from the Opposition. This is a significant victory for Queensland, which will mean extra capital works and lower business taxes in years to come. But it does not end there. This deal means that Queensland can abolish seven taxes, assume responsibility for local government——

Mr Borbidge interjected.

Mr BEATTIE: The Leader of the Opposition said that there is more. You bet there is more under this Government. This can-do Government will be doing a lot more. This deal means that Queensland can abolish seven taxes, assume responsibility for local government funding and introduce a first home owners scheme while improving our overall Budget position.

As a result of meetings I have had with the Local Government Association and with my relevant Ministers, the State has agreed that local government will have secure funding by receiving from the State a fixed share of GST revenue. That is a significant contribution to local government in this State. Today I am happy to confirm that to the House. Queensland is alone among the States in its willingness to work with local government on funding arrangements.

The deal means the end of the BAD—bank accounts debit—taxes. It means the end of stamp duties on mortgages, credit arrangements, marketable securities, leases and business conveyances, including a more rapid removal of stamp duty on rural property conveyances. First home buyers will have access to assistance of $7,000 from July next year. All that because we stood up for Queensland, and the State Budget will be better off.

This is what the people opposite could never have delivered. They would have meekly accepted the Commonwealth's attempt to make the changes revenue neutral for Queensland. They would have let Queenslanders pay more indirect taxes under the GST without getting any of that extra tax back in services to Queensland. That is the difference between Labor and the coalition. The Labor Government will stand up for Queensland and hang in there for the best deal possible. Labor can deliver for Queensland. The Borbidge/Watson Opposition

only seemed to deliver for the Federal Government.

I want to thank the business leaders who had the courage to stand and support the Government and ask for a better deal for Queensland. They stood with us. I thank the Queensland community generally for supporting our long running campaign—the successful long running campaign. I just wish the State Opposition had supported us instead of playing petty, negative politics.

I table the signed intergovernmental agreement for the information of the House and the information of all Queenslanders. I point out that clause 3 on the front clearly states our position in relation to the GST. This fight for Queensland was a good day for Queensland.

MINISTERIAL STATEMENT

Constitutional Centenary Foundation, Gladstone Convention

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (10.11 a.m.), by leave: In two months the City of Gladstone will become the focus of national attention when it hosts 120 leading Australians who will discuss one of the most important issues facing our country. The Queensland Government and the non-political Constitutional Centenary Foundation will hold the fourth Constitutional Convention in Gladstone from 16 to 18 June to address crucial issues which will confront all Australian States if the people decide their country should become a republic when they vote on the issue in November. The Governor, His Excellency Major General Peter Arnison, has kindly agreed to officially open the convention and the Chief Justice of Queensland, the Honourable Paul de Jersey, has accepted an invitation to chair the convention. His Honour's chairing of the convention maintains the tradition of eminent judicial officers chairing these conventions.

The convention is being jointly sponsored by the Queensland Government with the Constitutional Centenary Foundation, an august body established in 1991 to promote public understanding and discussion about the Australian Constitution and system of government in the run-up to the centenary of Federation in 2000. It is an independent and non-partisan body and holds no views or positions on the desirability or form of any change. The foundation's body is chaired by Mr Donald, AO, with members including the Federal Attorney-General and shadow Attorney-General. The Right Honourable Sir Ninian Stephen is the patron of the foundation.

Given this background, I must inform the House that I am deeply disappointed by the response from the Leader of the Opposition to the convention in Gladstone. For reasons best known to himself, the Leader of the Opposition has publicly criticised this event. This convention and the issues which made it necessary are too important to be lost in political debate stirred up by the habitual negativity of the Leader of the Opposition. First, the Prime Minister wrote to me asking the State Government to do all it could to ensure a smooth transition to a republic on 1 January 2001 if that is the will of the Australian people. The Gladstone convention is an integral part of our response to the Prime Minister's request.

Second, all of the States will have to deal with a number of issues arising out of a yes vote at the national referendum. For example, what would be the role and powers of State Governors in the republic of Australia? What changes would be necessary or desirable for State Constitutions? It is crucial that the views of Queenslanders be heard on these issues, and they will. That is why a broad cross-section of people has been invited to Gladstone to take part in the convention. There will be representatives from the business community, the media, the ethnic community, the indigenous community, academics, union representatives, legal experts, local government delegates, members of this House and so on. The four political parties outside the Government have been invited to participate in this convention, including the Leader of the National Party, the Leader of the Liberal Party, the Leader of One Nation, the Independent member for Gladstone and other Independent members of this House. I have done that because it is important that their views be heard.

Queenslanders have already shown that they want to take part in a debate on our country's future. We should not ignore their wishes and we cannot afford to dither. The State Government has acted to ensure that Queensland's interests are heard in this important national debate. I therefore urge all members here to play a constructive role by encouraging debate on the future of this country and this State and by supporting the convention that will allow all sides of the debate to be heard.

I want to table for the information of the House a memorandum that I am sending to all members setting out more detail about the convention and, along with it, a framework

document so that all members of the House are fully informed. I would hope that we can get a bipartisan commitment to this convention. This is a genuine desire on behalf of the Government to get some bipartisanship into this convention, and I would ask the Leader of the Opposition to reconsider his position.

MINISTERIAL STATEMENT

Accountability in Government

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (10.15 a.m.), by leave: I was proud on 11 March this year to introduce a new era in Queensland Government accountability by volunteering the first six-monthly report to Parliament on ministerial expenses provided in a format that is readily understandable by the community. My voluntary new public report included the entire expenses of running ministerial offices, including the salaries, superannuation contributions and all other costs associated with every member of staff. It also included the rent of the suite of offices, the cost of office cars and every other charge associated with running an office and staff.

The cost, provided for the first time by any Queensland Premier, had only been shown before at a summary level in financial reports and Budget papers. I am advised that every figure in the highly detailed reports tabled for each Minister and Parliamentary Secretary was given accurately. All the totals for each Minister and Parliamentary Secretary were correct, thus revealing an overall total for the amount of money spent on behalf of the Government. However, it has been brought to my attention that a summary page attached to the reports inadvertently omitted three ministerial offices—Mines and Energy, Transport, and Public Works and Housing—thus resulting in an incorrect total on this summary page. I therefore table a corrected summary page for the information of members.

MINISTERIAL STATEMENT

Small Business; Millennium Bug

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (10.17 a.m.), by leave: One area of support for small business where this government has been active concerns the millennium bug, widely known as Y2K, which has the capacity to affect any business which uses anything at all mechanical—in other words, virtually every business in the State. While big business generally has the time and resources to devote to the problem, the small business sector has neither. A survey conducted by the Australian Bureau of Statistics shows that some 40% of small businesses are adopting a wait and see attitude—in other words, if anything goes wrong in the new year, they will tackle that problem then.

When this Government came to office, the sole assistance available to small business to help them cope with the Y2K problem was a telephone hotline. Since coming into office, we have initiated a series of seminars around the State. Around 60 of these are now being held around the State, having started in February, and are scheduled to run until June. The seminars have been run in the evenings when small business has the time to attend, and public response has been so good that we are considering returning to some places. Maryborough, for instance, has already requested another session.

These seminars provide an overview of the taxation, legal, banking and insurance implications of Y2K. They concentrate not just on the information technology side but also on the implications for embedded chips in technology in basic tools of business equipment such as cash registers. The seminars also inform small business about the supply chain implications and what individual small businesses can do in this area so that they can check to ensure their own continuity of supply.

However, the main initiative has been to write a workbook for Queensland business, which includes a checklist which small businesses can work through so that they can become Y2K compliant. Honourable members should all have received at least one box of these workbooks. I know that some members have asked for more, and we have been very happy to supply them. Some 56,000 copies of the workbook have been distributed throughout Queensland to accountants, solicitors, industry organisations and other groups which service the small business sector. Westpac is distributing the book through its branches and my department is negotiating with other banks to distribute it to their small business clients.

In addition, I can tell the House that in direct response to the advertising campaign seen on television and in major newspapers, over 15,000 copies of the workbook have been distributed. This is the actual number of people who have taken the trouble to contact the Department of State Development for the workbook. All this adds up to a major

penetration of the small business sector and, more to the point, one which they appreciate because it is a simple, cost effective way of helping them deal with a very real problem. It is real, practical solutions such as this one which we as a Government are committed to implementing for the small business community.

MINISTERIAL STATEMENT

Millennium Bug

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (10.19 a.m.), by leave: The Y2K or millennium bug is a threat the Beattie Government takes very seriously. Since we came to Government approximately 10 months ago, our Government has made it a top priority.

All State Government departments and agencies are required to take part in a rigorous Y2K monitoring and reporting system. State Cabinet receives monthly reports from each department or agency, signed by their director-general, stating exactly where they are in their assessment and rectification work. We are now making this information public each month, and I table a copy of that report.

I am pleased to inform the House that, although there is still a lot of hard work to be done, the results so far are encouraging. The report provides a breakdown for each individual department and indicates that more than 80% have already completed more than 50% of their assessment and rectification work.

It is also pleasing to note that critical "life-threatening" areas, such as health and emergency services, are on track. They will be the front line of response to any problems encountered after 1 January 2000, whether those problems are caused by technology failures or natural disasters.

In addition to this comprehensive monitoring system, we have put in place a number of other initiatives. This week I will introduce new legislation which will allow Government, local government and business to voluntarily disclose and exchange information about their year 2000 problems, rectification efforts and readiness without fear of legal ramifications. By removing the shackles of legal liability, larger businesses will now be able to assist smaller businesses with their Y2K preparation through the sharing of knowledge on the problem. This legislation will support the extensive work being undertaken by my colleague the Minister for State Development, Jim Elder, to assist the business community to come to grips with the problem.

In addition, reports on the progress of the electricity industry, Government-owned corporations and local governments with responsibility for water and sewerage are expected to be delivered to State Cabinet next month. Through initiatives such as these we have made good progress in tackling the Y2K problem.

Last week I attended a meeting in Adelaide of all State and Territory Ministers with responsibility for year 2000 issues. I am pleased to report to the House that our performance so far in dealing with the Y2K threat compares favourably with that of other States. However, it is important that we do not underestimate the potential of the bug. It is caused by a design fault on some dates stored on microchip-controlled systems. In simple terms, from the first day of the year 2000 some computers will think it is the year 1900 or some other date and shut down or go haywire.

Microchips are everywhere in our day-to-day lives. From the moment we wake, chips control whether we can turn on the lights, whether our alarm clocks work, whether we can start our cars, the traffic, escalators and elevators and hundreds more seemingly mundane tasks in an average day. However, by acting now as we are to identify the risks and take steps to minimise the impact, we can position Queensland to fully exploit the opportunities offered by the new millennium without the threat posed by the bug.

MINISTERIAL STATEMENT

Premiers Conference: Goods and Services Tax

Hon. D. J. HAMILL (Ipswich—ALP) (Treasurer) (10.23 a.m.), by leave: Despite Queensland's successes in negotiations over the intergovernmental agreement on the introduction of a goods and services tax, honourable members should make no mistake: the Premiers Conference last week was no el dorado for Queensland.

As a result of the adoption of the new five-year relativities put forward by the Commonwealth Grants Commission, Queensland will suffer a $60m a year reduction in its financial assistance grants in 1999-2000. These new relativities also impact upon our share of goods and services tax revenue, should the Federal Government's tax agenda be implemented.

While Queensland welcomes the Commonwealth Government's commitment to maintain, subject to the Grants Commission, the real per capita value of financial assistance grants to the States next year, the same cannot be said with respect to specific purpose payments. It is disturbing that the Commonwealth proposes to reduce these payments, particularly in respect of education, such that the actual level of payments will increase by less than 1% in nominal terms. This is substantially below both the population growth rate and the inflation rate, and it translates to a decline of 3.3% in real per capita terms. This is of particular concern to Queensland, which continues to experience population growth at a rate twice that of the nation as a whole.

This erosion of specific purpose payments is of even greater concern when set against the backdrop of a GST. In short, all Australian States and Territories share Queensland's concern that the Commonwealth will use growth in GST revenue as a pretext for further reducing specific purpose payments.

It is also worth noting that, allowing for the reduced financial assistance grants to Queensland and diminished specific purpose payments, Queensland now receives less than its per capita share of Federal funding. This puts a lie to the claims made by certain other State Premiers that Queensland is being subsidised. In short, the impact of the Commonwealth's offer and the Grants Commission report will be felt this year as Queensland faces a tight budgetary position, exacerbated by revenue impacts flowing from low commodity prices.

With respect to the introduction of a goods and services tax, let me again make the position of the Queensland Government absolutely clear. We do not support the Federal Government's GST. We stand by the material which has been presented to the Senate inquiry that shows the negative impact that such a tax will have on Queensland, in particular Queensland's service industries such as tourism. Furthermore, our opposition to the GST is recorded in the agreement signed by the Premier in Canberra last Friday.

It is true to say that we had a considerable victory in our campaign to ensure fair treatment for Queensland in the distribution of revenue flowing from any GST, particularly in the first three years of such a new tax system. As a result of our concerted efforts to defend Queensland's interests we have been able to claw back $178m which the Federal Government proposed to deny Queensland in 2002-03. This is $178m of goods and services tax revenue—extra tax—paid by Queenslanders.

Furthermore, we were able to secure $162m over three years in additional compensation for the introduction of the GST. Specifically, these funding items are: $70m to offset the impact of GST on public housing costs; $54m as compensation for the loss of wholesale sales tax equivalent payments from Government business enterprises; and $38m in respect of embedded indirect taxes relating to local government. I stress once more that this money is compensation, not enhancement. It is compensation over the period 2000-03. All of this is predicated on the Commonwealth passing its tax legislation through the Federal Senate.

In short, while Queensland secured a significant improvement in its treatment at the hands of the Commonwealth, the Commonwealth did not do Queensland any favours. What we secured was funding to which Queensland was entitled—nothing more. The bottom line is that no matter how tough it got, no matter how isolated Queensland became, we did not blink. We kept on fighting. Queensland won.

NOTICE OF MOTION

Forestry Industry

Hon. V. P. LESTER (Keppel—NPA) (10.28 a.m.): I give notice that I shall move—

> "That this Parliament moves to promote the resource, conservation and heritage values of the south-east Queensland forest industry through the South-east Queensland Regional Forest Agreement by—
>
> 1. the continuation of a viable and sustainable timber industry, based on the native forest hardwood resource, with a gradual transition to hardwood plantations as that becomes available;
> 2. the retention of all existing jobs;
> 3. enhanced silvicultural practices and value adding;
> 4. ensuring a scientifically justifiable comprehensive, adequate and representative forest reserve system; and
> 5. the continued access to forest reserves by other associated industries and community groups."

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs LAVARCH (Kurwongbah—ALP) (10.29 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's Alert Digest No. 4 of 1999 and move that it be printed.

Ordered to be printed.

TRAVELSAFE COMMITTEE

Issues Paper

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (10.29 a.m.): The Travelsafe Committee has resolved to conduct an inquiry into rural road safety in Queensland. It is my pleasure to table the Travelsafe Committee's issues paper for the inquiry. Copies of the paper have been sent to members' electorate offices. The terms of reference for the inquiry are to examine and report on the implementation of the 1996 Rural Road Safety Action Plan in Queensland and what, if any, additional measures should be taken to improve rural road safety in Queensland.

During the inquiry the committee will explore a range of issues including road improvements, public education programs, speed management, fatigue, the enforcement of road rules and the quality of trauma services. The committee has invited all interested parties to make submissions on this important issue by Friday, 28 May 1999. I commend the paper to the House.

QUESTIONS WITHOUT NOTICE

Judicial Review Bill

Mr BORBIDGE (10.30 a.m.): I ask the Premier: will he convene a meeting of all Queensland Labor senators to ask that they review their stated opposition to the Judicial Review Bill, which proposes that illegal immigrants can be immediately deported without necessarily bogging down Australia's court system?

Mr BEATTIE: The Bill does not say that. While I thank the Leader of the Opposition for his question, the Bill does not say that. Let me be very clear about this. The Federal Government has proposed legislation to stop immigrants asking the Federal Court to review decisions by the Immigration Review Tribunal or the Refugee Review Tribunal. Let us be clear about this. The Bill does not stop immigrants from going to the Immigration Review Tribunal or the Refugee Review Tribunal in the first place. It does not stop that at all.

The bottom line is this: what is wrong with coastal security? I will tell honourable members what is wrong with it. At the moment, we have newsagents in Cairns being the first line of defence. We have bakers in Coffs Harbour being the first line of defence. Who is next? Surfboard riders? Taxidrivers? The bottom line is that we do not need another inquiry to find out what is wrong. The current security system does not work. We need to make certain that there is a surveillance system introduced into this country to protect Queenslanders and other Australians from illegal immigrants. That is what we need.

Mr Borbidge: Bog down the court system.

Mr BEATTIE: The Leader of the Opposition is trying to cover up for the Federal Government's incompetence. That is what he is trying to do—again. The Opposition continues to be as it was on Queensland's share of the GST: an apologist for Canberra. That is what this is about.

I make it very clear to Queenslanders today that we will continue the fight to get greater security of the Queensland coastline. We are not prepared to sit by and see illegal immigrants turn up without anybody knowing about it. What sort of a security system is it whereby boats can turn up at Holloways Beach or Coffs Harbour and no-one knows about it? What is going to happen next? We will have the Federal Government commissioning, on a fee-for-spot basis, surf-lifesavers to detect incoming immigrants. That is what we will have. Frankly, it is not good enough.

I know that Richard Court in Western Australia shares my view. I know that the Northern Territory shares my view and that of the Queensland Government. Under the Constitution of this country the Federal Government is required to look after defence and security matters. It is about time it did it. All we have had from the Prime Minister is another inquiry. As I said publicly, I think that Australians will puke when they hear that there is another inquiry by the Federal Government about another breach of security in this country.

Mr Bredhauer: An inquiry into an inquiry.

Mr BEATTIE: That is exactly right; it is an inquiry into an inquiry. What we want is action, and the action required is clear. There can be a greater role for the defence forces in this country, like there should be on Thursday Island, and the upgrading of naval bases, like the Scherger base in north Queensland for the

Air Force. Why not move one of the squadrons here? We will continue the fight for greater security.

Cypress Pine Industry; South East Queensland Regional Forest Agreement

Mr BORBIDGE: I direct a further question to the Premier. I refer to the public commitment given by the Minister for Primary Industries in the Courier-Mail on 23 March, which the Premier subsequently endorsed, to guarantee 100% jobs protection in the western Queensland cypress industry. I particularly refer to his colleague's comments in the article that, "This Government is about giving security and certainty to the timber industry" and that "the Queensland government would not introduce policies which threatened the jobs of workers or the local ownership of sawmills." I ask the Premier: will he now give the same guarantee of no job losses in the area to be covered by the South East Queensland Regional Forest Agreement?

Mr BEATTIE: As I have indicated on this matter on a number of occasions—some of them publicly, if I recall correctly—we have a ministerial committee working on it. We are trying to cooperate with the Commonwealth. In fact, I have only recently written to the Prime Minister about this matter. My concern simply is that we need to not only protect jobs but get a sensible outcome from Canberra. There is no point trying to play cheap politics on this.

I was in Kilkivan at the weekend, and I saw in the South Burnett Times—and a number of the mayors up there shared my concern about this—statements from the Leader of the Opposition claiming that, under the RFA, the Great Horse Ride would no longer be able to go through forests. The bottom line is that that is not true. I made it absolutely clear to all those mayors whom I met through the whole of the South Burnett that it is not true. The local member, Dorothy Pratt, was there. I made it very clear that, in terms of the RFA, it will not close down forests in terms of the Great Horse Ride.

I was in Kilkivan on Saturday, along with the local member. The Great Horse Ride was a magnificent event. Almost 1,000 horse riders went through Kilkivan. The ride started in 1985—14 years ago—when they had a fifth of the current number of horse riders, and about 1,000 are expected next year. What a great event. I made it clear to every one of those horsemen—the men, women and young kids of three and a half or four—that, under the RFA, they need have no fear; they can still go through our forests. The only possibility that could ever arise with a section of forest being closed off would be the same as with a rainforest. If it is being degraded or run down and needs some time to regrow, obviously it would get a break; but outside that there would be no closure.

The specific answer to the member's question is this: we have a ministerial committee which is chaired by my colleague the Deputy Premier. We are trying to work through with the Commonwealth to get a sensible outcome. We want a sensible outcome. However, I have not heard the Leader of the Opposition seek to talk to his friends in Canberra to get a sensible outcome. We have not been getting a great deal of sense out of Canberra on this issue, either. But we will persist to fight for jobs, because we want to protect Queenslanders for the future.

Mr Springborg interjected.

Mr SPEAKER: Order! The member for Warwick!

Job Creation

Mr SULLIVAN: I refer the Premier to his obsession with jobs and job creation, and I ask: has he had any further encouragement as he continues to work towards his target of a 5% unemployment rate within five years?

Mr BEATTIE: The answer to that is: you bet! I was delighted to see the unemployment figures last week. We have broken the 8% barrier. The unemployment level in Queensland is now 7.8%. When we came to office nine and a half months ago, the level of employment was 8.9%. We have reduced that by 1.1% in nine and a half months. The unemployment level in Queensland is now 7.8%.

Let me look at some of the other figures. We have reached more than 1.2 million full-time jobs for the first time ever in Queensland. We have the strongest growth in full-time employment—2.3%. How does that compare with the national average? It is double the national average. Talk about a can-do Government! A total of 33,000 jobs have been created in the nine and a half months since we came to office.

I share with members the trend line. Under the Borbidge Government, the unemployment trend line was going up. What has happened to unemployment in Queensland? It is down. I table that document for the information of the House, because I believe that it is important that our record on job creation be seen for what it is: a significant achievement.

Let us look at general economic conditions. Gross State product for 1998-99 is likely to be higher than the Budget forecast of 3.5%. The December quarter growth was the highest in the country and double the national average. Business investment was up by 5.4% in the December quarter. That was the strongest investment result in the nation, and there are expectations of further growth next year, according to the ABS. The retail sales growth was 2% above the national average. The list goes on. This is what a can-do Government can do when it gets out there and makes the tough decisions and gets on with the job. The key to this is that we now have the lowest level of unemployment in almost 10 years. And every bit along the way, all we have had is a harping——

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Mr BEATTIE: Here they go again! This harping Opposition is always trying to undermine the Government and undermine jobs. The results are on the board, and no negative whingeing or complaints from the Opposition will overcome the fact that we have the lowest level of unemployment in almost 10 years.

South-East Queensland Regional Forest Agreement

Mr LESTER: I direct my question to the Minister for State Development and Trade. I refer the Minister for State Development and Trade, in his capacity as Minister with overall responsibility for the South-East Queensland Regional Forest Agreement, to a leaked email from Mr Charles Hamilton, convenor of the Australian Conservation Foundation Gold Coast Inc., to departmental officers, which I now table. I specifically refer the Minister to Mr Hamilton's request of the officers to write to the Premier urging his Government to "support an industry transition out of native forests into plantations as required by Labor's biodiversity policy (a critical element in the conservation movement's support for Labor at the last elections)."

I ask the Minister: will he undertake a massive boost in hardwood plantation resources—which I might add he neglected for six years when Labor was last in Government—to ensure that such a transition, if it is supported by the Government, will occur with no job losses in the timber industry?

Mr Welford: What did you do?

Mr ELDER: I will answer the question in the capacity of the Minister chairing the particular committee. The relevant Minister just made the perfect interjection—what did those opposite do when in Government? Absolutely nothing!

When the member for Surfers Paradise and his team were last in Government their priority was to sign a scoping agreement, which was done on 31 January 1997. In fact, the agreement was signed by Prime Minister Howard on 20 February. That is when the Opposition locked itself into the RFA process. In 18 months in Government the Opposition went nowhere.

An Opposition member interjected.

Mr ELDER: I do not have to take the interjection. The record speaks for itself. Nothing was done! Under the current arrangements, an option paper will be released later this month. The option paper will contain a raft of options drawn up by the Commonwealth Government and the State Government who are running the process as one. The options paper will contain the options of the timber board, the timber industry and the Conservation Council. We want the best outcome for both industry and the environment.

Somewhere I read that what was needed was the establishment of a forest reserve system to provide certainty to native forest based industries whilst at the same time protecting areas of high conservation value. I agree with that sentiment because that is exactly what this Government wants. The person who made that remark was the member for Surfers Paradise. The member for Surfers Paradise espoused those views, and they are the same views of this Government. This morning we had the hypocrisy of the Leader of the Opposition asking a question of the Premier. The Leader of the Opposition was well aware of the position when he was Premier in 1997. Hypocrisy drips from the Leader of the Opposition.

The Government wants no more than the Opposition wanted in 1997. There is a difference of approach between the Leader of the Opposition and the relevant State Minister, the relevant Commonwealth Minister and the Prime Minister. This Government will deliver.

Drugs

Mr PURCELL: My question is directed to the Premier. I refer to last week's Council of Australian Governments meeting in Canberra. I refer in particular to the issue of illicit drugs

and their use. I ask: how much will the Commonwealth contribute to this fight?

Mr BEATTIE: I thank the honourable member for Bulimba for his question because, like me, he shares a deep concern for the fact that every year 600 Australians lose their lives because of overdosing on drugs such as heroin. The Commonwealth is going to contribute $220m over four years. Queensland's share in the fight against illicit drugs is around $40m. The Premiers Conference was divided into two parts: the first part dealt with GST issues and the second part dealt with drugs.

The strategy picks up on many of my Government's initiatives, in particular strengthening the attack on drugs and drug pushers in schools. There is also a program to divert drug offenders into treatment programs, which is another initiative that my Government was proposing. My Government also won support for our plan to trial naltrexone and buprenorphine to break the heroin death cycle. Programs will also be introduced to intercept the supply of drugs to prisons.

For the information of the House I table the Special Council of Australian Governments meeting communique. The communique deals with being tough on drugs in schools, the community and in prisons. It deals with alternative treatments, being tough on suppliers, next steps and so on.

Some issues need to be addressed and they will be addressed by this Government. I have had discussions with the Attorney-General, Matt Foley, and the Police Minister, Tom Barton. The proposal funds a number of initiatives from the Prime Minister. It is designed to give people who are involved in drugs use a choice: they either go into the criminal justice system or they are rehabilitated through treatment. We need to address whether it goes through the court system or whether it is done by the police. The Prime Minister's view is that it should be conducted at a police level. Clearly, that involves resourcing issues. There is a range of other issues such as the necessary powers that exist, the directions, and the rights of everyone involved.

The Attorney-General, the Police Minister and I will work through these issues. We are determined to work with the Prime Minister in the fight against drugs. We are determined to make this program work.

Whilst I do not agree with every word in the proposal put to us by the Prime Minister, this is not a time to be nitpicking about these issues. We must try to make them work. At that meeting I signalled very strongly my support for this proposal and the hope that it would work. There will be, amongst other things, a meeting of Police Ministers. My Government is determined to continue the fight against drugs.

One of the most important things is to secure our coastline. We have to keep illegal drugs out of this country. Illegal immigrants do not simply cause problems with drugs but also pose a threat to our flora and fauna. All these areas can be affected if we do not stem the tide of illegal immigrants entering this country.

Regional Forest Assessment Process

Mr HOBBS: My question is directed to the Minister for Environment. I refer to the regional forest assessment process in south-east Queensland and the importance of obtaining a credible, professional and scientific assessment on which to base the models. I refer in particular to the saw log allocation and the Minister's sustainability of 83,000 cubic metres. I ask: why has the Minister deliberately corrupted the data used in the models to obtain the result that he wants when it is quite clear that two professional and independent analyses show the figure to be 108,701 cubic metres, a figure close to the present level of use? It could even be made higher with enhanced management practices. Why is the Minister deliberately corrupting the data in this process?

Mr WELFORD: I note that the honourable member is concerned that the data being used by the Government in the resource allocation assessments is corrupt. I am pleased to acknowledge the confession of the Opposition member because the data is his data.

Mr HOBBS: I find those words offensive and ask that they be withdrawn. He knows. He is lying. They are his figures.

Mr SPEAKER: Order! The honourable member for Warrego will resume his seat. I call the honourable member for Mount Ommaney.

Mrs ATTWOOD: I refer my question to the Premier—

Mr HOBBS: I find the words that the Minister used offensive and ask that they be withdrawn.

A Government member: They are your figures.

Mr HOBBS: They are not my figures. This is the fellow over here who has changed the figures. There is the document to prove it.

Mr SPEAKER: Order! I call the member for Mount Ommaney.

Mr Hobbs interjected.

Mr SPEAKER: Order! The member for Warrego, that was unparliamentary. I ask that you withdraw it.

Mr HOBBS: Do you reckon what they have been saying is not unparliamentary? Come on, be a bit reasonable!

Mr SPEAKER: Order! I ask the member for Warrego to withdraw those words.

Mr HOBBS: I just don't know about that, Mr Speaker, but I will withdraw in deference to you.

Interruption.

PRIVILEGE

Alleged Misleading of House by Minister for Environment and Heritage and Minister for Natural Resources

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.50 a.m.): I rise on a matter of privilege suddenly arising. The member for Warrego has indicated that he is in possession of certain documents which indicate that the answer given by the Minister for Environment and Heritage may well have been a misleading of the House. Mr Speaker, I ask that you give this matter consideration.

Mr Fouras interjected.

Mr SPEAKER: Order! I happen to be the Speaker. It is really not a matter of privilege. What you are asking——

Mr BORBIDGE: Mr Speaker——

Mr SPEAKER: Order! Can I finish first?

Mr BORBIDGE: If a Minister lies to the House, it is a matter of privilege.

Mr SPEAKER: Order! I ask you to withdraw that immediately.

Mr BORBIDGE: Mr Speaker, if a Minister tells a deliberate untruth to the House, it is a matter of privilege.

Mr SPEAKER: Order! But there is no proof that the Minister has done so. All you have got to do—this is not a matter of privilege—is move that the Minister table those papers. It is quite simple. It is not a matter of privilege.

An honourable member: The member for Warrego has the papers.

Mr SPEAKER: The member for Warrego.

Mr BORBIDGE: Mr Speaker, the fact remains that if a Minister has deliberately misled this House, it constitutes a breach of privilege.

Mr SPEAKER: But there is no——

Mr BORBIDGE: Mr Speaker, the honourable member is happy to make the documents available so that you can determine whether the Minister has misled the House and whether there should be an appropriate reference to the Members' Ethics and Parliamentary Privileges Committee on the basis of a deliberate untruth being told by a Minister who may have corrupted certain information.

Mr SPEAKER: I take the point. I now call the honourable member for Mount Ommaney.

QUESTIONS WITHOUT NOTICE

Tertiary Education

Mrs ATTWOOD: I refer the Premier to the State Government's commitment to education, and I ask: what steps is the Government taking to increase access for young Queenslanders to tertiary education.

Mr BEATTIE: I thank the honourable member for Mount Ommaney for the question, because I know that she has a very keen interest in education, particularly higher education. I am sure that all members of the House will be delighted, as I know the member for Nicklin would be, to congratulate the University of the Sunshine Coast because it is officially being opened today. On behalf of all members, I want to congratulate Professor Paul Thomas, the vice-chancellor, and the whole University of the Sunshine Coast for achieving its inaugural day, if I can put it in those terms.

I think that it is also important that we indicate publicly that the State Government made a significant financial contribution—so it is not just our commitment to higher education; it is the financial commitment as well—of $13.35m towards the establishment of the university. That indicates our level of commitment to this university as part of our commitment to university education generally. I am a bit disappointed that, unfortunately, the university is being opened on a day when members are here in the Parliament. I know that a number of members opposite would also have been keen to attend. However, that is one of those things that unfortunately happens. So on behalf of all members of this House, the Government and the Opposition, I congratulate the Sunshine Coast University on its official opening today.

Another point that is worth acknowledging is that in recent years universities have made a significant advancement, which has enhanced not only the access that young people have to

universities but also increased their opportunity for a tertiary education. I have often told the story of my own circumstances when, because there were no regional universities, I had to come from Atherton, one thousand miles away, to attend the University of Queensland . I am delighted that we now have the James Cook University, the University of Central Queensland, the University of Southern Queensland, the Sunshine Coast University and the university on the Gold Coast. The universities have spread across the State. Importantly, that means that young people can be——

Mr Quinn: And Bond.

Mr BEATTIE: I am happy to add Bond. It is a private university. That means that young people can access education closer to where they live. The good thing about that is that once they are trained and educated, they are more likely to settle in regional Queensland. That is why having a medical school in Townsville is so important. Educating doctors in that area will mean that their support system will be there and they will live there. That will mean that we will be able to provide professional, expert services across the State. So having universities in regional areas is very important. I conclude with my congratulations to this university. My Government looks forward to working with them in educating young Queenslanders.

Department of Education Capital Works Expenditure

Mr QUINN: I refer the Minister for Education to my question on notice concerning capital works expenditure and, in particular, his answer that states—

> "Detailed information of person-hours impacts for Capital Works Projects is impossible to calculate."

For the benefit of all members, I now table a document from Education Queensland's Division of Finance entitled Employment Generation Summary 1998-99, which details the "person-weeks of employment to be generated in 1998-99" under the Minister's own capital works program, and I ask: is the Minister claiming that his department, which is entrusted with educating future generations of Queenslanders in the skills of numeracy, can calculate person-weeks of employment but cannot multiply by 38 to calculate person-hours of employment, or did the Minister simply mislead the House again?

Mr WELLS: I thank the honourable member for giving me the opportunity to draw the attention of the House once again to the dynamic employment consequences of the capital works program of Education Queensland. By the end of this year, 11 new schools will have opened. Those 11 schools include the Helensvale State High School, the Centenary State High School, the Tin Can Bay P-10 school, the Beechmont State School, the Beaconsfield State School, the Marian State School and the Grand Avenue State School. We await the opening of the Laidley State School, the Wonga Beach State School and the Yarwun State School. Already we have figures that have indicated that, so far, next year we will need to generate another four schools. Those planned schools are the Edmonton State high school, which is going to be a P-12 school divided into three campuses with the very latest of education philosophy being applied; the Narangba State high school; the Pacific Pines State high school and the Christensen Road State high school.

All of those projects are generating capital works in Queensland and generating tremendous employment. If the honourable member would like some more details and if he would like specific multiplications done, I am happy to take further questions on that subject. However, today he has done the Parliament a great service by giving me the opportunity to draw attention to the tremendous strides that are being made by Education Queensland in delivering the finest and best-quality education to the young people of this State.

Interruption.

PRIVILEGE

Alleged Misleading of Parliament by Minister for Environment and Heritage and Minister for Natural Resources

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (10.57 a.m.): Mr Speaker, a couple of minutes ago in the Parliament the Leader of the Opposition rose on a matter of privilege in relation to a document which was quoted by the member for Warrego and sought for you to look at it in relation to whether the Minister for Natural Resources had misled the Parliament. We have sought to have a look at those documents. I understand that the Leader of the Opposition does not want us to see them. So it makes it very difficult for us to understand what they are, in fact, talking about. I understand that the Opposition will not table them so that we can

look at them. Mr Speaker, the claims that they have made are completely untrue.

Mr Borbidge: No, you are wrong.

Mr MACKENROTH: Table the documents.

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.59 a.m.): I rise on a matter of privilege. Mr Speaker, the situation is that there was a dispute between the honourable member and the Minister in regard to the accuracy of an answer which resulted in the Deputy Premier taking the Minister outside and resulted in the Deputy Premier seeking to take off you a document that I had handed to you to give a ruling in respect of whether the Minister had misled the House.

Mr SPEAKER: Order!

Mr BORBIDGE: Mr Speaker, you might laugh, but I do not think that it is funny. Mr Speaker, what happened is that I gave to you, with respect, certain documents that may indicate that a Minister in this Government misled the House. The Deputy Premier then sought to take those documents away from you, when they had not been tabled and had been given to you for the express purpose of your determining whether there may have been a breach of privilege and whether the Minister should be referred to the Members' Ethics and Parliamentary Privileges Committee. Mr Speaker, if you think that is a laughing matter, we on this side of the House do not.

Mr SPEAKER: Order! I will make one thing clear: the Deputy Premier did not seek to take these items from me; he asked whether he could have a look at them. There is a huge difference. Secondly, you rose on a point of privilege, which was not accurate, because the only suggestion was that the data provided in these documents was the data that the member for Warrego had in his term as the Minister. That is the only thing. The only way that anybody, whether it be the Speaker or the member for Warrego or the Minister for Natural Resources, can resolve this issue is to find out what is in these documents. I am not a forester. I cannot say which documents are there. So somewhere or other, these documents have to be perused by other people.

Mrs SHELDON: I rise to a point of order.

Mr SPEAKER: Order! I am making a statement.

Mrs SHELDON: Mr Speaker, if I may speak when you are finished?

Mr SPEAKER: Order! I am making a statement.

Mrs SHELDON: If I may speak when you are finished?

Mr SPEAKER: You will resume your seat first.

Mrs SHELDON: If I may speak when you are finished?

An honourable member interjected.

Mrs SHELDON: We are in Parliament, are we not?

Mr SPEAKER: Order! Can I just finish my statement first?

Mrs SHELDON: When you are finished, Mr Speaker, I would like to speak.

Mr SPEAKER: Order! I will finish my statement. I saw it as a necessity that these documents should be perused by other people to determine their accuracy and whether the statements by the Minister or the member for Warrego were correct. I do need other advice and the only people to get it from are the Ministers concerned.

Mrs SHELDON: I rise to a point of order. Mr Speaker, seeing that the Leader of the Opposition asked you to peruse those documents and make your decision as to whether this should have gone to the privileges committee, surely the correct form of action was for you to peruse those documents if you thought it was a sufficiently important issue to go to the privileges committee. Then a bipartisan committee could look at it and consider whether it was a matter of privilege and whether the rules of this House had been broken. The interference of the Deputy Premier in this matter surely has broken the rules of this House.

Mr SPEAKER: Order! I repeat for the member for Caloundra: I could go back to square one and say to the Leader of the Opposition that there is no point of privilege because there was no proof that the Minister had told an untruth or misled the House. At that stage there was no point of privilege, it was just a statement by the member for Warrego in a question and the answer by the Minister for Natural Resources saying that it was the member's data. At that stage, there really was no point of privilege. We will continue with question time.

Mr MACKENROTH: I will continue the point of privilege that I started. The issue is that in taking his point of privilege earlier, the Leader of the Opposition accused the Minister for Natural Resources of misleading the House

in relation to his answer. He said that he would provide the Speaker with the information——

Mr Borbidge interjected.

Mr MACKENROTH: No, the Leader of the Opposition said that he had and that he would provide the information to the Speaker. If the Leader of the Opposition is honest about what he is trying to do in this Parliament, he would make that information available to the Minister for Natural Resources to look at, otherwise what is he hiding?

Mr Borbidge: If it makes the Leader of the House happier, I am sure that it can be tabled.

Mr SPEAKER: Order! Is the Leader of the Opposition moving to table it?

Mr BORBIDGE: I am happy for the document to be tabled. With respect, Mr Speaker, there is no way that you could have read that document from the time that this particular issue was raised. My actions in raising it as a matter of privilege are in accordance with the protocols of this House. You have an obligation, sir, to read through that document and to report back at a later time.

Mr SPEAKER: Is the Leader of the Opposition dissenting from my ruling?

Mr BORBIDGE: I am making an observation, Mr Speaker, that you seem to have changed the rules.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat.

QUESTIONS WITHOUT NOTICE

Business Investment

Mr FENLON: I ask the Minister for State Development and Minister for Trade to inform the House of any recent developments in the Government's efforts to attract international companies to Queensland.

Mr ELDER: Since coming to office this Government has aggressively pursued international companies and the location of those international companies in this State. So far, Citibank and Stellar Communications have centred international operations in Brisbane. I can announce that recently IBM, a world leader, confirmed that it is setting up an international technical support and service centre in Brisbane. One of the many positive effects of IBM's move to Brisbane is that it will further enhance our State's reputation as an IT & T provider and hub. IBM's stature in the industry will have an enormous spin-off for this State.

The IBM call centre to be established in Brisbane will employ 100 people in its first year of operation. IBM has indicated that by the end of next year some 200 people will be working in the IT & T sector in the organisation's Brisbane centre. Similar IBM centres in Ireland, Scotland and China have shown tremendous growth. Those established call centres initially employed 100 staff and after three years all employ no less than 400 people.

During the announcement of this development, I found it quite amusing that the temporary Leader of the Opposition claimed that a Federal Government initiative brought IBM to Brisbane. Of course, he was again trying to down-value and undermine the work of this Government in Queensland. I can just see John Howard and Nick Minchin saying, "What can we give Queensland? Goodbye Mr Kennett, goodbye Mr Court, goodbye Mr Olsen." For that matter, goodbye Mr Chips! Can't we just see them saying, "We will look after Peter Beattie and his Government in Queensland. We will give them IBM." That is a nonsense.

Mr Beattie: It is a good idea.

Mr ELDER: It is a great idea, but it shows how negative the temporary Leader of the Opposition can be: "We can't fix the coastline in Queensland but let's give them IBM." The fact of the matter is that that is a nonsense and it is the type of nonsense that will see the temporary Leader of the Opposition fade into irrelevance within a very short period.

This Government has put in place the blueprint from which we can develop opportunities in the IT & T areas. This Government is attracting international companies to centre their Asia-Pacific operations in Brisbane. This Government is growing the call centre industry and this Government will deliver.

Capital Works Expenditure

Mr LAMING: I refer the Minister for Public Works and Minister for Housing to my question on notice concerning capital works expenditure and in particular his non-answer, as follows—

> "Detailed information on person-hours impacts for Capital Works Projects is impossible to calculate."

I ask: was such information provided to the Minister or his office by either the Department of Public Works or the Department of Housing and, if so, why did he choose not to include such information in his answer?

Mr SCHWARTEN: I am delighted at the question because, like the Minister for Education, I am being given a great opportunity to talk about our Capital Works Program and highlight the fact that the Opposition knows as much about building as a snake knows about hips. Members of the Opposition have been running around the State talking about a capital works blow-out in the Budget and saying that we will not be able to meet our obligations. These are the people who gave us the capital works freeze and who stacked up on their desks contract after contract after contract and every year ran over $500m worth of capital works into the next Budget. And they have the hide to come in here and talk about job creation in this State!

If the honourable member had been listening on previous occasions when I have made ministerial statements and answered questions from interested members on this side of the Parliament, he would know that we have been getting on with the job of creating employment and that we are leaving no stone unturned in creating jobs in this State.

Premiers Conference

Mr LUCAS: I refer the Treasurer to his ministerial statement of this morning, and I ask: what would have been the outcome of the Premiers Conference if the Beattie Government had adopted the Opposition's stance on the new tax arrangements and just meekly accepted the Howard Government's proposed package?

Mr HAMILL: It is quite clear that had the Premier and I followed in the footsteps of the Leader of the Opposition and the former Treasurer, Queensland would be some $350m worse off than it will be in the period 2000 to 2003. The Leader of the Opposition, who has no shame, asks: why? Now I know why Jeff Kennett and the other Premiers thought so little of the negotiating skills of the honourable members for Surfers Paradise and Caloundra at the Leaders Forum and the Premiers Conference.

One only has to look at their record to find the answer to the Leader of the Opposition's question: why? When in Government in Queensland, the coalition had an appalling record in negotiating Queensland's position with the Commonwealth. One only has to look at the actions of the coalition with respect to the Commonwealth's deficit reduction program. The Leader of the Opposition, as the then Premier, went down to Canberra and meekly signed off on a deal whereby Queensland would make hundreds of millions of dollars available to the Commonwealth Government to fix up the Commonwealth's deficit, even after the Commonwealth was running a surplus. What is more, where did the money come from? It came at the expense of disadvantaged Queenslanders who were being denied access to public housing! The former coalition Government gutted the public housing budget to hand back the money to the Federal Treasurer.

The Leader of the Opposition asked the question: how can we say that Queensland would be worse off had the coalition been conducting the negotiations? One only has to look at their performance in respect of the fuel subsidy scheme. That great deal negotiated by the Leader of the Opposition and the member for Caloundra has already resulted in Queensland being $115m out of pocket! They did not have the gumption to negotiate Queensland's share of the fuel subsidy based on the amount of fuel consumed in Queensland. They said, "No, we'll provide another subsidy to the other States." What would they have done? They would have lain doggo and copped it again, and Queensland would be $350m worse off.

Do members recall the interjections in this place after the Premiers Conference last year that Queensland would be better off if we just rolled over and copped the deal? We would not cop the deal, because the deal was fundamentally unfair. We invited the members of the coalition to come on board and campaign with us. They would not do it. The silence was deafening. That is the answer to the question as to why Queensland would be worse off under the coalition.

Capital Works Expenditure

Dr WATSON: I refer the Treasurer to his Budget Speech last year, when he informed the House that the Beattie Government's Capital Works Program would fund approximately 65,000 jobs. I also refer the Treasurer to my question on notice concerning Treasury's capital works expenditure, and in particular his answer, which read—

> "Detailed information on person-hours impacts for Capital Works Projects is impossible to calculate."

I ask: is the Treasurer claiming that his department can calculate the number of jobs associated with his Capital Works Program but cannot calculate the corresponding number of person-weeks or person-hours of employment? Is it not true that the generally

accepted formula among Government departments is that approximately $1,400 of capital works expenditure generates one person-week of employment? When did the Treasurer first mislead the House? Was it in his Budget Speech last year or was it in answer to my question on notice?

Mr HAMILL: I would love to do this analysis of person-weeks employment based on the performance of the Opposition, because I know what the answer would be—zero, no performance, no delivery. That is exactly the issue with respect to capital works. What did the members opposite do when they were in Government? They froze capital works spending and caused enormous hardship to a lot of contractors across the length and breadth of this State. They gutted employment growth in the State as a consequence. The figures demonstrate that very sad fact of economic mismanagement under the coalition.

The honourable member for Moggill has been trying to peddle the line around the community that somehow or other capital spending is not being delivered by this Government.

Mr Beanland: That's true.

Mr HAMILL: I know it is true. I am pleased that the member for Indooroopilly confirms my view that the member for Moggill has been peddling that line, because in fact——

Mr BEANLAND: Mr Speaker, I rise to a point of order. It is quite true, as I said, that capital works is underspent.

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

Mr HAMILL: Mr Speaker, I heard the member clearly. He is just corroborating the line of the member for Moggill. The facts in capital works are these: at the end of February we had already delivered over half of our total Capital Works Program for the whole of the year. That is not a bad performance, considering the Budget was passed only in October and we have had one of the wettest wet seasons on record—certainly of the last decade.

What is pleasing to note in terms of the positive employment outcomes of that commitment to delivering the Capital Works Program is that we have seen unemployment in Queensland fall to the lowest level for almost a decade. Under this Government, unemployment has consistently trended down over the nine months that we have been in office. There has also been substantial employment growth during the same period. I refer the member for Moggill to my Budget Speech last year. I remind him that we said at the time that, notwithstanding the very difficult economic climate that was affecting Queensland's export markets, the Queensland Government would deliver substantial economic growth in this State through its Capital Works Program. That is exactly what we said we would do. That is exactly what we have done.

Premiers Conference

Mr FOURAS: I draw the attention of the Treasurer to coalition criticism of the State Government's newspaper advertising campaign in the lead-up to last week's Premiers Conference, and I ask: did the campaign represent money well spent?

Mr HAMILL: They are truly a very, very negative lot opposite. In the lead-up to the Premiers Conference we were delighted at the strong support that the business community, including some leaders of primary industry groups and the mining industry, were prepared to give us in our campaign to get a fair share for Queensland. It was very sad indeed that nowhere in any of that could we find the names of the members for Surfers Paradise and Moggill or indeed anyone who sits among the Liberal and National Parties in this place. I would have thought that it ought to have been a bipartisan cause to get a fair deal for Queensland. Alas, I was mistaken.

What was very interesting was the fact that our advertising campaign highlighted not only the support of the business community but also the stance of the Queensland Government in explaining how Queensland was being treated unfairly. I was asked at the time why we were advertising in this way in the regional press. The answer was very simple: to try to help Federal members of Parliament, particularly members of the Federal Government, to overcome their disability, which had only recently come upon them, whereby they could no longer speak out on issues affecting Queensland.

The impact of the advertising campaign was instructive. I noted in last Thursday's Toowoomba Chronicle a quote from the Federal member for Groom, Ian Macfarlane, who stated that he almost admires the Queensland Premier for seeking to get a better share of the cake. If that was what he was feeling on Thursday, I reckon he probably idolises the Queensland Premier today, because of the way in which we succeeded in defending Queensland's interests.

However, the member for Blair was still peddling the same sorts of lines he obviously peddled to his former boss, the member for Caloundra, because he adopted the supine position when it came to dealing with Canberra. I thought the best response was that from the National Party member for Hinkler, Mr Neville, who attacked us in the News-Mail last week over the full-page advertisement in the News-Mail, calling it a waste of taxpayers' money. Not only did he get the figures wrong in relation to the GST; he was absolutely wrong about the effectiveness of the campaign—a campaign involving Queensland business and the Queensland Government. We spent $160,000 on that advertising campaign to press our argument for justice for Queensland. That $160,000 has been returned not once or twice but 2,100 times over by our securing a deal for Queensland which generated an initial $350m in funding for the State. That is not a bad return.

Mr W. Nioa

Mr PAFF: I direct a question to the Premier. In relation to the firearm buy-back scheme, an extract from the buy-back records indicates that on 18 April 1997 Nioa Trading was paid $8,700 for an AK47 rifle stock—that is, the stock only. Bearing in mind that Bill Nioa was the chairman of the Queensland buy-back scheme evaluation panel, I ask: does the Premier agree that, if this record is accurate, it could indicate corruption? In light of the current Police Minister's speech to the House on 17 March 1998, will the Premier give the House a guarantee that he will initiate a thorough investigation into the allegations of corruption surrounding the Queensland firearm buy-back scheme? Queensland will not accept a CJC whitewash of the apparent misuse of public funds that occurred during the operation of this scheme.

Mr BEATTIE: I am quite happy to look at any details provided to me or to the Police Minister by the honourable member. As he knows, that scheme was introduced in this Parliament with bipartisan support after some initiatives by the Prime Minister, John Howard, following the unfortunate tragedy at Port Arthur. If there are issues that need to be addressed, then we will address them. I invite the member opposite to provide material to the Police Minister, to me or to the CJC. I do understand from the Police Minister that this matter has already been looked at by the CJC. I think that is correct.

Mr Barton: There's been an investigation about the allegation.

Mr BEATTIE: There has been an investigation by the CJC of some allegations already. Whether this involves the material that the member opposite has remains to be seen. I know that he has some issues in relation to the CJC, but the appropriate organisation to investigate these matters is, in fact, the CJC. However, I invite him to provide the material to the Government and we will refer it to the police or to the CJC if it has not already been investigated. I just point out, though, that the event he referred to was in 1997 and, as he would understand, we were not in Government at that time. Nevertheless, when we gave bipartisan support to this scheme, we wanted it to work effectively.

Clearly, if the member opposite has material, it will need to go to the appropriate law enforcement agencies for investigation. As he knows, Ministers themselves are not law enforcement investigators; that work is done by the police and the CJC. If there are matters that need to be looked at, I invite the member to provide me with the detail.

Attraction of Major International Events to Queensland

Ms STRUTHERS: I refer the Minister for Tourism, Sport and Racing to comments made by the Federal Sport and Tourism Minister in last Thursday's Courier-Mail that, "Brisbane has traditionally failed to capitalise on sport-based tourism" and that "big sporting events and the tourism dollars that go with them are flooding instead into the more aggressive sports entertainment markets of Sydney and Melbourne", and I ask: is there any evidence to support Ms Jackie Kelly's claim that Queensland is lagging behind other States in attracting major international events and tourists?

Mr GIBBS: At the outset, I say that all people who attended the luncheon addressed by Ms Kelly in Brisbane last week were highly offended by the comments that she made. I would think that honourable members on the opposite side of the Parliament should be offended as well, because it was a dreadful slur on the entire State of Queensland. I might say that I was looking forward to taking this matter up with the Federal Minister this Thursday at the council of Tourism Ministers to be held in Perth. Unfortunately, we have all been advised that that meeting has been cancelled owing to the fact that the Federal Minister simply forgot to put the date in her diary. Here we are in the middle of a problem

in relation to our tourist industry Australiawide and the Federal Minister for Tourism simply forgot to put it in her diary and so we cannot have a ministerial council meeting.

Quite frankly, the Federal Minister is either naive or simply does not know what she is talking about. The fact is that Queensland has a proud record of attracting major events into Queensland. I might just say that our reputation has gone far and wide overseas to such a degree that we recently hosted a delegation of parliamentarians from the House of Commons, who came to Queensland to actually sit down and seek advice and assistance from the Queensland Events Corporation as to how they should go about establishing a body based on it back in the United Kingdom. At present we are the first and only major events agency in Australia to have actually been invited to help China develop a national events and sporting strategy. That says much for the expertise of our people here in Brisbane.

What the Federal Minister forgets, of course, is that we have events such as the Gold Coast Indy and the 2001 Goodwill Games for Brisbane, which will generate $167m for our economy and create 1,789 local jobs. The Federal Minister is so up to date on this issue that she not only was so ignorant that she did not know about the event when she was actually briefed by the chairperson of that committee, but she then actually stood up and congratulated us on attaining the event and said how wonderful it was that it was going to be run on the Gold Coast. She is completely out of her depth.

The other events include the 2006 Rotary International Convention, which will attract 25,000 delegates to Brisbane and is worth $60m to our economy. We hosted the 1994 World Masters Games in Brisbane. We have the Olympic Soccer Tournament, the Magic Millions Racing Carnival, the Japanese Airlines Gold Coast Marathon, the Asia Pacific Games and the FIH Champions Trophy, which is a world championship hockey tournament. As I said, a multitude of these events are taking place in Queensland and the Federal Minister should check her facts before she comes here again.

Small Business; Electricity Supply

Mr STEPHAN: I refer the Minister for Mines and Energy to the Government's decision regarding the restructure of the electricity industry, and I ask: what impact will be felt in the community with the closure of smaller centres when there is a loss of power supply? Small businesses are already going to the expense of buying generators to provide their own power because of continuous power losses. Will the Government ensure that sufficient employees remain in the smaller centres to cater for emergencies and to maintain and restore power supply that is cut for various reasons?

Mr McGRADY: I have stated that in this Parliament on a number of occasions. I have already travelled around the State talking to the employees of the industry and I also sent out letters to every one of the 10,000 people who work in the industry. Let me repeat it again today: there is a solemn undertaking by this Government that there will be no retrenchments and no forced transfers. So those people who are working in the small depots around this State will maintain their jobs.

But let me say this: that was not the case under the coalition. If there had not been a change of Government in Queensland, some 3,000 to 3,500 of our fellow Queenslanders would have today been on the unemployment scrap heap—people who used to work for the electricity industry. So the member opposite should not worry at all; this Government is not only about creating jobs but it is also about preserving jobs. He really should have no concerns at all. We look after his area. We look after the whole of the State.

Public Confidence in State Education

Mrs LAVARCH: I ask the Minister for Education: has there been a jump in public confidence in the State education system?

Mr WELLS: There certainly has been a jump in public confidence in State education. A recent widespread survey involving at least 60,000 participants has indicated that there has been an increase of 5% in the overall satisfaction rate of parents with the State school system. That is over one year. But better still, the increase in the satisfaction rate of students in the public education system was 11%. This is a massive turnaround. First of all, it indicates the capacity of the teachers in Queensland to respond to the information that they had in the previous year's survey, correct things that could be improved and actually deliver a better quality of education in our State's school system.

It has just been drawn to my attention that students from the Seven Hills State School are in the gallery, and I welcome them here. They come from a very fine school, and

there are 1,300 very fine schools in the State public sector in Queensland.

The survey also indicates something for which I would like to pay a small compliment to the honourable member for Merrimac. The very fact that there was a possibility of getting this feedback loop and the excellent results that the teachers glean from it came from the fact that that survey was instituted during my predecessor's time in office. It also indicates something else. It indicates that if the war which the Leader of the Opposition and his then Minister were carrying on against the teaching profession was simply called off that would have led to greater relaxation in the classroom, better morale for teachers, a more comfortable teaching environment and therefore better educational outcomes.

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

PRIVILEGE

Deputy Premier

Mrs SHELDON (Caloundra—LP) (11.30 a.m.): Mr Speaker, I rise on a point of privilege suddenly arising. I ask for your ruling on the propriety of the Deputy Premier being given printed information which had been handed to you and on which you would make an assessment as to whether this matter would be referred to the Members' Ethics and Parliamentary Privileges Committee, as was requested by the Honourable the Leader of the Opposition.

Mr SPEAKER: Order! I will look at the matter and correspond with the member.

MATTERS OF PUBLIC INTEREST

Services to Rural and Remote Queensland

Hon. T. R. COOPER (Crows Nest—NPA) (11.30 a.m.): In my opinion there are two Queenslands—the Queensland of the south-east corner and coastal regions and the Queensland of the interior. I grew up at a time of telephone party lines and 110 or 32 volt power. Therefore, I am quite used to those services.

Recently I went out west from Townsville, as well as out to Glenmorgan and Meandarra, to speak to literally hundreds of Queenslanders in the bush. I am most concerned about the whole range of services being offered, be it television, telephone, electricity, roads or Government services. The standard of those services indicates quite clearly that there are indeed two Queenslands.

A lot of people in this place probably do not know—and I would say from the noise in this place that they obviously do not care—that there are some people out there in the bush——

Mr DEPUTY SPEAKER (Mr Mickel): Order! I ask honourable members leaving the House to do so quickly and quietly.

Mr COOPER: I think some members would be quite surprised to learn that there are people who cannot even get free-to-air television and who have to either get pay TV or go without.

Mr DEPUTY SPEAKER: Order! There is still too much conversation in the House. Those honourable members leaving will do so quickly.

Mr COOPER: It would be good if a lot more people went out to those areas and found out these things for themselves, as I have. During the 1960s, when television, electricity and automatic telephones were becoming commonplace, in the bush there were telephone party lines, no electricity and no television. Modern technology created these things for people to use. As I said, people in the south-east corner and in the cities have no problem. Even today in the west—in 1999—some people still cannot get free-to-air television. That is astounding.

I think a lot can be done about it. The technologists say that these services can be provided as long as Federal and State Governments do their job and actually take into account the needs and wishes of the people. If we in this place do not say what the problems are, they will not be addressed.

I think people would be astounded to know that Channel 7 from Sydney has replaced Channel 10 in these areas. It beams across western Queensland. What good is Channel 7 from Sydney? It screens Sydney news. Residents of western Queensland cannot even get local news any more. There is also a lack of sporting events being televised. Those services can and should be provided.

Telephone services are second and third rate. It is normal for problems to take a week to fix. People cannot use a fax with their phones and south of Dalby you can forget about a mobile phone service. These are the sorts of things we in the south-east take for granted. People out west know that they simply cannot and will not get decent mobile telephone coverage. In this day and age, that is an utter disgrace. We have to wonder whether the total sell-off of Telstra will make things worse, because only partial services are

being provided now. I believe that after the whole of Telstra is sold there will be no service at all. That concerns me greatly.

In regard to electricity, there are endless blackouts, brownouts and power surges. That is common and normal. People expect that to happen. I received reports only last week that people can run only two or three household implements at one time, even with 240 volt power. It is absolutely astounding that such shocking services are still being provided. I know that we can do better.

Recently, we went through north Queensland to assess flood and cyclone damage. They are the sorts of things people living especially in north Queensland expect, but the damage done to roads is quite staggering. Over 200 years those roads have not been built appropriately. Of course, they always go under when floods occur. That is the sort of thing we should have corrected long ago. Facilities have to be built accordingly. We also found that the natural disaster relief arrangements must be reworked. They do not fit the problems of the day. Those are things that should be attended to.

The sort of vision we once had has gone. It is my belief that the Snowy Mountains scheme was done for this nation and for the everlasting benefit of the eastern parts of Australia. But I do not think there has been much vision shown since then. There are so many aspects of that project that people could take on board and actually carry out. I believe that water security is one of the most vital issues today. We are so complacent about water in this country. In the light of the Ord River/Lake Argyle scheme in the north-west of the nation and the pipelines that seem to be able to cart oil and gas all over the place, it is really quite extraordinary that we cannot seem to put water into lines to deal with dry and arid areas and to ensure water security. There is no reason on earth why something like that should not have been done long ago. The Snowy Mountains Authority should never have been disbanded.

Here in Queensland, the recycled water from Luggage Point now goes out into Moreton Bay—160,000 megalitres a year. That water should be directed via pipeline back up to the Lockyer Valley and out onto the Darling Downs to provide water security for producers there. We can just talk about these things, but they can and should be done. It is high time we addressed these areas of vision. They are not just pipedreams; they are real and doable, and they can and should be done. I believe there could well be wars fought over the issues of water supply and water security, which have become so vital.

The Melbourne to Darwin railway line is something Governments could take more interest in. I know that private enterprise is involved and interested, and it should be encouraged. It is no use saying that these sorts of projects are too expensive. Over 50 or 100 years they do pay for themselves and they generate employment and active industry. It is a question of attitude. It can and should be done.

We once had forestry workers actually tending our forests. Unfortunately, during the Goss era a lot of those forestry workers were taken out of the forests. They should be put back. We talk of jobs, jobs, jobs. There are real and genuine employment opportunities there. They would be doing something really useful, not just picking flowers and catching butterflies and the sorts of things that it has been suggested to us could replace timber management. We need to see forestry workers actually in the forests and tending to them.

Similarly, national parks need more rangers. It is not a question of just declaring more national parks. We need to look after them. The best way to look after them is to put rangers in there. There are plenty of national parks and plenty of available officers to do that sort of work. That should be done not just for the sake of providing employment but for the sake of looking after the national parks.

There is a dramatic shortage in the number of stock inspectors in the cattle industry. I am not just saying that we need stock inspectors for the sake of it. There is a definite need. As with a lot of other Government services, we have said that it is not just a case of putting everything back the way it was; it is a case of recognising the very real need for expert people to fill these positions.

Before I finish, I recognise those people who live in the west and north-west of the State. They simply do not have the services we take for granted. I think that is an utter disgrace in this day and age. I do not point the finger at one particular political party or another. I am saying that based on the experiences I have had and what I have lived through. In this day and age there are a whole lot of people in a vast area who simply cannot get the services we take for granted, be it television, telephone, electricity, mobile phones and so on. Every one of us should try and remember that. Queensland is still divided when it comes to the provision of services. The

way to make Queensland one is to ensure that people in western Queensland get the services the rest of the State has.

Unemployment

Mr NUTTALL (Sandgate—ALP) (11.40 a.m.): As the Premier said on 3 March this year, we as a Government have been very aggressive about our 5% unemployment strategy. We introduced the Breaking the Unemployment Cycle initiative, which was designed to create 24,500 additional jobs and training opportunities for both young and long-term unemployed people. Given that economic activity is relatively strong, employment growth should further accelerate in the ensuing months. As honourable members would know, we came to Government when the unemployment rate was 8.9%. We are certainly on track to achieving our 5% target. Queensland has its lowest unemployment rate in nearly a decade.

As the Treasurer indicated on 10 March this year in this Parliament, the Queensland Government is well on its way to delivering on its election commitments and achieving what we forecast in the September Budget last year. The Queensland economy is firmly on track, despite international conditions, to achieve growth in the 1998-99 financial year of 3.5%. The Treasurer's midyear fiscal and economic review has shaved 0.25% off the State's projected unemployment rate for the 1998-99 fiscal year, taking it down to 8.5%. Given last month's figures, we are even more optimistic now that we can do even better than this 8.5% projection by 30 June 1999.

A massive 46% increase in the number of new apprenticeship approvals in the past year indicates that this Government's job creation strategy is firmly on track. In the year to 28 February there were 10,272 new apprenticeship approvals, which was an increase of 3,256 on the figure for the same period last year. What is particularly good news is that, in regional Queensland, apprenticeships are way up. For example, in north Queensland, apprenticeship approvals are up 65%; in central Queensland and Wide Bay, they are up 45%; and in south-west Queensland, they are up 29%.

Mr Reynolds: They're tremendous figures, aren't they?

Mr NUTTALL: They are indeed. The Opposition in this Parliament is certainly out of step with the prevailing thinking when it comes to reducing unemployment in Australia. When the Premier said that this Government was about getting unemployment to 5% over five years, we were ridiculed by the State Opposition. It has criticised the State Treasurer and many of us in the Government on this target figure. Since then, the Federal Treasurer, Mr Costello, has conceded that a 5% unemployment target is achievable, and we should all thank Mr Costello for his support on this issue. However, where does that put the Opposition in this State? Mr Costello announced his goal of 5% and said that he was pleased that the Federal Government would now be working with the Queensland Government to try to bring down unemployment. As Mr Costello also says, low wages are a recipe for low productivity and low growth, so advocates of reducing wages for jobs for the long-term unemployed are insensitive and immoral.

While the US economy has created about 18 million jobs since 1992 and has driven unemployment to around 4.3%, which is a 28-year low, and finally delivered real wage gains to workers in the last three years, there is a catch. That catch is that employers find it easy to hire and fire and to adjust wages up or down as they see fit. US employers do not have to pay for as many social benefits as do employers in other OECD countries, including Australia. Workers have fought long and hard for these benefits.

Not surprisingly, migrants from non-English-speaking backgrounds are disproportionately represented among the unemployed. About 13% of unemployed people do not have English as their first language or speak it at home, compared with about 6% of employed people. Through a range of initiatives by this Government, including the Multicultural Queensland policy, efforts are being made to address the disadvantages experienced by our migrants. Working Queensland—the Community Jobs Plan—is about job training being boosted, jobs for capital works, jobs for regional Queensland, jobs for women, jobs for youth, green jobs, and a range of other initiatives as economic growth continues in Queensland. Queensland is the most decentralised State, a State with vastly different needs in terms of jobs, services and support mechanisms.

We as a Government are out there listening to the people of this State. Through the Minister for State Development, there are a range of initiatives in place to assist regional Queensland, and these include: progressing regional business and industry opportunities by assisting economic development organisations, business, community groups and local government; integration of

Government programs into regional Queensland; management of the Regional Business Development Scheme delivered at local level by State Development Centres; social impact assessment of the Carpentaria-Mount Isa minerals province; the South East Queensland Development Strategy; and the Centre of Excellence for Regional and Rural Services.

In February, Cabinet agreed to provide full rebates on the payroll tax due on the wages of anyone employed under the State Government's Community Jobs Plan initiative. Over the next three and a half years, Community Jobs Plans will provide full-time employment for between three and six months for some 9,000 Queenslanders who have been unemployed for at least a year or who are at risk of experiencing long-term unemployment. I do not believe that we can rely solely on economic growth to wind back the unemployment figure to 5%. As honourable members would know, the Government said that it would create 30,000 jobs in its first year; and after nine and a half months, some 33,000 jobs have been created.

The Queensland economy is going well against the region in which we live. With an unemployment rate on the way down, and with real jobs growth, there is every reason to believe that we will get down to the 5% target that we have set ourselves. Economic growth alone can greatly assist us to achieve our 5% target. The absence of a recession provides the climate for sustained employment opportunities for our people well into the new millennium. One of the ways in which the Commonwealth Government can assist Queensland to achieve our 5% unemployment rate would be a systematic approach for labour market programs to be introduced into the labour market along the lines of the hugely successful Keating Government Working Nation strategy. For example, labour market programs such as New Work Opportunities were particularly successful and, with some refinement, would again offer the long-term unemployed work in this State.

I need now to offer a word of caution about the 5% target which, while achievable, will be tougher to get down to if we have a GST. This insidious tax, which has ruined the lot of fixed, low and middle-income earners where it has been introduced, can only add to costs. In any jobs plan in this State there needs to be a realisation that currently over 50% of the Queensland Government's Budget comes from the Commonwealth. Under a GST, that figure will rise to 80%. Queensland simply cannot afford any further attrition of its financial base that puts in jeopardy our 5% unemployment target. According to the Australian Financial Review of 4 February this year, the GST would slash jobs from the tourism industry. Of course, many of these job losses will be concentrated disproportionately in Queensland. We must continue to oppose this tax. For labour market reform, one of the most productive ways is for the Commonwealth to inject significantly more funding into training programs to make the long-term unemployed more job ready. Wages for previously long-term unemployed have to be subsidised by the Commonwealth. There has to be a continuing evolution of labour market flexibility together with strong economic growth.

In conclusion, we are well on our way to getting to the 5% unemployment rate for Queensland over five years. As I have outlined, our employment strategies are far reaching. With the support of industry and the people of Queensland we can achieve our objective.

Caloundra Rail Corridor

Mrs SHELDON (Caloundra—LP) (11.50 a.m.): I bring forward as a matter of public importance the need to review the Government's decision on the Caloundra rail corridor—the need to examine whether the Government's choice of a rail corridor for Caloundra has been made correctly and the need to provide compensation to those indirectly affected. It is important that we examine the issues prior to any land resumption taking place, and as expeditiously as possible, in order to avoid prolonging uncertainty in the community.

Let me make it clear that no-one is against the concept of a Sunshine Coast railway; the only argument is which route it should follow. The more than 1,000 people who have signed petitions—backed by community groups, business organisations, developers, the Opposition and the Caloundra City Council—want the rail corridor to follow the Corbould Park option. This is the option my constituents overwhelmingly want and is the one which has the least impact on the environment and the least disruption to people's lives. Seventy-three per cent of the submissions made to CAMCOS favoured Corbould Park; only 27% favoured the Aroona option.

Corbould Park is a visionary transport system which we want and need to meet Caloundra's medium and long-term transport

needs. Instead, the Minister for Transport chose an option which almost everyone on the Sunshine Coast believes that he held from the start. The Minister chose his preferred option after doing little more than paying lip-service to the process of public consultation. He threw the opinions of the vast majority of people straight in the bin and he sneaked through his announcement to the Caloundra media in the early hours of Thursday just before the Easter holidays, knowing that the print media would not be publishing on Good Friday.

This whole exercise has been a sham. There has been no transparency in the decision-making process and no accountability. The wishes and the aspirations of Sunshine Coast residents have been ignored. It is Tollbusters and the koala corridor all over again. Where is the decent Government for all and the promise of no steamrolling of decisions against the very people who are affected? Let the Minister try to deny any involvement in an attempt to stack a CAAC public meeting on 22 March to the small group of people who supported his views, and his exuberant thanks after the meeting to those who had done his bidding.

There have been so many deficiencies in the process that the final decision cannot possibly stand. The CAMCOS study itself has been largely discredited by community and expert groups. Some of that criticism is in the submissions made to CAMCOS which CAMCOS refuses to make public. The CAMCOS study is equally deficient in its omissions and in areas where detailed work and studies have not been carried out.

Residents only became fully aware of the proposals one month before the deadline for submissions after I had asked CAMCOS if it would letterbox-drop people who could be affected in the Aroona corridor. This was eventually extended by three weeks after we asked the Minister to allow the public at least some time to put in their submissions. Why was there such a race to make a decision once the community became fully aware of the proposals? In CAMCOS's own words, this corridor will not translate into the reality of a rail line until about 2010 or 2011.

That mad rush to make the decision on April Fool's Day is illustrated by the following sequence of events: on 18 March Caloundra City Council says CAMCOS has advised that vital information needed to reach a decision would not be available until 28 March; on 21 March public submissions closed; 22 March was the only day where the Minister would agree to meet the people of Caloundra to discuss the issue and at the meeting the Minister said, "No more public submissions ... the deadline has passed"; and on 28 March, presumably, that vital information which CAMCOS told council was crucial to a decision was completed.

Three days later, a 118-page report, with attachments, was being distributed at a cost of $40 per copy, together with executive summaries, press ads and letterbox-drop leaflets which all supported the Minister's decision. The report was obviously written to accommodate the Minister's views. References in the report to the Boddee land as having potential for residential A use date the writing of the report back to at least 18 March, as the Department of State Development purchased this land for industrial purposes on that date.

It is one of the worst reports I have read. It contains factual and grammatical mistakes and lacks logical cohesion. It makes some extraordinary observations that cannot go unchallenged. The report starts off with 13 criteria and then deletes most of these back to its original Stage 2 criteria of transport, environment and economics. Under the transport criteria, the report excludes all of the potential development to the south of Caloundra Road in the Caloundra Downs region. The report erroneously states that any corridor will equally service this area of potential development.

In fact, the Corbould Park corridor best services any future urban development to the south of Caloundra Road and Caloundra Downs. The Golden Beach/Aroona option will not service this area. There is no provision in the study for a rail station or any linkages to the Caloundra Downs area. The southern section of Caloundra Downs, through which the Golden Beach/Aroona corridor passes, is the most environmentally sensitive portion of the Caloundra Downs holding and is unlikely to be developed for urban purposes.

CAMCOS should have modelled the demand forecasts on the basis that at least part of the Caloundra Downs area would be developed. Had it done so, the passenger projections would have increased substantially. Under the environmental criteria, CAMCOS unequivocally states—

> "When assessing the totality of environmental effects considered in this report, the preferred option on purely environmental and social impact grounds is the Corbould Park option."

CAMCOS acknowledges that there will be a potentially higher impact from noise pollution in

Aroona due to the close proximity of houses to the corridor.

The rail link through Aroona will have to be elevated above natural ground level, further increasing the effects of noise pollution on adjacent properties. Should this level exceed any legal noise limits, CAMCOS admits that the corridor would have to be scrapped.

When dealing with visual pollution problems, the CAMCOS report shoots itself in the foot again when it states that the Aroona option has a greater capacity to absorb changes to the natural and urban landscape. I find it impossible to accept this statement when the Aroona corridor travels through and close to established residential areas. How does CAMCOS propose to remove this blot on the landscape?

Under the economic criteria, financial evaluation is the same for all corridors according to CAMCOS. However, the economic evaluation favours the Aroona option, but only because the demand forecasts exclude the areas south of Caloundra Road and Caloundra Downs Two. Under the transport criteria, all corridors meet the Integrated Regional Transport Plan objectives.

According to CAMCOS, the Aroona corridor has the highest passenger demand forecasts. But, as I said before, the forecasts exclude any population growth that will be generated by urban development south of Caloundra Road. With the inclusion of population data south of Caloundra Road, the conclusions reached by CAMCOS in relation to pollution and congestion could be called into question.

It is difficult to understand how the Aroona corridor "improves accessibility and social justice for all". How is there improved accessibility for the Aroona corridor if the bulk of the Caloundra population does not require rail access for its own local shopping and service facilities? I would be interested in knowing CAMCOS's definition of "social justice for all".

The Corbould Park option provides an opportunity for an integrated transport system that will be progressively supported by the development it serves and would naturally link to the designated multi-modal corridor to the north of Caloundra Road at Corbould Park. The Aroona corridor does not have the ability to integrate land use and transport as it is severely constrained by existing urban development.

The vast majority of people in my electorate do not believe that the process of selection of the public corridor has been carried out impartially; nor do many people believe that their public submissions have been fully taken into account. Corbould Park is clearly the best rail corridor option for Caloundra. It will save the State Government millions of dollars. It will have minimal impact on the environment. It will not impinge on endangered rainforest at Aroona which the Caloundra City Council, on advice from the Department of Environment, is trying to save.

Last week, the Caloundra City Council rejected an application for the development of a badly needed 103-unit retirement village in Aroona on environmental and other grounds. The application was rejected as it was in conflict with the implementation criteria for significant vegetation within the strategic plan. It was also rejected on drainage grounds and on the Department of Environment's own submission that rainforest priority 1 and 2 and acid sulfate soils were in the area. This is the same area which is going to be dug up for the rail corridor.

When is significant vegetation not significant vegetation? It is when a rail corridor is involved, it appears. The Aroona rail corridor will almost certainly affect plans for an adjacent 250-unit retirement village, as well as causing severe problems to an existing village. The Corbould Park option—particularly if it is routed south of the racecourse—will not affect houses. It does not force people to trade the peace and tranquillity they enjoy for a railroad 50 metres from their back fences. It does not devalue their properties by up to 30%.

If the Minister will not change his mind, based on the commonsense matters which I have put forward and the fact that the report is erroneous and that there was not sufficient time for the Minister to make a reasonable decision, it is only fair that people whose properties are directly or indirectly affected are adequately compensated. There is precedent for this in the koala corridor and on the Sunshine Coast.

Time expired.

Cairns Central Business District Revitalisation Program

Ms BOYLE (Cairns—ALP) (12 p.m.): I rise with pleasure to report to the House on progress with one of the Beattie Government's most important projects in Cairns, the $10m Central Business District Revitalisation Program. This program had been a promise

during the election campaign last year—a promise that was able to be made by the now Deputy Premier and Minister for State Development, the Honourable Jim Elder, and me as the then candidate for the seat of Cairns. It was able to be made by Minister Elder because he understands well the particular needs of Cairns through his previous experience as Minister for Business, Industry and Regional Development and as Minister for Transport.

It is time now to carry out that program. The Minister has appointed me as chair of an advisory committee to oversee the development of a blueprint for the revitalisation of the city area. Some words of background are relevant in highlighting the need for this program in the City of Cairns. In common with many other central business districts around the country and, I dare say, overseas, there has been a loss of vitality and increasing difficulties experienced by the retail sector through an increase in the number of shopping centres in suburban areas and an increase in the proportion of shopping conducted at those shopping centres rather than the residents in suburban areas taking the time and the trouble to go into town to do their shopping. Some 18 months ago the retail sector in Cairns drew attention to their plight of a loss of business through insufficient numbers of people spending sufficient amounts of money in their shops. Since that time we have seen an increasing number of vacancies and, unfortunately, empty shopfronts on the main streets of Cairns.

The previous State Government had done nothing substantial to address this matter. A survey of the retailers was the best that it could manage. That survey told us what we knew already: that there were not sufficient numbers of people in the city spending sufficient numbers of dollars in the shops. However, I am pleased to say that, under the Minister for State Development, we have extended those surveys and received much more useful information from the people of Cairns—from those who work in the city; from those who have businesses in the city, retail and otherwise; from those who travel in from the suburbs for different purposes; as well as from those in the region who visit Cairns City as the city in their region.

The blueprint that the advisory committee will develop will take us some several months. In June of this year I hope to present to the people of Cairns the first draft of the blueprint for their consideration before bringing it to Brisbane to the Deputy Premier for his further consideration. Within that blueprint we will be able to specify exactly how that $10m should be spent.

I am pleased to inform the members of this House that the advisory committee has appointed a project management team to assist us, not to do new reports or new studies. Thanks to the considerable and up-to-date efforts of the Cairns City Council, the Cairns Port Authority, and other authorities in the town, we have the raw data, as it were, on transport, on traffic management, on the usage of the city, on landscaping plans, on development controls. We have that base information. We need from our project managers the assistance to pull all of that information together into a document, a blueprint, that will focus on the city's revitalisation. I would like to congratulate particularly those who won this important job for Cairns—project managers Planning Far North, which is led by Bruce Hedley and is connected with Buckley Vann, a Brisbane firm led by Chris Buckley. Additionally, the company has a connection with Conybeare Morrison in Sydney. Darrel Conybeare, the senior partner in that firm, brought to Cairns his expertise from around the world as well as from around Australia and spoke with us in Cairns about the most likely areas in which our blueprint should be developed.

Unfortunately, although it was the urging of the Deputy Premier that this planning not become a talkfest and that the blueprint be provided within three months, I have to report to him and to the House that, in fact, at the moment a talkfest is exactly what is happening. This project has captured the imagination of people in Cairns and the region so much that we are all talking about it. Last week when Darrel Conybeare visited, he made a public presentation at the Regional Art Gallery to about 70 or so people, who were stimulated indeed by those projects that had been carried out in Sydney and in other cities around the world which have contributed to the revitalisation of CBD areas.

For Cairns, I suppose, the key themes that came up over and over again were, first and foremost, that it needs to be a comfortable city for pedestrians to use, a place not only where people can get from point A to B and then to C with ease but also where the process of getting there is so pleasant that they are encouraged, as it were, to linger longer. At the same time we must recognise that, in moving freely on foot, we share these streets with the traffic and that the flexible use of our roadways, our streets and our footpaths is the direction that we should take. Darrel Conybeare's comments were in some ways

implicitly critical and yet, I think, correct. He remarked that, although Cairns is a city on the waterfront surrounded by a wonderful esplanade and then curving around into the very interesting area of the Cairns Port Authority, within the CBD itself there is little evidence that Cairns is a waterfront city and that linking the city with the water may well be an important theme in our blueprint. Darrel also remarked that we have a very fine tropical botanic gardens—in fact, one that is world famous to enthusiasts—but presently there is only a little sign pointing north of the city to the botanic gardens. Instead, he suggested that we bring the botanic gardens into the city, that we have across the city fine examples of our tropical plants, particularly of the massive shade trees for which the area is famous, and that these be appropriately labelled and recognised as an element of the botanic gardens in the city.

Darrel also made some comments about the need for better lighting. I give recognition to the efforts made by the council to date but I must say that there is a need for further lighting, particularly for those balmy evenings in Cairns when we would hope to have very many more thousands of people present in the city area. Darrel made mention of the need for greater comfort in the city, through providing awnings to protect people from the rain and the sun and through seating on which we can take respite breaks or watch the extraordinary passing parade. Cairns has a proud history of being a truly multicultural city. The passing parade, particularly with the influence of our fame as an international tourism destination, is indeed a passing parade of some diversity and interest.

Darrel also made mention of the importance—probably for all CBDs but certainly for ours in Cairns—of encouraging not only high-rise and high-priced residential development in the city but also affordable residential development so that international students, our own students, hospitality workers, shiftworkers, or those of us who would like to experience city living can easily and in an affordable way find a place within the city to live. We talked of the importance of Cairns being a 24-hour city so that whether people arrive in Cairns at 4 a.m. on an international flight or whether they drive into Cairns towing a caravan, having come all the way from Victoria, facilities are open and available for them for their comfort, information, safety and shelter so that they can begin what will hopefully be a grand experience during their time in Cairns.

Of course, we also talked about the employment opportunities that will flow from this revitalisation plan. I am particularly keen to look for employment opportunities through Minister Braddy's Jobs Plan that will allow us to keep the city clean and safe and to have a presence on the city streets to provide information to visitors. Those jobs may be the kinds of jobs that people who have some physical limitations, whether due to age or disability, can take, albeit on a part-time basis, yet make an important contribution to their city as well as to our prosperity.

The Cairns Convention Centre's logo is "Serious business in a stunning location". I put to the honourable members of this House that, wonderful as that logo is, through the CBD revitalisation program we will be able to add some others, such as "Easy living in the City of Cairns".

Time expired.

Capital Works Expenditure

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (12.09 p.m.): Its contempt for this House and the taxpayers of Queensland has been demonstrated once again by the Labor Government and the 12 Ministers of Mr Beattie's Cabinet who have misled this House. On 3 March 1999, my shadow Cabinet colleagues and I submitted a number of questions on notice to all members of the Beattie Cabinet that were designed to ascertain the true state of play on capital works expenditure and job creation. We asked for the estimated quarterly capital expenditure forecasts, the actual monthly expenditure figures and, finally, the associated person-hours of employment generated from the said capital expenditure. However, instead of getting the answers expected from the Premier and his Cabinet, which espouses open and accountable Government, the Opposition received 12 responses that stated, "Detailed information of person-hours impacts for Capital Works Projects is impossible to calculate." What I personally found astounding in this response were the words "impossible to calculate".

I turn my attention to the Treasurer's Budget Speech from last year in which he informed the House that the Beattie Government's Capital Works Program would fund approximately 65,000 jobs. How does he know that? How did he calculate it? The Treasurer used the generally accepted formula within Government to calculate person-weeks of employment. As a rough rule of thumb, that works out at approximately $1,400 of capital

works expenditure to one person-week of employment. It does not take a Rhodes scholar to do the simple mathematics to multiply person-weeks of employment by the industry standard of 38 working hours per week to derive person-hours of employment.

I turn now to a specific response by the Minister for Health, in which she stated—

> "Detailed information of person-hours impacts for Capital Works Projects is impossible to calculate. However, the Queensland Health Capital Works Program will create 9,000 jobs."

Again, how would the Minister know that unless there existed some sort of calculation or formula?

More interesting than the response of the Minister for Health was that of the Education Minister, Mr Wells. The Education Minister toed the line and gave the now infamous "impossible to calculate" response. However, as the Opposition has proved this morning during question time, there exists within Education Queensland a simple formula to calculate person-weeks of employment from capital expenditure. This formula was used by the department in its preparation of the Government's 1998-99 Budget. I know that you, Mr Deputy Speaker, will be particularly interested in this, because it will have an impact down the line.

When one looks at this document, one sees quite clearly the total capital works outlay for the 1998-99 year. Then one sees that the document gives a figure less the value of non-employment generating outlays to leave the value of employment-generating capital outlays. That is clearly shown in the Education Department's budget documents. Of course, it then uses that calculation of $1,400 per week to generate the number of person-weeks. Therefore, it is quite simple to go from the number of person-weeks multiplied by 38, the standard number of hours in an award week, to reach the calculation of person-hours. It is interesting that in the documentation, a footnote to the figure of $1,400 states—

> "The default amount has been entered and will need to be changed if it is different to that of the Department."

It is quite clear that there is an accepted way of moving from capital works to employment weeks and, of course, to employment person-hours. If an award was to be presented to the Minister who provided the best "impossible to calculate" claim while having the most examples of such calculations on the public record, it would have to go to the Minister for Public Works and Minister for Housing. I refer the Minister to the ministerial statement that he delivered in this House in March, in which he stated—

> "Approval has been given to 103 tenders for capital works projects worth more than $144m. This translates to more than 100,000 weeks of employment—the equivalent of 2,090 full-time jobs."

Again, how can the Minister calculate the person-weeks of employment generated from the capital works expenditure associated with 103 approved tenders, but be incapable of multiplying the person-weeks of employment by 38 to determine the person-hours of employment generated? How can he translate 100,000 weeks of employment to the equivalent of 2,090 full-time jobs if he does not have a formula to do the calculation? Being the understanding person that I am, I was prepared to allow this little oversight by the Minister to go——

Mr Gibbs: Very sporting of you.

Dr WATSON: As the Minister knows, I am a reasonable person. I was prepared to let the oversight go until I saw copy of the Minister's press release dated 29 January 1999, in which the Minister claimed that $6.3m worth of housing projects throughout Queensland will create the equivalent of almost 4,500 weeks of employment. Was this an isolated claim? No! In another press release, the Minister announced $15m worth of major public housing projects on the Gold Coast and claimed that those projects will create the equivalent of almost 3,500 weeks of employment. What is more interesting to note about that particular press release is the date of 24 March 1999, which is just eight days before the Minister responded to the Opposition's question on notice by stating—

> "Detailed information of person-hours impacts for Capital Works Projects is impossible to calculate."

However, it also appears that while the Minister was unable to provide the Opposition with the impossible-to-calculate figures, he provided the now-possible-to-calculate figures to the member for Lytton. In the Wynnum Herald of 7 April, an article titled "Public Housing Units Planned" stated that the member for Lytton, Mr Lucas, said that the Pine Street project would be built by Iezzi Constructions Pty Ltd and was expected to generate almost 440 weeks of employment. The Minister for Public Works and Minister for Housing was unable to provide employment figures to us, but he was able to provide those figures to an ALP backbencher. The Minister

and his colleagues have treated this House with utter contempt by falsely telling coalition members that the figures sought were impossible to calculate.

Mr Roberts: Maybe they didn't ask the right question.

Dr WATSON: There is no doubt that we asked the right question and we have the figures to show that it was. We have witnessed a calculated and deliberate attempt to mislead the Parliament.

Mr McGrady: That's not true and you know it.

Dr WATSON: Twelve Ministers provided precisely the same answer to our questions, even down to the non-placement of the hyphen in "person-hours"—and the Minister was one of them. We have witnessed a calculated and deliberate attempt to mislead the Parliament by the Ministers of the Beattie Cabinet, or should I say Beattie's Dirty Dozen. The Dirty Dozen have made a mockery of the Premier's supposed parliamentary standards and claims of open and accountable Government.

It is my belief that those 12 Ministers, including Deputy Premier Elder, Treasurer Hamill and Ministers Edmond, Wells, Barton, Schwarten, McGrady, Gibbs, Bligh, Rose, Spence and Welford, have misled this House through their responses to the questions on notice.

Mr Gibbs: That's a shocking personal attack.

Dr WATSON: I know that the Minister is hurt by that remark, but the record speaks for itself. Later, I will ask the Speaker to refer this matter to the Members' Ethics and Parliamentary Privileges Committee.

Indigenous Regional Business Advisory Unit, Palm Island

Mr REYNOLDS (Townsville—ALP) (12.19 p.m.): Today it is with a great deal of pleasure that I inform the House that Palm Islanders are driving economic change in their community with the help of the Beattie Labor Government. In my capacity as the Premier's representative in north Queensland and the member for Townsville, I inform members that the State Government has agreed to fund a pilot Indigenous Regional Business Advisory Unit within the Palm Island Aboriginal Council. I understand this is the first time that such a step has been taken in any Aboriginal community in Queensland, and I commend Palm Islanders for recognising the importance of economic change as a stimulus for the further development of their community.

In the Palm Island Vision Plan, which I will expand on shortly, the Islanders identify the links between suicide, injury, substance abuse and domestic violence and underlying socioeconomic issues such as 85% unemployment, welfare dependency and the lack of opportunities in the Palm Island community. Palm Island is the largest indigenous community in Australia, with some 3,500 residents. That is why I have been negotiating hard with State departments to secure start-up funding of $75,000 for the Indigenous Business Adviser to begin work within the council on marshalling commercial and tourism opportunities that will create productive jobs. Contributions of $25,000 each are being made to the pilot by the Department of the Premier and Cabinet, the Department of State Development and the Department of Aboriginal and Torres Strait Islander Policy and Development.

At last Thursday's launch of the business unit in Townsville, the chair of the Palm Island Aboriginal Council, Councillor Peena Geia, welcomed the funding, describing it as the first important step in creating generational change on Palm Island. Mrs Geia stated—

> "The community strongly desires generational change and has put enormous effort into establishing the foundations for a stronger, healthier Palm Island community."

She went on to say that she understood that it is vital to break the unemployment cycle if the community is to lift individual self-esteem and create a more positive community spirit.

The pilot will operate for six months, but if outcomes and performance measures are met—and I am confident they will be—there is provision for the initiative to run for three years. In addition, the Department of the Premier and Cabinet is now working on streamlining the delivery of Government services to Palm Island. The vision planning process has signalled the need for State and Commonwealth agencies to rethink their approach to designing and delivering programs and services for Palm Island. We need more integration and we need to maximise the public sector's contribution to community renewal.

I will now expand on the vision planning process, its importance to Palm Island and its linkage with the economic business unit being provided within the Palm Island Aboriginal Council. The new vision planning process is harnessing the energies and interests of the

Palm Island community, enabling issues such as substance abuse, domestic violence, self-harming practices and youth suicide to be addressed in the Murri way. In my capacity as the Parliamentary Secretary to the Premier in North Queensland, I am very pleased to say that the Office of the Premier in Townsville is helping to facilitate the process. Today I wish to give credit also to Queensland Health, because much of the work is being done under its auspices. In particular, today in the Parliament I recognise the contribution of Neil McLeod, an employee of Queensland Health, and his efforts in this process.

I wish to emphasise that community ownership and self-help are the keys to the success of the new Vision Plan for Palm Island. What we have is a whole community working towards generational change. Over the past 12 months, enormous effort has gone into establishing the foundations for a stronger, healthier Palm Island community. I commend everyone who has been involved in that process.

Palm Islanders have identified five principal reasons for the substance abuse and other self-destructive behaviour occurring within the community: firstly, unemployment; secondly, a lack of opportunity; thirdly, a lack of parenting and family skills; fourthly, the absence of self-determination; and, fifthly, the poor condition and lack of housing. The vision planning process seeks to address these underlying causes by providing economic opportunities, and encourages the growth of community self-worth and positive identity. The Palm Islanders have established the business unit to provide a core of financial and commercial expertise on which local and new businesses can draw. I know the community is excited by the opportunities that that business unit will provide for the Palm Island community. The opportunity exists to develop enterprises strategically within a discrete, managed economic environment. Industries identified in the draft economic vision plan include construction, eco and ethno-tourism, Murri culture, flora and fauna farming and creative manufacturing.

The Vision Plan Action Committee, which is an open community-based forum with 70% indigenous representation, is driving that key planning process. The committee recognises that economic development and social change on Palm Island must go in tandem. I emphasise the nexus that we have between economic development and social change and how they must be driven in tandem. The subcommittees of the Palm Island Vision Plan Action Committee deal with family and youth issues, health issues, alcohol and drug issues and also economic development. There is a partnership in the drive to improve the community and the way of life on Palm Island.

The vision planning process has signalled a need for State and Commonwealth agencies to rethink their individual and collective approach to designing programs and projects for Palm Island. There is a real need for the Commonwealth Government to be involved with the State Government in this process. One of the things that I will be doing in future months is talking to the Federal member for Herbert and looking at ways of building on this partnership that we have between local government—through the Palm Island Aboriginal Council—and the State Government. We need to enhance that partnership by involving the Federal Government.

Service delivery on Palm Island involves local government, State Government, Federal Government and community agencies. There is a distinct need for a holistic approach to providing physical and social infrastructure, health services, community building and service delivery. I look forward to working also with the Federal Government in making sure that the three spheres of government and the local community have a strong role to play in this holistic approach. Each of those spheres of government must meet this challenge if we are to bring about generational change on Palm Island.

Much has been said in the past. The announcement of the economic development unit within the Palm Island Aboriginal Council is a marvellous step forward, and I welcome that change. I will be working hard to bring about major change in the way in which public agencies and institutions work in with the Palm Island community. In a foreword to the draft economic vision plan, the chairperson of the Palm Island Aboriginal Council, Councillor Peena Geia, stated—

> "Few outsiders, who visit our islands, can see the wounds which lie in our heads and in our hearts. Fewer still have stood beside us and sought to work with the Community, through Community Vision, to find the true path ... I pledge myself and all my strength and prayers for the Community, until we realise our Vision and are truly proud to call ourselves The Great Palm Islanders."

Today I recognise those great words of the chair of the Aboriginal Council on Palm Island, Councillor Peena Geia, who is working

tremendously hard to improve the lifestyle of and service delivery for Palm Islanders.

Clearly, at the end of the day what matters most is social justice and equity for Palm Islanders. The Vision Plan that I have articulated in the Parliament today defines a path ahead which can bring about generational change and arrest the terrible toll on human health and dignity exacted by dubious public policies of the past. Let me say in the strongest terms that I support the Vision Plan, and I will be promoting partnerships within the community and with Government to give the Vision Plan every chance of success. It is vital that people on Palm Island feel that they have options and avenues for improving their lives. The announcement of the Indigenous Business Advisory Unit on Palm Island is one such avenue.

STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (12.30 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Statutory Instruments Act 1992, and for other purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Beattie, read a first time.

Second Reading

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (12.30 p.m.): I move—

> "That the Bill be now read a second time."

This Bill ensures the continued effectiveness of the regulatory review process required under Part 7 of the Statutory Instruments Act 1992. Part 7 of this Act requires regular review of Queensland's subordinate legislation by causing most of it to expire automatically 10 years after it was made. If subordinate legislation is still relevant, it must be replaced before it expires. Unless subordinate legislation is uniform with that of the Commonwealth or another State, the Statutory Instruments Act will only allow it to be preserved for one additional year, on the basis that either replacement subordinate legislation is being drafted and will be made before the end of that year, or that it is not being replaced.

Under this scheme, subordinate legislation began expiring from 1 July 1998. All of Queensland's subordinate legislation made before 1988 had to be reviewed. This has resulted in an enormous task, and I acknowledge the work of the previous Government in this regard. Eighty-six of the items of subordinate legislation due to expire last year were extended to 1 July 1999. Many of these have now been replaced or will be replaced before 1 July. Others that are no longer needed will be allowed to lapse.

However, despite the work of the previous Government and of this Government, the reviews of almost half of the extended subordinate legislation have not been finalised pending the outcome of broader review processes. When Premier Wayne Goss outlined the purposes of the Statutory Instruments and Legislative Standards Amendment Bill in Parliament in 1994, the impact of Part 7 on other legislative review processes was not anticipated. A major aim of Part 7 of the Act was to reduce unnecessary regulatory burden on the business community.

Without this amendment, the review regime may have the opposite effect. Most of this remaining subordinate legislation is made under an Act being extensively reviewed for compliance with National Competition Policy. In some instances, Acts are being reviewed to progress a national scheme for substantially uniform laws or to rationalise State schemes. The Statutory Instruments Act review regime is an important mechanism to reduce the regulatory burden imposed on the people of Queensland. However, it is not properly integrated with other review processes.

Ministers should not be forced to remake subordinate legislation prematurely, but there is currently no ability under the Statutory Instruments Act to extend subordinate legislation affected by an ongoing review of the Act or provision that it is made under. Departmental resources would simply be wasted if the complex process of making subordinate legislation had to be repeated under parallel review mechanisms. Often a regulatory impact statement will be needed. It would also be inappropriate to consult with the community about a regulatory framework that is likely to be changed in the near future. My Government is serious about the task of reducing the legislative burden placed on the people and businesses of Queensland but will go about this task in a sensible way.

The main objective of this Bill is to amend Part 7 of the Statutory Instruments Act to provide the flexibility required to ensure that the automatic expiry regime will complement other review processes. In order to achieve this, the Bill provides that subordinate legislation may be exempted from automatically expiring, for periods of up to one year, on the basis that the Act or provision that it is made under is subject to review.

But this increased flexibility also has increased accountability to the Parliament. If subordinate legislation is extended for more than one year, the Minister responsible for administering the relevant Act or provision must table a report on the progress of the review. This will not only ensure the continued effectiveness of the automatic review regime, but will provide Parliament with information about the progress of other legislative review processes.

These amendments are a sensible enhancement to the review regime, and I believe that they should receive bipartisan support. The Bill also preserves the Traffic Regulation 1962 by inserting it into Schedule 2A of the Statutory Instruments Act, exempting it from the automatic expiry regime. The Traffic Regulation, which regulates road use management, driver licensing, vehicle safety and other related matters, has been extended for the maximum period allowed under the Statutory Instruments Act and will otherwise expire on 30 June 1999.

This regulation will not be able to be preserved under the new extension provision, as the Traffic Act 1949 is not currently being reviewed. Instead, the regulation is subject to significant review as part of a national scheme for substantially uniform traffic laws. It is appropriate for the Traffic Regulation to be exempt from the operation of Part 7 of the Statutory Instruments Act, as it is currently being extensively reviewed and will soon be replaced by subordinate legislation which will be substantially uniform with the laws of other States.

This Government when in opposition supported the proposal of the coalition Government to protect the Drugs Misuse Regulation 1987 and the Weapons Categories Regulation 1997 from the automatic expiry regime, and I would expect that the Opposition will support this proposal to protect the Traffic Regulation.

The Bill also amends the Transport Infrastructure Act 1994 by preserving provisions of the repealed Harbours Act 1955, and subordinate legislation made under these provisions, until 1 July 2000. These provisions are currently subject to expiry under the Transport Infrastructure Act 1994 which will cause these provisions and related subordinate legislation to expire on 30 June 1999. It is planned that these provisions will be replaced by new regulation making powers to be inserted into the Transport Infrastructure Act 1994 before the end of the year.

I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

YEAR 2000 INFORMATION DISCLOSURE BILL

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (12.37 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to encourage the voluntary disclosure and exchange of information about year 2000 computer problems and remediation efforts, and for other purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Mackenroth, read a first time.

Second Reading

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (12.37 p.m.): I move—

> "That the Bill be now read a second time."

The year 2000 problem—or Y2K, as it is commonly known—is a major challenge for many businesses and Government agencies. It is a management problem which we understand has the potential to cause extensive disruption to the economy and to the community at large if not adequately addressed before the end of this year. The Queensland Government is committed to minimising the greatest risks posed by Y2K.

To this end, this Government has implemented a rigorous framework for managing the problem within departments and

reporting on the readiness of both Government agencies and providers of essential services, such as electricity and water. Inadequate rectification could cause a very broad range of services to fail. At the same time, insufficient public information concerning the extent of any risk of service failure could cause the community to overreact and undertake unnecessary and costly contingency measures, with detrimental economic and social effects.

Encouraging information sharing is an important element in dealing with the Y2K problem. Businesses, Government agencies and individuals need accurate information on which to base contingency plans. Likewise, those organisations that are lagging in rectification can benefit from information, such as the outcomes of Y2K testing shared by those more advanced. But disclosing information regarding Y2K problems or readiness could, under certain circumstances, expose that person or organisation to potential legal action.

The extent of potential liability varies, but it is fair to say that there is a general perception that making statements about Y2K problems is a high risk activity. Consequently, businesses and Governments have been reluctant to date to reveal their Y2K preparedness to other organisations or to provide assistance by sharing information.

The absence of this information flow means the Y2K preparedness of some organisations is incomplete. A lack of meaningful information inhibits a range of activities, including checking the status of critical supply chain partners. Lack of information from utilities about continuity of services such as power, water and communications is a matter of particular concern.

The Bill before the House today is intended to encourage the exchange of information about Y2K problems, rectification efforts and readiness. It does so by providing a limited form of protection against liability for errors in certain Y2K statements. In other words, the Bill seeks to provide greater certainty to organisations wishing to disclose Y2K readiness statements and other information to their clients and the public.

The Bill provides protection for a limited time and a limited range of activities. The protection it provides is confined to acts of good faith, so as to seek to retain certain basic standards of conduct. Protection from civil liability for a Y2K statement will be limited to written disclosure statements that are clearly identified and authorised and that relate specifically to the Y2K problem and data processing and other activities designed to mitigate the consequences of problems relating to that processing.

Protection will also extend to a person republishing an original Y2K disclosure statement. The immunity does not excuse deliberate and misleading acts in the provision of information to the public. For example, the legislation will not provide protection from civil action relating to—

> Y2K disclosure statements which are made recklessly or known to be materially false or misleading;
>
> actions instituted by consumers in relation to goods or services purchased following inducements provided by a year 2000 disclosure statement, such as where a product or service fails as a result of a year 2000 service failure;
>
> Y2K disclosure statements made in the context of entering into a contract;
>
> Y2K disclosure statements made in the context of obligations imposed by a contract or a Commonwealth, State or Territory law; or
>
> proceedings, or the exercise of regulatory or enforcement power, by a regulator or enforcement body.

In addition, a Y2K disclosure statement will not be taken to amend a contract unless the parties agree otherwise. Provisions of the Bill will not alter any intellectual property rights.

In today's regulated marketplace, laws regulate the provision of information. Providers of information need to be careful about the information they provide or risk exposure to legal liability on a number of fronts. The laws in this area are intended to place certain obligations and responsibilities on the providers of information, but those laws may have inhibited the exchange of information about Y2K.

This Bill seeks to modify the law relating to the provision of information, but only where Y2K information is concerned. That modification seeks to strike a balance. It eases the risks associated with the provision of Y2K information but, at the same time, it leaves certain legal controls in place. In this case, the public interest in facilitating greater availability of information on the potential disruption to critical service sectors such as public utilities, manufacturing, finance, transport and communications gives us adequate justification to provide limited immunity from

prosecution or proceedings on the basis of statements made in good faith.

By encouraging the exchange of information, we can help to ensure organisations and individuals undertake adequate contingency planning measures targeted at areas of real risk, rather than comprehensive planning based on "worst-case" scenarios. As a related benefit, greater disclosure of information by those agencies and organisations which have completed their rectification work will assist those organisations which still have some way to go in terms of their own preparations.

In an environment that involves entities competing to find new and innovative ways to solve the Y2K problem, this Bill seeks to highlight the need for that competition to be framed in a spirit of responsible cooperation. It places the common aims of Government, industry and the community at the forefront of Y2K readiness.

This legislation is a component of the Queensland Government's broader response strategy for addressing the Y2K problem and complements the year 2000 information disclosure legislation recently passed by Federal Parliament. To promote consistency in the application of this national legislative framework, it is proposed that the Queensland legislation commence retrospectively at 27 February 1999, this being the day on which the Commonwealth legislation commenced. Every State in Australia is doing the same. This is to avoid a situation whereby a person acting in good faith and in accordance with legislative provisions in one jurisdiction could be deemed to be liable in another.

The Government trusts this legislation will receive support from all members as a show of determination, faith and goodwill by the Parliament in the Y2K information disclosure process. I commend the Bill to the House.

Debate, on motion of Mr Beanland, adjourned.

DISTINGUISHED VISITOR

Mr K. Lund-Jensen

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! The House would like to recognise the presence in the Speaker's Gallery of His Excellency the Ambassador for Denmark, Mr Kris Lund-Jensen.

Honourable members: Hear, hear!

AUDIO VISUAL AND AUDIO LINKS AMENDMENT BILL

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (12.44 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Evidence Act 1977, Criminal Code, Juvenile Justice Act 1992 and Penalties and Sentences Act 1992 in relation to the use of audio visual links or audio links in court proceedings."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Foley, read a first time.

Second Reading

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (12.44 p.m.): I move—

> "That the Bill be now read a second time."

It is a pleasure to introduce this Bill, which will help to further the use of modern technology in the courtroom, promoting access to justice for Queenslanders. Honourable members will know that the Labor Government is strongly committed to increasing access to justice and the Bill, by enhancing convenience for witnesses, court efficiency and cost effectiveness, is yet another step towards that goal.

The Audio Visual and Audio Links Amendment Bill 1999 has two main objectives. First, it implements an agreement by the Standing Committee of Attorneys-General to enact provisions enabling evidence to be taken and submissions to be received by video link or telephone within Australia. The standing committee developed a model Bill and Part 2 of this Bill reflects the provisions of the model Bill. As these provisions deal with the giving and receiving of evidence, the Bill inserts them into new Part 3A of the Evidence Act 1977.

Second, the Bill empowers Queensland courts to arraign and sentence people by means of audiovisual and audio links, but only with the consent of all parties. This second objective is met by making minor amendments to the Criminal Code, Juvenile Justice Act 1992, and Penalties and Sentences Act 1992.

An appropriate use of audiovisual or audio links is one that is just and fair. During the development of Part 2 of the Bill, debate

centred on whether it should contain an express statement that the use of audiovisual and audio links in a proceeding would only occur where it was in the "interests of justice". Some criminal lawyers argued for such a prescription; however, a significant number of Queensland judges thought such a statement unnecessary. As some judges put it, it was inconceivable that the courts would not consider the interests of justice when deciding whether or not to allow the use of audiovisual and audio links. The Government considers that the interests of justice are sufficiently safeguarded by the existing inherent powers of the court to have regard to these matters. The courts, as a matter of course, ensure that proceedings are conducted fairly and justly. Accordingly, there is no express reference to an "interests of justice test" in this Bill.

Importantly, Part 2 of the Bill will enable Queensland to participate in a substantially uniform interstate scheme for the taking or receiving of evidence and the making or receiving of submissions from other States and Territories participating in the scheme. New South Wales, Western Australia, South Australia and the Australian Capital Territory already have their legislation in place. Tasmania and the Northern Territory have introduced Bills into their respective Parliaments giving effect to the interstate scheme. Essentially, Part 2 of the Bill gives Queensland courts the ability to take evidence and submissions by audiovisual or audio link from people in a State or Territory with reciprocal legislation. It also enables the State and Territory courts, which have reciprocal legislation, to receive evidence and submissions by audiovisual or audio link from people in Queensland.

Specific matters such as the administration of oaths and affirmations, the assistance which an officer of a Queensland court may give to an interstate court, the powers of interstate courts when taking evidence or submissions by audiovisual or audio link from a person in Queensland, and the types of court orders that may be made by interstate courts will now be included in new Part 3A of the Evidence Act. Part 2 of the Bill also includes general provisions about the use of audiovisual and audio links inside or outside Queensland, including outside Australia. These general provisions will help to facilitate an expanded use of the links and deal with certain procedural matters when using the links.

I would also like to make absolutely clear that new Part 3A of the Evidence Act will operate in addition to any existing provisions for the reception of evidence from external locations and is intended to be simply an alternative method of obtaining evidence. The provisions are not a code—they are facilitative rather than prescriptive or restrictive. Parties may still agree to the reception of evidence by other means.

I would now like to inform honourable members about the second purpose of the Bill. Parts 3, 4 and 5 of the Bill empower Queensland courts to arraign and sentence people by means of audiovisual or audio links but only where the parties agree to the use of the links. The requirement that all parties agree to the use of the technology ensures an accused person's right to appear in person in court should they wish to do so. I would also add that it ensures that the rights of victims of crime, for example, to confront the perpetrator of the crime, are not overlooked. An appropriate use of the technology will alleviate unnecessary expenses associated with travelling to the nearest circuit court centre with no detriment to the standards necessary for the proper administration of justice. The benefits are obvious—enhanced court efficiency and cost effectiveness.

This Bill, which facilitates a discerning use of electronic technologies, is designed to assist courts, practitioners, litigants and witnesses in overcoming the twin tyrannies of distance and cost. It is in step with the times and, when used appropriately, will increase access to justice for all Queenslanders. I commend the Bill to the House.

Debate, on motion of Mr Springborg, adjourned.

TRANSPORT (SOUTH BANK CORPORATION AREA LAND) BILL

Second Reading

Resumed from 24 March (see p. 737).

Mr JOHNSON (Gregory—NPA) (12.53 p.m.): As members will be aware, I have been a supporter of the South East Transit Project busway, and it is the path of this busway that is the reason for this legislation. The South East Transit Project busway is certainly an extension of the south-east motorway—or the Gold Coast motorway, as we know it, which was an initiative of the coalition Government. It is certainly a step in the right direction for the future public transportation needs of south-east Queensland. Although it is a first, when I was the relevant Minister I encountered a lot of technicalities which, at the time, caused heartache to many people. I know that the

current Minister has been experiencing the same dilemma.

Essentially, the Government is introducing this legislation because a recent Supreme Court ruling has established that the usual land acquisition processes do not apply to the South Bank area because of the implications of the South Bank Corporation Act. Because of this ruling, the Government has been left with only a limited number of options. The first option would be to appeal the decision of the Supreme Court, but there is obviously some concern that the outcome of the appeal may not be the one the Government desires. In any case, the delay associated with an appeal process would also be extremely detrimental to the project.

The second option would be to reroute the busway. But as the rest of the land acquisitions along the route have been completed, this would be a very significant issue, bearing in mind that the route has already been changed on previous occasions. Thirdly, there is the option of accepting the argument of the affected land-holders and use the South Bank Corporation Act provisions to acquire the properties in question. The result of using these provisions would also involve significant delays and additional costs, with the outcome being that the land would be resumed and that, if there was no agreed settlement, the matter would go to the Land Court for resolution of the compensation.

The Minister has decided that the more expeditious manner to resolve this issue is by introducing legislation which, in effect, removes the South East Transit Project busway route from the South Bank Corporation Act so that the land acquisition matter can be progressed without further delay. I have detailed these options and their implications to indicate that I appreciate the difficulties that are associated with the recent Supreme Court ruling. I also understand that the project must proceed if the busway is going to be in place for the Olympic soccer tournament in the year 2000.

My concern, however, is the same concern that I know many other members of this House have, including some members of the Government, and this concern relates to the implications to the land-holders who brought the Supreme Court action. I have had representations from one of the land-holders in question which indicates that they believe that they were not given sufficient opportunities to consider the most recent offer from the department. However, they advise that an offer was made on condition that it was accepted by the close of business the following day or it would be withdrawn and all negotiations would cease. The Minister has advised me of some other deliberations in this case, and no doubt he may make reference to that, too. I understand fully—having been a Minister myself—the technicalities and some of the problems that do arise from time to time. These land-holders have advised the Minister in recent correspondence that they would appreciate the opportunity to consider that offer for a more reasonable period. In view of the fact that this legislation is retrospective and significantly impacts upon the rights of the affected land-holders and may also impact upon their bargaining position, I am uncomfortable with what appears to be the inordinate haste with which this legislation is being progressed.

After finding that this legislation had suddenly been elevated to the top of the Labor legislative pile, I had asked the Minister's office to delay the introduction of these proceedings as there does seem to be a genuine intention by at least one of the land-holders to seek a mutual agreement to this matter. I acknowledge that the Minister has given me some assurances about these negotiations, but I am concerned that these negotiations do not appear to be well handled to date, and I think all members of this House would have been more comfortable to have known that agreement on compensation had been reached.

I also note that the Alert Digest has also raised the issue of the value of compensation and the possible adverse impact of the change of dates from which the value of the land is to be estimated. I understand also that the matter of compensation is more complex in these cases than the simple matter of land acquisition. I also well understand the limitations of the Financial Administration and Audit Act but, nevertheless, I would appreciate the Minister's advice upon the impact of this aspect of the legislation.

In summary, it appears that the outcome for the land-holders would have been the same or at least similar to that of any other land-holder whose property was acquired for the purposes of transport infrastructure. If the legal situation had not been complicated by the South Bank Corporation legislation, this matter would have been concluded some time ago. As I have said, if the provisions of the South Bank Corporation legislation had applied, as the land-holders have now successfully argued, the outcome would still have resulted in the land being acquired. To that end, the result appears to be inevitable, and I therefore wonder what has really been

achieved other than a lot of legal expense. I would have preferred that a little more time had been invested in the mutual resolution of the compensation issue, but the obligation of being a member of Parliament is to make decisions in the best interests of the community, and I have no doubt that the South East Transit Project will greatly benefit the people of south-east Queensland. Accordingly, the Opposition will support this Bill following assurances that the Minister has given me that he will personally become involved in negotiations with the affected land-holders.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (2.30 p.m.): I rise to speak on the Transport (South Bank Corporation Area Land) Bill with a high level of concern because of the implications of what this Parliament is proposing to do. There is a conflict between the Acquisition of Land Act, used to facilitate the resumption, and the South Bank Corporation Act 1989.

Whilst it does not relate directly to this Bill, I would like to take this opportunity to acknowledge the fairness of the Minister for Transport in a recent answer he gave me concerning the non-recognition of older vehicles. I have sent this information around my electorate. The Federal Government had indicated that it was proposing, in some way, to make older vehicles that used leaded fuel illegal. I submitted a question to the Minister seeking his position on that matter. He replied by saying that provided a vehicle is roadworthy and is sound it should remain on the road. I think most Queenslanders would agree with that. If a vehicle is not safe it should not be on the road. I think the Minister ably presented a fair and just attitude in that matter.

I am sure the Minister will pass on some further information at the end of this debate, but it is of concern that there appears to be a lack of natural justice for the people involved in these resumptions. The previous speaker indicated that the route for this corridor has already changed several times. So there has been a high level of difficulty in identifying an appropriate route for this road network.

A number of resumptions were required within the area of South Bank, but only two landowners chose to take the matter to court. The two landowners won their case in the Supreme Court. According to the transcript of the judgment, they won their case because the State's acquisition powers contradicted powers conferred under the South Bank Corporation Act 1989. It was stated in the judgment—

> "... the land cannot lawfully be used for the purpose for which it was resumed, hence its resumption is unlawful."

The State's legal advice prior to judgment indicated that there was nothing within the South Bank Corporation Act which excluded the land from acquisition. So, in effect, the legal advice given to the Government at the time was that acquisition was not precluded under the South Bank Corporation Act. That advice was wrong.

I think most members received a letter from Executive Chef Pty Ltd, one of the two landowners who took the issue to court. In that letter the following comment is made—

> "... because the approved plan of development for the South Bank site clearly provided for a bus corridor in a location different to that which was eventually chosen."

It goes on—

> "There are mechanisms within the South Bank Act for making changes to the approved development plan and those mechanisms were partly applied in changes which were gazetted in January 1998."

I have had a look at the South Bank Corporation Act, and the Act contains a mechanism for planning approvals not only to be instituted but also to be amended. There is a process at law under the South Bank Corporation Act where changes to the approved plan can be made. The writer of this letter indicated that some of those mechanisms were applied in January 1998. The letter goes on to say—

> "Parliament was made aware of potential problems as early as Ms Bligh's speech of 26/8/97, and again when the Parliamentary Works Committee found that there was potential for legal problems in the tabling of their report No. 42 of October 1997, and yet no logical steps were taken by the available mechanisms provided to address these problems. In other words the problems was ignored in the hope that it would simply go away."

I acknowledge that the current Minister was not the Minister at that time. This issue goes across two Governments of different persuasions. I hope that no-one in this House would lay blame on anyone.

There is what I regard as a very significant move afoot where the Government has taken

certain action. At least two of the landowners affected by these compulsory acquisitions acted on their legal rights and approached the Supreme Court. They won their case and now this Parliament is going to remedy the situation by moving the goalposts and almost changing the game altogether. I am concerned about that not only because of this issue but also because of the precedent that it creates.

I have already acknowledged that these acquisitions began during the time of the previous Government. The Supreme Court judgment very clearly lists the steps that were taken. The nub of the judgment appears to be that the resumptions were illegal because the Act used to institute the resumptions was in conflict with the South Bank Corporation Act, which covers the land in question.

There are a couple of issues that I want to raise with the Minister. The two landowners who went to the Supreme Court were Noble and Elenis. In his second-reading speech, the Minister said that all attempts to negotiate a reasonable and fair settlement have been unsuccessful. Mr and Mrs Noble question that. They refer again to Ms Bligh's speech in August 1997 and say—

> "... a significant proportion of our business comes from our location as a supplier to students of the adjacent Southbank Institute of TAFE. We have steadfastly maintained that if our business could be picked up and moved to a similar location nearby, that we would be perfectly happy."

The Nobles stressed that there had been no formal claim for compensation. Later on in the letter they go through the steps that occurred regarding valuations. Then this statement is made—

> "This offer, of $865,000, was personally delivered by a Department representative and concluded with the condition that it was to be accepted by close of business the following day or it would be withdrawn and all negotiations would cease! We would have appreciated the opportunity to consider the new offer for a more reasonable period. Therefore your claim of 'all attempts to reach an agreement' should read 'two' or 'both attempts' and the second of which didn't provide a reasonable timeframe for a response and more significantly was made whilst the business valuation was afoot!"

My concern is that the Nobles have quite recently indicated a preparedness to continue negotiations. I can understand the landowners' concern. People much wiser than I have said that when one is considering buying a property or a business there are three issues to consider: location, location, location. In considering the requirement to relocate their business, these people were looking for an advantageous, or at least comparable, place for the business to relocate.

I also acknowledge that under the financial constraints placed on Government there must be an accountability mechanism for any moneys that are paid. However, given the situation that has occurred at South Bank, I wonder whether there is a mechanism under which compensation can be paid to allow these landowners to relocate to what may have been an appropriate location, albeit that the price of the property was rather expensive at $1m.

So I continue to ask the question that these landowners have asked. They feel aggrieved that perhaps all attempts were not made and that they perhaps were not given an adequate opportunity to consider the Government's final offer, the $865,000. The other issue that I ask the Minister to clarify comes from a newspaper report of November 1998, which referred to the Government gaining public comment to the proposals. The article states—

> "Queensland Transport has two route choices for Woolloongabba and three for Buranda. Residents can choose between a tunnel under the existing roads or a fly over above them.
>
> State Transport Minister Steve Bredhauer said Queensland Transport believed all the options had positives and negatives so the final decision came down to what the community preferred.
>
> 'I've decided the best way to resolve the issue is to allow the people who live near the areas in question to have the final say', Mr Bredhauer said."

I wonder whether there may be another option to consider as a location for this road without this Parliament overriding what most people would regard as a legal and fair outcome to a case that the landowners won in the courts. I am sure that there would be a technical answer to that, even though the construction phase cannot run over because of time constraints connected with the Olympic Games. However, the intrinsic nature of this Bill is still this Parliament saying, "The Supreme Court came down in your favour but, stiff cheddar, we are going to override that, anyway."

I recall that in his second-reading speech the Minister said—

> "A Bill of Parliament is the only practical means for ensuring the timely acquisition of all land."

My fundamental concern, and I think the concern of many people, would be that this Parliament is choosing, after due process is complete, to ignore what has been a judicial outcome and bring in a Bill to override that natural justice. The Minister's second-reading speech states further—

> "Options other than a Bill of Parliament have been thoroughly investigated and taken to their logical conclusion."

I would be interested in hearing what sort of options were considered—whether they were other locations for the road or whether there were special elements of compensation for those two landowners—because I believe that there would be a high level of concern in the community about the approach that we are taking as a Parliament to this particular situation. Again, the Minister in his second-reading speech stated—

> "In responding through this Bill the Government is seeking to redress, not refute, the anomaly identified by the judgment."

I wonder whether we are redressing the problem. We are not changing the South Bank Corporation Act; we are not changing the Transport Act under which the acquisition is being made; we are just going to legislate to validate the actions of the Government in this instance, and the actions of the Government occurred because of faulty legal advice. That can happen: we are all human; we can all make mistakes. However, I again say to the Minister that from my perspective there is a great deal of concern about the approach that has been taken. We are not redressing the problem, because we are not looking at the powers conferred through the South Bank Corporation Act that override other Crown powers of acquisition; we are trying to remedy the situation by effectively almost setting aside a Supreme Court decision.

The other issue relates to retrospectivity. The Scrutiny of Legislation Committee's report makes clear that the proposal to retrospectively validate the actions of the Government are inconsistent with the principles of natural justice and certainly adversely affect the rights and liberties of the individuals concerned.

I am not sure what legal options are available to the other landowners who did not appeal to the court. I do not have any legal understanding of their options. However, if the acquisitions have been completed, then the Government would be clear on all of those except these two acquisitions to which the Supreme Court judgment related. I cannot help feeling that, through this Parliament doing what is being proposed in this legislation, we are sending all the wrong signals to our community, that is, that they can pursue all of their legal options and they can win on those legal options but it will not stand them in good stead because if the Government of the day, or the Parliament of the day—because we are all going to vote on this legislation—chooses to, it will just walk over them and change the rules.

Those are the main questions that I have to ask the Minister. Again, I appreciate that there are some very strict time constraints. However, I cannot help believing that the action that we are about to take will be sending very poor signals to the community in relation to their rights in law and their rights as citizens.

Mr FELDMAN (Caboolture—ONP) (2.44 p.m.): Earlier, I heard a member opposite say that there was not enough passion in this debate. I hope that I can rise to put just a little bit of passion into it. I was going to comment about the importance of the South East Transit Project busway and its benefit to south-east Queensland before making a comment about the principles upon which this Bill infringes. However, I have decided to get straight to the point.

Mr Lucas: You have as much passion as a rotten mango.

Mr FELDMAN: If the member would like to interject, could he please go back to his correct seat?

I thought this Government had learned its lesson about the resumption of land, especially in the light of the Pacific Highway debacle that might have cost Labor Government. In this case, does the end justify the means? Ethics dictate that it does not. This Parliament is supposed to be the epitome of ethical behaviour. Regardless of the importance of this project, the infringement upon the common law rights of the landowners involved is wrong and should be opposed at all costs. Although the Land Acquisition Act allows land to be resumed for the transit project, these people believed that their land could not be resumed for transport purposes because of the South Bank Corporation Act.

No less than a Supreme Court judge had the same view. He agreed with this belief, yet this Bill says, "To hell with that." This Bill says, "To hell with our legal system"—and this comes from a Government that talks about the separation of powers—"To hell with natural law, to hell with the rights of private landowners. We will get what we want by whipping a Bill through Parliament." The Minister's attitude and arrogance displayed in his second-reading speech made my blood boil. How dare any Government treat people with such disdain!

I take on board that this situation is not solely the Government's fault; there is fault lying on the opposite side of the House, too. However, my mind races immediately to the Australian movie—and we all know it well; we have all seen it—The Castle. In that movie, we saw an Australian man protecting his home—his castle—when a Government attempted to resume his property. Darryl Kerrigan did not mind living with adversity, he did he not mind living in the poverty of his circumstances, he did not mind living under the flight path, and he did not mind living under the powerlines; this was his home, his refuge, his place of safety. In that movie we saw Bud Tingwell play a constitutional lawyer fighting for Darryl's rights as an individual and winning in court. We have seen the same thing here: we have seen people fighting for their rights in a court of law and winning. We all saw the public's reaction to such an injustice, too. This film had one of the highest number of attendances for an Australian movie since Crocodile Dundee. Why? Because every Australian believes in the fundamental right that once people have purchased their land, it is their land; no-one has the right it take it away from them. No-one has the right to take people's businesses away from them. It is theirs. Here is a little bit of passion in the debate.

In this case, we are not just talking about a person's home; we are talking about the removal of a man's business, his livelihood—something that he has worked a lifetime achieve, something that he wants and intends to leave to his family to carry on. This person intends that not only he but also his family not be a burden on our society. Why do a jobs, jobs, jobs Government and a Premier want to destroy a business that is not a burden on this community? Can the Premier guarantee that this business will not lose the goodwill that exists on its current site if it is forced to move? This business cannot afford to move, and why should it? If the Government made the mistake, it should pay for it.

The transport project was never originally planned for this area. The South Bank Corporation Act protected the people involved from being harmed by any transport development, and the Supreme Court ruled in their favour. What right does this Government have to overrule all of that by passing legislation?

A letter from Mr Noble, one of the landowners involved in this case, which I was assured everyone in this House received, highlights a few of the issues that, strangely, the Minister failed to mention in his second-reading speech. A few points of interest from Mr Noble's letter include the fact that the approved plan of the development of the South Bank site clearly provided a different location for the bus corridor than that which was eventually chosen. As has been highlighted by the member for Gladstone and the member for Gregory, the location of the corridor has been changed many times, so why cannot a few more changes be made? The mechanisms that apply for making changes to the South Bank Corporation Act were not applied to the relocation of the busway. Section 21 of the South Bank Corporation Act provides that any changes made to the approved plan shall not affect any right, privilege or liability of other parties. The Parliament was made aware of the potential problems as early as 26 August 1997 by Ms Bligh, but as has already been said, those problems were totally ignored.

The business involved was willing to relocate if a suitable property in the immediate area was available. According to Mr Noble's letter, the cheapest available property would have cost in excess of $1m. Two offers were made to the Nobles: one for just over $500,000 and a later one, which was basically a threat to comply, for $865,000. Neither offer was enough to compensate the Nobles for the cost of relocating their business or the cost of the goodwill that existed in the location where they were and also in the area where they were available to carry out their business.

It is always interesting to hear the other side of the story. The arrogance of this Bill was evident from the Minister's second-reading speech and Mr Noble's letter simply reinforces it. Although little can be done about the way that members of this Parliament may vote, I can tell the House how One Nation will vote: we will vote the same way that every Australian would want us to vote, especially when we are talking about taking someone's livelihood and land away from them. Just as every Australian supported the rights of Darryl Kerrigan as they watched The Castle, we will fight against any

Government having the right to come in and take away land that legally belongs to someone, especially when that person has won the right to keep it in a court of law. It is no wonder they have taken our firearms. People will be standing arm in arm to protect this block of land right now.

I urge all members of this House to contemplate the precedent that the Parliament will be setting if we pass this Bill. We are not kings who ride out into serfdom and take what we want. Kings were killed for such tyranny. Let us be the representatives of the people that we should be. I suggest that until just and fair compensation—and I mean just and fair compensation—can be made, those people's rights should be observed. I concur with the member for Gladstone: at this stage, those people have not been offered fair and reasonable compensation. Until that is done, those people deserve the right to occupy the land that is legally theirs, especially now that the Supreme Court has ruled in their favour.

Mr BLACK (Whitsunday—ONP) (2.53 p.m.): The Minister for Transport and Minister for Main Roads introduced the Transport (South Bank Corporation Area Land) Bill 1999 to acquire certain land in South Brisbane as part of the South East Transit Project busway because of a Supreme Court judgment delivered on 18 February 1999 which stated that the resumption of privately held land situated in the South Bank Corporation area was unlawful. Justice Moynihan declared that the land privately held by Noble and Elenis could not be lawfully used for the purpose for which it was resumed.

The applicant's land is situated in an area constituted as the South Bank Corporation area pursuant to the provisions of the South Bank Corporation Act 1989. This Act controls the development of the South Bank area. The approved development plan precluded the land from being used for transport purposes. Therefore, the resumption is unlawful. The Supreme Court confirmed this and ruled accordingly. The Government has now decided to use its power to overturn this ruling through the introduction of this Bill. In the Minister's speech to the Parliament on 24 March 1999, he stated—

> "A Bill of Parliament is the only practical means for ensuring the timely acquisition of all land required for the South East Transit Project busway so as to enable construction to continue and be completed on schedule unhindered by legal challenge and community doubt."

In light of the above, Noble and Elenis should not be forced into this position, especially after they won their application to the Supreme Court. They had to undergo considerable expense and stress associated with the case and the events leading up to the final ruling. They won. As far as any landowner is concerned, that should be the end of it.

One Nation strongly supports private land ownership. If someone works hard to earn the money required to purchase property—whether that be land, a house or a business—then that property is theirs until they decide to dispose of it. If the land is required for Government purposes, then adequate compensation should be paid at a level that is acceptable to the owner, and not as determined by the Government.

Another important issue was the boast that the Minister made in his second-reading speech about the Integrated Regional Transport Plan for south-east Queensland, which he claims is a 25-year blueprint for the transport system to solve the ever-increasing transport demands of the Brisbane to Gold Coast corridor. At an estimated cost of $520m, the South East Transit Project busway is a critical component of the plan and part of an overall Government strategy to reduce the number of private vehicle trips on the road system. This is all very worthy and commendable, as the transport needs of Queenslanders is a very important issue. However, as this is a project that is costing taxpayers $520m—I repeat, $520m—why was not all land required acquired before construction ever commenced? Surely all land should have been secured well in advance of publicising the plan, let alone commencing construction. It looks as though someone did not do their homework properly and now has egg on their face. It looks as though that person is looking for ways to get out of trouble, yet again at the expense of the taxpayer.

I cannot believe the arrogance of this Government. People should not be forced to surrender their land when they have taken the correct steps to keep it. I state again: Noble and Elenis won their application to keep their land and now the Government is trying to take it from them without an argument. I strongly oppose this Bill for I respect the rights and liberties of individuals and the principles of natural justice.

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (2.57 p.m.), in reply: Fancy members of One Nation lecturing me or anybody else in the Parliament about ethics! Fancy One Nation

members lecturing anybody in this Parliament, particularly me, about people's property rights! I ask: where do they stand on native title, which does not involve a Supreme Court decision but two High Court decisions that have recognised the rights of indigenous people to land in Australia? They say that the right to land is sacrosanct, but where do they stand on the issue of native title? Where do they stand on the issue of just compensation if that land is taken away? Fancy them coming in here today and giving me a lecture on people's land rights!

I find it absurd that members of One Nation argue that the Government should not have the capacity to acquire land for public purposes on terms of just compensation. It is a nonsense for members of One Nation to suggest that. Even Noble and Elenis do not question our right to acquire land. The dispute is about the level of compensation, and that is the issue that they took to the Supreme Court. This issue is the fact that the last time they spoke to us—and I will go through this in detail in a minute—they wanted compensation for their land that was well in excess of what a Government, which is accountable for taxpayers' money, is able to pay.

When we acquire land, we do so on the basis of its market value. If there is a dispute, we try to negotiate fair terms and compensation. If the dispute is not able to be resolved, the matter goes to the Land Court, which determines the proper valuation, terms and compensation. We have not sought to remove that right through this Bill or through any part of the process undertaken by either us in Government over the past nine months or by the previous Minister, the member for Gregory, under the former coalition Government, when it initiated this acquisition process. Fancy the member coming in here today and suggesting that we should acquire all of the land before undertaking the planning processes in respect of such a major project as the South East Transit Project! Fancy his coming in here and suggesting to the Parliament that we should acquire the land before we have done the design and planning work and determined the route!

Mr Schwarten: You would have to buy Brisbane.

Mr BREDHAUER: The member for Rockhampton, the Minister for Public Works and Housing, is right; we might as well just buy Brisbane. It is a nonsense to suggest that we should acquire the land before finishing the detailed planning. There was a lengthy process of public consultation.

As a Minister, I find introducing this Bill difficult. It is unfortunate that we have had to use legislation to validate the process of acquiring the land held not just by these two people—a point raised by the member for Gladstone—but also the land along the entire route of this corridor through South Bank. I do not take any pleasure from coming in here and saying that we need to validate the corridor by a special Act of Parliament. As the member for Gladstone in particular knows only too well, that is something to which we do not seek recourse often. However, the reality is that in order to deliver certainty in respect of this issue it was necessary for us to introduce the legislation.

Today, much of what we have heard in this debate from members opposite stems from a letter delivered, as I understand it, to a significant number of members of Parliament yesterday evening and/or this morning. Without trying to score points, I point out that, although this letter is addressed to me, I am yet to receive it, other than by way of copies provided to me by other members of Parliament. I have conducted checks on the system in my ministerial office and on the system here. As at 2.30 this afternoon, which is when I came into the House, this undated letter, which is addressed to me and which has been distributed widely to other members of the Parliament, had not been delivered to me as the person to whom the letter was addressed. The reality is that most of the comments made today by members, including those of the member for Gladstone, related to that letter. I will deal with the issues raised in the letter in some detail.

The issue is securing the alignment. There is no question that the alignment has changed. There have been a couple of occasions when the alignment for the South East Transit Project has changed. The busway alignment for transit through the South Bank site shifted twice during the period from the original Cabinet approval for the SET Project in August 1996 to the ministerial approval of the final alignment in July 1997. These processes were largely in response to concerns by the South Bank Corporation. The overall process of finalisation of the alignment was characterised by extensive public consultation on the options.

The route changed. A busway route was identified in the original South Bank plan. The route changed mainly because the South Bank Corporation objected to the busway going down Grey Street. The previous Government made a decision to change the alignment. There were then various

discussions and community consultations about the final alignment. The current alignment was determined as a result of those processes. It is true that they were not progressively reflected in the South Bank Development Plan, for reasons largely associated with the dynamic nature of the alignment selection process and a failure to recognise that it might be necessary.

We did not realise that the South Bank Corporation Act may be found to have precedence over the Acquisition of Land Act, as was found by Justice Moynihan of the Supreme Court. We did not realise that it might be necessary to have the final busway alignment shown on the concept of the busway as being a lawful purpose for the sake of property acquisition.

The assertion has been made that nothing was done. The matter was raised by the Parliamentary Public Works Committee when it inquired into the SET Project. The matter was also raised in this place by the Minister for Families, Youth and Community Care and Minister for Disability Services, the local member for that area, Anna Bligh. The member has made numerous representations to me since I have been the Minister, and I know she made similar representations to the previous Minister, trying to protect the interests of her constituents and make sure they got a fair deal out of this process. Although the honourable member alerted Parliament—rightly as it turns out—to the fact that there could potentially have been a problem with the conflict between the South Bank Corporation Act and the Acquisition of Land Act, when the department took legal advice from Crown Law—and it was independently supported by advice from Queen's Counsel; we did not just rely on the Crown Law advice—the advice to the Government was that the Acquisition of Land Act took precedence over the South Bank Corporation Act and that, through that process, if we followed the procedures laid down in the Acquisition of Land Act, we would properly acquire the land for the entire corridor, including the land owned by the Nobles, Executive Chef and Elenis.

As we had legal advice to that effect, we went through the due processes of the Acquisition of Land Act. Justice Moynihan found differently, and that presented us with a problem. The problem was that we did not have secure tenure over the corridor through South Bank. A number of options were canvassed in relation to how we might deal with that. We looked at whether the busway could be redesigned. However, it effectively could not be redesigned so that we could avoid either of those two properties. How long is the busway?

A Government member: Thirty kilometres long.

Mr BREDHAUER: We would be talking about changing the corridor for a 30 kilometre busway so that it avoids two properties. We did look seriously at whether it could be redesigned that way. It physically was not possible to redesign the corridor to do that. We looked at a range of other mechanisms that we might have been able to use. We looked at the possibility of amending the South Bank Development Plan. However, the problem with the South Bank Development Plan is that, under the South Bank Corporation Act, we would have to go through a process of public consultation. It would have been months and months before an amendment to the South Bank Development Plan could have been effected. The time frames for the project are such that we could not afford that delay. We were also in possession of advice from the lawyers on behalf of these people that, even if we had moved to change the South Bank Development Plan, they would have reserved—and I do not have any problem with this—their legal right to take action in respect of those processes. We would have found ourselves six to eight months down the track with an amendment to the South Bank Development Plan only to finish up back in court, anyway. It was a matter of timing. We explored the other alternatives. Ultimately, we came to the conclusion that the best way to deal with it was to bring in a special Act which validated the process of acquisition. That is what it does.

We are not resuming land. Let us be clear about that. This Bill is not about resuming land at South Bank. This is about validating the process that was used under the Acquisition of Land Act to enable us to secure that corridor. That is why it does not simply relate—this is another matter raised by the member for Gladstone—to the two properties; it relates to the entire corridor through South Bank. If we do not secure the entire corridor and all of the properties that were required to be resumed through South Bank, we would stand the possibility of a similar challenge to that which was successful in the Supreme Court in the case of Noble and Elenis being undertaken by other parties from whom we have resumed land. That is why we have had to go through this process.

The project officers commenced resumption proceedings in respect of the Noble and Elenis properties prior to February

1998 and served the notice of intention to resume to the property owners on 3 February 1998. During this period and throughout 1998 the property owners were reluctant to speak to the project officers on advice from their solicitor. Moreover, the solicitor was unprepared on a number of occasions to meet with the project officers or the department's legal advisers, and I will say more about that.

Following the issuing of the notice of intention to resume, Noble and Elenis sought judicial review of the resumption process. So we had only issued a notice to resume; we had not actually resumed the land. They then sought judicial review of the issuing of a notice. Crown Law advised us at the time that, since no decision had been made, there was nothing to which judicial review could be applied. This opinion was actually provided to the property owners, but we had no response. Consequently the resumption process was conducted and no formal objection—bear this in mind—to the resumption was raised by Noble and Elenis. So we proceeded through the process—and this was before my time, so I am acting on advice from the department.

The land was proclaimed for transport purposes on 12 June 1998, one day before the Queensland State election in 1998. Between June and October project officers made several attempts but were unable to establish meaningful contact with the owners or their solicitors. Acting on representations from the local member and in my own attempt to try to seek justice for these people, I urged the department to do whatever it could to try to resolve this issue to the satisfaction of the property owners, but we had a lot of trouble actually getting them to respond to attempts we made to contact them to discuss the issue.

On 26 February 1999 at a without prejudice meeting with the owners and their solicitor, a claim was made by the owners as follows: $2.3m in the case of the Noble property and $1.2m in the case of the Elenis property. The verbal advice was that this was not negotiable. We were told, "Here is our demand. You pay it." This is where we get to the nub of it. It is not an issue about whether we have the right to acquire the land; it is an issue about the level of the compensation. The department's valuers had originally assessed the property values as $565,000 in the case of the Noble property and $265,000 in the case of the Elenis property. So their claims were substantially—a number of times—in excess of the valuation of the properties.

It was indicated in Executive Chef's recent letter—that is the letter that members have quoted today—that no formal claim for compensation had been made. However, the project officers were given to believe that the claim I have just referred to was formal and final, that is, the February claim for $2.3m and $1.2m. After that meeting, project officers made a written offer of compensation as follows: Noble, $865,000 and Elenis, $265,000. The revised offer for the Noble property allowed for the cost of relocating the business to an alternative site in the near vicinity.

This offer was made in an effort to effect a negotiated settlement to avoid the continuation of negotiations after special legislation was passed whereby it might be argued that the owners were relatively disadvantaged in their negotiating position compared with their position after the court decision. So when the property owners say that we made the offer and only gave them till the close of business the next day to respond—the issue was that we needed to get the legislation into the Parliament. I was planning to introduce the legislation into the Parliament. We advised them of our revised offers and we advised them to respond by the close of business the following day, hoping that we would be able to negotiate the settlement before the legislation came into the Parliament.

We knew that we would still require the legislation to validate the whole corridor, but we were trying to negotiate an outcome prior to the legislation coming in because we did not want that to be an influencing factor. It is an issue that was picked up this morning by the Scrutiny of Legislation Committee. We have not had time today yet to respond formally to that committee, but let me just say that it is not our intention to affect the value of the property by bringing in this legislation and, in fact, we had specifically sought to resolve the matter prior to the legislation coming into the Parliament so that the legislation could not impact on it. It is my view—and I will write to the Scrutiny of Legislation Committee and I will indicate this—that it will not affect the valuation and that is certainly not our intention.

We are still quite happy—and we have preserved their rights in the Bill—to go to the Land Court and seek a determination. But more than that, I am still happy for us to reach a negotiated settlement. Since I received a copy of the letter which they produced today—and I gave this commitment to the member for Gregory this morning prior to his contribution to the Bill—I have given a

commitment and the department has actually written to them today and said, "If you want a negotiated outcome, we are prepared to negotiate." We have said we are prepared to negotiate. If they want to meet with me personally as part of that process, then I am prepared to do that.

We have tried, for example, to meet with them on a number of occasions. Let me just outline this. We found it difficult to actually set up meetings so that we could discuss or negotiate an outcome. I am advised that South East Transit Project staff arranged meetings between Crown Law, Noble and Elenis or their legal representatives on the following dates between June and November 1998: on 24 August 1998, on 18 September 1998, on 16 October 1998 and on 20 October 1998. So on four occasions meetings were organised between Crown Law, the project officers and the owners of the properties and/or their legal representatives to try to negotiate an outcome on this.

On one occasion that we can establish we were notified by their lawyers that they did not want to proceed with the meeting. On the other three occasions the meetings did not proceed because neither the owners nor their representatives showed up. So on four occasions since I have been the Minister we have actually tried to convene meetings to progress an outcome on this and the meetings have not occurred, but not because we have not been willing to participate and sit down and talk to them but because neither the owners nor their representatives have shown up.

Notwithstanding that, I asked my department to if it could identify properties that would be suitable for the company to move into, particularly as they believed the location, in proximity to South Bank and the Southbank TAFE in particular, was critical to their business. So I asked the department to see whether we could find alternative properties. We do not control the market price of the properties that are available that might suit their business, and it is true to some extent that the properties that were identified were in excess of the compensation that we were offering for their land. But we cannot pay compensation on the basis of how much it is going to cost them to move to the next place. We can only—legally, lawfully and responsibly, I must say—compensate them for the market value of the land that we are acquiring from them.

We acquire land regularly for public purposes—for roads, for transport purposes, for schools, for hospitals—and we cannot pay someone compensation equivalent to how much it is going to cost them to go down the road and buy another house. What we compensate them for is the value of the land that we are acquiring. That is the only prudent way for a Government to act. But we were happy to try to find alternative sites for them. We even contacted the Southbank TAFE to see if there was any possibility of relocating the company onto the premises of the Southbank TAFE. It said that the notion of sharing with commercial operations was okay as far as it was concerned, but it did not have anywhere to accommodate them outside of a redevelopment of some buildings at the TAFE and it did not have the capital program to undertake that. So that was not a possibility at that stage.

But even today I am quite happy for my department to sit down and see if we can work out if there is a place that we can help them to move into. I am not here to stand over people. I am not here to try to deny them their entitlements. What I am here to do is to try to secure the corridor for this major project—$520m—which is going to create jobs, which is going to be an important contributor to our Integrated Regional Transport Plan, which is going to deliver public transport services and which does have time constraints on it. We do need to have the first stage of the busway project completed by September next year when the Olympic soccer tournament is on at the Gabba. That is a constraint that I have to work within.

From working within all of those constraints, we believe that the legislation is the only responsible way to go so that we can secure the corridor. But I am still happy to talk to them to try to settle the matter. Or if they would prefer to go to the Land Court and have the Land Court determine the level of compensation, that right is preserved for them in the legislation. We have not sought to take that right away from them. That is recognised by the Scrutiny of Legislation Committee in its Alert Digest today.

I made no secret of the fact that there were fundamental legislative principles issues in this Bill. In fact, I said to my departmental officers and project officers that in my second-reading speech we should be up front about the fundamental legislative principles issues. There are times when the public interest has to be given a higher priority than the fundamental legislative principles and the rights and liberties of individuals. It does not give me any great joy to do that, but the reality is that there is a public interest here which I believe is of a sufficiently high order to justify the breach of

the fundamental legislative principles. We will respond to the Scrutiny of Legislation Committee on the single issue that it has asked us to in today's Alert Digest, but I have given an indication that I do not think it will affect the value.

On the matter of retrospectivity and the other issues, from my reading the Scrutiny of Legislation Committee seemed to be satisfied with the argument I made in my second-reading speech. I know that that argument is disputed to some extent by the letter that arrived today. I said that we have used all mechanisms available to us to resolve this. It is simply not true to say that there were only two attempts and that we did not explore these options fully. We explored alternatives to the legislation. We tried to seek a negotiated settlement on the level of compensation. As I have said, on four occasions the meeting did not occur because either the owners or their representatives did not show up. We also sought to try to help them to relocate.

I do not believe that we have been unfair in relation to this. Having said that, I still think a special Act of Parliament to validate the acquisition process is not the sort of thing Governments want to do every day. Making that legislation retrospective is not the kind of thing Governments do every day. I acknowledge that it is unusual. In the circumstances I and the Government believe it is warranted.

I appreciate the support I have had from members of the coalition. I say to the member for Gladstone and other members who are concerned about this that I share their concerns. I am not trying to trample on the landowners' rights, as has been suggested. I am quite happy for the department and the project officers to continue to try to negotiate to resolve the level of compensation. As Minister, I cannot prudently agree to the claims for compensation that have been made in respect of these two properties because that would be financially irresponsible of me and it would establish a precedent that we would not be able to sustain in other parts of Queensland.

I think I have covered the issues that were raised. I conclude by saying that the passage of this legislation through the Parliament is necessary so that we can continue with the process of the construction of the South East Transit Project. This particular issue has caused me a lot of anxiety over the last couple of months, since the Supreme Court decision was brought down. People in my department have been fairly closely scrutinised in relation to our processes in respect of this issue. I appreciate the candour with which they have provided me with advice. It has been a difficult issue for them, as it has been for me.

The local member, the member for South Brisbane, has made many representations to me, not just in respect of the South Bank area but also in respect of the project as it affects her entire electorate, as have other members of the Parliament who are affected by the project as it passes through their electorates. We are keen to seek a fair outcome which is within the prudence of this Government to deliver in terms of the level of compensation.

If I can assist to progress that, then I am happy to. If the owners would like me to meet with them or their legal representatives personally then I am prepared to do that, but the passage of this legislation is necessary to secure the integrity of the acquisition process, so that we secure the integrity of the corridor so that the project can proceed.

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

AYES, 75—Attwood, Barton, Baumann, Beanland, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, Connor, Cooper, J. I. Cunningham, D'Arcy, Davidson, Edmond, Elder, Elliott, Fenlon, Foley, Fouras, Gamin, Gibbs, Goss, Grice, Hamill, Hayward, Healy, Hobbs, Horan, Johnson, Laming, Lavarch, Lester, Lingard, Littleproud, Lucas, Mackenroth, Malone, McGrady, Mickel, Mitchell, Mulherin, Musgrove, Nelson, Nelson-Carr, Nuttall, Pearce, Pitt, Pratt, Purcell, Quinn, Reynolds, Roberts, Robertson, Rose, Rowell, Santoro, Schwarten, Seeney, Sheldon, Simpson, Spence, Springborg, Stephan, Struthers, Turner, Veivers, Watson, Welford, Wells, Wilson. Tellers: Sullivan, Hegarty

NOES, 7—E. A. Cunningham, Dalgleish, Feldman, Knuth, Prenzler. Tellers: Black, Paff

Pairs: Reeves, Kingston; Palaszczuk, Slack

Resolved in the **affirmative**.

Committee

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Schedule—

Mr BREDHAUER (3.36 p.m.): I move the following amendments—

"At page 6, line 23, 'RP 880700'—

omit, insert—

'SP 102571'.

At page 7, line 5, '11 460 m^3'

omit, insert—

'3 832 m^3'.

At page 7, line 7, 'RP 857908'—

omit, insert—

'SP 102571'.

At page 7, line 12, '317 m^2'—

omit, insert—

'421 m^2'.

At page 7, line 13, '4 980 m^3'—

omit, insert—

'2 420 m^3'.

At page 7, line 14, 'RP'—

omit, insert—

'SP'.

At page 7, line 15, '43 320 m^3—

omit, insert—

'12 115 m^3'."

These are basically technical amendments. Following the introduction of the Bill, we had to make sure that the property descriptions and the area of land described by the Bill were absolutely accurate. So these amendments tidy up those matters in the Schedule.

Amendments agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Bredhauer, by leave, read a third time.

EXPLOSIVES BILL

Second Reading

Resumed from 25 March (see p. 897).

Mr MITCHELL (Charters Towers—NPA) (3.38 p.m.), continuing: Prior to the adjournment of this debate some weeks ago, I was discussing the regulation-making powers of the Governor in Council and the need for more consultation with all stakeholders if any changes were to be made to this legislation. However, upon further investigation, I have found that apparently it is normal with most legislation that notification of changes is distributed to all stakeholders before implementation, or certain sections have to be brought back to Parliament. So I am quite happy with the wording of clause 135, which I was discussing prior to the adjournment of the debate on this Bill.

I have no concerns about the proposed amendments to the existing legislation. The establishment of uniform requirements across Queensland is a very positive move in the right direction. Also, Part 7 of the new Bill, which relates to the review of decisions and appeals, provides another mechanism, that being the Magistrates Court, for external review outside the chief inspector and the Minister, as contained in the original Bill. As well, doctors and psychologists who have provided information on whether a person is suitable to hold any authority for the use of explosives are protected within this Bill. That further positive move is contained in Part 8, which relates to general provisions.

I welcome the increase in penalties as a deterrent for the abusive use of explosives causing injury and death anywhere in Queensland or in other parts of Australia. The sooner we get national uniformity on this sort of legislation, the better it will be for all Australians.

The amendments that the Minister has circulated address the concerns of the Scrutiny of Legislation Committee and a couple of my queries about the wording of the Bill. Those issues have been well and truly covered, and those amendments will be moved at the Committee stage. As a result of the findings of the review committee, some amendments were implemented well before the Bill was even introduced. This Bill was a long time in the drafting—some six years—and some amendments were included in the legislation well before the review period.

As noted earlier in this debate, there has been wide-ranging consultation over a long period in the drafting of the Bill. I thank all those involved in formulating this legislation. This Bill was nearing completion when we were in Government, and the Opposition will not be opposing it. I would like to see its passage through this Parliament as soon as possible.

Mr MICKEL (Logan—ALP) (3.40 p.m.): The Explosives Bill is designed to replace the existing Explosives Act 1952. As the Opposition spokesman has indicated, the Bill has bipartisan support.

The purpose of the Bill is to ensure safety for the community from all activities associated with explosives which is, of course, an inherently dangerous class of materials. These materials, because of their nature, pose a risk to the general community and an attraction to an undesirable element within the community. Yet, they are essential tools for the community, particularly in Queensland which is heavily reliant upon its mining and construction industries. The current use of high explosives in Queensland is of the order of 250,000 tonnes per annum. An efficient mining industry

must have access to a competitive, efficient, flexible and innovative explosives industry, and safety legislation needs to be mindful of these needs.

A review of the explosives legislation was commenced in 1993, as all honourable members know only too well, and it continued under the previous Government and has taken considerable time to reach this stage. It involved extensive consultation with all the stakeholders and included the following considerations. The legislation is part of a network of national and international controls of explosives. The legislation, for its effectiveness, should cover a comprehensive range of activities including manufacture, importation, storage, transport and sales. Explosives represent a broad class of materials including blasting explosives, fireworks, ammunition, reloading powders, flares, toys such as caps for toy guns and practical devices such as airbag actuators for cars.

The legislation has moved over time to a form of co-regulation where standards and codes are practised and developed by both Government and industry representatives. The legislation is part of the Government's observance of its community service obligations. The legislation is complementary to other legislation and does not duplicate requirements established elsewhere. The materials in question pose a significant risk to the community and, as such, must be properly managed.

The significant changes to the existing legislation incorporated in the Bill include the following. The explosives legislation has general application and hence should promote the establishment of uniform requirements throughout Queensland. The only exemption provided in the legislation is for those explosives under the control of the military services to which the Commonwealth Explosives Act 1961 applies.

The existing explosives legislation provides for appeals against decisions to be made firstly to the chief inspector and then to the Minister, whose decision is final. Such provisions were seen not to allow an independent review of the decisions under the Act. The new Bill in part 7 provides for appeals to a Magistrates Court and outlines how such appeals may be processed. In this manner, the powers to grant, refuse, amend, suspend, or otherwise deal with authorities under the Bill are subject to—and are seen to be subject to—appropriate external review.

Given the nature of the materials covered by this Bill, the consideration of a person's suitability to hold an authority granting access to and the use of explosives includes the need to consider the mental and physical state of the applicant.

Mr Lucas: That rules you out!

Mr MICKEL: It may rule some of the One Nation members out, but such matters have been——

Mr Black interjected.

Mr MICKEL: I hear the member for Whitsunday interjecting. When I was a boy I was told to beware of the skyrockets of politics. I invite the honourable gentleman to think about that because he is one of the skyrockets of politics. They go up in the air, they go off with a flash, and in the end they come down to earth as a dead stick. I would ask the honourable gentleman to think about what stage of the process he is at.

Such matters have been considered by the Federal Attorney-General's Department with respect to the Disability Discrimination Act 1992 and found to be consistent with safe workplace requirements.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! There is too much audible noise in the Chamber.

Mr MICKEL: Thank you very much for your protection, Madam Deputy Speaker. They are so rude on that side of the House that it interrupts my concentration. Protection is provided within part 8 of the Bill in clause 125 to doctors and psychologists who provide information to the chief inspector about a patient's mental or physical condition and applies despite any duty of confidentiality owed by the doctor or psychologist to the patient. This provision, as honourable members know only too well, is very similar to that incorporated in the Weapons Act for similar reasons.

I congratulate the Minister. I know he has been hard at work on this legislation since 1993. Even in Opposition he was tireless in his pursuit of this issue. I commend him and his staff for the full and frank briefings they have given us on this legislation. From the research I have been able to undertake myself, I know what an outstanding Minister for Mines we have in this State. I know he represents his electorate of Mount Isa very well. I know that this Bill will be talked about—as are many of his other accomplishments—for many years to come. I commend the Bill to the House.

Mr KNUTH (Burdekin—IND) (3.48 p.m.): I rise to speak on the Explosives Bill. I was a little concerned about clause 135(1) but the member for Charters Towers has assured me

that he is quite happy with the response he has received from the Minister. I would like to ask the Minister if this Bill extends to the reloading equipment of shooters. Will it also extend to the operators of businesses dealing with firearms who store explosives in their shops? Will it cost them any extra money? Do they have to have special licences to operate under this Bill?

Overall, I am quite happy with the rest of the Bill and I commend it to the House if those questions can be answered.

Mr MULHERIN (Mackay—ALP) (3.49 p.m.): I wish to speak briefly to the Explosives Bill 1998. "Explosives", as defined in the Bill, covers a broad range of dangerous materials—not only those associated with blasting at mines and quarries but also those more closely associated with the general community, such as fireworks and even Christmas bonbons. Around the world, fireworks have a long history of providing entertainment to people. Most in this place probably have some fond memories of cracker night, bonfires and fun from these devices.

Mr Schwarten interjected.

Mr MULHERIN: What did the member used to do?

Mr Schwarten: I never used to do anything at all.

An honourable member interjected.

Mr Schwarten: No, not in my day. I was a good teacher. Did you used to put them in people's letterboxes?

Mr MULHERIN: No, not me. However, associated with these fond memories, there were an increasing number of injuries, vandalism, nuisance value and other very innovative uses of these fireworks devices. As a kid, with other kids in our street, we would convert harmless throwdowns into lethal projectiles by removing the contents of a throwdown and placing the contents into the end of a bolt and nut and then screwing a similar bolt on the end of the nut. We would then ride our bikes along the road and throw the bolt headfirst onto the road, causing an explosion that would fire the bolt into the air. Luckily, we were not killed or seriously maimed. I remember some kids suffering serious facial burns, which scarred them for life, or reading about someone losing the sight of an eye.

Owing to public pressure from concerned parents, doctors and health professionals because of the actions of kids like me and other kids of my generation, a decision was made in 1972 to restrict the sale of fireworks to the general public in Queensland and to limit fireworks to public displays for the legitimate entertainment of the public by competent operators. Other States also introduced similar restrictions. I believe that only the ACT and the Northern Territory permit sales to the public, and even then there are some restrictions. Since 1972, fireworks have continued to grow as an entertainment in Queensland. Only now, through a fireworks industry concentrating on artistic displays——

Mr Schwarten: There's a lot of significance in the Parliament to these cracker nights. You know that, don't you?

Mr MULHERIN: Yes, I know that. At almost any public or sporting event there is a place for such entertainment. However, the devices used in public displays are larger, more powerful and consequently more dangerous than we would remember from the past. Further, because the purpose of these devices is to entertain, there must be a large number of people in reasonably close proximity to the fireworks displays. Hence, safety in such displays is an essential element of concern.

Some people within the community and within the fireworks industry would argue that restrictions on the availability of fireworks should be removed. However, the number of people who hold such concerns are not significant and the broader fireworks industry itself has indicated that it believes that the current restrictions should continue. In August last year, subordinate legislation made under the existing Explosives Act was amended to clarify requirements in this regard. People were using a legislative loophole to sell fireworks to the general public. The problem rested on what constituted a public display within the current Act, which stated that a competent person is necessary to undertake fireworks displays for public entertainment. These unscrupulous people used this definition to their advantage by stating that a public display may be carried out by any member of the public. The illegal sales of fireworks to the general public and the illegal use of bungers, rockets and other fireworks devices does occur, but the Explosives Inspectorate with the assistance of the police and the general public are minimising such occurrences.

Following the passage of this Bill, subordinate legislation concerning fireworks in Queensland will be reviewed. There is value in seeing how other authorities deal with this issue. It is interesting to note that some of the Asian countries where the use of fireworks is traditional are introducing restrictions because

of the problems experienced within their communities.

In closing, a balance between the legitimate entertainment value of fireworks and the safety of the community is needed. National standards that have been developed and a competent use of the devices in public displays would seem to provide the best chance of achieving this balance. The explosives legislation will provide the vehicle for satisfying this need, and I commend the Bill to the House.

Mr ROBERTS (Nudgee—ALP) (3.53 p.m.): I rise to say a few words about an important industry for Queensland. Australia, with its extensive resource base, is a major user of explosives. In fact, Queensland is the largest user State, using approximately 250 million kilograms of explosives a year. That contributes significantly to the State economy through both the mining and the construction industry. It is a little known fact that the vast majority of the explosives used in this State are manufactured within Queensland. There are 29 licensed premises where explosives are manufactured, 90 mobile manufacturing vehicles and 80 smaller on-site manufacturing facilities throughout the State, most of those being contained at mines or quarries.

The extensive and diverse nature of the industry highlights the need for quite specific regulation. In Queensland, there is a great deal of exporting of explosives. That occurs mainly by air and sea and most of that exporting and importing comes through the port of Brisbane and at Port Alma. There is also a significant export market for explosives in the South East Asia region. That market is being developed and targeted by the local explosives manufacturing industry. The transport of explosives within Queensland is quite extensive—by rail but predominantly by licensed vehicles—and there are almost 200 of those throughout Queensland. In terms of storage, there are over 200 locations that have been approved by the Explosives Inspectorate and approximately 160 licensed sellers throughout the State, the majority of those being gun shops selling reloading powders, about 20 of which are for blasting explosives. In addition, in terms of licensed users, there are more than 2,000 throughout the State. Various categories of users include agricultural, mining, quarrying and construction.

The extensive nature of the industry and the dangerous nature of the industry lead us to the requirement for quite extensive regulation. It is important to note in this debate, as has been pointed out by other speakers, that the term "explosives" under the Act includes not only devices used for blasting but also, as the member for Mackay has pointed out, fireworks, flares, ammunition, sparklers and even some toys, for example, the caps in toy guns that are used by children.

Over the past 10 years, the safety record for the industry has been quite good. Although no fatality is acceptable in any industry, the industry record over that 10-year period has been quite good. There have been four fatalities: three of those were suicides and one was a mining accident. However, there have been about 30 injuries, mainly involving children who had been using detonators or other homemade devices. In addition to what other members have said, that highlights the need for parents and other members of the community to be eternally vigilant whenever children gain access to even what might be considered the tamer explosive devices to play with.

Although that safety record appears to be quite good, for a highly hazardous industry it is essential that we do not lose sight of the fact that we need to maintain a stringent regulation of this industry and always look for ways of improving the safety record. Hence one of the main purposes of this legislation is to protect the community from an inherently dangerous substance. That issue remains as critical today as it did when the existing legislation was first introduced.

In terms of addressing the safety factors of this industry, one of the essential strategies is to learn from the accidents and the incidents that have taken place through a proper investigation process. That is something which the Act provides currently. However, on many occasions when there have been significant incidents involving explosions, it is sometimes very difficult to pinpoint fairly the actual causal effect of the injury or the incident. Invariably, the process relies upon a number of hypotheses and probabilities as to what might have been the cause of a particular accident. Pursuing that particular path remains an essential part of the process. However, it is now considered of equal importance, and in some cases even more essential, to investigate near misses or near-miss incidents involving explosives as such incidents will often provide more information in terms of preventing additional injuries than ones which actually result in injuries. Therefore, the Bill extends the requirement in the Act for the notification of incidents.

The definition of "explosive incidents" has been broadened to include matters such as

where an explosive is or appears to be lost or stolen, an accidental explosion, the death or injury of a person, unexpected damage to a property or an incident with the potential to cause any of the above events. It is a significant improvement to try to rope in those near-miss incidents in terms of preventing future injuries. The investigation of those incidents will provide the additional information that we require to ensure that this remains a safe industry.

The other aspect of the Bill deals with penalties. The need to improve penalties was identified during the review process. In terms of penalties for individuals, the maximum has been set at 400 penalty units, which is up from 84. That maintains an effective deterrent and also retains some relativity with penalties within the Workplace Health and Safety Act. The penalty provisions for corporations will automatically be five times that of the individual, which brings it up to 2,000 penalty units. The Bill also provides for regulations to include individual penalties up to 200 penalty units for a breach of particular requirements. While that might appear to be quite a severe penalty, when one takes into account the severe consequences of the misuse of or accidents arising from explosives, it is a fair response. With those few comments, I commend the Bill to the House.

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (4.02 p.m.), in reply: I take this opportunity to thank the member for Charters Towers and the members for Logan, Burdekin, Mackay and Nudgee. In particular, I thank the Opposition spokesman for the way that he has supported this Bill. We offered him a briefing which he accepted, and I believe he has played a very constructive part in the debate today. It is pleasing to see that, when sensible legislation is presented in the Parliament, one gets bipartisan support for it.

As has been said by many speakers, this legislation has taken some six years to arrive in the Chamber. It was started by me as a Minister of the Goss Government and was continued by my predecessor, Mr Gilmore. I now have the pleasure and the honour of bringing it to fruition. A number of matters have been raised that I would like to respond to. However, I start by saying that, like electricity, explosives are good servants but they are a very dangerous master. That is something that we should take into account.

Before I respond to the points that were raised, I thank the member for Mackay for the contribution that he made. This is a very important time in his life because his wife, Erin, has just given birth to a son, Liam Daniel.

Mr Schwarten interjected.

Mr McGRADY: We will save those sorts of comments for the christening. On behalf of all members, I congratulate Mr Mulherin on the birth of his second son. Liam Daniel is a good Irish name, and he will be a mate for Declan who is about two years old. There is something about Mackay, because the former member for Mackay, Ed Casey, had a fairly large family. The way that young Mr Mulherin is going, I think there is a possibility that he may——

Mr Schwarten: He'll certainly be here as long as Mr Casey was. Whether he has as many kids is another matter.

Mr McGRADY: I take the member's point.

The member for Charters Towers raised a number of issues. He said that some retailers had expressed the concern to him that, if passed, the legislation may generate more paperwork for them. The Bill will not generate extra paperwork for notifications and record keeping for the sale of explosives. However, the requirements to notify of explosive incidents have been broadened to include all dangerous and, indeed, potentially dangerous explosive incidents. There are only a few such incidents and I do not believe that the increase in notification will be onerous.

The other point that the member for Charters Towers raised concerned the possibility that additional licensing fees will be introduced. The licences to be issued under this legislation will be detailed in regulations that will be prepared over the coming months. There will be lots of discussion and negotiation with industry. It is not thought that there will be any new licences or, indeed, any increase in licensing fees. There will be a consolidation of licences where feasible, which will decrease the number of licences in areas such as the repealing of some of the regulations covering fruit ripening and the elimination of the need for duplicating licences such as at gun shops or shops selling powders.

The member for Charters Towers said that he hoped that there would be no change to the controls on the transporting of petrol. As we discussed privately, that comes under a different Act and is not part of the proposed legislation.

The member for Charter Towers asked the legitimate question: can the Governor in Council make regulations without the matter coming back to the Parliament? As he knows, regulations are made by the Governor in

Council and notified in the Government Gazette. They have to be tabled in the Assembly. If Opposition members are not happy, they know that they can——

An Opposition member interjected.

Mr McGRADY: Yes. The member asked whether section 135 applies to all explosives. This is a regulation-making provision. It can apply to any explosive that is dangerous to the public or property. This can be achieved by using nationally agreed standards and codes of practice.

The member for Burdekin asked about guns and so on. All I would say is that this legislation does not cover guns and the like. It covers ammunition, but this legislation does not change the Act in that regard. There is no change at all.

I have answered the questions that have been raised. In conclusion, I thank Bob Sheridan of the Department of Mines and Energy for the tremendous amount of work that he put into the legislation. I also thank all of the staff who assisted, including my personal staff who have worked long and hard to get this legislation to the Parliament. In conclusion, I reiterate my thanks and appreciation to the Opposition, through the member for Charters Towers, for its help and support.

Motion agreed to.

Committee

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) in charge of the Bill.

Clauses 1 to 37, as read, agreed to.

Clause 38—

Mr McGRADY (4.08 p.m.): I move the following amendment——

"At page 27, lines 4 and 5, from 'by' to regulation'—

omit, insert—

', by a manual operation performed under conditions prescribed under a regulation, for the inspector's immediate use'."

Amendment agreed to.

Clause 38, as amended, agreed to.

Clauses 39 to 41, as read, agreed to.

Clause 42—

Mr McGRADY (4.08 p.m.): I move the following amendment——

"At page 28, line 8—

omit, insert—

'—

(a) authorised to sell the explosive; or

(b) authorised to store the explosive; or

(c) authorised to use the explosive; or

(d) otherwise authorised under a regulation.'."

Amendment agreed to.

Clause 42, as amended, agreed to.

Clauses 43 to 66, as read, agreed to.

Clause 67—

Mr McGRADY (4.09 p.m.): I move the following amendment——

"At page 36, line 27, after 'inquiry'—

insert—

', and any one else likely to be adversely affected by the inquiry's findings,'."

Amendment agreed to.

Clause 67, as amended, agreed to.

Clause 68—

Mr McGRADY (4.10 p.m.): I move the following amendment—

"At page 37, lines 9 and 10—

omit."

Amendment agreed to.

Clause 68, as amended, agreed to.

Clauses 69 to 91, as read, agreed to.

Clause 92—

Mr McGRADY (4.10 p.m.): I move the following amendment—

"At page 49, line 10, 'The owner of a seized thing'—

omit, insert—

'If, under section 106,[1] the Minister declares a seized thing to be forfeited to the State, the owner of it'.

[1] Section 106 (Power to declare seized things forfeited)."

Amendment agreed to.

Clause 92, as amended, agreed to.

Clause 93, as read, agreed to.

Clause 94—

Mr McGRADY (4.11 p.m.): I move the following amendment—

"At page 50, after line 3—

insert—

'(3) Regard must be had to a thing's nature, condition and value in deciding—

(a) whether it is reasonable to make inquiries or efforts; and

(b) if making inquiries or efforts—what inquiries or efforts, including the period over which they are made, are reasonable.'."

Amendment agreed to.

Clause 94, as amended, agreed to.

Clauses 95 to 105, as read, agreed to.

Clause 106—

Mr McGRADY (4.11 p.m.): I move the following amendment—

"At page 56, line 25, after 'it'—

insert—

'if the Minister considers that the return of it to its owner—

(a) would contravene a provision of this Act; or

(b) would not be in the interests of public safety'."

Amendment agreed to.

Clause 106, as amended, agreed to.

Clauses 107 to 119, as read, agreed to.

Clause 120—

Mr McGRADY (4.12 p.m.): I move the following amendment—

"At page 63, line 25, after 'taken'—

insert—

'unless the contrary is established'."

Amendment agreed to.

Clause 120, as amended, agreed to.

Clauses 121 to 143, as read, agreed to.

Schedule 1, as read, agreed to.

Schedule 2—

Mr McGRADY (4.13 p.m.): I move the following amendments—

"At page 79, lines 8 to 11—

omit, insert—

' "explosive" includes—

(a) a substance or a thing containing a substance, manufactured or used with a view to produce—

(i) a practical effect by explosion; or

(ii) a pyrotechnic effect; and'.

At page 79, after line 13—

insert—

'Examples of explosives—

Ammunition, detonators, gunpowder, nitroglycerine, pyrotechnics (including fireworks)'."

Amendments agreed to.

Schedule 2, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr McGrady, by leave, read a third time.

JUSTICE LEGISLATION (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Resumed from 19 November 1998 (see p. 3466).

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (4.14 p.m.): At the outset I indicate that the Opposition supports the Justice Legislation (Miscellaneous Provisions) Bill 1998. This Bill largely mirrors legislation introduced into the Parliament prior to the State election last year and it fell off the books when the Parliament was prorogued. I commend the Attorney-General for reintroducing this legislation into the Parliament. It basically does away with some obsolete provisions. It also puts a far more contemporary application on other statutes contained within the portfolio of the Attorney-General.

Briefly, I wish to speak to two matters. I support the amendments to the Bail Act, which allow for a clearer and far more contemporary approach to the granting of or the ability to be able to appeal or review bail in Queensland. As the Attorney-General would appreciate, bail is an issue of considerable concern to a lot of people in the community. We have to make sure that people are treated fairly. However, the community has some concerns—and justifiably so in some cases—in respect of the granting of bail. The community wants to be sure that the State has a clearly defined ability to be able to stand up and represent their concerns. That is why it is proper that we now have a clearly defined path of appeal for the State and also, for that matter, for the accused right through to the highest courts.

Another provision in the Bill will give the cheques of non-bank financial institutions, for the purposes of the Property Law Act, the same standing as bank cheques. That makes a lot of sense and is in line with what we are seeing around Australia as building societies and credit unions are rightly being placed on the same footing as banks. The Opposition has great pleasure in supporting this amending legislation and commends the Attorney-General for bringing it into the Parliament.

Mr LUCAS (Lytton—ALP) (4.16 p.m.): I rise in support of the Justice Legislation (Miscellaneous Provisions) Bill introduced by the Attorney-General. A number of areas of law in the Justice portfolio need tidying up. I wish to take the opportunity to comment on two issues that are of concern.

The first issue relates to the proposed amendments to the Bail Act. There is a significant degree of concern in the community about the damage that can be done to society as a result of serious violent offenders being granted bail inappropriately. Bail decisions are often made by magistrates and, unfortunately, in some cases errors can be made. Errors can occur as a result of incorrect or incomplete information or through someone having an incorrect view of the world. In the interests of society, it is very important that erroneous decisions in relation to bail applications are able to be corrected on appeal. At present, only breaches of bail orders can be corrected by magistrates. One can appeal in relation to the breach of a bail order. In the public interest, it is very important that there be a general power whereby, if a court has erred in relation to the granting of bail, a review court is able to correct that error. It is not in the community interest that an incorrect decision of law be left to stand. If an incorrect decision is made to grant someone bail who should not be granted bail, the community is potentially put at risk. We must bend over backwards to make sure that the law is applied correctly in the community interest.

The other point that I wish to speak on in significantly more detail relates to the amendments to the Crimes (Confiscation) Act. This Bill makes a number of corrections to the existing law, particularly in relation to placing restrictions on access to legal fees except where specifically ordered. I will comment a little more about that aspect later, but I wish, firstly, to take the opportunity to speak about the whole issue of proceeds of crime legislation.

One of the great achievements of the Fitzgerald inquiry that perhaps a lot of people did not think about was the fact that people from the Taxation Office were sitting at the back of the inquiry and day after day were finding out about the huge amounts of money that were being earned through organised crime, for example, moneys in bribes and ill-gotten gains. They were there for the tax office to assess and finally get something back for the taxpayer with various penalties imposed. That sort of attack on money laundering hits the Mr Bigs. That was a great benefit of the Fitzgerald inquiry.

Often in this place we sit here talking about sentences, but at the end of the day increasing sentences does not mean that courts will increase sentences, nor does it actually put any more bad people in prison or hit them where it really hurts. In this place I am interested in looking at legislation that hits organised crime and hits it hard, because the people who benefit from organised crime at a high level are people who make a fortune out of it. There are huge profits to be made from criminal conduct and drugs.

Traditionally, the Queensland law position was that a conviction before the court was needed before money could be forfeited. Once that conviction occurred, then there was a reverse onus situation so that the people who were convicted had to show that the money was properly earned. But the problem is that modern organised crime is very, very effective and that in modern organised crime detection we do not always get the Mr Bigs. People can see that there is a money trail, but unfortunately, due to their cleverness in the system, they are in the situation where even though it is known that the money is there, it cannot be got at.

I am saying that we ought to be in the situation in which we get tough on the proceeds of crime and we make sure that people are not entitled to benefit from their ill-gotten gains. I think that the House would be very interested to hear about a case involving a Mrs Flack from New South Wales. It was reported in the Sydney Morning Herald last year. I will just read a little bit from the case for the benefit of the Parliament. It is headed "Woman's mystery $433,000 windfall". It states—

> "A judge ordered the National Crime Authority ... yesterday to return a briefcase containing $433,000 to the mother of a former criminal associate of the Sydney underworld figure Arthur 'Neddy' Smith—even though the woman told police she had not seen it before."

The money was found hidden in a cupboard in her home. It goes on—

> "... Mrs Flack told Federal police who searched the house with a warrant to look for cannabis resin in April 1994 that she had not seen the briefcase before and did not know who owned it.
>
> The judge said that when shown what was inside the briefcase, Mrs Flack had exclaimed: 'Oh, my God.'
>
> When asked if there was anything she could tell the police about the bag

> with the money in it, she said: 'No, nothing. I've never seen it before, I swear.'
>
> ... the police search was related to Mrs Flack's son Glen, who had a key to her house and visited about twice a week. He is a convicted armed robber."

The problem was that the court said that, because the NCA could not show any better title to the money than Mrs Flack had, she was entitled to keep the $433,000. If attacking that sort of ridiculous view of the law is not in the community interest, I do not know what is. It might have been a correct application of the law, but I do not think we can allow that sort of situation to stand. That is why it is very important that we are able to look at legislation which says that, when looking at these sorts of factual situations, that money should be forfeited. Mrs Flack did not know where the money came from; she just happened to have $433,000 in a suitcase that she had never heard of before. Not too many pensioners in my electorate would be fortunate enough to do that. I table that article.

There was also an article in the Courier-Mail on 3 February this year which was headed "Crime profits targeted". It talks about a submission from the Criminal Justice Commission, the Queensland Crime Commission and the Queensland Police Service. It states—

> "... the state's 'confiscation of profits of crime laws' were a major impediment to combating organised crime."

They called for legislation in Queensland along the lines of the New South Wales legislation, which is based on the US anti-racketeering legislation. I will just indicate that the legislation in New South Wales was introduced by a Labor Attorney-General, Jeff Shaw, QC, in 1997 in the Drug Trafficking (Civil Proceedings) Amendment Bill. It is very important that we have a look at some of the main features of that legislation because I think it is very important for us to consider very strongly in this State the need to look at that sort of legislative mechanism.

What happens in that State is that no longer is a conviction needed to forfeit money as a result of serious crime-related activity. The court must make an order to forfeit money if there are reasonable grounds for the suspicion that serious crime-related activity took place. It is not always easy to show what serious crime activity took place, and New South Wales has the provision that they do not actually have to specify a particular instance but can generally indicate it. Of course, people have to convince the court that that serious crime-related activity took place, but when they do get to that situation, then the onus shifts back onto the individual—the person who has allegedly made the profits from this organised crime. If they want to keep that money, they have to show that that property was not acquired illegally. In other words, they have to show to the court that they did not get that money illegally. That is something that most people in our society can do. I can certainly show all my sources of income, as can most people in the community. So we are talking about situations in which people can show large amounts of money, the origins of which they cannot explain. This New South Wales legislation has a reverse onus to make sure that they can justify to the court where they got the money, and if they cannot justify it then it is forfeited.

The other thing that the New South Wales legislation entitles the court to do is to take into account a person's expenditure over the preceding six years. The portion of that expenditure which cannot be demonstrated to be derived from lawful sources will be deemed to be proceeds of illegal activity. So again, a person looks at an expenditure test and sees how much money is spent. If someone is on the dole but has been living a good lifestyle, spending $150,000 a year over the past six years, then one might ask where they got that money from.

Mr Schwarten interjected.

Mr LUCAS: The tax office can often do that. They have assets betterment tests and tests such as that, as the Honourable Minister points out. It is very important that they have those powers. But we need those tough powers for confiscation of money if we want to get serious on organised crime and we want to hit them where it hurts—where they are making the money.

Another area in the legislation that is worth while us examining in Queensland is in relation to the issue of legal fees. In New South Wales they allow regulations to prescribe the maximum allowable costs for legal services. In the New South Wales Minister's second-reading speech in relation to the amendment Bill, he referred to a Queensland case. It was a terrible case. I think it was the case of operation Tableau in which more than $1m was spent from restrained property, in other words, property that was restrained by the court and then allowed to be used for the defence of these people. $1m was spent on the committal proceedings of the defendants. When it was all gone—they had the biggest committal since Ben Hur—they

went to the higher court and all pleaded guilty on legal aid. That was an absolute and utter disgrace.

The fact is that it is about time that the law realised that that sort of stuff is no longer sustainable. The community will not wear it. At the very least I think it is important that we follow this New South Wales action and perhaps even look at situations in which there are restrained proceeds of crime available for legal representation. Perhaps there should be some role for the Legal Aid Office. The New South Wales legislation is tough, but so is the US anti-racketeering legislation. We need to be tough on organised crime. We need to hit them where it hurts—where their cash flow is. As Attorney-General Jeff Shaw, QC, said: the reason for this is that experience has shown that major criminals often live a lavish and expensive lifestyle whilst their legitimate income is very low—often just unemployment benefits.

The legislation that we are enacting today in relation to proceeds of crime is important. It is important legislation and I support it. I suggest to the Government that we should be looking towards a significant strengthening of our organised crime legislation to help the Government carry on its fight against organised crime; that we ensure that criminals do not benefit from their serious crime-related activities; that the proceeds of crime are forfeited to the State; and that we hit these organised crime groups where it hurts—in the wallet.

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (4.29 p.m.), in reply: I thank the member for Warwick for the indication of support on the part of the Opposition for this Justice Legislation (Miscellaneous Provisions) Bill. I also thank the member for Lytton for his contribution and for his manifest concern over the need to attack crime through confiscation of profits legislation. The confiscation of profits of persons engaged in serious crime is an important matter to pursue. I thank honourable members and commend the Bill to the House.

Motion agreed to.

Committee

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr FOLEY (4.30 p.m.): I move the following amendment—

"At page 6, lines 21 to 26—

omit, insert—

'may, for the purpose of giving effect to the order, issue a warrant for the apprehension of the defendant directing that the defendant be brought before a stated court.'."

This amendment ensures that a warrant can only be issued to bring a defendant back to court. There is a risk that if section 19D is not amended the combined effect of sections 19B(4), (5) and (6), 19C(2), (3) and (5), and 19D may lead to instances where a warrant can issue to commit a defendant to prison without that defendant ever being brought before a court. This amendment remedies that problem.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 19 and Schedule, as read, agreed to.

Bill reported, with an amendment.

Third Reading

Bill, on motion of Mr Foley, by leave, read a third time.

CRIMINAL CODE (STALKING) AMENDMENT BILL

Second Reading

Resumed from 6 March (see p. 160).

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (4.33 p.m.): I indicate that the Opposition supports the Criminal Code (Stalking) Amendment Bill, but will be making some suggestions to improve its effectiveness and to prevent potential injustices arising.

One of the first acts of the Attorney-General was the release of a discussion paper on the offence of stalking. The Minister was able to do that because most of the work on the discussion paper had been completed, as it was an initiative of the member for Indooroopilly while he was Attorney-General. I think credit should be given to my colleague the member for Indooroopilly for progressing this matter, because stalking is an insidious activity which affects many people, but especially women. I also commend the current Attorney-General for introducing the amending legislation into the Parliament.

Queensland was the first Australian jurisdiction to introduce specific legislation related to stalking. That was in 1993. It was an initiative of the then Minister, the member for Murrumba. I give credit where it is due, and I give credit to the member for Murrumba for legislation which has stood the test of time quite well. It was progressive, innovative legislation which has helped very many people who have been subjected to quite outrageous activity.

Modern stalking legislation had its origins in California, where there was very considerable publicity given to the stalking of celebrities by crazed fans. California passed its legislation in 1990 and within a few years most other American States and Canada had followed suit. As I mentioned, in 1993 Queensland was the first Australian jurisdiction to introduce stalking laws. I quote from an article written by R. A. Swanwick, a barrister in the office of the Director of Public Prosecutions, which was published in the University of Queensland Law Journal. Swanwick makes the following comments about the crime of stalking—

> "The offence and its criminality are unusual in that often no physical elements are present, only mental elements, and render liable to criminal sanction activities which on the surface are innocuous and commonplace but which, when constituting a course of conduct and with the necessary intent, form the basis of the criminal offence. It is, therefore, a difficult offence for which to legislate."

Swanwick points out that in the first two years after the law was changed in Queensland, 175 cases of stalking were processed by the Magistrates Court. Of these, 73 were heard summarily and at least 74 were committed to the District Court. Of the 73 heard summarily, 25 were proved and the remaining 48 were either dismissed, discharged or struck out.

From the cases that were committed to the District Court and on which more details are available, it would appear that stalking is overwhelmingly an offence committed by men and directed against women. In the 48 cases finally disposed of by the District Court, all but four involved male stalkers. Stalking arising from broken relationships was the most common, and it is interesting that, although in California it was crazed fans who motivated legislation, in Australia law reform has been propelled by incidents of domestic violence. Apart from stalking arising from broken relationships, other instances arose from the workplace or school. Only one of the 48 District Court matters involved what could be regarded as a quasi-celebrity matter. The largest single category of stalkers would appear to be males in the 14 to 24 age group, and Swanwick concludes that this indicates that the largest single category of stalker is the adolescent broken relationship type.

Conduct which constitutes stalking is many and varied, but some of the conduct dealt with by the District Court included erecting posters of a naked ex-girlfriend in a city mall, killing the victim's garden plants, switching off the power to the complainant's home at night, searching through the complainant's rubbish bins and drilling observation holes through the ceiling of an ex de facto's home unit. Certain other conduct the court has dealt with is much more lewd and would have been highly distressing to the victims in question. For obvious reasons I will not outline these matters in Hansard.

In an article published in the Sunday Mail in May last year, titled "Terror Hides Behind the Law", it was pointed out that in the 18 months to January 1997 there were 1,104 stalking complaints lodged with the Queensland Police Service—over four times the number of stalking complaints police received in the previous 18 months. This may not mean that stalking is on the increase. In fact, it may mean that citizens, especially women, are now more willing to take advantage of the law to try to stop stalkers ruining their lives. Whatever may be the case, it is certainly a very troubling statistic and one which should cause each and every one of us to give pause and contemplate just how serious and prevalent stalking is in society.

The current law is found in section 359A of the Criminal Code. This section criminalises unlawful stalking and sets out four elements to the crime. Those elements are: a course of conduct involving the doing of a concerning act on at least two separate occasions; an intention by the stalker that the victim be aware of this course of conduct; knowledge by the victim of the conduct; and the requirement that the course of conduct would cause a reasonable person in the victim's circumstances to believe that a concerning offensive act is likely to happen. It is helpful, in dealing with this Bill, to keep in mind these elements.

Before I touch on some of the substantive changes to the law, I draw the attention of the Attorney-General to criticism that has been made about the use of the term "stalking". In

Swanwick's article, it is pointed out that the dictionary definitions of "stalking" include "to steal up to game under cover" and to "pursue stealthily" and that these do not accurately reflect the nature of the crime. Swanwick points out that this is not a pedantic issue but one which has resulted, in at least one case, in a defence counsel highlighting how this type of conduct did not match his client's. Swanwick makes this point—and it is one which I ask the Attorney-General to bear in mind when this legislation is next under review, whenever that may be—

> "The majority of concerning acts have been particularly public, loud and noisy, eg objects thrown through windows, loud, public, vulgar and obscene abuse, skidding cars on footpaths etc, all calculated to attract the maximum attention. These sit uneasily with the image of a dark, sinister, stealthy unseen menace traditionally associated with the word 'stalking' and as in the above case, could lead to an accused failing to understand the nature of his or her offence. Canada firmly rejected the word 'stalking' in the Canadian Criminal Code in favour of the term 'criminal harassment' to describe the offence."

As the Minister would be aware, since the article was written the United Kingdom has passed stalking legislation which is titled the Protection from Harassment Act 1997. In Britain, instead of referring to stalking, the legislation prohibits harassment. I raise this issue simply to highlight that the term "stalking" could sometimes be misleading and could raise problems with the prosecution of charges. I, like most people, understand what is meant. But if even one successful prosecution is compromised simply because of terminology, it is a matter that requires careful consideration both now and at some future time. All I suggest to the Minister at this time is that this issue be kept under review—under consideration—and that, if there is substance to the criticism made in the article that I have quoted, the appropriate legislative action be instigated.

The first matter which this Bill deals with is the current requirement that there be a course of conduct involving a concerning act on at least two separate occasions. The current law does not define what "course of conduct" is but requires the doing of a concerning act on at least two separate occasions. No time limitation is mentioned in the legislation, but it has been interpreted by the courts as requiring an element of continuity and not, for example, two isolated episodes. On top of that, the Court of Appeal last year in Hubbuck's case determined that the offence must constitute of the doing of a particularly concerning act on at least two occasions.

I found the discussion paper released by the Minister to be very helpful in this area. It is pointed out in that document that only Queensland, the Northern Territory and South Australia require proof of a course of conduct by reference to two separate occasions. In the Victorian Crimes Act, the stalking provision does not deal with the number of times that the stalking occurs but simply refers to a course of conduct. The term "course of conduct" was defined by the Victorian Supreme Court in Pearson's case as comprising "conduct which includes keeping the victim under surveillance for a single protracted period of time or on repeated separate occasions." The discussion paper contained a Bill which attempted to incorporate this concept, but the wording of the reform was rightly criticised in an article which appeared in the Proctor.

The wording of the Bill before the House, namely, that "unlawful stalking" is conduct engaged in on any one occasion if the conduct is protracted or on more than one occasion, is a definite improvement and should deal with the issue satisfactorily. I congratulate the drafters of this provision, especially those departmental policy advisers in the Department of Justice and the Office of the Parliamentary Counsel.

The current Queensland provisions are unique in that the crime of stalking simply requires that the stalker intend that the victim be aware that the course of conduct is directed to or at them. Elsewhere in Australia there is a requirement that the stalker intends to cause physical or mental harm. In those jurisdictions, the requirement of criminal intent is firmly placed at the doorstep of the alleged stalker. In Queensland, as the discussion paper highlights, there is currently no requirement that the stalker has any intention of doing any harm whatsoever and that the essence of the offence is the consequences of the course of the conduct on the victim. Consequently, in one Court of Appeal decision in 1994 it was held that when an accused stalker talked nonsense and danced in front of his victim, his behaviour was so bizarre that, whatever may have been his intent, a reasonable person in the victim's position could have believed that an act involving violence was about to happen.

There are three important matters that flow from all of this. In the case I have just mentioned, as far as I am aware, there was no

suggestion that the person involved actually intended harm, just that his strange behaviour could have led a reasonable person to believe that harm could have followed. To use legal terminology, a subjective test is applied to the victim as far as the fear of violence is an element.

The second issue is that there has been a divergence of judicial opinion as to whether the victim actually believed that violence would eventuate or whether, even if the victim did not, a reasonable person in the victim's circumstances could have. Obviously, it is not very satisfactory that matters such as this are left up in the air for years until there is some authoritative judicial determination.

Finally, there has been increasingly a very disturbing development in the crime of stalking, and this involves a subgroup of mentally unbalanced people who have been labelled erotomanic. These people are potentially very dangerous, very unbalanced, and exhibit acts of aggression towards their loved ones and those whom those unbalanced people believe stand between them and their loved ones. As Swanwick points out—

> "Ironically, except in Queensland, this group would not have been covered by stalking legislation because of the requirement for an intent to cause physical or mental injury. Initially at least, the intent of these individuals was not malicious: they were attempting to express their love and affection."

This Bill overcomes some of the problems that the current uncertain nature of the law causes. But in the process, it has considerably widened the law. As I mentioned, the Bill now simply requires that the stalking conduct be intentionally directed at a person. No longer will there be any requirement that the alleged stalker even intended that the victim be aware of the stalking. The Bill even spells out that it is immaterial that the alleged stalker either intended the stalked person to be aware that the conduct was directed at them or had a mistaken belief about the identity of the person at whom the conduct is intentionally directed.

In the Explanatory Notes circulated by the Minister, this quite radical change in the law is explained as follows—

> "The accused had to intend that the victim be aware that the course of conduct was directed at him or her. Therefore true stalkers could say that they did not so intend even though the victim suffered a detriment after becoming aware."

I think that, before discussing this, it is worth quoting Swanwick again because, as is pointed out by this learned author—

> "Queensland's legislation is the most widely drawn in Australia and perhaps the world."

So we already have the most comprehensive legislation in the world, and the reforms that I have so far touched on will widen it further still. That of itself is no cause of concern, provided that the law does not overreach and start to jump or start to entrap innocent people.

I read with some interest an article in the Victorian Law Institute journal which deals with the much narrower Victorian Act. The author of this article, Ms Deborah Wiener, says—

> "One could envisage other scenarios in which people are endeavouring to make friends, whether in the singles scene or anywhere else, and the recipient interprets the overture as stalking.
>
> What about the suitor who is harmlessly trying to rekindle a relationship and sends flowers and other gifts? What about the man on the Bourke Street tram who makes polite pleasantries with the woman sitting opposite? There are any number of permutations of conduct in which one could find oneself classed as a potential stalker."

Those are salutary words and need to be borne in mind when we consider just what sort of conduct the law of stalking needs to cover.

Obviously, there is a very difficult balancing act to be achieved between, on the one hand, not covering almost every facet of human behaviour and thus rendering the law unworkable and unjust; and yet, on the other hand, keeping it flexible and relevant to the needs of those people—especially women—who are the victims of obsessive and possibly dangerous behaviour. Under this Bill, unlawful stalking is defined as conduct intentionally directed at a person which consists of one or more specified acts. Those acts are very broad and, similar to the current legislation, can be categorised, as one District Court judge said, as including almost every act of human behaviour. The Bill then says that this conduct would cause the victim apprehension or fear or would cause detriment reasonably arising in all circumstances to the victim or a third person.

Both the terms "circumstances" and "detriment" are defined, but I wish to draw to the attention of the House the latter definition which is as follows—

"(a) apprehension of fear of violence to, or against property of, the stalked person or another person;

(b) serious mental, psychological or emotional harm;

(c) prevention or hindrance from doing an act a person is lawfully entitled to do; or

(d) compulsion to do an act a person is lawfully entitled to abstain from doing."

The definition of "detriment" is very wide indeed. It will pick up directly the concept of non-physical harm—the mental repercussions of stalking.

This change in the law is very desirable. In an article of Swanwick's to which I have referred previously the following observation is made—

> "The impact on a victim when viewed by a third party, calmly and objectively with the benefit of hindsight and with all the relevant information, often appears much less than when viewed subjectively during the stalking period by the victim who does not have those advantages. Victims experience an escalating fear and fear of the unknown is often the worst aspect, especially when a sudden appearance of the stalker reveals a knowledge of the victim's plans and movements which they had believed to be confidential. They curtail their lives, give up social and work activities, change addresses, towns and even countries in order to escape the merciless harassment and pursuit. Symptoms similar to post traumatic stress disorder are common."

I also support the clear enunciation of the principle that "detriment" includes the prevention or hindrance of a victim being allowed to do what they are lawfully entitled to do. The examples given in the Bill of the type of conduct this is intended to pick up should bring home to any person reading the law exactly what stalking causes to victims in terms of a devaluation of lifestyle and freedom of movement.

As I mentioned earlier, the Bill removes the requirement that the offender intended the victim to be aware of the stalking. The explanation for the removal, which I quoted from the Explanatory Notes, is on its face convincing. Yet the Bill goes still further. At the moment the law requires that the course of conduct must cause a reasonable person in the victim's circumstances—which circumstances have to be reasonably foreseeable—to believe that an act of violence against a person or property is liable to happen. The Bill expands this by providing that stalking is conduct that would cause the stalked person apprehension or fear, reasonably arising in the circumstances, of violence to or against property of the stalked person or another, or causes detriment reasonably arising in the circumstances to the stalked person or another person.

As I read this Bill, what this means is that there does not have to be any actual fear caused to a person at all—just that if the person was aware of the conduct it is reasonable to expect that fear or apprehension would ensue. Later in the Bill it is pointed out explicitly that it is immaterial whether the person doing the unlawful stalking intended to cause apprehension or fear or the widely defined detriment which I have already outlined. The Bill also says that it is immaterial whether the apprehension or fear of violence is actually caused. In other words, as I said, there may be no intention on the part of the stalker to cause fear or apprehension at all, and none actually caused. Yet the Bill criminalises this conduct.

I have read with interest the comments of the Scrutiny of Legislation Committee on this Bill in Alert Digest No. 3. The committee makes this same point, and it is important to point out to the House that the committee was assisted in its analysis of the Bill by a senior lecturer in law from the Queensland University of Technology. The committee points out—

> "Proposed section 359B defines unlawful stalking in such a way that it is possible for someone to commit a crime carrying 5 years imprisonment without intending harm and without causing harm and without even intending that the person stalked be aware of the conduct."

The committee points out that the only fault element in the Bill is that the stalker intended to direct the conduct at the stalked person.

As I have explained at some length, the type of conduct that this Bill picks up covers almost the whole gamut of human behaviour. The Bill specifically includes the following conduct: following, loitering near, watching or approaching a person and contacting a person in any way, including by telephone, mail, fax, email or through the use of other technology. I interpose here to support the inclusion of email and other technology in the Bill because with the increasing use of the Internet the concept of cyber-stalking has gone from the realm of science fiction into an ever-present and growing problem.

However, the cumulative effect of widening this Bill in almost every respect is to lead to the Orwellian situation that the Scrutiny of Legislation Committee outlined. Yet it is much more serious, potentially, when we consider that so-called stalking now could arise simply by the sending of a fax or an email intentionally to a person, and from that one act, even though there was no intention to cause harm or apprehension, and none was caused and that possibly the intended recipient of the email or letter did not receive it, a serious crime has been committed.

I want to be fair. As ludicrous and manifestly unfair as this seems, I suppose one can envisage situations where this could be very helpful. After considerable reflection, I thought of the situation of a convicted rapist who, in an endeavour to make amends, starts writing letters to his victim or victims while he is still incarcerated. The letters are intercepted by the prison authorities and the victim never sees them. If she had received them she would have been most upset.

The Minister would be fully aware that the discussion paper he released last June specifically dealt with this issue by recommending that the course of conduct must cause the victim reasonably in the circumstances to fear injury or detriment. After discussions with interested parties, that requirement or limitation was dropped. The Attorney-General would also be aware that the Model Criminal Code Officers Committee, which is charged with the responsibility of developing model criminal legislation in Australia, considered stalking legislation in 1996.

The committee recommended that the model stalking legislation have a requirement of proof of an intention to cause serious physical or mental harm or serious fear or apprehension. The committee conceded that this would not catch the erotomaniac who has a perverse love of the victim and does not wish to harm the person—initially at least. The committee recommended that this type of deranged individual be dealt with by the restraining or apprehended violence orders pursuant to the mental health system.

So we have a situation in which this Bill takes the criminal law into new and possibly dangerous territory. It will give wide powers to the Police Service to charge individuals with serious offences when the law that they are being charged with breaking is so wide as to encompass almost every human interaction with another human. It is legislation that will have the potential of being misused and abused. It is legislation that will pick up the guilty, the innocent, and the mentally unbalanced. On that point, I would like to say that I appreciate very much the difficulties that the Attorney-General and anybody else has in making sure that we provide the right balance for the victims in our community and in trying to make sure that we do not pick up people who are unfortunate bystanders and take out vexatious or fallacious complaints that are made from time to time. It is certainly a very, very difficult issue.

This is legislation that is triggered by an event that may in itself have no element of bad intent or improper motives. Yet once the potentially innocent event takes place, this legislation sets in train a chain of events that could result in the public humiliation of an innocent person and the destruction of his or her reputation, life and lifestyle. Again and again, lawyers—and the Minister would no doubt empathise with them—have warned against the overreaching of stalking legislation. Up until now, those warnings have proved largely groundless. The law has not been abused. Instead, many women have been given long overdue protection from harassment. In the spirit of bipartisanship and in a sincere endeavour to ensure that the legitimacy of Queensland's stalking laws are not compromised in any manner, I say to the Attorney-General that this Bill may go a bit too far. It can be remedied but if it remains in its present state, although it will have very many beneficial impacts—and I appreciate that point—it also contains the seeds of maybe many potential injustices. When we have injustices being perpetrated, they have the potential of undermining the tremendous present community goodwill towards the enforcement of tough anti-stalking laws, and I think that that could potentially be a bit of a worry.

The Scrutiny of Legislation Committee has suggested one means of possibly overcoming this problem, and it is one that I hope the Attorney-General and his advisers have seriously considered. At the moment, the legislation contains a number of specific defences to a stalking charge. Currently, the Criminal Code provides that it is a defence to a stalking charge that the course of conduct was engaged in for the purpose of a genuine industrial dispute, or political or other public dispute, or issue carried out in the public interest. The Bill before the House expands the range of defences to include acts done in the execution of a law or administration of an Act or for the purpose authorised by an Act; reasonable conduct engaged in by a person

for the person's lawful trade, business or occupation; and reasonable conduct engaged in by a person to obtain or give information that the person has a legitimate interest in obtaining or giving. The added defences are welcome and meet a number of objections that have been raised against the existing law. Yet each of the added defences relate to activity that is official or quasi-official and does not deal with the range of circumstances that could arise as a result of the expansion of the legislation by this Bill.

The Scrutiny of Legislation Committee has made the following suggestion: perhaps a more general exemption, such as that in the UK legislation, is warranted. That provides for an excuse based on the reasonableness of the conduct in the circumstances. This suggestion emanates from a comment made in the Proctor article to which I referred earlier in my speech. I certainly believe that it would be very prudent to expand the range of defences to include one based on the reasonableness of the conduct in the circumstances. As I mentioned, this Bill will criminalise potentially a wide range of conduct that is either innocent or not intended to cause any harm and which causes no harm. On that point, I say to honourable members of Parliament that there are probably a lot of people out there engaging in something very similar to these sorts of things that I have been talking about who would not even consider that they are engaging in the offence of stalking.

Apart from the general discretion to prosecute, which is vested in the Police Service, there surely needs to be some extra protection available to people who get caught up in a web of circumstances that may lead to potentially unjust proceedings. As I mentioned, this Bill is as wide as any legislation could possibly go. It gives almost unlimited discretion to the police to prosecute. Bad intent is not an element in the prosecution of a charge under this Bill. So I think that it would be good public policy and basic commonsense to ensure that the driftnet that this legislation creates does not pick up the innocent and harmless with the deranged and the criminal.

I look forward to the Attorney-General's response to these concerns because I believe that they are very valid, and it is extremely important to make sure that the legislation that comes before this Parliament considers all of these matters. I can assure him that there is significant concern about the Bill and that this concern is held by people like me who strongly support stalking laws and who do not want to see them used incorrectly and, in the process, undermine the groundswell of goodwill that is out there at the moment.

In the time remaining, I will touch briefly on one or two other matters dealt with in the Bill. Firstly, I support the proposed increase in penalties. Five years' imprisonment for unlawful stalking and seven years' imprisonment for aggravated stalking is fair, especially when one considers the enormous emotional and physical damage that stalking produces for the very many unfortunate victims in the community who, in some cases, have had to endure it for many years. Secondly, I think that the provision giving the court the ability to issue a restraining order if the presiding judicial officer thinks it desirable, whether or not a guilty verdict is handed down or whether or not the Crown drops the charges, is a positive move.

In other jurisdictions, both elsewhere in Australia and overseas, a preventive approach to stalking is utilised, often with great success. In Los Angeles, the police department has a threat management unit whose task is to assess the risk posed by individual stalkers and to take steps before a serious event occurs. The stalker is specifically informed by the police that they are watching him or her. That gives innocent people the opportunity not to get caught up in the police net and non-serious stalkers a warning that could prevent them from getting arrested later and save their victims the trauma of ongoing, low-level harassment. Both the Victorian and Tasmanian legislation contain provisions allowing for an interim restraining order against a potential offender prior to arrest. So far as I have been able to ascertain, this order, which is called an intervention order, has worked quite satisfactorily in Victoria. In South Australia, apparently the Los Angeles approach is used by the police of interviewing suspects after a single incident.

The proposed Queensland provision is, with respect, not as good as the Victorian intervention order as it will not operate as an interim injunctive device and, from my reading, appears to be capable of activation only after a charge has been laid and the matter is actually before the court. If my reading of the proposed section is correct—and I think that the wording of proposed section 359F is pretty clear—then a potential golden opportunity to snip stalking in its early stages has been forgone. I do not intend to be churlish, and I agree that even this proposal fills the gap where there is not sufficient evidence to proceed or where it is considered that a charge may not be appropriate but a restraining order would be far more appropriate. At the end of

the day, the object of the exercise is to protect the victim and to prevent the stalking and not some mechanistic desire to chalk up a prosecution. However, I seek the Attorney-General's comments as to why this opportunity to introduce the notion of a speedy interim injunction has not been taken up.

Finally, I welcome the Attorney-General's commitment to continue the reform process and to look at the Peace and Good Behaviour Act and Minister Bligh's intention to look at the Domestic Violence (Family Protection) Act. As I mentioned at the outset, often stalking has its genesis in domestic disputes, or in the break-up of relationships. It is critical that we look carefully at the wider issue of harassment in all of its forms so that the community is protected.

Last September an article on stalking was published in the Age newspaper. That article claimed that stalking is far more common than is widely known. It was claimed that recent research by the Australian Bureau of Statistics indicted that 10% of all Australian adults had been the victims of stalking at some time. That is a very, very extraordinary figure. That means that, in Australia, something like a million adults, or maybe more, have at one time been the victims of stalking. In that article, Dr Allen Barlow of the University of Western Sydney made the following comments on the effects of stalking on some victims—

> "Their lives are significantly depreciated in almost every sense of the word and that has a huge personal cost, family cost, community cost and overall social and economic cost to the nation."

It is important to realise just how significant this Bill is and, as I indicated, the Opposition supports very much its principle. I say very sincerely to the Attorney-General that it is important to treat this matter very carefully and logically, and not propose legislation that is so wide as to harm as many innocents as it will punish stalkers. The Bill has a great many positive elements to it. It is also extremely vague in parts and may pick up a range of conduct that is entirely without bad motives. In the future, the perpetrators of this innocent behaviour will have to rely on the commonsense of investigating police officers. This gives the Police Service enormous powers and discretion over a great many potentially innocent people. That alone should cause alarm bells to ring, at least a little. Surely we can get the benefits of legislation that will give comprehensive protection to victims of stalking without enacting a potentially unjust law.

To sum up, the Bill has a great many good and innovative reforms that will help victims and improve the law. However, in getting there it has cast its net so wide that the conduct that could lead to charges will encompass genuine stalkers as well as potentially innocent and harmless citizens. I call on the Attorney-General not to exclude amending the legislation in the not-too-distant future, if these problems come up. I hope that they do not, but we need to be ever vigilant when addressing these issues because this is extremely innovative legislation. This legislation is not only an Australian leader, it is also a world leader. As I indicated earlier, when he was the Attorney-General the honourable member for Murrumba enacted legislation that I believe was the best of its kind and was also a world leader. What we are seeking to do here today is probably just as innovative. This legislation is entering new territory and has good intent as its prime motive to ensure we protect as many victims of stalking as possible in the State of Queensland.

However, we need to be very clear and very careful that some of the issues that I have raised do not come to fruition in the future. I believe that that is always a very real risk when one starts to cast one's net in such a broad fashion to try to overcome almost any dreadful scenario that a victim or potential victim of stalking in Queensland or Australia might unfortunately suffer. We cannot dismiss the concerns that I have raised and we certainly cannot dismiss the concerns that have been raised by the Scrutiny of Legislation Committee when it very clearly and concisely considered this matter only recently.

In conclusion, the Opposition very much supports this legislation. We are very keen to hear the Attorney-General inform the House of how he proposes to address the concerns that I have outlined. I hope that he takes on board some of those concerns and some of the concerns that the Scrutiny of Legislation Committee has raised. In fact, he may have already drafted some amendments to the legislation or formulated clarification to overcome those particular points.

Ms STRUTHERS (Archerfield—ALP) (5.13 p.m.): As acknowledged by the member for Warwick, the offence of stalking was not recognised in criminal law in Queensland until about six years ago. Terrifying acts of stalking occurred, but the police had little capacity to reprimand offenders. Often stalkers went unhindered in their efforts to terrorise and harass their victims. The former Queensland Labor Government can claim the very progressive achievement of making stalking a criminal offence by introducing the offence of stalking into the Criminal Code.

I take a moment to skite because in 1992 I initiated and organised a public meeting to seek public action to deal with stalkers. That meeting was convened at police headquarters in Brisbane and was well attended by senior police, lawyers, Government and community members. I was prompted to act because a very courageous woman, Jeanette Canaris—a woman who had endured terror at the hands of her former partner—and numerous other women were ringing me at the domestic violence service at which I worked. They were frightened and distressed because their former partners or, in some cases, men they did not know, were threatening them, following them to work, sitting in car parks outside their work, going into lifts with them, sending death threats, making incessant calls to their homes, and taking rubbish bins—the sort of things that the member for Warwick described earlier. In most instances, the police had limited powers to act.

Work colleagues, my family and I were also threatened, harassed, followed, photographed and had our rubbish bins stolen or sorted through by a fellow who was looking for information on us. That went on for several years. I personally had the frightening experience of watching over my shoulder during that time, wondering where this fellow was. The police were very sympathetic but, again, they had their hands tied. The Peace and Good Behaviour Act was fairly useless to us. It provided restraining orders, but it was difficult to get those and it was certainly difficult for them to be implemented. In many cases, people actually needed to be reprimanded and dealt with by the criminal courts rather than the civil courts.

I was aware of north American and Canadian stalking legislation and was keen to have similar laws enacted in Queensland. With the support of a student of mine, Gabrielle Huggett, and staff at the Domestic Violence Resource Centre, a very effective campaign to introduce stalking laws was put into action. The Attorney-General at the time, the Honourable Dean Wells, was very supportive. He acted swiftly and within months he brought in a Bill to amend the Criminal Code to introduce the offence of stalking. I also acknowledge the work of Zoe Rathus and others who assisted in the drafting of the original stalking legislation, which has been very useful legislation. As the member for Warwick pointed out, many hundreds of people have sought some sort of recourse and assistance under that legislation. There have been teething problems with it, but I commend the Honourable Matt Foley for again taking swift action since he became Minister to correct the shortcomings in the legislation and to finish the work of the former Minister, Denver Beanland.

The comments that the member for Warwick made about the term "stalking" were interesting. I will not go into the issue in detail at the moment, but I will be interested to talk to the Attorney-General about it. I do not necessarily support a name change in the way that the member for Warwick put forward. Although "stalking" is a fairly new term in Queensland—for a long while "stalking" was a very American term—it better represents the terror and fear that results from stalking, which the member for Warwick so well described. "Criminal harassment" is a softer, non-defining term. I will take that up at a later time.

It is essential that the amendment Bill is supported as greater protection is needed for victims of stalking. Today, problems with the interpretation of the stalking section of the Criminal Code have made it difficult to prove the offence of stalking in many cases. For instance, under the current law the course of conduct by the accused had to cause a reasonable person in the victim's circumstances to believe that a concerning offensive act, which is defined as an act of violence against a person or property, is likely to happen. It is vague and open to interpretation and has been difficult to apply. As a consequence, unless the victim had an actual belief that a violent act was likely to happen, the offence could not be proven. The courts also lacked the power to impose restraining or non-contact orders on offenders. I think the improvements that these amendments will provide certainly need to be supported. There have been numerous other interpretation problems with the current law.

I commend the member for Warwick for his responsible and insightful comments in relation to the amendments. It is certainly important that the Minister, Matt Foley, has gone to the community with these issues outlined in the discussion paper. He has gained substantial support from a wide range of victim support groups, women's support groups, police and others to bring the amendments to the Parliament.

I want my constituents in Archerfield to be adequately protected from anyone who may harass or terrorise them. I want all people in this State who are subjected to this kind of terror to be adequately protected. I commend the member for Warwick for his support of the Bill. I urge all members of the House to support it.

Mrs GAMIN (Burleigh—NPA) (5.19 p.m.): The Opposition supported the original stalking legislation back in 1993 and, of course, supports this amendment Bill, as it upgrades the existing legislation and makes it more effective and relevant to women today. Many women and women's groups have been involved in the consultation process during the examination of the impact of the Criminal Code on women in our society. I thank the Women's Legal Service for providing me with briefing notes on information gathered in relation to unlawful stalking in Queensland.

"Unlawful stalking" is defined in section 359A of the current and unamended Criminal Code and in general includes the following elements—

> engaging in a course of conduct, consisting of a concerning act, on at least two separate occasions, to another person or persons, where the offender intends the victim to be aware the conduct is aimed at him or her—even if directed against another—that is, a child or a family, and the conduct would cause a reasonable person in the victim's circumstances to believe that a concerning offensive act is likely to happen.

A "concerning act" includes the following—

(a) following, loitering near, watching or approaching another person;

(b) telephoning or otherwise contacting another person;

(c) loitering near, watching, approaching or entering a place where another person lives, works or visits;

(d) interfering with property in the possession of another person;

(e) leaving offensive material where it will be found by, given to or brought to the attention of, another person;

(f) giving offensive material to another person, directly or indirectly;

(g) an act of harassment, intimidation or threat against another person; or

(h) an unlawful act committed against the person or property of another person.

A "concerning offensive act" is an unlawful act of violence against the victim's person/property, or the person/property of another about whose health/property the victim would reasonably be expected to be seriously concerned. An "act of violence" includes an act depriving a person of liberty, and violence against property includes an unlawful act of damaging, destroying, removing, using or interfering with property. It is a defence to a charge of unlawful stalking to prove that the conduct was engaged in for the purpose of a genuine industrial dispute, that is, a picket line, political or other public dispute, that is, demonstration, or issue carried on in the public interest, that is, paparazzi/photographers. Those are the provisions in the current Criminal Code.

However, since the offence of stalking was first enacted in Queensland, some difficulties of interpretation have come forward. Wide consultation was followed by a series of workshops with key stakeholders, such as the Women's Legal Service and the Gold Coast Domestic Violence Support Service. Numerous submissions were received and, as a result, this amendment Bill was prepared to redraft the anti-stalking laws.

The current stalking provision in section 359A, at the end of Chapter 33 of the Criminal Code, which I have already described, is repealed and a new Chapter 33A, titled "Unlawful Stalking", has been inserted with proposed new sections 359A to 359F. Definitions for key words and phrases are redefined, such as the definition of "detriment", which now includes but is not limited to apprehension or fear of violence, serious mental, psychological or emotional harm, or prevention or compulsion in respect of lawful rights.

The elements of the offence of unlawful stalking are redefined and broadened. Five matters are stated that are immaterial to determining guilt of offending persons. Specific defences are listed and new defences are added, including defences to protect those who legitimately and reasonably conduct themselves in the course of undertaking a lawful trade, occupation or business, as well as other legitimate defences.

Punishment for unlawful stalking sets the maximum penalty for unlawful stalking at five years' imprisonment and for unlawful stalking with a circumstance of aggravation at seven years' imprisonment. The court is also given the power to issue a restraining order against a person whether or not the defendant is convicted of the offence charged. The Minister has expanded on those new provisions in some detail in his second-reading speech. I will not waste the time of the House by repeating them in detail. It is sufficient to say that the new provisions are necessary and supported, and this amendment Bill represents a considered view of all of the submissions received and the proposed amendments have

substantial support among key stakeholders who have been involved in the consultation process.

Stalking can be broadly but not exhaustively divided into three categories—associated/related stalking, workplace harassment and stranger stalking. In the first two cases the victim will know the stalker. The aims of a stalker include ensuring that the victim is aware of the offender's continuing interest and to instil fear, intimidate and inhibit another's lifestyle, even though the conduct of the stalker may at first appear harmless. Many relationships and behaviours in stalking cases can be described as simple obsessional behaviours. A prior relationship frequently exists between the subject and the victim. The prior relationship varies in degree from customer, acquaintance, neighbour or professional relationship to dates and lovers.

In many cases, obsessional activities begin after either the relationship has gone sour or the subject perceives some form of mistreatment from the victim. The person then begins a campaign either to rectify the schism or to seek some type of retribution. Stalkers who fall into this category are the most dangerous and the ones that usually come to the attention of police officers. The majority of subjects are male. This type of stalker has been described as a domestic stalker or the "dependent, rejection-sensitive stalker". Many of the men in this category hide their dependency feelings behind a hyper-masculine or macho image and are chronically abusive towards women. That is why those who work in the field of domestic violence are extremely concerned about the problem of stalking. Men stalk when their relationship breaks down or they become obsessed with their victim, who is often known to them. It is connected with their need for control and power over their victim, and they usually achieve this by frightening the victim or by knowing personal details about the victim's life.

In conclusion, on behalf of women who have been or may become victims of stalking offences, I support this amendment Bill. Again, I thank the Women's Legal Service for providing me with a great deal of background material, including an information paper on unlawful stalking in Queensland which was produced by the Domestic Violence Coordination Office of the Queensland Police Service and from which I have quoted in this address.

I support the Women's Legal Service in its keen interest in the Government being prepared to commit funds to training police about the changes covered by this amendment Bill and the implementation of the new laws. Funding is also necessary to increase public awareness in the general community that stalking activities constitute a criminal offence and are subject to severe penalties. I commend the Bill to the House.

Mr FENLON (Greenslopes—ALP) (5.27 p.m.): Tonight it is a great pleasure to rise to support the Criminal Code (Stalking) Amendment Bill, especially as I was a member of the Parliament which enacted the original legislation. This legislation has been groundbreaking. Tonight we should recognise the degree to which it has stood the test of time, considering that it was such groundbreaking legislation. In that context, it is no surprise that we are here this evening to make a number of amendments which warrant being passed, as they will make this law work a lot better.

I wish to allude to the cautionary comments made by the member for Warwick in relation to the enforcement of this legislation by the Queensland Police Service. Those comments apply to the judiciary also. We have to ensure that the police do not pursue frivolous cases and push this law to the letter in respect of cases in which commonsense would indicate that this was not warranted. It is up to the courts to set benchmarks for what is reasonable and what society expects. The police and the judiciary will have a great responsibility under this legislation. The Bill will give the police and the courts a wide degree of latitude in acting on these cases.

We are here tonight acting in a tripartite manner, I believe, to support this legislation, because there is an overwhelming view in society that the police and the courts should have wide powers to deal with the actions that are offensive to us. I suppose it is a reflection of society that these offences never cease to amaze us in terms of the ingenuity of the perpetrators. The things we see in the papers—some of the cases that have already been alluded to tonight—sometimes defy imagination.

We in this Parliament do have a responsibility to enact laws to ensure that those perpetrators do not simply avoid retribution, that they do not avoid prosecution because they have been smart enough to manipulate the laws. I believe that there is evidence in the briefings that I have received to indicate that some of the perpetrators have been very consciously working around those laws. These amendments will give the

authorities greater and wider power to deal with such circumstances.

I am very pleased also to see reference in the second-reading speech made by the Minister to the effect that the pursuit of this form of harassment will continue in terms of reviewing the Peace and Good Behaviour Act 1982 and the Domestic Violence (Family Protection) Act 1989 because the police and the courts do indeed need a wide armoury of relevant legislative powers to ensure that people are protected. I think that is the bottom line in this debate tonight: to ensure that the average citizen—the ordinary citizen—is protected, that there are laws and that they are a proper reflection of the standards that we now have in our society, that there are basic rights which citizens do expect now to be able to be achieved in society, in that people expect that their routine and their private lives should not be subject to this form of offensive interruption or the prospect of being hurt psychologically or physically.

I will not go into the detail that other members have already canvassed this evening regarding these particular amendments. However, I support them, and I urge all members to support them and pass this Bill.

Mrs ATTWOOD (Mount Ommaney—ALP) (5.32 p.m.): The Criminal Code (Stalking) Amendment Bill has been preceded by wide consultation with the community, advertisements in regional newspapers and workshops conducted with key stakeholders. It was a unanimous decision by all concerned respondents to redraft or to amend the anti-stalking laws. There were, of course, different views about what should be changed and how it could be achieved.

The offence as it stands at present is made up of the following elements. The accused must have undertaken the same act on two separate occasions. Is it not enough for somebody to be stalked once? I know a number of women who have been stalked by their ex-husbands, ex-boyfriends or an unwelcome admirer. This is quite a frightening experience. To be watched and followed by someone who obviously has some emotional or behavioural problems is quite disconcerting and upsetting. The previous legislation also states that the conduct would cause a reasonable person to believe that a violent act is likely to happen.

Regardless of what the victim of a stalker thinks or believes is going to happen to them, stalking is in itself offensive and intrusive. It is very much an emotional issue. Consequently, there are elements of the existing Act which cannot be related to and do not fully reflect the situation faced by the victim. The reforms of this Bill will replace the requirement that stalking consist of a course of conduct involving doing a defined concerning act and that the same act be done on at least two separate occasions. Instead, the new legislation will have a simple requirement that the conduct engaged in consist of the carrying out of the same or different acts on one protracted occasion or on different occasions. This makes allowances for such circumstances where the stalker acts differently and makes it easier for the victim in the reporting of the offence.

One real-life situation, relayed to me by a resident of my electorate, involved the ex-husband of a woman with three small children. Each time he stalked her, he would act differently, sometimes following the children and other times writing letters or going to the extreme of breaking into the family home. Removing the requirement that the course of conduct would cause a reasonable person to believe that an act of violence is likely to happen is a sound decision. This will redefine the offence to require that the conduct would cause the victim apprehension or fear, reasonably arising in all the circumstances, of violence to a person or property or, alternatively, that it does cause such apprehension or fear or other detriment reasonably arising in all the circumstances to any person.

It is interesting to note that "detriment" will be defined to include any serious, mental, psychological or emotional form. Stalking carries with it the threat of physical violence, but in a lot of cases it is the intention of the stalker to cause their victim emotional stress. I was recently advised of a situation in which a male victim was being stalked by his ex-wife, and this was causing him so much psychological stress that he packed up his family and moved overseas just to get away from her and to repair the state of his mental health.

Another change to the Bill will be the courts' ability to make restraining orders against defendants at the end of a trial, regardless of whether or not the person is convicted. This will save the victim unnecessary cost in making fresh applications, time delays and having to give evidence before a different court. Restraining orders are only effective if they reach the stalker. I heard of the case of a mother of three who was and still is being stalked by her ex-husband. She had several restraining and protection orders

taken out against him, but they failed to physically reach him. The address he gave was his father's and the stalker was never present to acknowledge or receive the order. The police then had no power to arrest him for breaking the order. Police were reluctant to act when he broke into her home, because it was once his family home.

I look forward to this Government's work in reviewing and developing further laws designed to give protection to citizens from unwanted attention, threats or harassment. I commend the Bill to the House.

Mr SANTORO (Clayfield—LP) (5.37 p.m.): One of the most insidious manifestations of modern society is the proliferation of the crime of stalking. Modern mass communications, urbanisation and the loss of community have all played their part in the growth of this crime. Most people would have read with concern the facts concerning the stalking of Judith Durham, the famous singer from the Seekers, as well as other well-known celebrities, such as former Triple J broadcaster Helen Razer and Liz Hayes of 60 Minutes. It is pleasing to be able to debate legislation that will further strengthen the criminal law to target this crime.

Stalking laws originated in California in 1990 following a series of infamous celebrity stalking cases. This legislation was quickly adopted by all American States and Canada, and in 1993 Queensland became the first Australian State to adopt laws dealing with this problem. Despite the hype surrounding celebrity stalking, it is unfortunately a far more prevalent crime involving ordinary people. A recent Melbourne study of 100 victims of stalking found that 29% were stalked by former partners, 34% by people whom they had met professionally or at work and 21% by a neighbour or a person they had met socially.

Many studies highlight the fact that stalking is often a by-product of the breakdown of relationships, and its prevalence is grossly underestimated. In fact, the Australian Bureau of Statistics has recently suggested that up to 10% of all Australians could have been a victim of stalking at one time or another. The one thing that is clear is the terrible consequence that stalking can have on victims. For example, Judge Pratt of the District Court made the following comments on stalking that are worth quoting. He said—

> "Now, this offence of stalking can involve a severe degree of emotional and psychological trauma to the victim of stalking whatever the state of mind of the stalker might be ... It amounts to a subtle form of violation which adversely affects and is designed to affect the personality of the victim ... The mental consequences can be severe and they can lead in that sense to physical damage. At the heart of the offence of stalking is the desire to subjugate the victim."

The current provisions in the Criminal Code dealing with stalking are very strict and have been described as possibly the most widely drawn in the world. Despite that, the current provisions are far from perfect and require reform to keep pace not just with a series of judicial decisions on their meaning but also changes in technology and the lessons learnt from the practical operation of the law over the past five or so years.

I rise today to support this legislation in principle, but I do wish to highlight some matters of concern. At the moment, in order for the Criminal Code to categorise conduct as stalking there must be four elements. First, there must be a course of conduct involving the doing of a concerning act on at least two separate occasions to another person or persons. A "concerning act" is currently defined to include: following, loitering near, watching or approaching another person; telephoning or otherwise contacting another person; loitering near, watching, approaching or entering a place where another person lives, works or visits; interfering with property in the possession of another person; leaving offensive material where it will be found by, given to or brought to the attention of, another person; giving offensive material to another person, directly or indirectly; an act of harassment, intimidation or threat against another person; or an unlawful act committed against the person or property of another person. It should be pointed out that Judge Robertson of the District Court has said that this list seems to cover almost every known act of human behaviour.

Second, the stalker must intend that the victim or victims are aware that the conduct is directed towards him, her or them, even if this is achieved by the stalker targeting the person or property of a third person. Third, the victim must be aware that the stalker's course of conduct is directed towards him or her.

Finally, the stalker's course of conduct must be of a type that would cause a reasonable person in the victim's circumstances to believe that a concerning offensive act is likely to happen. The Criminal Code defines "concerning offensive act" to mean an unlawful act of violence by the stalker against: the victim's person or property; a third person about whose health or custody the

victim would reasonably be expected to be seriously concerned, including a dependant, relative, friend, employer or associate; or the property of a person, other than the victim, about whose property the victim would reasonably be expected to be seriously concerned.

The code provides that it is a defence to a charge of stalking to prove that the course of conduct was engaged in for the purpose of a genuine industrial dispute or a political or other dispute or issue carried out in the public interest. In essence, that is the law governing stalking at the moment.

As I mentioned, Queensland was the first Australian jurisdiction to introduce a specific offence provision aimed at stalkers, but since that time all other Australian States and Territories have followed suit. The Queensland provision was heavily influenced by legislation then in force in the United States and over the past five or so years there have been a number of court decisions on both the Queensland provisions and those operating elsewhere in Australia.

In addition, as legislators we now also have the benefit of more recent reforms in other overseas jurisdictions, including the United Kingdom, as well as of a number of academic articles on this area of the law. I have also read with interest the quite critical comments on the Bill by the Scrutiny of Legislation Committee. Some of the issues that the committee raised are very important and require serious thought by the Minister. As the committee was assisted in its analysis of the Bill by Mr Robert Sibley, both a barrister and senior law lecturer at QUT, the concerns it raised must be dealt with by this House.

It is not hard to see how the law as it stands requires reform. The term "course of conduct", involving the doing of multiple acts, is less than satisfactory. Clearly an apprehension can arise even if there is a singular protracted act, rather than multiple acts. Also, according to the Explanatory Notes circulated by the Minister, the wording of the code has been interpreted to require the repetition of the same act, whereas many and varied acts may be committed by stalkers.

Having seen the discussion on the recent Court of Appeal decision in Hubbuck's case, it is clear to me that this analysis is correct. The new requirement in proposed section 359B, that the conduct can be engaged in on any one protracted occasion or on more than one occasion, is definitely an improvement. In that regard, I appreciate that a majority of overseas jurisdictions do require conduct on more than one occasion, but in Australia, apart from Queensland, only the Northern Territory and South Australia require a particular number of occasions on which the behaviour comprising the stalking must occur.

It would appear that the Minister and his department have paid regard to the provision in force in Victoria and the decision of the Victorian Supreme Court in Pearson's case. In that case Mr Justice McDonald found that a course of conduct in the Victorian legislation "may comprise conduct which includes keeping the victim under surveillance for a single protracted period of time".

I have read the discussion paper on the offence of stalking issued by the Department of Justice, and I agree with the comments found at page 13, namely—

> "It is suggested that there is no necessity for a minimum number of acts to constitute a course of conduct. The expression 'stalking' clearly encompasses either a single protracted episode or repeated conduct. The jury should be allowed to concentrate on the true nature and gravamen of the offence, the course of conduct, rather than on particular occasions."

I support the requirement that the conduct consist of one or more of the listed acts, or acts of a similar type. Although this list is an expansion of what is currently in the code, it is pleasing to see that the Minister has used the opportunity to target cyberstalking by including in the list of activities references to email and other technology. Increasingly the Internet is being used as a prime source of communication, and the number of persons using email and chat forums on the Internet to communicate is growing at a rapid rate. So too, unfortunately, is the prevalence of nuisance and hate mail. By incorporating this development in the Bill, a potentially useful tool will be given to the police in dealing with this unwelcome development.

The current law, as I pointed out, also requires an intention on the part of the stalker that the victim be aware that the course of conduct was aimed at him or her. It has been suggested that, at the moment, a stalker could argue that there was no intention for the victim to become aware that the course of conduct was aimed at him or her. This is despite the fact that the victim did in fact become aware of this person's warped fixation and suffered as a result.

The proposal contained in this Bill removing the requirement that the stalker intend that the victim be aware of the stalking

and simply providing that the stalking conduct be intentionally directed at the victim has merit. Clearly it could be suggested that if a person intends to stalk and in fact does so, it is not relevant whether the stalker has any intention that the victim become aware of the stalking. A person propounding this point of view would argue that the law should be aimed at the conduct and not the side issues.

I have some sympathy with this line of argument. However, I do point out to the Minister the comments made by the Scrutiny of Legislation Committee, which suggested that the drafting of the Bill may be unsatisfactory and that if awareness of the person stalked is to be irrelevant this should be made clear in proposed section 359C. The case made out by the committee appears convincing and I would think that it would be prudent to amend the Bill during the Committee stage to clear up this point.

It is also pointed out that, at the moment, the course of conduct of the stalker must be such as would cause a reasonable person in the victim's circumstances to believe that a concerning offensive act is "likely to happen". As the Explanatory Notes highlight, unless the victim had an actual belief that a violent act was about to happen, the offence at the moment cannot be proved. Instead the Bill, as the Minister explains, redefines the offence to require that the conduct would cause the victim apprehension or fear reasonably arising in all of the circumstances, of violence to a person or property or, alternatively, that it does cause such apprehension or fear or another detriment reasonably arising in all the circumstances to any person.

Nevertheless, when one reads proposed section 359C it is obvious that the scope of this Bill is almost without precedent. That section provides, amongst other things, that it is immaterial whether the person doing the stalking intended to cause apprehension or fear or detriment. It also provides that it is immaterial whether the apprehension or fear, or the violence, is actually caused. Finally, it makes it clear that it is immaterial that the alleged stalker even intended that the person stalked be aware of the stalking. It is important in this context to carefully consider the analysis of the Scrutiny of Legislation Committee. The committee said—

> "Proposed section 359B defines unlawful stalking in such a way that it is possible for someone to commit a crime carrying 5 years imprisonment without intending harm and without causing harm and without even intending that the person stalked be aware of the conduct."

Although I do not usually quote at length, the comments of the committee deserve to be read into Hansard. The committee went on to say—

> "If a stalker intentionally directs conduct at the person stalked without intending that person apprehend or fear violence or suffer any detriment and without the person stalked apprehending such fear or suffering any detriment the stalker commits an offence if it would cause apprehension reasonably arising in all the circumstances ... Thus the only 'mental element' or fault element in the proposed offence is that the stalker intended to direct the conduct at the stalked person.
>
> Even under the existing provision, before the offence can be made, it is necessary to prove that the stalker intended that the person stalked be aware of the conduct, that the person stalked be aware that the conduct is aimed at them and the conduct is such as would cause a reasonable person to believe unlawful violence is likely.
>
> All other Australian jurisdictions require the stalker to intend to cause fear in the person stalked as do most of the United States of America."

The committee went on to say—

> "Concerns have been expressed about the overbreadth of stalking legislation. The preferred position in the Department of Justice Discussion Paper was 'redefinition to clarify that the course of conduct must cause the victim reasonably in all the circumstances to fear injury or detriment'."

The Minister knows, having authorised the release of the discussion paper on stalking, that it was not intended initially that all elements of intent and knowledge were to be deleted from the crime of stalking. When one looks separately at each of the elements of stalking in the Bill, as I have, it is easy to agree to each of the changes. Possibly the term "easy" is not quite right, but certainly it is easy to understand the motives underlining them. I stress again that it is easy to understand the motives underlining them. Yet when one sits back and contemplates the whole picture, the whole Bill and the combined provisions, and takes in the implications as exposed by the Scrutiny of Legislation Committee, one begins to wonder whether this Bill requires more

finetuning with the insertion of provisions designed to prevent injustices. In relation to this, I welcome the comments made by the honourable member for Mount Ommaney as she concluded that it was important that this Bill and the provisions within this Bill be kept under regular review

I say to the Minister on this particular occasion that he needs, in conjunction with his specialist departmental legal advisers, to contemplate whether the sum total of the reforms we are now considering may well result in unintended injustices. I am not suggesting any dilution of the protection for victims in the Bill, but rather an expansion of the range of defences or the like so that this legislation is not enforced in a harsh and unconscionable manner. As it stands, the Bill is so wide and so vague that it will criminalise, potentially, a whole range of conduct which is either innocent or harmless. It will also give enormous discretions to the investigating police and has the potential to cause genuine hardship and trauma to people who are not stalkers and who intend no harm. I strongly support effective stalking laws that target this crime comprehensively, but like every other member of this House I caution against the passage of laws which, while achieving the objects of their framers, result in a range of other undesirable consequences.

Before concluding, I wish to quickly touch on one or two other matters in the Bill. The Minister referred to the definition of "detriment" and how this will include not just apprehension or fear of violence but also serious mental, psychological or emotional harm as well as prevention or compulsion in respect of lawful rights. I mentioned at the outset the Judith Durham case, and I think that the inclusion in the concept of detriment of matters other than purely physical harm is appropriate and will make Queensland's stalking laws more relevant to the type of harassment that actually occurs.

Secondly, I note that the defences available to people accused of stalking have been expanded to protect those who legitimately and reasonably conduct themselves in the course of undertaking a lawful trade, occupation or business, or in obtaining or giving information in which the person has a legitimate interest, or in the execution of the law, administration of an Act or for a purpose authorised by an Act. I draw to the Minister's attention the suggestion by the Scrutiny of Legislation Committee that this proposed section be extended to provide a general exemption in the case of reasonableness. Having regard to the width of other provisions, I think that the committee's suggestion has merit and could be usefully included in the Committee stage. An amendment along these lines would in no way dilute the protections the Bill provides to the victims of stalking but would go some way towards preventing the prosecution of some people whose conduct would not constitute stalking at the moment and which most reasonable people would not agree should be criminalised.

Finally, I support the introduction of an injunctive power to prevent stalking even if the stalker is not convicted or the charge is not proceeded with. It is unfortunate that the Bill does not go further and allow for an interim injunctive order along the lines of the Victorian legislation. I think that prevention is better than cure, and this is one area which requires further reform. It is preferable that, if a deranged individual is causing hardship, the legislation contains a short, sharp mechanism to stop the stalking at an early stage rather than going through with an arrest and prosecution which may take some time. I respectfully ask the Minister to give this matter further thought.

In conclusion, I support the Bill, with some reservations. Although it goes too far in some respects, it certainly will provide extra protections to those who have suffered or who may suffer from stalkers.

Mrs NITA CUNNINGHAM (Bundaberg) (5.55 p.m.): I rise to speak in support of the Criminal Code (Stalking) Amendment Bill 1999, and I congratulate the Attorney-General on introducing these much-needed amendments and for so promptly addressing problems in the current legislation that have allowed the lives of thousands of Queensland people to be terrorised. I know of a number of families in Bundaberg alone who are living in fear while their ex-husbands, ex-wives, ex-partners, neighbours or even complete strangers harass them day and night, and current legislation is just not adequate to protect these families.

Stalking is not confined to violent actions. I have constituents who are being watched constantly—no violence, just someone watching them day and night, sitting across the road, driving past in a car, standing outside, knocking on doors and walls, or taking clothes off the clothes line. Another couple are followed everywhere they go—again, no violence, just constant harassment. These particular people have moved house twice, but each time they have been found and it starts all over again. Others are persecuted with phone calls—again, no violence, just constant

suggestive phone calls, suggesting an accident might happen, suggesting someone might get hurt, a statement that they know where their children go to school, or asking, "How long is it since you've seen your son?" No-one should have to live like this in a free country.

Stalking is a crime that causes great distress to its victims. The criminal law needs to be more effective in protecting the victims and more effective in deterring would-be offenders. The importance of this Bill before the House is its recognition that stalking does not relate just to physical harm; it causes serious mental, psychological and emotional harm. These proposed new laws will provide victims of stalking with that better protection that is long overdue. They extend the definition of "stalking". Victims will no longer have to prove that they are in danger of violence. There is recognition that victims have more to fear than just physical harm. And courts will be empowered to issue restraining orders to prevent contact with victims.

It is a pleasure to hear members on both sides of this House speaking in support of the proposed new laws, and this support acknowledges the seriousness of the offence of stalking in our communities. It is commonsense, long overdue legislation. It will help many people throughout Queensland and restore their freedom and quality of life. On behalf of those families in Bundaberg who are suffering under the current legislation, I urge everyone to support this Bill.

Debate, on motion of Mrs Nita Cunningham, adjourned.

FORESTRY INDUSTRY

Hon. V. P. LESTER (Keppel—NPA) (6 p.m.): I move—

> "That this Parliament moves to promote the resource, conservation and heritage values of the south-east Queensland forest industry through the South-east Queensland Regional Forest Agreement by—
>
> 1. the continuation of a viable and sustainable timber industry, based on the native forest hardwood resource, with a gradual transition to hardwood plantations as that becomes available;
> 2. the retention of all existing jobs;
> 3. enhanced silvicultural practices and value adding;
> 4. ensuring a scientifically justifiable comprehensive, adequate and representative forest reserve system; and
> 5. the continued access to forest reserves by other associated industries and community groups."

This motion sets out the original intention of the scoping agreement for the regional forest agreements signed by Mr Borbidge, as Premier, and the Howard Government in 1997. It reinforces the terms of reference of the RFA which were endorsed by both the Federal Government and the former State Government: to allow the timber industry to continue to develop in an effective and internationally competitive manner; to make sure that our forests are managed in an ecologically sustainable way; and to ensure the provision of a comprehensive, adequate and representative forest reserve system.

The south-east Queensland timber industry is already worth $70m and provides 1,036 jobs directly. That is not to mention the thousands of jobs that the industry supports in service industries and services in regional and metropolitan centres. That contribution to the State's economy has the potential to grow many times over through import replacement and value adding if—and only if—the Beattie Government provides the certainty and the security which is required to stimulate continued investment.

Have no doubt about that. If the Beattie Government allows the RFA process to be hijacked by the extreme environmental agenda being promoted by the Natural Resources Minister and his partner in crime, Dr Aila Keto, the investment needed to propel the timber industry into the future will dry up just as it is drying up in the mining industry. Similar to the mining industry, the timber industry is a wealth generator. If investment dries up, jobs will go, some regional towns will go and others will lose more services.

Due to the uncertainty created by this Government's mishandling of the RFA and its preference for grubby factional deals rather than strong Government which is serious about providing jobs that investment has already been checked. Only three weeks ago the Burnett Sawmill put its $500,000 modernisation program on hold. The chief executive officer of the Burnett Sawmill, Colin Corpe, gave his reasons for that in the Bundaberg News-Mail of 23 March. He said—

> "The State Government's position is a very real threat to our existence."

Local Australian Workers Union organiser, Damien Green, said—

> "The same unrest existed in many towns in the Wide Bay-Burnett area."

Meanwhile, what was the Minister for State Development and Trade—the man who would be Premier, the man representing the workers of the AWU, and the man apparently responsible for the overall RFA process—doing to assure the Burnett Sawmill and those timberworkers that his Government was committed to their future? He was launching a $68,000 ecotourism study for the forests which would at best, according to the Minister, provide 50 jobs! The Minister is talking about providing 50 jobs in areas that are probably unsustainable. This is shades of Fraser Island and Ravenshoe, perhaps, and cold comfort for the 44 timber workers at the Burnett Sawmill—not to mention the other 1,000 timberworkers in the south-east Queensland timber industry.

The workers reacted to the would-be Premier's announcement, according to the Bundaberg News-Mail of 23 March, as follows—

> "The AWU and Burnett Sawmill management both scoffed at the State Government's latest idea of turning logging areas into eco-tourism areas. Mr Green said the Government was being held to ransom by environmentalists who predominantly lived in inner- city Brisbane."

Mr Green is dead right. The Beattie Government is being held to ransom by these groups through a shonky deal which traded timber industry jobs for Green preferences at the 1998 State election. That was exposed this morning with the release by the Opposition of a desperate email from Mr Charles Hamilton, convenor for the Australian Conservation Foundation on the Gold Coast, to departmental officers. Mr Hamilton urged them to write to the Premier, no less, to remind him of his promises and call for his Government—

> "... to support an industry transition out of native forests and into plantations as required by Labor's biodiversity policy (a critical element in the conservation movement's support for Labor at the last State election)."

There we have it. No wonder the timber industry is nervous. It should be.

It is indicative of the division within the Beattie Government that it has created so much division and uncertainty on this issue. It is a jobs versus environment argument. The RFA process progressed by the previous Government was not about division; it was about balance—safeguarding jobs, developing the industry and providing a comprehensive and representative reserve system. It was only in March last year that the coalition Government signed Australia's first ever interim management agreement which was strongly endorsed by both the industry and the environmental movement.

Sadly, under this Government that cooperation has faltered as the Beattie Government has allowed itself to be dogged by factional brawling and shabby preference deals. The goals of the RFA should never have been under any threat. They provided a balanced and sensible policy for the management of Queensland's forests. The sad truth is that, despite the hard yards put in by the previous Government to deliver certainty to the timber industry, to safeguard the jobs of timberworkers and to provide a scientifically based representative forest reserve, the RFA process has careered off the rails since the Beattie Government took office.

Under this can't do Beattie Government the balanced approach which provided for a viable and sustainable timber industry and the preservation of the cultural and heritage values of our forests have been sacrificed to the factional fires of the Queensland Labor Party. In the nine months since the Beattie Government took office we have seen the RFA bog down as a bitter row emerges between the Natural Resources Minister's Socialist Left and the Deputy Premier's Australian Workers Union.

While the $74m timber industry, the 1,036 timberworkers and the dozens of rural communities and small businesses that live off that industry sweat under the uncertainty created by this Government, the Beattie Government flounders around like a rudderless ship trying to work out who is running the RFA agenda. It is certainly not the Minister for Primary Industries. Is it the Deputy Premier? Is it the Minister for Natural Resources? Whilst Dr Aila Keto and the extreme Green movement have the Natural Resources Minister by the ear, the AWU is not sure that it has its man's, the Deputy Premier's, ear.

This is not a responsible Government. This is a Government riddled with a factional cancer. We saw how ridiculous the situation has become only a couple of weeks ago with the release of the comprehensive regional assessment report. This $11m study and the social assessment report are supposed to be

the templates for the RFA. Yet, despite the significance of these reports, the State Government did not even issue a media release to accompany the release of the study. Why? Because the faction-bound Ministers supposedly in charge of the RFA could not agree on the wording! What a farce! What an insult to Queenslanders! May I simply suggest that the motion I have moved tonight is sound, sensible and is going to provide jobs for our timber workers? It is the correct way to go.

Time expired.

Hon. T. R. COOPER (Crows Nest—NPA) (6.09 p.m.): I second the motion and commend it to the House. In fact, I cannot see why all members of the House should not support it. The south-east Queensland timber industry has been wracked with uncertainty since the Beattie Government took office. The South East Queensland Regional Forest Agreement, which was intended to provide secure timber supplies, a comprehensive forest reserve system and better managed forests has been caught in a bitter factional war between Labor's Socialist Left and the Australian Workers Union. At stake is the future of our $74m timber industry, the jobs of 1,036 timberworkers and the future of dozens of timber towns throughout south-east Queensland.

This Beattie Government, through its bungled faction-ridden administration of the RFA, has put the very jobs that it is supposedly so concerned about at grave risk. Despite being given an open opportunity this morning, both the Premier and his deputy have once again refused to guarantee the jobs of those timberworkers. This morning we even heard a clumsy attempt to blame the Federal Government. However, it is not Wilson Tuckey who is implementing the timber industry shutdown policy of this Government. Only late last month, the Primary Industries Minister gave a minimum 10-year allocation guarantee to the western Queensland cypress industry. In fact, on 23 March in the Courier-Mail he stated that the Queensland Government would not introduce policies which threatened the jobs of workers or the local ownership of sawmills. He went on to say that this Government is about giving security and certainty to the timber industry. By giving the 10-year guarantee, the Minister said that the cypress millers would be able to plan and invest with confidence.

Again, this morning the Premier refused to give that same assurance to the south-east Queensland timber industry where planning, investment and jobs are being put on hold. Why will this Government not give the same security and the same certainty that the Minister talked of to the Burnett Sawmill, the Wondai sawmill, the Monto sawmill or the sawmills at Toogoolawah, Esk or Crows Nest? The list goes on. The reason is that this Beattie Government has traded the jobs of the timber industry for a hatful of Green preferences. I wonder whether "Mahatma" Pearce or the member for Bundaberg are going to protest along with their timberworkers against this policy.

In the nine months that this Government has held office, there has been a gradual assault on the future of the hardwood timber industry in this State. Not content with undermining the futures of the grazing industry, the irrigation industry, the fishing industry and the other farming industries, the Minister for Natural Resources has now turned his sights on the timber industry. Armed with Labor's biodiversity policy and with Dr Aila Keto pulling the strings, the Natural Resources Minister has set about to close down south-east Queensland's native timber industry. We then saw the Deputy Premier brought in to drive the RFA process—to show some desperately needed leadership in the absence of any from either the Natural Resources Minister or the Primary Industries Minister. However, in common with his two colleagues, he has proved unwilling and unable to bridge the factional divide and achieve a result.

All members should be absolutely clear that the Government's policy flies in the face of the agreed RFA objectives. The policy is devoid of any scientific justification and is simply the result of a sleazy backroom preference deal made prior to the last election. Despite the froth and bubble rhetoric, this Government has consistently refused to guarantee the security of timber supply—a key provision of the RFA process endorsed by both State and Federal Governments. Labor's approach calls for the transition out of native forest logging over varying times, from immediately to 20 years' time depending on the supply zone. However, the folly of this approach is that both now and under the previous Goss Government there has been no commitment by Labor to develop any firm policies or commit any funding towards those putting trees in the ground as replacements. That means that Labor's transition policy is not a transition to plantation resources but a transition to closing down sawmills and mass unemployment.

Instead of following the Borbidge Government's lead and helping the industry to actually grow further, increase value adding

and boost jobs, the Beattie Government's efforts have focused on mickey mouse employment schemes for those timberworkers that Labor's policy will see sacked. Queensland has the chance to lead the world in sustainable forest management. However, if the Natural Resources Minister and his Socialist Left faction have their way, the industry will be shut down and Queensland will be forced to import even more timber, and most likely from countries with dubious forest management. Will that meet the objectives of the Queensland Labor Government? With enhanced silviculture and a serious commitment, current native sawlog allocations can be maintained while still providing for a reserve system. I urge members to support this motion.

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (6.13 p.m.): I move the following amendment to the motion—

> "Remove everything after the word 'Parliament' and replace it with—
>
> 'acknowledges the continuing efforts of this Government to successfully conclude a Regional Forestry Agreement for South East Queensland that provides for the maintenance and creation of sustainable long term jobs in timber and timber product industries and protection for areas of high conservation value.
>
> Further that this Parliament urges the Commonwealth Government to work in good faith with the Queensland Government to provide the best possible Regional Forest Agreement outcome for all Queenslanders.' "

It is seven years since the National Forest Policy Statement was agreed upon by the States and the Commonwealth, giving rise to the regional forest agreement, or the RFA process. The RFA process is about sustainability and certainty—making sure that we can sustain our native forests and providing certainty for the communities that depend upon them.

In 1995 the Goss Government had two historic initiatives in train: firstly, a policy to create new plantation resources to provide the timber industry with a long-term, viable and sustainable future; and secondly, a process for achieving greater planning certainty to address environmental and resource issues in native forests across the State. When the coalition took office in 1996, it had an opportunity to progress the RFA—to address key issues such as sustainable yields and, therefore, to address the security of jobs for the timber industry. The coalition was well aware that the timber industry was operating at significantly unsustainable levels. However, despite having access to critical data, it did nothing.

I refer to a report commissioned jointly by the Borbidge and Howard Governments in 1997 under the RFA process, which deals with the "Public Resource Description and Inventory" for south-east Queensland. This report provided the baseline scenario for sustainable yields and confirms that, in 1997, when the Borbidge Government was in office, a standard five-yearly review of sustainable timber allocations from State forests was due. The last review was in 1992. This review was carried out by DPI Forestry under the previous National Party Minister. The data was produced and given to the Department of Natural Resources, again under the previous National Party Minister. The departmental records show that this data was first requested in January 1997, out of the then current allocation review process, and that updates were promised in November 1997 and received a month later on 8 December 1997. This is over six months prior to the Beattie Government taking office.

How was this data produced? Using systems endorsed by the Opposition, the then coalition Minister for Primary Industries, Trevor Perrett, had this to say to this House about those systems as long ago as 2 October 1996—

> "The DPI Forestry data collection and yield calculation system has been externally audited, and is open to external scrutiny, for example, by the Department of Natural Resources. Documented operational procedures are based on sound research carried out over many years."

What did this data show? It showed that, under the current management arrangements, under normal operating conditions, some areas would reach the end of commercial operations as early as 2007 and would need reductions of up to and over 40% to be sustainable in the long term. This is State forests we are talking about. Unfortunately, we have a history of overestimating the resource that we might have, and it has come down from as high as 189,000 cubic metres in 1976 to 108,000 cubic metres now. This data—data given to the coalition Government in December 1997—said that it would need to come down around 80,000 cubic metres. That was in December 1997. That reinforces the point that I made in the Parliament this

morning—that the data on which this Government reached the figures in the report tabled by the honourable member was the same data as that honourable member had in December 1997.

I refer to a discussion paper on the issue, again widely circulated by the coalition Government. It states—

> "If current silvicultural and marketing practices were to continue, the medium term sawlog availability from the group of 13 SEQ Allocation Zones would be approximately 80,000 cubic metres per annum."

Mr Hobbs interjected.

Mr WELFORD: That is a report that the former Minister, the member interjecting, had in 1997. It puts the lie to the absurd and dishonest allegations which he made today, and which he made in press releases issued today.

Mr HOBBS: I rise to a point of order. I find those words offensive and I ask that they be withdrawn.

Mr SPEAKER: The member has asked for those words to be withdrawn.

Mr WELFORD: I withdraw.

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (6.18 p.m.): The process of putting together a regional forest agreement is one strongly endorsed by this Government. Obviously, it is not an easy process, but it is one that we as parliamentarians need to undertake so that everyone in our society—conservationists, timber millers, local communities, recreational forest users, interest groups, local governments and the like, all get a chance to contribute to the proper long-term planning process.

Over the past few weeks we have seen—and I think we are going to see a lot more of it in the coming months—every effort by the National Party in particular to run around the bush saying, "The sky is falling in. Look at what the Labor Government is doing to you. They are not your mates; we are. We are the ones who are going to look after you." Here is the bad news for those opposite: the member for Warrego has a record and I am going to make sure that everyone is aware of it. I am not going to let those people out there forget his record. Furthermore, I will let them know every time that the Opposition tries to deceive them. The simple fact is that when the Borbidge Government had a chance to introduce regional forest agreements, it squibbed it. It had a chance and did not take it. There are regional forest agreements in Victoria, New South Wales and Tasmania, but not in Queensland. When all of those regional forest agreements were introduced, the Opposition was in Government.

I agreed with the comments made by a member opposite, that the RFA was an attempt to establish a forest reserve system to provide certainty to native forest-based industries and, at the same time, protect areas of high conservation value. I agreed because the person who said that was the Premier at the time, the member for Surfers Paradise. At that time he also said—

> "There's no doubt that some difficult decisions have to be made. But both sides have worked with the government with a single aim to achieve good outcomes for the community.
>
> This approach has been an outstanding success and represents a major milestone in a new approach to forest management in this state."

I am sure that the member for Surfers Paradise did not say that last week when he was whipping up concerns about horse riding in Kingaroy. However, when he was Premier he paid special tribute to Dr Aila Keto of the Australian Rainforest Conservation Society.

The member for Surfers Paradise and his crew placed a priority on the regional forest agreement, and I have here the scoping agreement that was signed on 20 February 1997 by John Howard and on 31 January 1997 by Rob Borbidge. It states, "The Commonwealth and Queensland Governments agree to work towards the completion of an RFA for the South East Queensland region by the end of June 1998." That agreement with the Commonwealth was signed by Rob Borbidge and, nearly 18 months later, it was not worth the paper it was written on because he did not do a thing about it. He could not even meet the timetable. It is plainly obvious that he squibbed it, because it was too much like hard work to get that forest agreement together. The member for Surfers Paradise could not explain his case so, instead, he ran around telling horse riders that they are threatened by the RFA. I will tell the people that the Opposition had an opportunity to make the forests safe for horse riding but it did not take that opportunity. The former Government had an opportunity to preserve jobs in the forests, but it squibbed it. It had an opportunity to implement an agreement that was signed at Government level by June 1998, and it could not do it. It squibbed it. The

member for Surfers Paradise is happy to be in Opposition, because in Opposition he does not have to take responsibility.

This is just like what happened with the abattoirs. The former Minister for Primary Industries sat on a report that said that 17 abattoirs would close in this State and 5,000 jobs would be lost. When did that report surface? Not until we came into Government! Those opposite squibbed it because they did not have the courage to work through those issues, and the same applies to timberworkers.

The other day the Opposition Leader said that he was going to look after the new poor—the timberworkers and abattoir workers. He never looked after them. When in Government, the coalition had the opportunity to deliver on its promises and look after those workers, and it did not do a thing. That is why members opposite are in Opposition and it is why they will never control this process. They do not have the courage of their convictions.

Time expired.

Mr HOBBS (Warrego—NPA) (6.24 p.m.): The regional forest assessment ensures that Australia's forests are managed in an ecologically sustainable way. That is important for small towns' long-term survival, as they are the backbone of many rural communities. To assess the impact of the RFA process, there is a requirement to undertake an evaluation called the social assessment report. This report highlights the critical contribution that the native forest timber industry makes to local and regional communities. In some cases, small towns, graziers, farmers, jobs and families are totally dependent on the harvest of native forest timber.

In the South East Queensland RFA, the current allocation levels generate over 1,036 direct industry jobs and native forest based industries are worth $74m a year. There are directly 872 timberworkers and indirectly 162 workers in harvesting and transport operations. The native forest timber mills spend $56m each year on operating costs. A sum of $25m is paid to the workers, who spend $19m of it on household expenditure, most of which goes straight back into their local communities. A sum of $31m is spent on plant and equipment, royalties, transport, repairs and maintenance. The economic lifeblood of 35 towns are the timber mills and their workers, families and processing plants. Those 35 towns could suffer catastrophic down line impacts from reductions in the sawlog allocations.

Rural communities have much to fear from the Labor Government's modelling assumptions in the RFA process and stakeholders being locked out of meaningful consultation processes. The Labor Government closed down the open and accountable process and subsequently curtailed meaningful participation by the stakeholders in the RFA process, and it knows it. Labor has taken this course of action to limit the exposure of its modelling parameters and it has used restrictive assumptions to deliberately appease conservationists.

A further independent assessment states that there is some doubt as to the appropriateness of both the theory behind and the application of the sustainability indicator. There is also significant doubt as to the application of the sustainability indicator to the allocation zone level as the indicator of sustainability.

Mr Welford: Do you understand that?

Mr HOBBS: Yes, I do, although obviously the Minister does not. The Labor Government has used the most negative and conservative constraints in every instance possible to run the SKED models to establish a sustainable sawlog supply of 83,309 cubic metres. The actual sawlog allocation from Crown native forests in south-east Queensland is 108,791 cubic metres.

The independent assessment states that some of the most critical assumptions relate to parameters that are to be decided as part of the RFA, such as silviculture, sustainability criteria and return time. Therefore, it is inappropriate to suggest that the most negative view of these parameters should be seen as a starting point for the RFA. This means that job losses and the backbone and lifeblood of rural communities will be broken and lost.

By using different and equally valid assumptions, the model comes up with 150,000 cubic metres per annum as being the sustainable sawlog supply. Independent assessments of the model used by the Labor Government have supported this estimate. If the Labor Government is a Government for all Queenslanders, including those involved in the timber industry and their families, and the Government is concerned about their survival and the down line effects on them, it will re-run the model and will do the following: look at the minimum return times for forest harvests, look at the impact of removing the constraints on basal areas and re-examine the way that the computer model treats the duration of supply. It should do that and see what happens.

Mr Elder: Why didn't you do that?

Mr HOBBS: We were going through that process, and the member opposite knows that as well as I do. It is an enormous professional process that one cannot do quickly. If one wants to do it, it has to be done properly.

The amount of sawlog allocation will directly impact on the 35 towns and communities in the south-east Queensland area, which is why the figures must reflect the correct parameters. The social impact assessment also has some serious flaws. The Labor Government is currently carrying out a desktop social impact assessment that only identifies direct impacts, that is, those involving timber workers. The indirect effects and flow-on impacts on businesses such as those that supply plant and equipment and the impacts on community infrastructure—that is, schools, hospitals and Government services—are not being taken into account as they should be. This social assessment is inadequate and not comprehensive. For the average person in Wondai, Linville or Blackbutt, it does not give a true indication of the impacts. The Labor Government has a responsibility to minimise the social impacts and job losses for the 35 towns affected, rather than appease the conservation movement by focusing on simplistic arguments based on the misuse of figures.

Time expired.

Mr MUSGROVE (Springwood—ALP) (6.29 p.m.): It is a great pity that Opposition members have chosen to play petty politics on one of the most important issues facing Queensland today. Rather than playing a constructive role in the debate, they are once again playing the role of wrecker. They want to wreck any progress in the RFA, they want to wreck the jobs that depend on achieving the right outcome and they want to wreck any sustainable future for our forest industries.

Conflict of resource uses in the past has been the result of inadequate long-term planning. The 1970s and 1980s in this country were filled with environmental dispute after environmental dispute, all resulting from the absence of regional planning on what was the most appropriate and sustainable use of our forest resources. Images of protesters from Tasmania to the cape filled our TV screens, all because of a lack of adequate planning.

The RFA is about planning for our collective future. It is about being responsible as a Government and avoiding the petty politics of division and uncertainty which prevailed when this planning process was not undertaken. Money is needed to resolve the difficult issues associated with the RFA. Those issues will not be resolved if an ad hoc approach is taken to the industry's development. Money is needed to support industry development and to support communities as the nature of those communities changes, and there need to be support packages to attract new investment.

The Opposition may pretend that nothing changes and that all things will stay exactly the same decade after decade forever and ever. However, Queenslanders understand the real world and they know that our society and the demands of our markets are changing, and that industries such as the forestry and timber industries have to move with those changes. That does not mean that jobs have to disappear, but it may mean that jobs change as markets and products change. This Government is determined to help the industry and communities deal with those changes. Of course, that requires substantial financial support from both the State and Federal Governments. Nobody wins on this issue when those opposite and their Federal Government colleagues try to score cheap political points rather than contribute to innovative solutions for the long term.

Tonight we have heard from other speakers of the hypocrisy of those opposite on this issue. In Government, they signed up to substantial reductions in the yield from our Crown native forests. They did nothing to promote industry development and nothing to encourage investment in forest industries. They cut the yield, but did they do anything to promote jobs and encourage investment in the industry? No! They cut the yield and did nothing to promote the industry. If the timber industry in this State has a right to be angry with anyone, it should be angry with those opposite—angry about their inaction and their spineless approach to this issue. Of course, now they are in Opposition all they do is criticise and try to pretend that they can be all things to all people. However, no-one is fooled.

The Beattie Labor Government will promote industry development and facilitate the investment that creates new long-term jobs in the value-adding sector of the timber industry. That raises the question: what is the Federal Government doing to support the RFA? It has offered only $10m towards the whole process in this State. This compares very poorly with the $110m allocated towards the Tasmanian RFA. It also compares poorly with the $60m that was initially allocated towards the New South Wales RFA, even though only $20m of that was actually spent. It looks even worse when we include the $40m spent by the Federal Government on one

project, namely, the Tumut mill project. Tasmania gets $110m, New South Wales gets $100m, but Queensland, with perhaps the most complex forest problems of any Australian jurisdiction, is offered only $10m towards the process.

John Howard has dudded Queensland yet again, and we will not hear a whimper from the puppets opposite about it. One can only suspect that John Howard, in common with those opposite, wants to wreck the RFA. They do not want regional planning, they do not want a sustainable industry and they do not want sustainable jobs. They want to play petty politics—the politics of division, conflict and ongoing dispute over our natural resources.

Other jurisdictions will have an RFA and Queensland will have one, too. In the past the timber industry has been accused by the conservationists of not being able to see the forest for the trees. Today, the Opposition cannot see the jobs for the politics. The motion moved by the Opposition is full of meaningless platitudes—"comprehensive", "adequate", "representative". They cannot even move a tough motion, let alone make a tough decision. The motion stands as a testament to the do-nothing Borbidge Government. A more appropriate motion would have called on the Government to do the things that the Opposition never had the intestinal fortitude to do.

Mr SEENEY (Callide—NPA) (6.34 p.m.): I rise to support the motion moved by the shadow Minister for Natural Resources. If carried by the House, this motion will restore some logic to the regional forest agreement process. It provides security for the south-east Queensland timber industry, it provides for the preservation of our forests and their continued use by other industries and community groups, such as graziers, beekeepers, trail riders and bushwalkers. That is exactly what the RFA was intended to do.

The South East Queensland Regional Forest Agreement is due to be signed by 30 June. It will be the blueprint for the management of the south-east Queensland forestry industry. But since the election of the Beattie Government, we have seen a calculated campaign to overturn the spirit of the RFA and to implement its own destructive and job destroying biodiversity policy.

The Beattie Government has attacked the original intent of the RFA process on three fronts. Stakeholders have been shut out of the development of the RFA. The open and transparent process which the Borbidge Government operated has been sacrificed for the sake of backroom deals between the Minister and the environmental movement. The landmark interim management agreement signed by the former Premier and the Howard Government was hailed widely by all groups as the first display of genuine cooperation on forest issues in this country. That is a testament to the Borbidge Government's balanced handling of the RFA issue, which has so far gone unmatched.

The second attack on the intent of the RFA has been a deliberate go-slow campaign, which will now almost certainly lead to the Beattie Government's failure to meet the 30 June deadline. Both the comprehensive regional assessment report and the social assessment report were completed prior to the June State election and were due for release prior to Christmas. Those $11m reports are the result of two and a half years of studies and data collection. But this Government suppressed them and released them only a few weeks ago.

The options report, due in April, will give people barely a month—just a month—to digest and make comments on the RFA options on which their livelihoods will depend. Finally, the Natural Resources Minister, who likes to sit opposite and interject continually, has blatantly attacked the RFA process and the timber industry by sabotaging the data on which the forest decisions are to be made. As a result, the assessment of the sustainability of Queensland's native timber forests is seriously flawed.

The DPI review into the potential wood supply from Crown forests in south-east Queensland uses computer modelling systems which simulate wood yield from the forest based on a number of scenarios. Similar to any computer model, it is highly sensitive to many assumptions that must be made to make these models run. The current sawlog allocation from Crown native forests in south-east Queensland is 108,000 cubic metres per year. However, by using the most negative and conservative assumptions possible, at the direction of the Minister for Natural Resources, DPI Forestry's 1998 review came up with a figure of 83,309 cubic metres per annum as the sustainable log supply.

Mr Littleproud: That was a fiddle, was it?

Mr SEENEY: Of course it was a fiddle. It is worth repeating that, by using different and equally valid assumptions, that computer model can come up with a figure of 150,000 cubic metres per annum as the sustainable log supply. If improved forest management practices were implemented, the sustainable

sawlog supply could be as high as 350,000 cubic metres.

It is most important to remember that we are not just talking about numbers on a piece of paper. We are talking about people and their future. The Beattie Government's actions will determine the future of thousands of jobs—real jobs, not pretend, make-believe, let's pick flowers jobs—and they will determine the future of dozens of rural communities where those people live.

The South East Queensland RFA represents a tremendous opportunity to introduce a comprehensive management system for our forests. But this Government's bumbling and Labor's biodiversity policy have severely compromised the RFA. Those jobs and the future of those communities have been sold out in a factional deal in an attempt to repay the extreme anti-everything conservation groups for their support at the last election.

Regardless of any scientific evidence to support it, Labor's policy calls for the native timber industry to be shut down. Whereas the coalition Government pursued a balanced policy which guaranteed the future of the timber industry and a comprehensive reserve system, this Government is blindly pursuing an emotive and illogical agenda. This should not be a debate that pits jobs against the environment. There is room for both the industry's needs and the community's environmental expectations to be met. There is room for a sustainable timber industry in south-east Queensland. I urge members to support the motion moved by the member for Keppel.

Dr CLARK (Barron River—ALP) (6.38 p.m.): Indeed there is room for a sustainable industry, but what we are debating tonight is the nature of that sustainable industry and the process that we will adopt. My experience of the previous National Party Government's approach to sustainable industry was that its policy was to log everything until there is nothing left.

Opposition members interjected.

Dr CLARK: I thought that might get a response.

A Government member: That hit a raw nerve, didn't it?

Dr CLARK: It sure did hit a raw nerve, because in the late eighties in far-north Queensland it was very clear what would have happened under the Bjelke-Petersen Government. My colleagues here can remember only too well what would have happened.

Mr Mickel: I remember every day of it.

Dr CLARK: That is right. We knew then that there was not any alternative. If we wanted to have any trees of any size and any rainforest left, we had to intervene.

Mr Mickel interjected.

Dr CLARK: Which member went to Paris?

Mr Mickel interjected.

Dr CLARK: Indeed it was. So there was the need to act. The World Heritage listing was the only way that we could actually ensure that the rainforest in far-north Queensland was reserved, because then there was no understanding of what sustainability really meant.

Tonight it has been very interesting to hear this debate, because I am not sure that members opposite have really learnt. We are indeed going down a route of looking at sustainability, but all too often when they were the Government of the day and now when they are in Opposition, they would not and will not face facts. It is really disappointing to me that, as has been said tonight, when they had the opportunity to do something about this regional forest agreement, they squibbed it. They just will not make the hard decisions. The hard decisions do not have to mean that everyone becomes unemployed. The hard decisions mean working through these issues comprehensively and sensibly.

Just as an illustration of all the hard decisions that members opposite left, I point out that there was this one which they would not really work on. What about water? They know that there was no way that they could let the situation continue with the way that water was being allocated from some of our rivers. They would not accept the fact that we had to consider environmental flows when we were talking about water allocations. No, that was just all too hard. They would not accept the fact that land clearing in this State was occurring at a totally out of control rate. No, they would not accept that. They have left all these really difficult decisions. This Government is going to face them. The member opposite should not shake his head. His Government did that, and he knows that it did.

Mr Welford: Put it in the bottom drawer.

Dr CLARK: Absolutely, a bottom drawer Government. It did not want to face the hard decisions. Instead, what do members opposite do? They come into this House with this

debate about this factional nonsense because they do not want to have a sincere debate about this issue. They would rather just change the agenda to something else.

Mr Littleproud interjected.

Mr SPEAKER: Order! The member for Western Downs will cease interjecting.

Dr CLARK: I do not mind him interjecting. He does not bother me.

I just want to make the point here to reinforce some of the things that have been said tonight. We heard a quote of the previous Premier Borbidge congratulating Aila Keto. Tonight members have tried to denigrate her in this House. The people who were involved in this process know the commitment of Aila Keto to achieving a positive outcome. It is the timber industry that has walked out on this. A letter that I received from Aila Keto states—

"For the past two years, ARCS"—

the Australian Rainforest Conservation Society—

> "has sought to work cooperatively with the timber industry through its representative body, the Queensland Timber Board ... Our objective was an agreed solution rather than ongoing conflict over forest use. Last week"—

she wrote to me in March—

> "QTB closed the door on cooperation by adopting an industry position that entrenches the hardwood industry in native forests forever, maintains current harvest volumes for the next forty years and introduces silvicultural treatment with the removal of non-sawlog trees to be chipped, burnt as fuel or converted to charcoal."

So they walked out on that process. We are committed to getting a solution that is going to ensure the retention of jobs and the sustainable use of our resources, and that is why I am supporting the amendment to the motion tonight.

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (6.43 p.m.): Tonight in this Parliament we will see the Government vote against the continuation of a viable and sustainable timber industry based on the native forest hardwood resource with a gradual transition to hardwood plantations as that becomes available; the retention of all existing jobs within the timber industry in the native forests in south-east Queensland; enhanced silviculture practices and value adding; ensuring a scientifically justifiable, comprehensive, adequate and representative forest reserve system; and the continued access to forest reserves by other associated industries and community groups.

We have just heard the honourable member for Barron River waxing lyrical about the responsible position taken by the conservation movement. Around the place I am hearing that they are actually saying that it does not matter if half the timber reserve in the South East Queensland RFA area is taken out of production because that would mean that only half the jobs are lost. Is that not wonderful logic? However, members opposite fail to understand that, in many of these small mills and these industries, if one or two jobs are lost or a small percentage are lost, that makes the whole mill non-viable. That is the sort of thing that members opposite completely and absolutely misunderstand.

When we were in Government, we supported the idea of a world-class, comprehensive forest reserve system. There is no doubt about that, because it is something that we have to have. However, we also supported the idea of making sure that there was a necessary and proper balance between that reserve system and the need to preserve those particular jobs. Today, we heard the honourable member for Capalaba and the Honourable Minister, the member for Everton, and also the Premier talking about the involvement of the Federal Government in this issue as well, saying that it is being unhelpful. All my information states that in this case the Honourable Minister wants to take something like 400,000 or 500,000 hectares, which is almost all of the available resource in south-east Queensland, out of production and the Federal Government, I understand, is falling much short of that.

Mr Elder: Why didn't you do it?

Mr SPRINGBORG: Yes, we were fixing it all right. We were working through this process. There is a completely different approach between that of this Minister and this Government and that of the Federal Government, which is at least trying to take a responsible approach. So we will not have any more of the nonsense from the Honourable the Premier that it is the Federal Government that is at fault and that it is further down the track than this Government; it is this Government that is the problem.

There are a number of issues here and one is that the Government fails to guarantee the jobs. Those jobs are absolutely crucial to the communities in south-east Queensland which have historically relied upon those jobs for their survival—each and every aspect of

those communities: the direct timber jobs, the indirect timber jobs, the chemists, the teachers, the hospitals. All of those sorts of things rely totally upon the timber industry. For the past 100 years, or 150 years in many cases, those timber jobs have been the reason for the survival of those communities, but the Government does not guarantee their survival.

There are a number of other issues here related to other user groups. We have the beekeepers. I remember that we went through this beekeeper stuff previously when Molly Robson was floating around on the other side of the House. We remember all the television footage of the F17s coming in and basically bombing the bees in the forest, as we saw on Channel 7. What harm are bees doing in there? This is just absolutely crazy stuff. The beekeepers need a guarantee. The other day we saw the Leader of the Opposition force the Premier into giving guarantees for the Kilkivan Great Horse Ride. That was emerging as a matter of concern for some people. When I was Minister, they were saying, "What about this?" I said, "Not a problem", because as far as I am concerned community access to and community involvement in our forests is not a problem because they are State resources for people to be able to use.

Mr Cooper: Trail bike rides, rifle ranges.

Mr SPRINGBORG: Trail bike rides and even four-wheel drives. Horse rides such as the Kilkivan Great Horse Ride are all very, very important.

The other thing that is of immense concern—and I hope the Honourable Minister is carrying on from where I left off—is the provision of guarantees to graziers, who have used these forest reserves for over 100 years, so that they are able to continue to run their enterprises. Those people have grazed cattle in those reserves for many years. If honourable members look at the benefits derived from that usage, they will see that it has basically led to a situation in which those people have managed to control the fire danger in those particular areas. Those people need those guarantees, and I was prepared to give to those people a guarantee. There were something like 700 individual leases within the South East Queensland RFA area. This sort of debacle—this sort of process—is not going to stop here, but it is going to go on throughout the rest of Queensland as the RFA process expands. I can tell honourable members that it is creating a very, very uneasy feeling in those communities as it moves——

Mr ELDER: I rise to a point of order. Just before the member finishes, I want to confirm with him that he has never been accused of misleading the House. So that he is not accused of misleading the House, I point out that it is not a State regional forestry agreement; it is a Commonwealth-led regional forestry agreement process. He said that it was a State process.

Mr SPEAKER: There is no point of order.

Mr MICKEL (Logan—ALP) (6.49 p.m.): Tonight we have heard from the guilty people of the Opposition, the people who for two and a half years of Government had their hands on the levers. The member for Warwick goes on about retaining jobs, yet in a Government full of incompetents he could not retain even his own job. You had to be a real dill to lose your job in the Borbidge Government and he managed it all on his own—with no help at all.

This is supposed to be a Commonwealth initiative, yet not one Opposition speaker explained why Queensland has been dudded, why there is only $10m in this package for Queensland. Let us look at an indicator of how slow the Borbidge Government was in relation to forestry management. It was said—

> "Queensland is actively and expertly participating in national initiatives ... to extend the ... criteria and indicators of sustainable development ..."

Further, in relation to forestry use it was said that the department was "providing practical input into the development of Codes of Practice, thus ensuring that the Codes can be realistically implemented". That statement—not a recent one—was made by a National Party Minister on 2 October 1996. That is over two years ago. We saw two years of indecision—two years of nothing.

When the Beattie Government came to office in June of last year, we got on with the job. Within three months we finished consulting the stakeholders and published the code. What code was it? It was a code developed under the National Party Government. We took the steps forward to certainty and sustainability. In other words, we quickly got on with the unfinished business of the previous Government.

We have commissioned more work to take this data to the highest level of accuracy. We have welcomed input from industry and conservation groups, including the greenfield resources options, which were tabled today after a lot of hesitation and a lot of that nervous energy we get from the Leader of the

Opposition when he is caught out. We saw it all this morning.

The previous Government had ample opportunity to develop strategies but, just as with the freeze on the capital works program, its indecision in the meat industry was seen in its craven behaviour in relation to the QLMA—its indecision turned the authority to bankruptcy to the point where it even had to sell off its building and its fleet—and in its inability to develop the cruise terminals or to develop a sensible policy on the superstadium.

The Borbidge Government was spellbound, struck dumb by indecision, to the point of high farce with the rhino affair. So it was with native hardwood plantations. The Goss Government through Ed Casey began the process. What did the Borbidge Government do about it? It probably went the same way as the QLMA—bankrupt—not through insolvency but by being bereft of ideas.

Let us deal with the Opposition's motion. Its contradictory paragraph 4 calls for a scientifically justifiable, comprehensive, adequate and representative forest reserve system. Yet tonight we saw a bankruptcy in ideas from the member for Warrego. How many hectares does the member for Warrego recommend for a reserve? We do not hear anything from him because he knows—or he should know—that setting aside even one extra hectare in reserve, or even keeping it the same, will place pressure on jobs. The Opposition knows it. That is why it did very little about it and that is why it is saying nothing about it tonight.

Paragraph 2 of the motion calls for the retention of all existing jobs. I make no secret of the fact that I would like to see the creation of jobs as new parts of the industry emerge. But paragraph 2 is straight old National Party confusion. It wants the Government to interfere in the private sector to protect the jobs. No matter what a company does—whether it loses market share, whether it fails to respond to a changing demand or whether it takes on new technology or becomes more efficient—the motion asks the Government to keep all existing jobs. In other words, there is to be no growth in the industry—no jobs growth. We should just keep the jobs the same!

The Opposition's motion is a motion of failure, of a paucity of ideas. At worst it resorts to the old National Party tactic: capitalise your gains, socialise your losses. It encourages industry to do nothing because it hopes the Government will come in and sort it out. This is no way to grow a new industry. The Opposition's motion is a recipe for strangling an existing industry.

Time expired.

Question—That the amendment be agreed to—put; and the House divided—

AYES, 42—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. I. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Pearce, Pitt, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 38—Beanland, Black, Connor, Cooper, E. A. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Goss, Grice, Healy, Hobbs, Horan, Johnson, Knuth, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Pairs: Reeves, Kingston; Palaszczuk, Slack

Resolved in the **affirmative**.

Mr SPEAKER: Order! Any future divisions on this matter will be of two minutes' duration.

Question—That the motion as amended be agreed to—put; and the House divided—

AYES, 42—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. I. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Pearce, Pitt, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 38—Beanland, Black, Connor, Cooper, E. A. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Goss, Grice, Healy, Hobbs, Horan, Johnson, Knuth, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Pairs: Reeves, Kingston; Palaszczuk, Slack

Resolved in the **affirmative**.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (7.05 p.m.): I move—

"That the House do now adjourn."

Woodford Correctional Centre

Mr HORAN (Toowoomba South—NPA) (7.05 p.m.): Tonight I am calling on the State Government to seriously reconsider its decision to proceed with the construction of an extra 400-bed unit at the Woodford Correctional

Centre. Tonight I am calling on the State Government to scrap plans to build the 400-bed facility and, in its place, to build two 200-bed prisons in Inglewood, Roma or Yarraman.

Good government is about spreading economic benefits and spreading job creation opportunities. Good government is about identifying struggling centres and providing the necessary economic injections. Good government is not about centralised policy or putting political desires ahead of the very real social and economic needs of our smaller communities. The Borbidge Government recognised the need to spread economic benefits and job creation opportunities throughout the State. That is why the then Cabinet, through the guidance of Russell Cooper, adopted a policy to build three 200-bed prisons in rural and regional areas. We made a conscious decision to build a number of smaller prisons to spread the benefits, instead of building one centralised facility, and we made a conscious decision to build prisons only in those areas where the community was supportive. After a massive site identification and feasibility study, the coalition short-listed four communities as potential homes to the new prisons. These were Inglewood, Maryborough, Roma and Yarraman. All that good work has since been undone.

With the election of the Beattie Labor Government, Queensland witnessed an eight-month freeze on capital works in the prison system. The Minister for Corrective Services stopped the good work done by the coalition. The Minister then claimed that he would make a decision well before Christmas 1998, then it was just before Christmas, and then he said he would make a decision by the end of January. He missed all three deadlines. When he finally made a decision, he decided to build a single 500-bed prison at Maryborough and add an extra 400-bed prison unit to the existing 600-bed Woodford correctional facility.

The State coalition congratulates Maryborough on its success. Maryborough was on the coalition's short list because we knew that it was the one centre which would be perfect for a prison facility. However, the State coalition does not congratulate and, in fact, condemns the State Government for its decision to ignore the remaining three rural centres by building a 400-bed unit at Woodford. When added to the 600-bed unit that exists there now, the Woodford facility is set to become the largest high-security prison in Australia. That in itself is a dangerous scenario, and it raises a whole host of security, rehabilitation and planning issues. It also highlights the Beattie Government's total neglect of rural Queensland.

Tonight I am calling on the Beattie Labor Government and, more particularly, the Minister for Police and Corrective Services, to go back to the drawing board and reconsider this disastrous Woodford decision. The challenge for this Government and, more particularly, for the Premier, who claimed that he wanted to be a Premier for all Queenslanders and to govern for all Queensland, is to go back and look at the site proposals put forward by those Queenslanders at Inglewood, Roma and Yarraman. The State Government must progress with prison construction in those areas, which would not only drought proof those communities but also provide hope and a future for the many young people in those areas who are increasingly moving to the cities in search of jobs. If anything will put an economic base and a platform in those country towns it is the provision of a 200-bed prison and the associated direct and indirect employment that will be provided.

In selecting two of the three sites for the construction of prisons, it is also important for the State Government to give an ironclad guarantee that the third site, or the site that misses out, will be the next site in future expansions. Prison numbers will continue to grow, and it is simply a matter of time before a further facility is required. This Government's decision to neglect rural Queensland by ignoring the submissions of three rural communities is not an allegation based on the principles of the National Party. Even the Labor Party's own secretary of the South Burnett branch hit the ABC radio waves saying that the decision to build the Woodford facility was a real snub for rural Queensland. Those were the words of the Labor Party's own branch secretary.

The failure of this Government to understand basic economics astounds all of us on this side of the House. The construction of centralised facilities will only centralise job creation and confine economic benefits to only one or two areas of Queensland. By contrast, the construction of a series of facilities across a range of struggling communities provides the perfect opportunity for the State Government to spread growth, jobs, hope and investment to many parts of the State. For the sake of the Inglewood, Roma and Yarraman communities, in the strongest possible terms I urge the State Government to reconsider its Woodford decision. It is not too late to overturn that incorrect decision and spread some Government influence and some economic

opportunities to the smaller centres of Queensland.

Time expired.

State School Leadership Camp

Mr WILSON (Ferny Grove—ALP) (7.10 p.m.): The spirit of public education and the support for public education in Government schools is strong and growing stronger in the electorate of Ferny Grove. I want to tell all members of this Parliament—particularly as they are all here at the moment—about a wonderful initiative that took place in the electorate of Ferny Grove a few weeks ago.

A number of teachers from Government schools in my area organised a leadership camp for the school captains and vice captains. This is the second year that a leadership camp has been organised. The participating schools were the Samford State School, the Mitchelton State School, the Grovely State School, the Ferny Hills State School, the Ferny Grove State School, Patricks Road State School, The Gap State School and a couple of other schools from the area. I acknowledge that The Gap State School is in the electorate of Ashgrove, the seat of my colleague Mr Fouras.

The leadership camp was organised under the authority of the principals and deputy principals of the participating schools. I commend them for their initiative. In particular, I commend Lorelle Holcroft, deputy principal of the Samford State School, and Kay O'Sullivan, deputy principal of The Gap State School, for taking lead roles in organising the camp. But they, of course, worked as a team with other deputy principals. All are to be commended for their involvement.

Honourable members might ask what is a leadership camp. Well, for two days about 35 young Year 7 students gathered in the auditorium of the Ferny Hills State School. The students' program comprised the following subjects or sessions. On the first morning, the Wednesday, the first session involved registration. The second session was a familiarisation session with the students getting to know each other and the school principals and deputy principals involved. The first major session dealt with team building and was led by Kay O'Sullivan and Lorelle Holcroft. The next session dealt with the roles of school captains and vice-captains. The camp then moved on to a session involving handling peer pressure and working with adults. These two programs were led by Mr John Greedy of the Behaviour Management Pal Program. Mr Greedy is well known for lecturing in this area. The final session for the first day dealt with meeting procedures. This session was conducted by Judith Laverty of Forum. I felt privileged to be able to sit in on that session. I commend Judith Laverty for the way in which she ran the program.

On the second day the early sessions involved greeting special guests, public speaking and how to overcome nerves. These sessions were conducted by Vicki Wilson, a Queensland celebrity sports person. Another session concerned the subject "What is leadership?" This session was conducted by Mr Ralph Pirozzo, a well-known presenter in this area. Mr Pirozzo dealt with leadership and team building.

I want to publicly thank the presenters for their time and dedication to this incredibly important program. I commend the organisers and the presenters for maximising the students' active participation in each of the sessions. I express my appreciation for the opportunity to sit in for one of the sessions and to speak briefly to the students on a member of Parliament's view on leadership. Congratulations to all the students taking part: well done. We look forward to seeing them grow into mature senior students and adults, willing and able to show leadership in their schools and in the broader community. I look forward to the camp being repeated in future years.

I acknowledge that we see here a generational shift because when those of my generation—young as I might still be—and other generations were going through primary school we did not have the benefit of this type of special program. This is a program which acknowledges the importance of leadership within the school community. The expectations that are placed upon students, even those as young as Year 7 students, are far greater than they were in my day.

Time expired.

Bus Transport, Sunshine Coast

Miss SIMPSON (Maroochydore—NPA) (7.15 p.m.): I strongly believe that the Sunshine Coast deserves a world-class public transport system, one that moves the most number of people with the greatest frequency and flexibility and with the greatest cost efficiency. The CAMCOS public transport study on the Sunshine Coast was always supposed to be a feasibility study that seriously looked at all public transport options, but this has not

happened and it has run off the rails, so to speak. There has been a heavy focus on rail; modern busways have largely been overlooked.

Powerful arguments exist in favour of a sophisticated, integrated busway system. For example, an important United States Department of Transportation study has established that buses can provide the most cost-effective rapid transport services, especially in low urban density areas such as the Sunshine Coast. According to this and other studies, buses can operate at speeds competitive with or superior to rail transport, but with capital costs per passenger only one-fifth that of rail systems. Furthermore, the operational costs are far lower than for rail. We must not forget that in a high urban density area such as Brisbane, city trains are subsidised by taxpayers by more than $150m per year and they are still having to retrofit busways.

Around the world, cities such as Nagoya in Japan, Curitaba in Brazil, Johannesburg in South Africa, Ottawa in Canada and Toronto in Canada—I have actually seen both the latter systems in operation and they are quite outstanding—and many others in North America have proven that they can achieve much lower costs per passenger kilometre using buses than any other rapid transport system, including rail. I am speaking of cities that have a far higher population density than the Sunshine Coast.

I believe that CAMCOS needs to treat these studies very seriously. They seem to go a long way towards proving that buses represent the least costly rapid transport alternative for the Sunshine Coast region, in terms of both capital cost and the need for operating subsidies. What is more, buses offer far greater flexibility. Rail will not service Buderim or Noosa but modern busways can. On the Sunshine Coast, express buses could operate on specially built high-speed bus tracks, on high-occupancy vehicle lanes, as they already do in Brisbane, and in normal mixed traffic conditions. Importantly, too, it has also been proven that highly flexible bus services have a superior ability to attract passengers. By comparison, those studies show that rail systems achieve peak hour volumes barely comparable to those carried by one single freeway lane.

As the Queensland Labor Government's Budget becomes tighter and more constrained, the extension of new rapid transport services throughout the low density areas of the Sunshine Coast can only be achieved using the most cost-effective system. Overseas experience with bus rapid transport seems to clearly demonstrate its capability in providing superior levels of mobility at far lower costs than rail. Economics apart, the major problem with a rail service to the Sunshine Coast is that it would offer just one route. If one does not live nearby, or if a rail line does not go where one wants it to go, forget it. Worse, once the track is built the route cannot be changed. Rail offers very little flexibility. By contrast, an efficient rapid bus transit system could cover the entire Sunshine Coast urban area, not just one narrow slice. It would service not only residential suburbs but downtown business and retail core areas, and also provide rapid transport connections to the Sunshine Coast airport, main railway stations and interstate and intercity long distance coach services.

In particular, I am now calling on the Labor Government to provide the community with detailed information on the economic feasibility of the various public transport options. When it does that, it should not be forgotten that all over the world freight traffic is the big earner for rail, not passengers. I believe that we on the Sunshine Coast deserve a proper economic feasibility study so that people can get the facts for themselves, so that they can weigh up the options for themselves and have access to information about world-class systems. As a member of Parliament, I have been fortunate to visit and have on-the-spot tours and briefings of these systems. I believe that the Sunshine Coast needs to make sure that we get the most cost-efficient, effective system that covers most of the Sunshine Coast. Let it not be forgotten that rail systems rely heavily for their profits on freight, not passenger travel.

Time expired.

Murrumba District School Communities; Mr A. Mamary

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (7.20 p.m.): I would like to draw the attention of the House to the tremendous commitment of the school communities in the Murrumba district. Recently, some in-service training was undertaken. A distinguished educator from the United States, Mr Al Mamary, came to Queensland to conduct a seminar. That seminar was attended by an unprecedentedly large number of people. Those people came in droves from the Clontarf State High School, which recently was incorrectly referred to in the Courier-Mail, with no basis whatsoever, as a

school of shame; the Deception Bay State High School; and the Hercules Road, Clontarf, Deception Bay, Deception Bay North, Moreton Downs and Undurba State Schools. It was not just teachers who turned up. A total of 1,020 people, including every category of staff of the schools in my electorate and in the Murrumba district, attended the seminar.

The commitment to in-service training is long standing. It has been supported by a number of my distinguished and far-sighted predecessors: Mr Braddy, Mr Hamill and Mr Quinn, to mention only two. The 1,020 people who attended the seminar were people who did all sorts of jobs at the schools. That shows a tremendous commitment by those people to education. The seminar was organised by the district director, Mr Ken Avenall, and principals Leigh Callum from the Woody Point State School and Geoff Rose from the Hercules Road State School.

The philosophy that was put forward at that seminar by Mr Mamary is a philosophy of inclusion. His concern is to ensure that all students are able to achieve their maximum potential. What he aims to do, and what he has very largely succeeded in doing in his own jurisdiction, is to allow students to develop at a pace appropriate to themselves. He emphasises the importance of literacy and numeracy. He emphasises the gaining of the essential skills for an effective life. However, he also emphasises the important difference between each student. Each student needs to be taken as an individual. The philosophy as put forward by Mr Al Mamary to the teachers of my electorate and the Murrumba district was taken on board enthusiastically by the local school communities. The vision that he propounded was one which has been taken up by entire school communities and will lead to greater morale within the school communities.

It is time that we did more of this sort of thing—team building within schools. It is time that we put behind us the old divisive notions of Leading Schools and excessive and unhealthy preoccupations with such issues as school-based management. It is time to talk about education itself. It does not really matter whether the philosophy upon which people operate is controversial; what is important is that they should be inspired by that philosophy and proceed down the path of ensuring that we have inclusive education, and inclusive education does not mean education for those suffering from particular difficulties. It is not just special school education. Inclusive education means including in the educational process those with gifts and talents. It means including the little boy or girl who sits in the classroom bored out of their brains wondering why they should bother doing the work that is being put before them. It means including those people who are rebels with a cause, or rebels without a cause, or those people who, for whatever reason, find themselves rejecting the current discipline structure of the school system. It means including those with a particular interest, whether that be drama or language or the arts. It means including everybody in having a sufficiently diverse school system that will enable everybody to be picked up.

That is part of the message that Al Mamary was giving to the teachers of my electorate and the Murrumba district. It was a message that was taken on board enthusiastically. We have to have inclusive education that enables every child to achieve their maximum human potential.

Independent Grocery Retailers

Mr KNUTH (Burdekin—IND) (7.25 p.m.): I would like to speak about the plight of independent grocery retailers who face difficulties not only in Queensland but throughout the country. There has been much parry and thrust about how much market share the three big supermarket chains have and whether that should be limited. The issue is the topic of a Senate inquiry. I am proudly on record as supporting a ceiling for the market share that Coles, Woolworths and Franklins should be allowed.

Similar to the situation that exists in countries such as England and Japan, I believe that the major supermarket chains should be limited to a combined 70% of the market share of grocery sales. The Queensland Retail Traders and Shopkeepers Association estimates that the current domination of the three big chains runs at 85% of the market share. This Parliament must be made aware of the social minefield that we will walk into if we let the big three food chains gobble up smaller stores.

Mr Reynolds: Especially in the Burdekin.

Mr KNUTH: Especially in the Burdekin. The independent stores argue that the supermarkets are using their market dominance to shut them out. Alan McKenzie, the spokesman for the National Association of Retail Grocers of Australia, estimates that in seven years to the end of 1997, 844 small grocery stores disappeared while the chains opened 106 supermarkets. In just one year, Woolworths and Coles increased their combined market share by 5%.

How long can we allow this to go on? Some members who are possibly shareholders in these companies may wonder what is wrong with a company steamrolling its competitors in the quest for market domination. I hear members say that it is the nature of business and that the strong will survive. Why is it, then, that the Government has cross-media ownership laws—ceilings to protect the public from any one media chain owning too much? We limit the degree to which information companies can own newspapers, magazines or radio stations, yet the job-destroying supermarket chains are pushing for legislation under National Competition Policy to steal business from the independent pharmacies, newsagents, petrol stations and even liquor outlets.

What really sticks in my throat and in the throat of every independent retailer who faces laying off staff or closing because of this trend is the argument put forward by the chain stores. They argue for unfettered growth on the grounds that consumers want one-stop shopping. They claim that it is unfair to prevent their businesses broadening the services that they provide to customers. Members should not think that these companies get bigger without a cost to the social wellbeing of society. I ask members to consider what is happening in small towns in relation to the banking industry. The large banks are turning their backs on the small towns that are deemed to be too small to justify having a branch of the bank. Allowing the unfettered growth of supermarkets will see an equally dire situation arise in the grocery distribution industry.

National Party Senator Ron Boswell says that the market share of independents is going down very rapidly. He states—

> "Once it goes below critical mass, it is very hard for them to maintain buying power. That means that in a town that is too small, the distribution fails because the independents will not be able to step in if they no longer have the buying power to deal with suppliers."

In other words, many towns will be left without a grocery store. So much for the competition policy!

According to figures from the Queensland Retail Traders and Shopkeepers Association, for every job created in a supermarket, 1.7 jobs elsewhere in the community are axed. Members should not be fooled by the claims made by Coles, Woolworths and Franklins that their expansion will create jobs. Simple mathematics and observation will tell my colleagues that if the big players get any bigger, our efforts towards reducing unemployment will be undermined. Do we want school leavers unable to secure personal loans because all that is on offer for them in the jobs market are casual positions in monolithic chain stores? When the independent retailers have been all but killed off by the market domination of the big chains, will members grieve for the wave of "For Sale" signs displayed at corner stores across the State?

Unless we appeal to Prime Minister John Howard to cap the market domination of the chain stores, we will have to live with the guilt that we did nothing to help Queensland's independent retailers. When they are gone, will Governments spend thousands on an inquiry into why there are no grocery providers in rural towns or why the National Competition Policy fostered an environment of anti-competition and kicked sand in the face of small businesses? Socially, the demise of small business will be devastating.

Time expired.

Motion agreed to.

The House adjourned at 7.30 p.m.