WEDNESDAY, 18 AUGUST 1999

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

PETITIONS

The Clerk announced the receipt of the following petitions—

CSIRO Site, Indooroopilly

From **Mr Beanland** (273 petitioners) requesting the House to (a) restrict staff numbers at the DNR/CSIRO site at Meiers Road, Indooroopilly, including students and daily visitors to no more than 600 persons per day; (b) ensure that the Brisbane City Council continues to designate Meiers Road as a neighbourhood access road and not change its designation to a district access road; (c) take steps to prevent kerbside parking by staff in Handel Street and Meiers Road; (d) abandon the concept of collocating and relocating departments to the Meiers Road site and seriously consider more suitable sites such as Yeerongpilly, Tennyson and Rocklea as these sites would not involve disruption of local residential areas; and (e) lower the speed limit on Meiers Road, Indooroopilly Road and Harts Road to 50 km/h to enhance the safety of pedestrians and motorists, help prevent speeding and to reduce noise.

Petford Training Farm

From **Mr Beanland** (144 petitioners) requesting the House to call on the Minister for Families, Youth and Community Care to reconsider the decision to cease funding for the Petford Aboriginal Training Farm and reinstate financial support and assistance.

Fisheries Regulations

From **Mr Bredhauer** (55 petitioners) requesting the House to remove all sections of the Fisheries Amendment Regulation No. 3, Subordinate Legislation 1999 No. 58, relating to the legalisation of trawlers to take and sell finfish, winter whiting and blue swimmer crabs from the legislation.

School Dental Therapists

From **Mrs Liz Cunningham** (83 petitioners) requesting the House to maintain the restrictions of the duties of school dental therapists and dental hygienists and resist National Competition Policy at all costs.

Fisheries Regulations

From **Mr Goss** (16 petitioners) requesting the House to remove all sections of the Fisheries Amendment Regulation No. 3, Subordinate Legislation 1999 No. 58, relating to the legalisation of trawlers to take and sell finfish, winter whiting and blue swimmer crabs from the legislation.

A similar petition was received from **Mr Sullivan** (104 petitioners).

Queensland Rail, Willowburn Refuelling Site

From **Mr Healy** (188 petitioners) requesting the House to (a) direct Queensland Rail to continue to use their existing Willowburn site with such upgrades as necessary to achieve clean, efficient and effective fuelling practices; or (b) direct Queensland Rail to choose a new main line refuelling site which leaves the full length of the train more than 750 metres from any residence or business for the long term.

Gaming Machine Legislation

From **Mr Lucas** (112 petitioners) requesting the House to vote in favour of the Gaming Machine and Other Legislation Amendment Bill 1998 and protect the club industry from private entrepreneurial profiteering.

Sale of Liquor by Major Retailers

From **Mr Reeves** (3,860 petitioners) requesting the House to oppose takeaway liquor sales in supermarkets and support the removal of section 87 and changes to section 85(1)(v) of the Liquor Act to protect the interests of the general community and allow for better services in Queensland clubs.

Brothels, Local Government Areas

From **Mrs Rose** (18 petitioners) requesting the House to reject the proposed legislation to enable licensed brothels to operate in local government areas.

Glasshouse Mountains Road

From **Mrs Sheldon** (487 petitioners) requesting the House to (a) reduce the speed limit from the northern turnoff in Glasshouse Mountains Road, south to Layt Bridge to

60 km/h; (b) provide pedestrian lights at this intersection; and (c) provide a refuge island at this intersection.

Petitions received.

MINISTERIAL STATEMENT

Marlborough Nickel Project

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.35 a.m.), by leave: My Government continues to deliver jobs to Queenslanders by attracting major investments to this State. This can-do Government is delivering. Last week Intergen announced that its Millmerran power station project has secured the necessary financial approvals, and construction is to begin immediately. What that means is financial close; that is the green light. This project, which will have 1,300 jobs in construction and 250 permanent jobs will mean an investment of $1.4 billion in this State.

This week I am pleased to advise the House that an $800m nickel mine and processing facility at Marlborough, north-west of Rockhampton, should begin construction in March next year. This was the project that the Leader of the Opposition sought to undermine some time ago. With the help of my Government, the Marlborough nickel project has successfully negotiated a native title agreement and is now proceeding to lock in final approvals, creating 1,000 construction jobs and 300 jobs when in operation. This project is a shot in the arm for Rockhampton and central Queensland.

Mr Schwarten: Best news we've had in a decade.

Mr BEATTIE: Indeed. I thank the local member, and the Minister, for that interjection. This is—and I say it again—1,000 construction jobs and 300 jobs in operation. That is delivering on jobs, jobs, jobs and, in this case, for central Queensland. It will inject more than $240m each year into the State economy with massive flow-ons to Queensland Rail, which will transport the nickel and cobalt ores north and south. The port of Gladstone will also benefit—and I am sure the honourable member will be interested in this—by being the port of export, and the Yabulu nickel refinery will have a major new domestic source of nickel ore at its disposal.

In late June the Leader of the Opposition demonstrated his ignorance of native title by claiming that negotiations on the project had stalled. The Courier-Mail backed him by suggesting the project could be delayed for years. They were both wrong. Seven weeks later the matter is resolved to the satisfaction of all parties. What was in reality a technical step in the right to negotiate process was dressed up by the National/Liberal coalition as a failure of process just so that it could beat the tired old backyard drum of fear and ignorance which we saw during the days when Mr Borbidge was in this position.

I do think it is important that there be an informed debate about the process of native title so that people in the community understand how it will, in fact, work. There is an obligation on politicians and the media to ensure that that debate takes place. The Government is endeavouring to inform the community. We need the support of the media to ensure that that information is disseminated.

While the coalition plays its childish political games, my Government is keeping its eye on the ball, delivering investment and jobs for Queensland. I congratulate all the parties involved: Preston Resources; the Barada, Barna, Kabalbarra, Yetimarla and the Darumbal communities; and the Native Title Services Unit in my department. This major breakthrough adds to the mounting evidence that the path through the native title maze is consultation not confrontation, a view that we have been taking and, to their credit, so are the editorial writers of the Courier-Mail. That is the way ahead and we intend to continue to pursue it.

There is also further evidence that this is a can-do Government which delivers on its commitments to create workable approval processes and attract investment and jobs to this State. This Parliament has now approved three pieces of legislation which will be the State's native title regime. In addition to that, there has been a fourth piece of legislation which has brought a series of amendments from the Commonwealth. It is now up to the Commonwealth to approve all those pieces of legislation so we can get this native title regime operating.

MINISTERIAL STATEMENT

Employment

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.39 a.m.), by leave: Creating jobs and reducing Queensland's unemployment level is my Government's highest priority, so I am pleased to inform the House that, since our election, employment in Queensland has surged forward. In fact, the growth has been beyond expectations. In the 1998 September Budget, the Government

forecast year-average employment growth of 2.2%. We have exceeded our own goals and produced employment growth of 2.7%. This growth has translated into a dramatic reduction in the unemployment rate.

The number of employed people in Queensland has increased by 44,500 since June 1998. The Budget of the last conservative Government said that unemployment would rise; we have turned that around. We have created 44,500 jobs since June 1998. That means that 44,500 Queenslanders who did not have a job under the previous Government are now gainfully employed. This Government has lowered the unemployment rate to 8.1% from the 8.8% rate we inherited from the previous Government. We have done this by focusing the Government's policies and programs squarely on job creation.

We promised to create 30,000 new jobs in Queensland over the 1998-99 financial year, and we have exceeded this target by almost 50%. However, the challenge is not just to create jobs and reduce unemployment, it is also to ensure that people are employed in meaningful jobs that support a decent standard of living. We have therefore also strived to ensure that the jobs created are full time. On this measure, the Government is also achieving its goals. Eighty per cent of the jobs created over the past year were full time. That is what is important: 80% of the jobs created over the past year were full time. That compares with the rest of Australia, where less than 40% of the total jobs created over the same period were full time. That is a stark difference.

These results show that not only is Queensland creating twice the number of new jobs as Victoria, or four times the number of new jobs in Western Australia, we are also creating over double the number of full-time jobs in relative terms. In fact, Queensland created around 45% of the total number of full-time jobs created in Australia in 1998-99. This compares with our current employment share of just under 19%. Importantly, strong growth was recorded in both male and female employment in 1998-99, with the total number of males employed rising by 3% and females by 2.4%.

It is also interesting to note that the new jobs created in Queensland since this Government took office have been spread across a number of different sectors of the economy. In 1998-99, particularly strong growth was recorded in cultural and recreational services, 14.9%; construction, 10.4%; wholesale trade, 7.5%; agriculture, forestry and fishing, 6.1%; and health and community services, 5.4%. These figures are encouraging because they indicate Queensland's strong economic growth is translating into employment growth across the economy as a whole.

A further challenge for this Government is to ensure that jobs are being created for our young and for those 45 years and above. After all, it is these two groups that often have the most difficulty gaining employment in competitive employment markets. It is therefore encouraging that in terms of employment by age, exceptional growth has been recorded in both the 15 to 19 year and 45-plus year age groups, with 6.2% and 5.4% respectively. The unemployment rate for the 15 to 19 year age group seeking full-time work fell by 2.5 percentage points last financial year to 24%.

Mr SPEAKER: Order! There is too much audible conversation.

Mr BEATTIE: This level is still unacceptably high but is moving fast in the right direction. The impact of Queensland's strong jobs growth on the State's unemployment rate has been limited by Queensland's persistently strong growth in the labour force. In 1998-99, Queensland's labour force continued to grow at more than double the rate of the rest of Australia, recording growth of 1.9% compared with 0.8% in the rest of Australia. My Government will continue to lead Australia in terms of employment growth in Australia, and we will reach the employment targets that we set for Queensland.

MINISTERIAL STATEMENT

Business Cadetship Scheme

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.43 a.m.), by leave: Last year the Beattie Government instigated a Business Cadetship Scheme to allow young Queensland businesspeople to spend time in foreign countries. The scheme, for which this Government has set aside $1.7m over four years, was introduced not only to further the skills of these people but to imbue an export culture among the coming generation in the Queensland business community.

I am happy to report that the four 1998-99 cadets have returned home after spending five months working in the Queensland trade and investment offices in Hong Kong, Los Angeles, Shanghai and Tokyo. The four

cadets are Angela O'Dea, David Bridge, Belinda Finch and Jack Josephson and they respectively stayed in Shanghai, Tokyo, Hong Kong and Los Angeles. They worked on projects such as the Chinese domestic water supply market and opportunities for Queensland cast iron water pumps, exporting health care, identifying meat opportunities in Hong Kong and rubber recycling procedures in the US.

Each found the experience of working overseas rewarding. In fact, Belinda Finch told the Department of State Development, and I quote—

> "What have I gained? ... Self confidence, business skills, cultural skills, research skills, valuable contacts and an in-depth understanding of Hong Kong industries."

While Los Angeles-based cadet, Jack Josephson, told the department—

> "I have really enjoyed being able to work in an overseas office. It has opened my eyes to see opportunities that I would not have otherwise seen. The cadetship has given me confidence in new areas that I have previously not considered."

This year there will be six cadetships offered for a period of six and a half months starting in January 2000. These cadetships will include a period of employment of about five months in one of the Queensland trade offices. Applications for the next series of cadetships close later this month and successful applicants are expected to be notified mid next month. As part of the scheme, cadets will be required to complete a project aimed at increasing trade and investment outcomes for a Queensland industry. The project will be based on a proposal submitted by the applicant and must relate to the nominated specific industry sector. The project will need to be developed in conjunction with a Queensland industry organisation or at least two small to medium sized enterprises in Queensland.

Industry sectors targeted by the Government are telecommunications, information technology, organic food industry, biotechnology, and health care services. The whole purpose of this scheme is to give young Queensland businesspeople the business contacts in other countries that they will then be able to use in their own business careers. While the cadets will have specific tasks with the trade and investment offices, they will also be expected to get out and about in the business communities of their host countries. This Government is committed to the State and building its future and this scheme is another example of that commitment.

MINISTERIAL STATEMENT

Chinese Tourism Development

Hon. R. J. GIBBS (Bundamba—ALP) (Minister for Tourism, Sport and Racing) (9.47 a.m.), by leave: It gives me great pleasure to inform the House that this Friday I will be welcoming to Queensland the first official group of Chinese tourists to Australia. This is an historic moment for the Queensland tourism industry. In April, the People's Republic of China awarded Australia Approved Destination Status, which means Queensland can now market Sunshine State holiday packages directly to more than 1.2 billion middle-class Chinese.

This Friday, the first group of 27 ADS tourists from Shanghai will arrive at Brisbane Airport and tour Brisbane before visiting the Gold Coast for several days to sample local attractions like Dreamworld and Sea World. A second group of 47 ADS tourists will arrive from Beijing on Saturday and also visit the Gold Coast and Brisbane as part of their Australian holiday. These touring parties are just the historic first ripple of a Chinese tourism tidal wave set to hit Queensland and Australia. According to Australian Tourist Commission estimates, Queensland will receive at least half of all Chinese visitors to Australia by 2000. This equates to approximately 64,650 extra visitors. This is the dividend for all the hard work Queensland has done to promote our State as a tourism destination to the world's largest market.

During my recent ministerial visit to China, I negotiated a number of significant initiatives with Chinese tourism authorities to cement our new relationship. To further improve relationships, the State Government proposes to establish an exchange program for staff from Tourism Queensland and the Shanghai Municipal People's Government Tourism Administration Commission to work in each other's country. That will involve a number of young people coming from Shanghai to work in the office of Tourism Queensland. I was delighted when the Chairman of Tourism Queensland took that offer further and offered the resources on a further training program to have these young people employed for a certain period of time at theme parks, such as Movie World and Sea World, where they will gain an experience that is unknown in their country at this present time.

We also intend to improve our tourism presence in China by establishing a dedicated Tourism Queensland office within the Queensland Trade and Investment Office in Shanghai. This is a significant step forward. This is something we began negotiations on when we were last in Government. I am delighted that we have now been able to bring those negotiations to a fruitful conclusion. I am also hopeful that, following top level talks with senior Chinese Government officials in Beijing, the Premier of China, Jiang Zemin, may accept an invitation to visit Queensland during his forthcoming visit to Australia.

China represents a sleeping giant for Queensland in terms of tourism potential. Tourism Queensland established a presence in China early and is spending $300,000 to promote the Sunshine State as an ideal tourism destination. This Friday's first official tour group from Shanghai is just the beginning.

MINISTERIAL STATEMENT

Industrial Relations

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (9.50 a.m.), by leave: Since coming to office, the Beattie Government has demonstrated its commitment to economic and social harmony by restoring balance and fairness to Queensland's industrial laws. Today I draw the attention of members to some of the features of the so-called Reith second wave amendments and to how they compare with the reasoned and balanced approach adopted by this Queensland Labor Government.

The Queensland Industrial Relations Act 1999 has created an industrial relations system that provides a clear and balanced arena for employers, employees and their representatives. The new laws reflect a balance between economic and social objectives because industrial relations are not just about economics and dollars. They are about how we live and how we work. They are about how we interact as a community.

A strong and relevant award system must be maintained if worker interests are to be protected. In regional and rural Queensland, more than half of the employees rely solely on State awards for setting their minimum rates of pay. In Queensland, with only 1.6% of small businesses subject to either collective or individual agreements, it is vital that awards be kept up to date, relevant and flexible to meet the needs of Queensland workplaces.

Both fair employers and fair employees are satisfied with the changes introduced by this Government to the Queensland award system. The Beattie Government, through the introduction of the Industrial Relations Act, has ensured the ongoing relevance of the award system by giving the Industrial Commission the power to make awards that set fair and reasonable wages and conditions reflecting contemporary community standards.

The Beattie Labor Government, unlike the coalition parties, believes that award conditions of employment such as allowances or leave entitlements should be set by the experts, not the politicians. They are matters not for Parliament but for the independent umpire, the Industrial Relations Commission. By contrast, Peter Reith and the Howard Government are intent on destroying the long-serving industrial relations system in Australia and its conventions.

Mr Reith is not content with stripping back matters in Federal awards to just 20 allowable matters. He now wants to restrict workers' entitlements to just 16. Under the Reith proposals, workers will no longer be entitled to the protection of matters under Federal awards such as long service leave, skill based career paths, accident make-up pay, protective clothing, payment or allowances for jury service, training and education leave, and tallies and bonuses.

The Reith proposal has caused widespread community alarm. Prominent Victorian church leaders this week condemned the second wave changes. These leaders believe that this so-called second wave of changes will only further promote workplace injustice at a time when the gap between the rich and the poor is widening. Their concerns are a damning indictment of the impact of Reith's workplace relations laws. In particular, they were moved to denounce the excessive shift to casual labour and the consequent effects on families, the constraints on collective bargaining and the eroding of the power of the workplace umpire, the Australian Industrial Relations Commission. All of these effects, experienced through the Workplace Relations Act, will be worse if Reith's second wave eventuates.

The Reith Bill further demonstrates that this Federal coalition Government has neither heart nor soul. We need look no further than Reith's responses to the plight of the Oakdale miners with $6.3m in lost entitlements—entitlements that workers had every right to look forward to receiving.

Mr Borbidge: We're debating legislation next week.

Mr BRADDY: Just listen. Astonishingly, up until yesterday, when he was overturned by his own Federal Cabinet, Reith had continued to reject proposals to give the Oakdale miners their due entitlements from the Coal Industry Long Service Leave Fund. This is a backflip by the Federal Cabinet that came only after weeks of heartache and pain inflicted on the Oakdale miners. It came only after sustained pressure from the media and the Labor Opposition. It came only after the overwhelming weight of opinion of the Australian community to support a payout of the Oakdale miners' entitlements. It came only after a 24-hour strike by miners in Queensland and New South Wales—a strike that would have been averted if Reith or Howard had acted fairly at any time in the last few months.

In what also amounts to a drastic shift away from the Australian tradition of a fair deal for all, the amendments proposed by the Reith Bill will drastically cut the Australian Industrial Relations Commission's powers. The commission is to be renamed the Australian Workplace Relations Commission to satisfy Mr Reith's ideological bent. It will play no conciliation or arbitration role during industrial disputes or strikes, except where both parties have agreed to refer the matter to the commission, and only then at a cost of $500 per application. The new role of the commission will be to simply strip back awards to the 16 conditions of employment and rubber-stamp certified agreements subject to a reduced no disadvantage test.

The Reith Bill also seeks to introduce a concept of private mediation for industrial disputes, effectively dismantling the successful system of arbitration that has served Australia so well for so long. The independent umpire has been usurped and private guns for hire brought in to do justice Reith style. Parties in conflict will no longer be subject to mandatory appearances before the commission. Mediation will be doled out by a private provider only if both parties agree to appear before it. The interests of communities caught up in a dispute are not to be considered.

In contrast to the Reith blueprint, under Labor the Queensland industrial laws have restored the commission's stature as a forum to which employers and employees can turn for clear and relevant direction in the event of a dispute—an independent commission with power and responsibility. In Queensland, the commission is unrestricted in its ability to use its conciliation and arbitration powers if they relate to an industrial matter that affects employers and workers in the workplace. Importantly, the Queensland laws have also given the commission increased arbitration powers where bargaining has broken down or protracted disputation is occurring.

The Queensland commission is now required to consider the impact and effect of disputes and strikes on the economy, industry, the local community, an individual workplace, and employees themselves in the event of a protracted lockout. These changes were made in direct response to widespread calls for a strong commission in Queensland with the power to quickly intervene and resolve disputes. These calls came from employers, as well as unions and employees, as well as individual members of the community often adversely affected by industrial disputation.

I acknowledge that today many Queensland workers are voicing their concerns and protesting against Reith's anti-Australian changes. I assure this House that the Beattie Labor Government does not support Reith's anti-worker laws and I place on record our opposition to his harsh and destructive changes.

MINISTERIAL STATEMENT

Empire Contemporary Arts Centre

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (10 a.m.) by leave: Last week, I announced the go-ahead for a major arts project that will generate jobs in Queensland. The $7.6m redevelopment of the old Empire Office Furniture site as the Empire Contemporary Arts Centre in Fortitude Valley will be a significant boost to the arts industry. The Empire Office Furniture site was purchased by the coalition Government in December 1996 at a cost of $4.05m. However, the coalition failed to budget for the estimated $7m-plus redevelopment cost, making it instead a recoverable loan, supposedly to be repaid by the proposed tenants, who will include community and Statewide arts bodies. These arts bodies are already struggling financially in an increasingly competitive climate, so this added burden would have been not just financially impracticable but operationally disastrous. The repayment of such a loan was never a realistic proposition.

The Beattie Government has undertaken a careful reassessment of this financial black hole in order to work out an acceptable solution for all concerned to salvage the Empire project. After careful budgeting, we are

able to announce delivery of this project within 18 months, with construction due to begin in February 2000 and occupancy by March/April 2001. The 1999-2000 and 2000-01 Arts budgets will provide a total of $7.6m towards the redevelopment costs of the building at 416 Brunswick Street, Fortitude Valley. Additional support from the corporate sector will be sought to assist in achieving a contemporary arts centre of international standard. Resident art organisations will include the Expressions Dance Company and the Institute of Modern Art. Discussions are also under way with—

Arterial;

Kooemba Jdarra Theatre Company;

Rock n Roll Circus;

Elision Contemporary Music Ensemble;

Australian Film, Television and Radio School; and

QPIX.

The initial impetus for Government intervention in arts accommodation issues followed the release of the 1995 cultural statement Building Local, Going Global, which identified the need for a review of the facility needs of arts, film and cultural organisations. The Empire site will complement other developments, in particular the recently refurbished 381 Brunswick Street—opened in December 1998—and the Brisbane City Council's development of the New Farm Power House site.

The centre will host local, regional, national and international events in a world-class facility for contemporary visual arts, multimedia, performing arts and screen culture. The centre will position Brisbane as a premier location for contemporary arts practice nationally and in the Asia-Pacific region. Planning for the centre has been undertaken by Cox Rayner Architects and a consortium of commercial, cultural and business planners, in collaboration with Arts Queensland and the proposed resident organisations.

In salvaging the Empire project, the Beattie Government has not only plugged a coalition black hole; it has helped to position Brisbane and Queensland at the forefront of contemporary arts practice.

MINISTERIAL STATEMENT

Woodford Correctional Centre

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (10.02 a.m.), by leave: In 1995, the then Police and Corrective Services Minister, Paul Braddy, ordered that a special unit be incorporated in the design of the Woodford Correctional Centre. The idea behind this special unit was to manage those intractable prisoners who have either proven to be a threat to staff and other prisoners or were at high risk of escape. This unit was proposed to be the most secure unit in Queensland's prisons—in effect, it was to be a prison within a prison. The MSU was built but was never actually used by the Borbidge Government as a maximum security facility.

It was not until the Borbidge Government was put under pressure by the Labor Opposition following the mass escape of Brendon Abbott and associates that the MSU was finally used as it should have been from the beginning. The Borbidge Government had to be shamed into putting these violent, high-risk prisoners into the MSU—a place where they should have been to start with. The poor handling of the Corrective Services portfolio was one of the main reasons why the Borbidge Government was thrown out of office in 1998.

When some inmates of the MSU, with the assistance of the Prisoners Legal Service, took action against the Government over their treatment, the Queensland Corrective Services Commission, as it then was, assured me that the legislation allowed for these prisoners to be held in the MSU for long periods. But just to make sure that the treatment of these prisoners could not possibly be deemed as inappropriate and to make sure there were clear-cut guidelines in place, I decided to introduce legislation into the Parliament earlier this year setting out how the MSU should be run. I took this step to ensure that these prisoners—the worst and most dangerous prisoners that we have—stay where they should be. This Parliament fully endorsed this approach and passed the legislation unanimously.

Subsequently, last month, the Supreme Court found in favour of the prisoners and the Prisoners Legal Service. However, the legislative change effectively meant that this court action was a very hollow victory. Nothing has changed. These prisoners remain under the tightest security we can provide, and they will stay there until they can show to prison management that they can be trusted to the same extent as the general prison population. In fact, we are in the process of building two more MSUs—one at the Sir David Longland Correctional Centre and the other at the Arthur Gorrie Correctional Centre.

By taking this legal action, the Prisoners Legal Service has performed a major disservice to the majority of its potential clients—those who are in the general prison population. I am sure that these prisoners do not want some of the MSU prisoners who have killed other inmates returned to the general prisoner population. The Prisoners Legal Service has defended its action as standing up for a principle of law and people's legal rights. The prisoners in the MSU did not take into account the niceties of the law when they were killing, maiming or robbing their victims.

I would like to also clear up an incorrect impression given when this issue came to a head last month. The MSU was continually referred to as some form of solitary confinement. This term gives the impression that these prisoners do not have any contact with the outside world. This is entirely untrue. Certainly, they are removed from the general prison population, but they are also allowed limited and closely monitored contact within the MSU. They are allowed visits from family, friends and legal representatives and, depending on the risk assessment of the individual prisoner, some of these visits can be contact visits. They have the same cells and the same food as the mainstream prisoners, and they do have access to exercise areas. They do not have the same limited freedom of movement that some prisoners have within the prison, but then again, these prisoners forfeited these privileges when they murdered other prisoners, escaped from jail or attempted to escape.

The Beattie Labor Government will never resile from its responsibility to properly manage these prisoners. Until these prisoners can show that they are no longer a risk to staff and other prisoners or are no longer a risk of escape, they will be staying in the MSU.

MINISTERIAL STATEMENT

Underground Powerlines

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (10.06 a.m.), by leave: The Beattie Government is committed to improving and ensuring reliability of electricity supply and a safe electricity system. As part of this commitment, I recently visited Perth to examine first-hand the undergrounding of electricity lines scheme being carried out by the Western Australian Government in conjunction with the Government owned electricity corporation—Western Power—and other relevant local government authorities.

The Western Australian Government initiated this project following major weather-related outages back in 1994. The long-term goal of the project is to have underground power distribution to half of Perth's houses by the year 2010. In addition to a requirement that all new metropolitan subdivisions have underground power systems, the project aims to replace the overhead lines to 12,000 customers each year.

During this visit I met with representatives from Western Power, the Western Australian Office of Energy and the local authorities of Melville, Cottesloe and Cambridge. I held discussions with these representatives, covering issues such as the effect on supply reliability and electrical safety, employment potential, funding, community consultation, technical methods, the potential for multi-utility involvement, material and infrastructure procurement and the impact on householder land values. I also personally examined the results of the joint two and a half year pilot undergrounding program in a number of the suburbs involved and inspected the techniques of the undergrounding teams at work.

The Western Australian program is administered by a steering committee comprising representatives of the three entities involved. This committee considers proposals from local government bodies submitted annually, with respect to both major residential projects and localised enhancement projects. The selection of areas for the project is based on demonstrated community support, age, maintenance history and reliability, and overall improvement in streetscape amenity for the proposed area.

A major issue in the consideration of such an initiative is its funding. The Western Australian pilot project was funded one third each by the participants. I believe that, following completion of the pilot project, all future projects will be funded 25% by the Office of Energy—up to a maximum of $6m a year, 25% by Western Power—up to the same maximum, and 50% by local government and benefiting ratepayers.

The funding by local authorities has been recouped in a number of ways. These include a flat charge on all affected ratepayers, a charge based on the value of the property or an across-the-board one-off rate increase irrespective of participation in the scheme. In the first two methods, the charges are recovered as a one-off addition to the rates notice, with both instalment plans and discounts for up-front payment. In most

instances, the councils sought to recoup 100% of their contributions from the ratepayers.

It is far too early to say whether the Western Australian model would be of value here in Queensland. There have already been some major steps forward on this important concept in our State. Many new land developments in our State have underground cabling as a result of town planning restrictions and financing by developers. There is also a trial program happening now as part of the Inala redevelopment initiative. This program—started by Energex earlier this year—is aimed at providing vital information that will be used to assess the funding implications of a broader undergrounding policy within Queensland. This particular program will cost about $2m and will affect about 500 properties.

The Government will also be further investigating and considering options to embark on larger scale projects. We will hold discussions with electricity industry participants, as well as local government authorities, as part of this Government's commitment to improving and ensuring reliability of supply and a safe electricity system.

In conclusion, I thank my parliamentary colleagues, in particular the member for Greenslopes and the member for Bulimba, who have been assisting me and encouraging me along this path.

MINISTERIAL STATEMENT

Youth Conservation Corps

Hon. R. J. WELFORD (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (10.11 a.m.), by leave: Since coming to office, the Beattie Government's priority has been jobs, jobs, jobs. Whilst the Opposition has taken every opportunity to knock the Government's achievements, we have been creating a positive future for all Queenslanders. This includes our young people. What better demonstration of this Government's intentions could there be than the Youth Conservation Corps?

In recent weeks, 10 Youth Conservation Corps projects were completed across central and southern Queensland. 129 unemployed young people aged between 15 and 24 years took part in these projects and gained real skill, real training and real jobs. The Youth Conservation Corps achieves positive outcomes for the environment, for local communities and for young people. Sixty-six of the young people who took part have now found full-time employment as a result of the training and motivation gained from the program. Let us remember that these young people were unemployed before becoming involved in the Youth Conservation Corps. What a fantastic result this is for Queensland.

But the good news does not stop there. Another 24—18%—of these young people have now developed the confidence to go on to further training or education, giving themselves further opportunities to get into the work force. It is important that we recognise these young people for the valuable contribution they have made to their local communities. They have worked in an effort to improve their environment and have demonstrated a commitment towards getting a job. It must be remembered that these young people receive no money for taking part in the Youth Conservation Corps. This demonstrates the real commitment of Queensland's young people to finding jobs and securing this State's future.

It is a commitment illustrated by a statement from one of the young people at the Boyne Island Youth Conservation Corps open day at Gladstone in which I recently took part. In his address on behalf of the group, Chris Offord said, "Just because we are working for no money doesn't mean we are working for nothing."

I recently attended three of the Youth Conservation Corps project open days—at Boyne Island, Bundaberg and Caboolture—to thank the young people for their work and officially open the projects they had completed. Many of these young people came to the Youth Conservation Corps with no direction, no basic skills, no concept of working in a real job and no self-confidence. They leave with accredited training at certificate two level, good working habits, job seeking skills and rebuilt enthusiasm and confidence.

Training gives these young people skills that will get them jobs across a variety of industries. They have obtained training in the use of hand and power tools, communications, leadership, teamwork, problem solving, workplace health and safety, senior first aid, environmental skills and many others. During the 26-week program, young people worked full-time for local employers without remuneration in order to contribute back to local communities, to develop their work skills and to build up networks that serve to get them jobs in the future.

Significant environmental outcomes were achieved in these projects through the construction of walking tracks, weed

eradication, gates and fencing in conservation areas, revegetation, construction of visitor facilities including barbecues, tables and seating, as well as boardwalks and signage. Of the 45 young people participating in the Boyne Island, Bundaberg and Caboolture projects, 28 already have jobs and six are pursuing further training or education. A number of others have moved interstate with their families.

I invite all members of the House to join the Government in acknowledging the desire and commitment of these wonderful young people towards obtaining long-term, real jobs.

OFFICE OF LEADER OF THE OPPOSITION

Report of Expenses

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.15 a.m.): I table the public report of expenses for the Office of the Leader of the Opposition for the period ended 30 June 1999.

OVERSEAS VISIT

Report

Mr CONNOR (Nerang—LP) (10.16 a.m.): I table a report of my study tour of the United States from 22 June 1999 to 14 July 1999.

OFFICE OF ONE NATION

Report of Expenses

Mr FELDMAN (Caboolture—ONP) (10.16 a.m.): I table the public report of the expenses of the Office of One Nation for the period ending 30 June 1999.

NOTICE OF MOTION

TAB Privatisation

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (10.17 a.m.): I move—

> "That this Parliament expresses its concern at the conflict of interest arising out of the investments of Labor Holdings Pty Ltd and other Labor associated companies, calls on the Government to remove the State ALP Treasurer, Mr John Bird, from the board of the TAB and further calls on the Government to ensure that no Labor Party companies purchase shares in the TAB privatisation."

CRIMINAL CODE AMENDMENT BILL

Mr PAFF (Ipswich West—ONP) (10.17 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Criminal Code."

Motion agreed to.

First Reading

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

Second Reading

Mr PAFF (Ipswich West—ONP) (10.18 a.m.): I move—

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

I am proud to deliver this Queensland Criminal Code Amendment Bill today. It is another step towards a more balanced legal system.

Problems with the judicial system are many and varied and I doubt if there is one member in this House who has not experienced or had a constituent complain in relation to the unfairness of the system and the sometimes seeming lack of justice. Many times I have heard this complaint and have myself questioned the fairness of certain laws.

Section 29(2) of the Queensland Criminal Code is one such law. This section determines that children under 14 years who commit an illegal act or omission basically did not know that they ought not do the act or make the omission—in other words, did not know that what they were doing was wrong. It is up to the prosecution to prove that this is not the case and that the child certainly knew that what he or she was doing was not right.

This law is known as the doli incapax rule and has been under scrutiny for some time in Australia and overseas. It appears that there is general agreement that the doli incapax rule needs to be amended. How this occurs, however, is still debatable. The two most popular options are either to remove the doli incapax rule altogether or to simply reverse the presumption.

Judge McGuire, President of the Children's Court of Queensland, has for many years expressed discontent with the doli incapax rule in the Children's Court of Queensland annual reports. In his report for 1997-98, Judge McGuire goes into some of the arguments for and against the rule. It is clear that those against are based on realistic

and commonsense ideas and observations. I quote from this report, page 6—

> "The rule has come under severe criticism by academic writers and certain members of the judiciary. Laws J. who sat on the Divisional Court in the C case described the rule as 'unreal and contrary to commonsense'. Professor Glanville Williams in an article in (1954) Crim.L.R. 493 said:
>
> > 'Thus at the present day the "knowledge of wrong" test stands in the way not of punishment, but of educational treatment. It saves the child not from prison, transportation, or the gallows, but from the probation officer, the foster-parent or the approved school. The paradoxical result is that, the more warped the child's moral standards, the safer he is from the correctional treatment of the criminal law.' "

Judge McGuire goes into several other criticisms of the doli incapax rule, which all generally agree that either the rule needs to be abolished altogether or that it should remain but that the onus of proof should be reversed.

In 1996, the Connolly Criminal Code advisory working group recommended that section 29(2) of Queensland's Criminal Code be amended to reverse the presumption and put the onus of proof upon the accused. In 1990, the Review of Commonwealth Law Committee recommended that the "absence of awareness should rest on the child defendant." Judge McGuire himself recommends that the rule be amended so that the "evidential onus of proving the absence of awareness rests on the person charged".

The test of whether a child knew what was right or wrong is based upon the standards of ordinary people. The current law presumes that children of that age do not have the necessary knowledge. I believe it would be a difficult task to find a child aged 10 to 14 years who does not know the difference between right and wrong according to what the community would find reasonable, especially in a time when it is clear that the incidences of children, sometimes younger than 10, being involved in serious crime are definitely on the increase. If a child commits a crime, they should be held accountable for their actions. Yes, they deserve a fair trial and a presumption of innocence unless proven guilty, but if no action is taken simply because the victim is unable to prove that the child knew that they ought not to do the act, then that child walks away with no responsibility for their actions and no regard for the law.

The message the doli incapax rule sends to the community is not one of justice, nor is it one of responsibility. It also allows adults that use children for crime to escape having responsibility for their involvement and inhibits children in those circumstances from receiving help. There are far too many excuses and loopholes in the law that allow avoidance of criminal responsibility. It has to end. Victims having already suffered unfairly, through no fault of their own, require a legal system that reduces that suffering rather than enhancing it. Victims want and deserve justice. We all do. It is about time these excuses were no longer acceptable and the loopholes closed.

Today's society has rapidly become a society of too many rights, little responsibility and little justice. Children know what is right and wrong from an early age and they need to be held accountable for their actions. Simply because a child is between the age of 10 and 14 years should not mean that they can get away with committing a criminal act, and nor should they. This Bill amends this injustice. It turns it around. This Bill puts the onus on the child offender to prove that they did not know that what they were doing was wrong and it takes that burden of proof away from the victim.

This Bill is part of One Nation's continuing pursuit to introduce more fairness and responsibility into the judicial system. It is a good Bill, it is a necessary Bill and it is a Bill that the people of Queensland want and deserve. I commend this Bill to the House.

Debate, on motion of Mr Feldman, adjourned.

OFFICE OF THE INDEPENDENT MEMBER FOR GLADSTONE

Report of Expenses

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.25 a.m.): I lay upon the table a report of the expenses of the office of the Independent member for Gladstone.

PRIVATE MEMBERS' STATEMENTS

Cadmium in Peanuts

Hon. T. R. COOPER (Crows Nest—NPA) (10.25 a.m.): The Beattie Government's betrayal of Queensland's peanut industry and consumers has led to a doubling of the maximum allowable cadmium levels in peanuts by the Australia New Zealand Food Standards Council. The Beattie Government is

now obligated to help peanut farmers counter the threat of a flood of cheap, poor quality imported peanuts.

Queensland's position has been hopelessly compromised after the Beattie Government formally agreed to the increase in a letter to the Federal Government on 29 July last year. The inevitable impact of the Beattie Government's failure to maintain high standards for peanuts is an increase in cheap, poor quality imports. Our producers deserve some assistance to compete with the likes of the USA, which is currently considering nearly $17 billion in farm aid, $45m in direct income assistance for peanut producers and country-of-origin labelling for peanuts and peanut products.

The Minister for Primary Industries, Henry Palaszczuk, has a responsibility to ensure that our peanut farmers are well equipped to handle the fallout from his Government's ineptitude. The former coalition Government's defeat of an attempt to increase maximum allowable cadmium levels in 1997 was in stark contrast to the Beattie Government's failure to advocate consumers' interests. The coalition Government was so concerned about the implications for consumers that it threatened to withdraw from ANZFA.

This decision has proved that the Health Minister, Wendy Edmond, is not up to the task of advocating consumer interests around the food standards council table. The Beattie Government must now revoke its opposition to country-of-origin labelling. Mrs Edmond should also support calls to include details of cadmium contents in peanuts and peanut product labelling so that consumers are able to make an informed choice. The coalition demands that the Beattie Government provide a strategy to restore peanut growers' and consumers' confidence.

Australia sets high standards in terms of cadmium levels for peanuts of 0.05 milligrams per kilogram. The overseas standard is 0.1 milligram per kilogram. Other countries should be made to rise to our standard of health levels in our products and not drag Australia down to their level by flooding this country with cheap imports.

Mr P. Appleby

Mr WELLINGTON (Nicklin—IND) (10.27 a.m.): Yesterday, I spoke in this House in relation to a telephone conversation that I had with Paul Appleby, the chief executive officer of Gocorp. At 10.15 this morning, I spoke with a Mark Rudder, who informed me that he was an adviser to Gocorp. He advised me that the chief executive officer of Gocorp is no longer prepared to attend a meeting with members because of a concern about the media attention, which could result in a pre-empting of the inquiry process currently under way and that Gocorp is happy to meet privately with members of Parliament who are confused about Gocorp's involvement. Those were words that Mr Rudder was very specific that I should relay to the House this morning.

CSIRO Site, Indooroopilly

Mr BEANLAND (Indooroopilly—LP) (10.28 a.m.): The Government is proposing to establish a natural sciences precinct at Meiers Road, Long Pocket/Indooroopilly. The site comprises some 17 hectares and involves the Department of Natural Resources, the Department of Primary Industries, the CSIRO and the University of Queensland. Over a period of some of 20 years, it will employ some 1,200 people. No doubt because it is that type of establishment, this centre will grow and grow. So the number of 1,200 employees will no doubt increase substantially.

However, clearly the site is far too small for the proposal. Considering the long-term development that is proposed for this centre, involving many tens of millions of dollars, it is a very small site. Therefore, I ask and appeal to the Government to reconsider this matter. It is a proposal that has been on and off the agenda for quite a considerable period but in recent months has been considered seriously.

There are other sites available—some around the city and some perhaps not so close to the city—which would be more suitable. I believe that we have to consider the long-term potential of this site, considering that it is where some of the modern sciences are going to be studied. One of the issues involved in the site employing 1,200 people is the considerable increase in traffic that that number of people will create in the area and the problems that will flow from that. There is a residential area in this region of Long Pocket and once the traffic flow is doubled, trebled or quadrupled, the whole character and environment of the area will be changed dramatically.

I ask that Ministers, particularly the Minister for Natural Resources and the Minister for Primary Industries, and the Government as a whole reconsider this proposal and, instead, because of its long-term potential, consider placing the precinct somewhere that would be more suitable. The centre is going to grow and grow and there will be tens of millions of dollars

involved. It would be a shame to spend the money on that site and find that in another 10 or 20 years, the site is totally unsuitable.

Long Tan Day

Mr PEARCE (Fitzroy—ALP) (10.30 a.m.): Today is Long Tan Day, the day when Vietnam veterans, their families and the families of those who died in South Vietnam remember Australia's involvement in a conflict that split the nation. On this day, 18 August, in 1966 at approximately 1540 hours, 108 men of D Company, 6th Battalion, Royal Australian Regiment, found themselves in the single most dramatic and bloody battle of Australia's decade-long involvement in the Vietnam War. The Battle of Long Tan resulted in the deaths of 18 Australians and the wounding of another 24.

In a battle that caught the attention of the Australian, New Zealand and American people, 245 enemy soldiers were killed. In the midst of a monsoonal downpour, D Company survived continual frontal assaults of some 2,500 NVA and VC troops, who were highly motivated and committed to their cause. The battle was won through a well-trained and disciplined Australian force and a grim determination to fight it out when cornered. Supported by the accuracy of Australian, New Zealand and US army artillery, the courage of RAAF helicopter ammunition resupply and the eventual arrival of the armoured personnel carriers that advanced head on into the enemy forces.

Fifteen Commonwealth decorations were awarded to individual soldiers for their actions during the battle. D Company, 6th RAR, was awarded the Presidential Unit Citation by American President Lyndon B. Johnson.

Long Tan was significant in asserting the dominance of Australian forces in Phuoc Tuy Province. Today we remember the commitment and dedication of the Australian forces in South Vietnam. We remember those who did not come home, their loved ones, those who were wounded and those who suffer in silence because of their experiences. Lest we forget.

QUESTIONS WITHOUT NOTICE

Sharples v. O'Shea and Pauline Hanson

Mr BORBIDGE (10.32 a.m.): I refer the Attorney-General and Minister for Justice to this morning's decision in the Supreme Court by Justice Atkinson determining that the One Nation Party was not eligible to be registered under section 70 of the Electoral Act and speculation in the community about the consequences of that decision and, in effect, the validity of the 1998 general election.

Government members: Ha, ha!

Mr BORBIDGE: This is a serious question. The judgment has just been handed down. I ask the Attorney-General and Minister for Justice: is he now in a position to inform the House of any consequences of Justice Atkinson's decision?

Mr FOLEY: Earlier today, the Supreme Court made a decision in the case of Sharples v. O'Shea and Pauline Hanson as representative of herself and all members of Pauline Hanson's One Nation, as registered under the Electoral Act 1992. The findings in that case were, among other things, that at the time of seeking and being granted registration, the political party known as Pauline Hanson's One Nation did not have 500 members, although the evidence showed that there were more than 500 people who believed themselves to be members. The court found that the plaintiff, that is, Mr Sharples, had succeeded in establishing that the decision to register Pauline Hanson's One Nation was induced by fraud or misrepresentation.

I have not yet had the opportunity to read the full judgment. However, for the benefit of honourable members, I table a summary of the judgment that has been prepared by the Office of the Court Administrator of the Supreme Court and District Court. In that summary it makes it clear that the decision cannot affect the validity of the State election held on 13 June 1998.

The case raises some serious questions about the conduct of those persons identifying themselves as members of Pauline Hanson's One Nation and the full implications will obviously need to be the subject of more considered advice in the light of the judgment. However, the court found that there is a political party that was registered under the Commonwealth Electoral Act 1918 on 27 March 1999 and later sought and was granted registration under the Electoral Act 1992 in Queensland. From its constitution, the court found that it could be seen that this party was completely controlled by Ms Hanson, Mr Ettridge and Mr Oldfield and no other person. The court found that there were no other members and that those who controlled the party knew that it did not have 500 members and knew that it was not entitled to registration.

Those are very serious findings that plainly led the court to arrive at the conclusion that the decision to register Pauline Hanson's One Nation was induced by fraud or misrepresentation. There are flow-on effects of that in respect of electoral funding, parliamentary entitlements and so on. The summary of the material that I have been provided with thus far indicates that the decision cannot affect the validity of the State election held on 13 June 1998. I am happy to make available to the honourable member further and better particulars as they become available.

Gladstone Port Authority; Navari Pty Ltd

Mr BORBIDGE: I refer the acting Treasurer to the deal with the Gladstone Port Authority in 1994 by the Labor mates in the net bet scandal, via their own now infamous Navari vehicle, to purchase a lucrative warehouse lease in the port of Gladstone when his stood aside Treasurer was Transport Minister. I ask the acting Treasurer: is he aware of this deal? If so, when Navari sought the lease from the financially troubled former lessee, had the lease been surrendered to the Gladstone Port Authority and, if so, was it then advertised for sale or were tenders called? I ask the acting Treasurer: is he satisfied that all dealings involving the stood aside Treasurer and his Labor mates have been appropriate?

Mr BEATTIE: Today we hear the usual beat-up nonsense from the Leader of the Opposition. I thank him for his question, because it highlights the fact that through all of this my Government has been determined—absolutely determined—to do the right thing. If the Leader of the Opposition has any information of any kind that would suggest that anything has been done improperly or wrongly in relation to this matter, I invite him to do two things today. Firstly, I invite him to provide me with the material by 5 o'clock this afternoon. Secondly, I invite him independently to provide it directly to the CJC.

I am not aware of the circumstances to which he refers, but I expect the highest possible standards from all of my Ministers and my Government. If he has one tiny piece of evidence that would support in any way what he has said to the House this morning, I ask him to provide it to me by 5 o'clock. If he will not provide it to me by 5 o'clock—

Mr Borbidge: Are you going to make any inquiries yourself?

Mr BEATTIE: The challenge is on the Leader of the Opposition. We have exposed the bubble. He has come in here and thrown his usual grenade of deceit, dishonesty and beat up. He comes in here without one tiny piece of evidence. He comes in here and throws this nonsense around. What did I say to him? When I told him to put up or shut up, what did he do? He said, "No, I won't go to the CJC. No, I won't provide you with the evidence."

Mr BORBIDGE: I rise to a point of order. I did not say that I would not be going to the CJC.

Mr SPEAKER: We are not going to have a debate about this.

Mr BEATTIE: This is not a debate.

Mr BORBIDGE: I invited the Premier to accept some responsibility for his members.

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

Mr BEATTIE: My challenge to him today is this: provide me with any material by 5 o'clock this afternoon and he will have direct action on it. That is the first point. If he gives me material as opposed to his normal deceit and dishonesty, I will act on it. Secondly—and more to the point—if he has material, he should go to the CJC or the Auditor-General. He has an obligation to do so.

Mr Borbidge: And you'll do nothing.

Mr BEATTIE: I will act decisively if he gives me material rather than just coming in here and putting forward dishonest nonsense.

One Nation

Mr SULLIVAN: I ask the Premier: what are some of the ramifications of the Supreme Court decision in relation to One Nation?

Mr BEATTIE: As the Attorney has indicated, we have had a summary from the Office of the Court Administrator of the Supreme Court of the decision by the Supreme Court in relation to One Nation.

Government members: They've all gone.

Mr BEATTIE: I did not know that I could clear the back of this House so quickly by rising to my feet. I gave a commitment that by the end of this term we would get rid of One Nation, and we have. They have gone.

There are two important issues here. In relation to the summary from the Supreme Court, which the Attorney has tabled, that decision cannot affect the validity of the State election held on 30 June 1998. The court found that the plaintiff had succeeded in establishing that the registration of Pauline Hanson's One Nation was induced by fraud or

misrepresentation. Those are very serious issues, which I know will be taken seriously not only by all members of this Parliament but also by the community.

These are important and weighty matters, and I have asked the Attorney to brief the Government on them. For example, what ramifications does this decision have on issues such as public funding? Mr Speaker, you would be aware that, under the public funding rules, after the last election significant funds were allocated to One Nation. Based on this court decision, the issues are as follows. Should this money be repaid? For example, does it mean that the individuals may be able to claim that money? It may well be that the five former members of One Nation who resigned may seek to claim this money. These are serious issues on which I will be seeking the advice of the Attorney, and they will obviously need consideration, as will other resource issues.

We are now confronted with an extraordinary set of circumstances. We have to consider this decision of the Supreme Court. The people of Queensland need to be confident that it does not affect the result of the State election. The good government by this can-do Government will continue. I assure the people of Queensland that stability will continue. However, weighty issues need to be considered in terms of public funding and other legal ramifications. We will examine those issues in detail and we will keep the community fully informed.

Gocorp

Mr JOHNSON: I direct a question to the Minister for Transport, who not unlike One Nation has also left the Chamber. Since he has now returned to the Chamber, I refer him to dealings between the net bet Labor mates and the Gladstone Port Authority when the stood down Treasurer was Transport Minister, and I ask: has he been briefed on this deal by the then chairman of the Gladstone Port Authority, Labor mate and Labor candidate, Leo Zussino? Was any member of the Gladstone Port Authority involved in or associated with the sale to Navari? Can he confirm that this transaction proceeded with appropriate tendering or offers of sale?

Mr BREDHAUER: The simple answer to the member's question is: no, I have not been briefed on that issue. The matter occurred some four years before I was the Transport Minister.

Mr Grice: Ah, you know about it.

Mr BREDHAUER: It was mentioned by the Leader of the Opposition in his question that the matter occurred in 1994.

Mr Schwarten: You don't need to be a Rhodes scholar to work that out.

Mr BREDHAUER: You do not even have to be a teacher to work that out.

The Leader of the Opposition said the matter occurred in 1994. The member opposite should know that I was not the Minister for Transport and Minister for Main Roads until 29 June 1998.

TAB Privatisation

Mr PURCELL: I refer the Premier to the Government's sale of the TABQ, and I ask: what restrictions will be placed on participation in the forthcoming TAB float, particularly in relation to Government members, their advisers and families, and how will those restrictions be achieved?

Mr BEATTIE: Let us speak about probity and due process for a moment. Unlike the previous coalition Government's approach to the sale of Suncorp-Metway, my Government has appointed a probity auditor to oversee the sale of the TAB. The probity auditor is Deloitte Touche Tohmatsu—one of the big five Australian accountancy firms. It was the firm chosen as probity auditor for the sale of the New South Wales TAB and it has recently been appointed as probity auditor for the second stage of the Federal Government's sale of Telstra.

The sale of the Queensland TAB will be conducted in a manner that is beyond reproach. Deloittes has developed detailed probity guidelines and is monitoring compliance with those guidelines. It will review the appointment of all consultants and brokers and examine potential cornerstone investors. Deloittes will also review the TAB share allocation process and will check for any possible conflicts of interest.

On Monday I announced that Cabinet decided to ban Queensland Government Ministers and all other Government members, their families and ministerial staff from participating in the TAB float—a position endorsed by the ALP caucus on Monday. I note that the Leader of the Opposition is not taking a similar line with his members, some of whom already hold interests in companies such as Jupiters Limited and Mr Kerry Packer's Publishing and Broadcasting Limited.

I draw the attention of the House also to my Government's decision to exclude Labor

Holdings from being allocated shares in the TAB float. That has nothing to do with who is in power. It has everything to do with public perception and a clear demonstration that politicians or those associated with them will not seek to benefit in any way from processes that involve the Government. In my view, all political parties should be banned from the process.

The probity guidelines set by my Government also bar members of the TAB steering committee and TAB project team, senior members of the Treasury and other Government officers directly involved in the offer from participating in the offer. These restrictions will be achieved through the Government's ability to determine criteria for the allocations of shares in the float process. It will not be through legislation, it will be through the allocation of shares. In this regard the Government can exclude any person or entity on the grounds of a potential or perceived conflict of interest. This would include entities such as Labor Holdings, which would be excluded. Let me make it clear: Labor Holdings will not be allocated shares in this float. No special legislation is required to exclude such parties from participating; all that is required is a commitment to integrity and due process.

I also advise the House that the Minister for Tourism, Sport and Racing and I have written to the chairman of the TAB in relation to Mr John Bird's position as a member of the board of TABQ Limited and as the chairman of Labor Holdings. A number of issues have been raised with him. I will be setting out the details of that tonight in the debate on the 6 o'clock motion. We have made it absolutely clear that there will be no conflict of interest.

Gocorp

Dr WATSON: I refer the acting Treasurer to his decision to stop Labor mates in Navari reaping a windfall profit from the Gocorp net bet licence, and I ask: why has he also prevented Topki Holdings from having any further association with Gocorp? Does this indicate that there are more Labor mates involved with Topki Holdings and, if so, who were they?

Mr BEATTIE: As the Leader of the Liberal Party would recall—if my memory serves me correctly, I am sure I told the House this yesterday, but it was an extensive debate so I may not have—I told the House yesterday that Topki had, in fact, withdrawn totally. It is no longer interested in being in Gocorp. It has sold its shares and has gotten out. It has no involvement at all. If my memory serves me correctly—

Dr Watson: Why?

Mr BEATTIE: Let me tell the honourable member. If my memory serves me correctly, there were 40 superannuation schemes involved. One of them involved the D'Arcy—

Mr Horan: Who leaned on them and why?

Mr BEATTIE: Does the honourable member want to be rude or does he want to hear the answer? I am trying to answer the question, so he should not be a cheap fool.

What happened was this: there were 40 superannuation funds. One of them included, if I recall correctly, one of the D'Arcy superannuation funds or the fund, but they have collectively all decided to withdraw. Topki is gone. So there is not an issue there. Notwithstanding that, the legislation that we approved last night has taken out Topki, anyhow. It has been removed. Topki went of its own free will, but the legislation ensured that it went and did not return. We have behaved appropriately.

In addition to all of that, I yesterday wrote to Gerard Bradley in relation to matters that were raised in the House in relation to Rodney David Hegarty, and under section 56 of the Act I have asked for certain matters to be examined. I simply advise the House that as the Minister—the acting Treasurer—I have certain powers under that Act. I have referred the issues that the member opposite raised in this House yesterday directly to the head of Treasury, who will pass them on to the Office of Gaming Regulation. I have given certain directions in accordance with section 56 of the Act.

I do not know whether what the member raised yesterday is true or not, but I have acted decisively. I have taken it at face value. As I said, I do not know whether it is accurate or not. I have taken it at face value. I have referred it under section 56 directly to the Office of Gaming Regulation for extra probity issues to be pursued. I have done it under that section of the Act, and I inform the House accordingly.

There are a number of things, nevertheless, that I think need to be raised in relation to this general issue which have nothing to do with this. I have to say that it was with some interest that I saw in the Townsville Bulletin today that there is a preselection battle going on in the National Party. Where is Robbie Mitchell?

Mr Mitchell: Up here, mate.

Mr BEATTIE: He is up there. I see that Shane Knuth, who is the brother of the leader of the new Country Party, is in fact challenging him for National Party preselection in Charters Towers.

So what we have here is a conflict. Not only has the Supreme Court decided that One Nation was not properly registered, we have a factional brawl going on between the Country Party and the National Party, and we have a brawl within the National Party: the Knuths are taking over the National Party. I do not know whether to wish the member well or not.

Time expired.

Investment in Queensland

Mr HAYWARD: I ask the Minister for State Development and Minister for Trade: can he inform the House of any further developments regarding attracting investment to Queensland?

Mr ELDER: I thank the member for his question. We as a Government are continuing in our efforts to attract new investment to the State and also to maintain the businesses that we have in Queensland. Recently I informed the House of successes that this Government has delivered in that area. On the technology side, the giant computer company IBM, software providers Indus and Saville Systems, and the global banking system Citibank have all established regional facilities in this State. On the industry side, there is Greyhound Pioneer, Mills-Tui has established manufacturing facilities and National Foods at Crestmead will be opening a $26m plant shortly.

There are a number of reasons for the attraction of these businesses. It is not just the hundreds of jobs that they will create but, more importantly, the multiplier impact that they will have—the flow-on impacts—in other employment sectors, in other industry sectors. The attraction of these businesses also shows the Government's drive to partner business in furthering not only their direct enterprise but also the State's advancement in job generation.

Since we came to Government in June 1998, the Beattie Government has generated over 45,000 new jobs. More importantly, though, 80% of those jobs are full-time positions. Recently the chamber of commerce noted that employment levels in the State will continue to see job generation growth during the coming quarter—all of this in a climate that this Government has precipitated and all of this in a climate that this Government has generated through economic growth and economic development.

I might say that I have been disappointed with the Federal Government because it seems to want to intervene and play favourites. The Queensland Government was holding talks with the Newcastle-based Impulse Airlines about locating a call centre and a maintenance facility for its new no-frills operation into this State. While talks with Impulse were progressing rather well, the Federal Government intervened and outlaid $2.5m in Federal grants, which ensures only around 70 jobs, so that Impulse set up its headquarters in New South Wales, in Newcastle. I know that Newcastle has its problems with the shutdown of BHP and I am not saying that Newcastle is not deserving—

Mr Gibbs: And the retirement of the Chief.

Mr ELDER: And the retirement of the Chief. But Newcastle is no different from a whole range of other regional areas in Australia, particularly here in Queensland. I do not see much difference between the impacts of unemployment in the Newcastle area and the Wide Bay area, for instance. If the Federal Government is going to intervene and provide funds in the market to locate businesses in the areas that have that unemployment disadvantage, then quite clearly it should be intervening to assist us in Queensland in locating similar industries in areas such as Wide Bay where there is high unemployment and high youth unemployment. The Federal Government is not playing it fairly.

Time expired.

Gocorp

Mr SPRINGBORG: I refer the acting Treasurer to the disgraceful attempts of his stood aside Treasurer yesterday to blame public servants for his flawed decision on the Gocorp Internet gambling licence, and I ask again the question that he refused to answer yesterday: did he or the member for Ipswich or any member of his ministerial staff issue any instructions or directions to the Under Treasurer, Mr Bradley, the Deputy Under Treasurer, Mr Gray, the Executive Director of the Office of Gaming Regulation, Mr David Ford, or any other officer of the Treasury regarding the issuing of the Gocorp licence?

Mr BEATTIE: Let me be very specific about this. As I made clear in my responses last night and as I have made very clear to the Parliament, the answer to that question is: no. Does the member understand that? I have

made it very clear in relation to my behaviour in this matter that the answer to that is: no. I have made that very clear. What has been on the public record and what—

An Opposition member: You didn't say it yesterday.

Mr BEATTIE: I have already set out publicly in the context of what I am responding to today all of the things in which I have been involved regarding this issue. I gave certain responses yesterday. They are complete. What I also said yesterday—and the member should listen to this—is that this is a matter for the Auditor-General. I have told the member that all of the material in my office, all of the circumstances surrounding this, any detail of any involvement that I have had in this matter in any circumstances at all has been provided to the Auditor-General—every tiny bit. I indicated to the House yesterday that I have provided a detailed letter to the Auditor-General in relation to my total involvement in this matter from beginning to end. He has all the material.

It is not a matter for the member opposite or for this Parliament at this point to deal with this issue; it is entirely a matter for the Auditor-General. My answer to the member is this: all of the material, all the responses that are needed from me—my answer is in relation to myself—have gone directly to the Auditor-General. That is the end of the story. We have acted properly. The member raised matters in the House yesterday in relation to the Philippines. I suspect it is a beat up. Nevertheless, because I am absolutely determined that we will act properly in this matter, I wrote to Gerard Bradley yesterday and I will read the letter to the member. It states—

> "Interactive Gambling (Player Protection) Act 1998
>
> Certain assertions were made in Parliament today against the business integrity of Mr Rodney David Hegarty, a current shareholder in Navari Pty Ltd ('Navari'). As you are aware Navari is a shareholder in Gocorp Limited ('Gocorp'), an interactive gambling licence holder under the Act. As a result of Navari's current level of shareholding in Gocorp, I believe that Navari's shareholders are business associates of Gocorp and are associated with the ownership of Gocorp.
>
> The assertions made against Mr Hegarty are such that I believe there is a reasonable suspicion that he should no longer be associated with Gocorp. In addition, in view of the small number of shareholders of Navari I believe that these other shareholders may have similar business interests to Mr Hegarty. Accordingly, reasonable grounds exist to suspect that they also may not be suitable persons to be associated with Gocorp.
>
> In accordance with section 56 of the Act, I request that you undertake investigations into Mr Hegarty, and the other shareholders of Navari, to the extent that such investigations have not already been undertaken, to determine whether these shareholders are no longer suitable persons to be associated with Gocorp."

I cannot do any more than that. That is the power that I have as acting Treasurer under section 56. I have referred the issues that the member raised in the Parliament yesterday. As I said, I have doubts as to their validity but, nevertheless, I have done the appropriate and proper thing in this matter. I will continue to do so.

Gold Coast Hospital

Mr MICKEL: I direct a question to the Honourable the Minister for Health. I understand that the Gold Coast City Council is giving $18,000 to the Help Our Hospital campaign on the Gold Coast, a campaign estimated to cost $28,000, and I ask: what is the purpose of this funding and what will it achieve?

Mrs EDMOND: I thank the member, one of our members closest to the Gold Coast, for the question, because this whole exercise has now been exposed as nothing but a political stunt. I guess we knew that all along, but now we have been told that by one of the perpetrators. They should hang their heads in shame. The Gold Coast Sun of 4 August states—

> "Dr Radford"—

that is, the committee's chairperson—

> "said she believed the report, which would take about 10 weeks to complete, would be a 'bombshell document' which the Opposition would 'use to the full' in Parliament."

There we have it. That is what this is all about. Nothing could be more blatant than that. Dr Radford knows the result of the so-called independent inquiry before it even starts. There is not even a pretence that this so-called independent report will be fair dinkum. It is just doing the Opposition's dirty work. It has come out and said it now. I hope the company

involved does not get caught up in this shonky exercise. I hope it reconsiders its position—

Miss SIMPSON: Mr Speaker, I rise to a point of order. Perhaps the Minister would like to have an independent inquiry rather than getting her bureaucrats to write the answers for her.

Mr SPEAKER: Order! That is no point of order. Resume your seat.

Miss SIMPSON: I challenge the Minister to have an independent inquiry into the Gold Coast—

Mr SPEAKER: Order! Resume your seat!

Mrs EDMOND: I hope that the Gold Coast ratepayers will voice their concerns at their money being spent in this most inappropriate way. Why are those people who represent the Gold Coast not out there speaking up for the ratepayers and stopping this appalling waste of funding?

This stunt is an insult to the senior medical, nursing and all other staff at the Gold Coast Hospital who put time and effort into the task force chaired by Dr John Youngman. That review—the real one—was initiated by this Government. We did not waste money on it. We did it within resources and with the experts on the Gold Coast—the people those opposite continue to insult.

We faced up to that report. We have always known that the hospital was under pressure. Unlike the previous Government, which said that the hospital did not deserve any extra funding, we recognised that it was under pressure and put in $2.5m of growth funding—the most received by any hospital in this State—compared with $750,000 over two years from the coalition. We will be spending $21m a year on public health services at the new Robina Hospital.

What did the Youngman report achieve? Already it has meant an extra general surgeon, an extra full-time paediatrician, an extra orthopaedic surgeon, two extra emergency physicians, extra physiotherapy and allied health, extra nursing staff and extra security staff. What is the Radford report hoping to achieve? I refer to a letter I received from a Mr H, who recently used the Gold Coast Hospital. He said that, after all the beat up, he was surprised. He said—

> "I found it all up to the standard of any health care facilities I have accessed anywhere else in the world—perhaps even better."

Time expired.

Gocorp

Mr LAMING: I refer the Minister for Public Works and Minister for Housing to the business affairs of his senior adviser and former member for Ipswich West, Mr Don Livingstone, and the requirements of ministerial staff to declare their business interests to the Minister, and I ask: did Mr Livingstone ever give him such a declaration; did he ever read this declaration; did he ever seek clarification from Mr Livingstone about his interests in Navari Pty Ltd, Gocorp Pty Ltd or its Internet gaming licence application; did he ever discuss or raise this matter with the Treasurer, the Office of Gaming Regulation, the Under Treasurer, the Director-General of the Department of the Premier and Cabinet, the Premier or his staff; and, finally, did he ever discuss this matter with his factional colleague, staffer and close personal friend Mr Livingstone and, if not, why not?

Mr SCHWARTEN: When I became aware of this issue I immediately took appropriate action and had Mr Livingstone stand down. Mr Livingstone's pecuniary interests register has been forwarded to the Auditor-General. That review is, as we know from what the Premier has stated in the House, under way. I suggest we await the outcome of that.

Electricity Industry

Mr ROBERTS: My question is directed to the Minister for Mines and Energy. There has been comment in the press recently about dividends that were levied on Government owned electricity distribution corporations. Can the Minister enlighten the House about the facts in relation to these dividends?

Mr McGRADY: I thank the member for the question. The electricity industry, like most successful industries, makes profits. After all the expenses are paid, those profits are distributed to the shareholders by way of dividends. In Government owned corporations, these dividends are given to the taxpayers of Queensland, who in turn use them to build schools, hospitals and roads and to pay the salaries of teachers, nurses and everybody else.

In the last session of Parliament, documents which were quoted from apparently showed that some terrible crime had been committed by the Government. In subsequent media releases the Opposition went up and down the State accusing us of being greedy, of placing the industry at risk and, indeed, of raiding the industry's profits. Naturally, I believed that the Opposition would be lily

white, that it would be pure. So what did I do? I checked on what the Borbidge Government did. I had a look at the Mackay Electricity Board. Honourable members will remember that we took out 95%, so I thought maybe the coalition would have taken 80%. Was I right?

Government members: No.

Mr McGRADY: Maybe 85%?

Government members: No.

Mr McGRADY: Maybe 90%?

Government members: No.

Mr McGRADY: Maybe 95%?

Government members: No.

Mr McGRADY: What did it take? 100%! I went a bit further down the coast and had a look at the Capricornia board. Did it take 80%?

Government members: No.

Mr McGRADY: Ninety per cent?

Government members: No.

Mr McGRADY: Ninety-nine per cent?

Government members: No.

Mr McGRADY: It was 100%. Then I looked at South West Power. Was it 80%?

Government members: No.

Mr McGRADY: Was it 100%? No. How about 105%? I inform the House that it took 107%. The daddy of the whole lot was here in Brisbane. Let us look at Energex. Was it 80%? Was it 90%? Was it 110%? I will tell the House what it was. It was 115%! Not only did the coalition raid the dividends; it also broke into the reserves. The accusations I referred to earlier come from the greatest mob of hypocrites this State has ever seen. We were accused of being greedy. If we were greedy, then those opposite were out and out gluttons.

Gocorp

Mr SANTORO: I refer the Minister for Public Works and Minister for Housing to the controversial involvement of Labor mate and now-suspended policy adviser Mr Don Livingstone in the so-called net bet affair, and I ask: did Mr Livingstone disclose to him his involvement and that of the member for Woodridge in the Gocorp application; was the Minister or any related person approached to become a shareholder in any company connected with Gocorp; and is the Minister aware of any other staff member in his office who was approached or who intended to become involved?

Mr SCHWARTEN: I have already answered that question.

Police Resources

Mrs NITA CUNNINGHAM: I ask the Minister for Police and Corrective Services: considering the massive increase in police numbers Queensland has experienced in the past 12 months, can he tell the House what impact this has had on police to population numbers?

Mr BARTON: The member takes a great interest in policing issues in her electorate of Bundaberg. In terms of increased police numbers in Bundaberg, I am happy to be able to advise her that there has been an improvement in the police to population ratio in that city.

Firstly, I would like to point out how, from the Opposition's perspective, its view seems to change depending on where it is on the significance of police to population ratios. On 11 October 1996, the former Minister, Russell Cooper, said this in reply to a question on notice—

> "It is the Government's view that police to population ratios are valuable indicators of policing requirements ..."

But a year later, when police to population ratios steadfastly remained the same under him and were not improving, the member for Crows Nest changed his mind on the importance of these ratios. He said this in reply to another question on notice on 7 October 1997—

> "The police to population ratios have limited value as a measure of the effectiveness of delivery of policing services."

I happen to agree with the member for Crows Nest on that point—on his second assessment—but not for the same reasons, as I will make clear.

Some areas of the State, such as Longreach and Charleville, have very good police to population ratios—well below the State's average. However, these ratios do not take into account the vast distances that police have to cover in those areas, so it is not a question of comparing apples with apples. Police to population ratios are an indicator of police strength, but they are not the complete and only indicator, because they do not take into account all factors that have an impact on policing. The good news about police to population ratios is that during the first year of the Beattie Labor Government they dropped by a full 17 points to 1:490, the largest drop in the ratios since the Goss Labor Government.

Queensland no longer has the worst police to population ratio in Australia. That

dubious honour goes to Jeff Kennett in Victoria, whose ratio has increased to 1:500. We are now within striking distance of New South Wales' ratio of 1:477. In fact, police predict that, next year, the ratio should drop to 1:478 and, by the next election in 2001, Queensland's police to population ratio should be below the national average. By 2005, after the Beattie Government's massive increase in police numbers, the ratio will drop to 1:432. The bottom line is that the ratio is improving. There is more to be done, and we are doing it.

Naming of Labor Backbencher

Mr PAFF: I refer the Premier to a statement on ABC Radio by John Taylor in a program on 28 July about the naming of a Labor backbencher on sex charges. Mr Taylor said that the only people to publicly name the MP since he was charged have been Scott Balson and Premier Peter Beattie. I ask: can the Premier advise the House whether this statement is true?

Mr BEATTIE: I did not hear the report, and I am not quite certain of the circumstances. But if I take at face value what the member has said to be true—which I am always happy to do because I am a nice guy—it seems to me that we are talking about a point in time in all this. There was, as members would know, some reporting about the naming of the individual prior to charges being laid. At a news conference—and this is well publicised; there is nothing secret about any of this—I was hounded. In fact, I was hounded over a number of days by members of the press gallery who were asking me questions. And if I recall correctly, in those questions they were naming the individual. On one occasion I did respond using the individual's name, but that was well before the charging. As I understand the law, and as I understand the circumstances, there was no breach of the law at that time. In fact, there was no breach of the law full stop.

I understand the sensitivities of One Nation in this instance. These are not matters that I can deal with, because there are proper proceedings in another place and I cannot comment on them. But let me assure the member that what I did at the time was not a breach of the law, nor was it illegal. It was in accordance with the circumstances and the law at that time.

Mr Mackenroth: He shouldn't be worried about it, because the bloke that does the home pages is not really a member of One Nation.

Mr BEATTIE: That is my concern. I was actually going to mention that. I would have thought that the honourable member for Ipswich West would be the one with the problem today. Is he in a properly registered political party, or is he not? Indeed, the issue out of the decision that I think would be of great concern to him is that, in fact, the court found that the plaintiff had succeeded in establishing that the decision to register Pauline Hanson's One Nation was induced by fraud or misrepresentation. That is a matter of great concern. The court found that, at the time of seeking and being granted registration, the political party known as Pauline Hanson's One Nation Party did not have 500 members, although the evidence showed that there were more than 500—

Mr PAFF: I rise to a point of order. I asked a question of the Premier relative to another matter.

Mr SPEAKER: Order! There is no point of order. The Premier can answer as he sees fit.

Mr BEATTIE: I have actually answered the member's question fully, properly and in detail, but I am moving onto a matter that I know is close to his heart. Is he in One Nation, or is he not? The real issue is: is he a member of a properly constituted, registered political party, or not? I am concerned about this issue.

Mr PAFF: I rise to a point of order. There is a High Court decision in regard to that matter, and the Premier is aware of it, too.

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

Time expired.

Conondale Bridge

Mr WELLINGTON: I direct a question to the Minister for Main Roads. In February this year, the Conondale community in the hinterland of my electorate was isolated as a result of flood damage to their bridge on the Conondale to Kenilworth road. Unfortunately, the temporary crossing which was constructed has proved unsatisfactory because, every time it has rained the crossing has flooded, isolating Conondale. I ask: will the Minister recognise claims for compensation and damages which many of my constituents have suffered as a result of his department's failure to provide a reliable alternative access to the people of Conondale, and when will the bridge be repaired?

Mr BREDHAUER: I have to say that the issue of the repair of the Conondale bridge over the Mary River has been a bit of a saga

this year. I have to admit that to the member for Nicklin. It was damaged by floods in early February, and we attempted to build a temporary access. It was first brought to my attention at the Community Cabinet meeting in Caboolture in February. I have received many letters about the bridge, and there have been a lot of newspaper articles about it.

My departmental officers moved as quickly as they could to try to put in place a temporary access. We actually managed to put in a temporary access about two weeks after the bridge was washed away. We had the problem that the bridge was affected by the flooding, but there was actually damage to the riverbed which affected the foundations for the piers, so we had to undertake drilling to see if we could find foundations for the piers. We managed to get in a temporary access about a fortnight after the bridge was damaged. But as the member says, every time it has rained since—and it has been a very wet year on the Sunshine Coast so far—we have had a problem with that access and people in Conondale have been affected. I feel very sorry for those people.

In terms of compensation, it is not regular practice for the Department of Main Roads to pay compensation in those circumstances. I am happy to talk to the community and to the member about the issues, but it is not normal, and I would not like to set a precedent there that could have a significant impact on the budget.

We expect the bridge repairs to be completed by the end of the month. There is a piling contractor there now who is due to be finished by the end of this week. We have spent a little over half a million dollars on repairs to that bridge. If the piling contractor gets finished on time by the end of this week we can get onto the bridge decking work, which we expect the Department of Main Roads would be able to do by the end of the month. So, weather permitting, I expect that we will have the repairs completed there by the end of this month.

In terms of compensation issues—that bridge has been regularly inundated during heavy wet seasons over years and years and years. Earlier this year, the Premier made a call to the Prime Minister for a joint State/Commonwealth fund to upgrade infrastructure such as that bridge. I think it would be a much better service to communities such as Conondale if the Commonwealth through the Prime Minister would come to the party on those kinds of issues so that we could upgrade the kind of infrastructure that is affected by this sort of inundation and improve the flood immunity rather than going back time after time after time. Little Yabba Creek is a classic example. Every time the bridge at Little Yabba Creek washes away, they go back and put in a bridge at the very level from which it washed away the last time, and the next time it rains it washes away again. So we expect the repairs to be completed by the end of the month.

Time expired.

Charters Towers Fire Station

Mr MITCHELL: My question is directed to the Minister for Emergency Services. I refer to the Minister's pre-election promises to the Queensland Fire and Rescue Authority that no jobs would be lost under the Labor Government. I ask: can the Minister confirm or deny that her Government has given the Charters Towers Fire Station only 24 hours to justify why it should not be downgraded from a primary response station to a full auxiliary station? Can the Minister also confirm whether this downgrading includes cutting staff levels from the existing three officers to one station officer who would only perform community liaison roles?

Mrs ROSE: The Queensland Fire and Rescue Authority is always looking at ways of ensuring that we provide the best resources and staffing levels to the people of Queensland. Of course, the authority is always reviewing and evaluating staffing numbers and resources. With regard to the Charters Towers Fire Station—I am happy to obtain further information for the member about staff levels at that station and what is planned for the future. I am happy to organise for consultation to take place with the member. I will get back to him.

Child Care

Ms STRUTHERS: My question is directed to the Minister for Families, Youth and Community Care. I refer to the release of a survey by the Queensland Child Care Coalition yesterday which outlined the current crisis facing child care in Queensland as a result of Federal Government cutbacks. Can the Minister outline the problems facing Queensland's child care industry as a result of the Howard Government-induced child care crisis?

Ms BLIGH: I thank the member for her question and for her ongoing interest in child care in Queensland. The Queensland Child Care Coalition should be congratulated on the

report that it brought down yesterday. The report confirms our worst fears for the child care sector in Queensland. The report shows that more than 7,000 families can no longer afford to place their children with formal, licensed care providers.

John Howard and his Government ripped out more than $830m from the child care sector in Australia. This represents an 11% drop in Commonwealth funding to long day care since 1996—all of this in pursuit of a $5.4 billion surplus which John Howard obviously regards as more important than children and families. This action was supported by members opposite.

The cuts have included the removal of operational subsidies to community-based child care centres and the freezing of child care assistance to families at 1995 levels. The gap between fees and rebates has grown and grown. John Howard and his Government have walked away from child care. They have walked away from families in Queensland and across Australia. Child care fees are now rising faster than the rate of inflation. Understandably, the sector is reeling. There are major viability issues for child care services in every electorate in Queensland.

There are 1,044 child care centres in Queensland. It is a major industry which is important to families. It is also a major small business. It is an employment generator and a facilitator of employment. It employs more than 40,000 people. The 1997 census showed that almost 300,000 children are in formal care in Queensland. Mr Howard's actions clearly affect the lives of many families and communities.

Departmental data, however, shows that in the last financial year 36 child care centres in Queensland closed. The data also shows that another 28 centres are experiencing viability problems and face closure. The closure of 36 child care centres in the last 12 months represents the closure of one centre almost every 10 days.

School age care services are also facing problems. The Howard Government has not only walked away from families; it has walked away from significant small business right across the State. So much for family values! So much for the party of small business!

What has the Queensland Government done? Queensland is one of the few States in Australia that is contributing funding to assist the child care sector. We have not walked away. We have allocated an extra $14m over four years to the child care budget. This represents a 40% increase in our contribution. The Queensland Government has just allocated the first round of funds to 169 services. We expect to advertise the second round within weeks. I am confident that the demand will be equally high.

The Queensland Government has also put in place the Child Care Industry Forum. In the coming weeks Cabinet will be considering a five-year strategic plan. This plan will lay the foundation for some security and some stability in this industry, which has had the guts ripped out of it by the Howard Government.

Royal Brisbane Hospital

Miss SIMPSON: My question is directed to the Minister for Health. Given that the Minister has appointed three $180,000-a-year hatchet men to the new zonal manager roles in Queensland Health, and given that she is committed to increasing the wages of the State's high-flying fat cats while the more lowly paid workers in the wards, laundries and the kitchens are given their marching orders, I ask: how many jobs is the Minister planning to slash at the Royal Brisbane Hospital?

Mrs EDMOND: It is very easy to answer the question. I am proud to report to the House that the redevelopment of the Royal Brisbane Hospital is on track, is ahead of time, and is on budget. That means that we are changing services.

Opposition members interjected.

Mr SPEAKER: Order! Honourable members will allow the Minister to answer the question.

Mrs EDMOND: No jobs are going.

Miss Simpson: No jobs are going?

Mrs EDMOND: No jobs are going. Last Friday I was delighted to be at the Royal Brisbane Hospital for the topping off ceremony on the last concrete pour on the central block of the hospital. The redevelopment is ahead of schedule because, unlike those opposite, this Government did not have capital works freezes for six months. We did not close down the shop while we talked about it because of ideological problems. We got on with the job as we said we would. We have the redevelopment of the major hospitals back on track. The capital works funds are being fully spent—not $80m underspent. All the jobs are being created when they should be created. Isn't that a success story? Don't those opposite hate it?

Miss SIMPSON: I rise to a point of order. The Minister is misleading the House. The Government is closing two theatres, two wards

and sacking cooks. Jobs are going. How many jobs are going from Royal Brisbane Hospital?

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

Mrs EDMOND: Those opposite would have us change nothing until the day before we move into the new hospital. What a ridiculous situation! This has to go on in a staged, gradual, planned way. That is what is happening.

Miss Simpson: So no jobs are going?

Mrs EDMOND: No. I said that at the beginning. Why doesn't the member listen? This Government is building new hospitals where the people live. We are changing tired old hospitals into brand new, modern facilities—things that those opposite would not do in 32 years. For 32 years the coalition allowed the hospitals to stand there and rot. This Government has set up the program and we are going ahead with it. We are building new hospitals at Caboolture, Redlands, Redcliffe and Logan. That is where people live. Of course, it will mean changes at Royal Brisbane Hospital in a planned and regular way. This was going to happen no matter who was in Government. To say that we should leave it until the night before the new hospital is finished and then make the changes is plain ridiculous.

Liquor Laws

Mrs LAVARCH: My question is directed to the Minister for Tourism, Sport and Racing. Would the Minister comment on claims that the Government's independent review of the Liquor Act was biased and, in particular, comments by the Chair of the Australian Competition and Consumer Commission, Allan Fels, that Queensland's liquor laws are clearly anti-competitive?

Mr GIBBS: I was amazed when I read the Courier-Mail on Tuesday to see that the Chair of the Australian Competition and Consumer Commission, Mr Fels, said this—

> "I was rather surprised at the conclusion. The present laws are clearly anti-competitive. Liquor regulations seem to serve 'the interests of the liquor industry rather than the public'. There would have to be a strong social justification for the continued restrictions."

That is an amazing statement from a person who has not even seen the report. I have not yet taken this report to Cabinet. The Premier has not even seen the report. The report has not been tabled in this Parliament. Fels has absolutely no idea of what is contained in the report. Of course, it is in stark contrast to his own guidelines, which state—

> "However, in some cases the operation of the market under free competition:
>
> (a) may not lead to the most efficient outcome due to special characteristics of the market in question; or
>
> (b) may not meet a social or economic policy objective.
>
> Where either of these situations exist, there may be a justifiable rationale for Governments' intervening in the market's operations to remedy the problem. In some cases, the only form of effective intervention may take the form of regulation which restricts competition."

I have the utmost confidence in the three people who conducted this independent inquiry on behalf of the Government. I reject absolutely the assertions by some from the retailing markets—Woolworths and Coles—that in some way the chairman of the review had a conflict of interest. This person has served honourably in the restaurant profession in this State over a large number of years, is well regarded in that profession, and has a knowledge of the liquor industry. I reject the comments that Mr Fels made on Tuesday.

PRIVILEGE

Gladstone Port Authority Lease; Navari Pty Ltd

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (11.30 a.m.): I rise on a matter of privilege suddenly arising. During question time this morning, certain allegations were made in respect of a lease at the Gladstone Port Authority. I have had preliminary advice from my department, which I would like to share with the House and assure honourable members on all sides of the House that I will be seeking a more detailed advice. The preliminary advice indicates that the lease changed hands from Skipper Nominees Pty Ltd to Navari Pty Ltd in December 1994. That was the result of a commercial arrangement where Skipper Nominees had decided to divest themselves of their interest in the lease and it had been purchased by Navari.

There was also an intention to change the purpose of the lease and, as it is on port authority land, that required the approval of the port authority and the Minister. It was

being changed from mineral products, which I understand was related to the property previously being used for sand from sandmining on Fraser Island, to warehouse storage. As I say, I understand that the Gladstone Port Authority, as lessee, needed to approve the assignment, which was executed not by David Hamill, because he was not the Transport Minister at the time, but by Ken Hayward, who was Transport Minister at the relevant time in 1994.

The Minister acted on the advice of the department and the Gladstone Port Authority. It was a commercial arrangement between the parties. I might add that this very same lease had changed hands previously several times in previous years and approvals had been given by Ministers Martin Tenni, John Goleby and Don Neal.

MINISTERIAL STATEMENT

Public Report of Ministerial Expenses, Statement of Expenses of Ministers of the Crown and Parliamentary Secretaries

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (11.32 a.m.), by leave: Today, I finalise my commitment for increased accountability by this Government for the year ended 30 June 1999 by the tabling of two reports. The first report is the public report of ministerial expenses. This is a report of expenditure for each ministerial office in summary format. This report is an initiative of this Government and represents the commitment I made to provide six-monthly reports to Parliament on Ministers' expenses in a format that was readily understandable by the community.

This level of accountability is simply unprecedented in the history of Queensland. This report is the culmination of expenses for my Government's first full financial year and includes the entire expenses of running ministerial offices, including the salaries, superannuation contributions and all other costs associated with every member of staff. That has never before been available.

Considering the significant work being undertaken by my Ministers, I believe that this report shows clearly that expenditure on items such as travel and entertainment are being maintained at reasonable levels that one would expect from a can-do Government. I might just say that I think it is important that in this public debate, there is a clear acknowledgment that when Ministers are working they are expected to travel. I expect them to work, I expect them to travel and I expect them to do their job. Under those circumstance, which is what I expect, these are very reasonable figures.

The second report that I wish to table is the statement of expenses of Ministers of the Crown and Parliamentary Secretaries for the year ended 30 June 1999. Unlike the former report, this report presents only those expenses directly attributable to each Minister and Parliamentary Secretary. This report also includes expenses of the previous Government. These are only a minor carryover expenses. However, it should be noted that they are only those expenses that were carried over from the previous financial year and do not—and I stress this and I will say it again—do not represent the total expenses incurred by the previous Government.

In line with my intention to maintain independent scrutiny over ministerial expenses, the Auditor-General has also been provided with a copy of the public report of ministerial expenses and has certified the accuracy of the statement of expenses of Ministers of the Crown and Parliamentary Secretaries. That certification from the Auditor-General, dated 17 August 1999, is tabled with the document along with an audit certificate. I table these unprecedented reports for the information of the House.

TAB QUEENSLAND LIMITED PRIVATISATION BILL

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (11.35 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to provide for the sale of TAB Queensland Limited by the State, and for other purposes."

Motion agreed to.

Mr SPEAKER read a message from His Excellency the Governor recommending the necessary appropriation.

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) (11.36 a.m.): I move—

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

This Bill is about securing a vibrant and healthy future for Queensland's racing industry. It is about securing the future of more than 20,000 jobs associated with this industry and, importantly, it is about conducting the sale of the Queensland TAB with the utmost regard to probity and due process.

This Bill facilitates the sale of TAB Queensland Limited, which is presently a Government owned corporation. The TAB is registered under the Corporations Law as a public company limited by shares. All issued shares in the TAB are currently held by Ministers on behalf of the State. The situation with the Queensland TAB is not dissimilar to that of Suncorp-Metway when that entity was being sold by the previous Government. But there is one very real major difference. The forthcoming sale of the TAB by my Government will be conducted with the utmost probity and accountability. Far higher standards will apply than have ever previously applied in this State. This is because we are committed to a process that is totally transparent and accountable—a process that is beyond reproach. In this regard, my Government has appointed a probity auditor to oversee the entire sale process.

Dr Watson: There was never any question, so we didn't have any conflict of interest.

Mr BEATTIE: This is something that the member's Government did not do in relation to the sale of Suncorp-Metway. The member's Government did not do what we are doing. We have high standards. The member's Government did not appoint a probity auditor; we did.

This was not an approach the previous Government adopted. Since the appointment of Deloitte Touche Tohmatsu as probity auditor, that firm has been responsible for monitoring integrity, accountability and transparency of the selection of advisers on the TAB privatisation. The probity auditor will be reviewing matters such as—

the appointment and management of consultants;

the process for dealing with and assessing proposals received from cornerstone investors, if we continue to go down that road;

information security;

logistics management;

the management of conflicts of interest;

project structures to ensure accountability and responsibility;

pricing of the TABQ public offer; and

the institutional and retail share allocation process.

In other words, the works.

Other probity measures have included the development of guidelines to ensure due process is observed and appropriate accountability mechanisms are in place. In particular, a set of guidelines was developed to govern the cornerstone investor process and interaction by Government officials with potential cornerstone investors.

The approach taken ensured that all parties were treated equitably and that there was a complete audit trail to ensure accountability. Again, this approach sets new standards of probity and accountability in Queensland—standards that the Opposition believe fall into the "do as I say, not as I do" category. A set of probity and process guidelines has also been developed for the operation of the various committees established to implement the sale process.

In addition to these guidelines, the probity auditor has prepared a draft set of probity guidelines. These guidelines will set the standard for the conduct of Ministers and their staff, public servants involved in the TABQ float and all advisers to the Queensland Government on the TABQ float. Cabinet has endorsed a policy under which Ministers, other Government members of the Legislative Assembly, ministerial staff members and their associates, as well as public servants and advisers involved in the TABQ sale will be precluded from any participation in the offer. I took that submission to Cabinet and it was endorsed on Monday. It has also been approved by caucus. I took the same recommendation to caucus and it was also approved on Monday. Both those bodies have approved this process. This is only proper. I note that it is a policy that the Leader of the Opposition has already rejected when it comes to members of the National and Liberal Parties.

Further, the TAB project team has initiated a process of regularly briefing the Auditor-General and is rigorously applying the guidelines issued by the Auditor-General for best practice in the sale of material public assets. The measures that I have outlined do not form part of the legislation but are drawn to the attention of members to indicate that this Government is committed to the highest standards of probity and integrity. As members would understand, they have the weight of the decisions of Cabinet and caucus.

In 1997, a strategic review of TABQ found that it was facing a number of critical problems. These problems arose from: its commercial structure; its relationship with the Queensland racing industry, the QRI; and the structure and level of wagering taxation and the existing regulatory regime. Without comprehensive structural reform of the TAB and its relationship with the Queensland racing industry, both entities face an uncertain future.

Privatisation is a critical element of the structural reform necessary to improve TABQ's competitive position vis-a-vis the privatised TABs in New South Wales and Victoria. Privatisation of TABQ is supported by the Queensland racing industry as a necessary precondition to the long-term viability of the racing industry in this State. I am delighted to say that it was also supported by the recent ALP conference, after a very informed debate.

This privatisation is about ensuring the long-term health of the racing industry. It is about creating an industry that can compete with its rivals without the need for ongoing Government support. It is about protecting jobs. The first of the administrative steps taken in the privatisation process was the declaration of TABQ as a Government owned corporation in conjunction with its registration under the Corporations Law as a public company on 1 July 1999. From that day, a new TABQ board was appointed. Other preparations for the sale have been under way for several months and this enabling legislation represents one of the major milestones in the sale preparation process.

The Bill provides flexibility to the Government to enable TABQ to be sold in the most appropriate manner and to enable the shareholding Ministers flexibility in dealing quickly with issues arising in the sale process. In this regard, various aspects of the State financial institutions and Metway Merger Facilitation Act 1996 were followed, as well as drawing on similar legislation in other States.

The sale of TABQ will be effected under the auspices of the responsible Ministers, being the Treasurer and the Minister for Tourism, Sport and Racing. The responsible Ministers are given the capacity to prepare the company for sale in the most appropriate manner. The Ministers will retain ultimate control of the company until the TAB's shares are transferred to private ownership and, in this regard, the Ministers have the ability to direct the board and make necessary changes to the TAB's constitution. The Ministers will act in close consultation with the TAB's board of directors and management throughout the privatisation process.

The Bill also makes a number of amendments to various Acts associated with the racing and wagering industries, most of which facilitate restructuring of the TAB's operations in preparation for the sale. In particular, a number of changes have been made to the Racing and Betting Act to ensure the effectiveness of the new commercial arrangements made between the Queensland racing industry and the TAB. These arrangements provide a greater degree of certainty that the industry will be able to supply TABQ with the information it needs to conduct its race wagering business. As part of these commercial arrangements, the Queensland racing industry will receive payment from the TAB, resulting in a significant increase in funding available to the industry in this State.

These arrangements usher in a new era for the Queensland racing industry—an era that will see the industry emerge as one of the most vibrant and competitive in Australia. It is already the fourth biggest industry in this State and it has enormous potential to grow and fit very much within our lifestyle and tourism industry. These provisions are similar to measures included in the sale enabling legislation for the privatisation of the New South Wales TAB.

To ensure that TABQ retains its Queensland character, the Bill requires that the headquarters of TABQ be located in Queensland, and so they should be. It also provides that the State Government can enforce this requirement by injunction even after it has sold all of its interest in TABQ. In this regard, the Bill follows the Suncorp-Metway legislation. These provisions will ensure that TABQ remains Queensland based. This requirement is not mere tokenism. It extends to holding and subsidiary companies of TABQ and covers the residence in Queensland of the majority of directors, including the managing director and the principal operational officers of the company and all significant company services. Specifically, the key positions of chairperson, chief executive officer, chief operating officer and chief financial officer will all be required to be located in Queensland.

Dr Watson interjected.

Mr BEATTIE: Similarly, key services such as Treasury operations, information technology management, human resource management and account processing will also be required to be located in Queensland.

Dr Watson interjected.

Mr BEATTIE: I am delighted to hear the Leader of the Liberal Party's enthusiastic support for these measures, and what exciting measures they are! They are almost unprecedented. There may be a precedent, but I will not discuss that today.

Additionally, the usual place for the company's board meetings to be held must be in Queensland. We are serious about preserving the TAB as a distinctly Queensland entity.

An important feature of the Bill is the imposition of restrictions on shareholdings in TABQ. In this regard, shareholders in TABQ will be restricted to a maximum shareholding of 10% for a period of five years. This will provide the newly privatised entity with certainty of ownership as it adjusts to its new environment. The shareholding restrictions rely for their operation upon well established Corporations Law concepts and principles. The restrictions are safeguarded by powers to order divestiture or forfeiture of shares in the event of a breach.

An exception to the 10% shareholding limit is made for a potential cornerstone investor, who will be entitled to hold an interest of up to 20% in TABQ during the five year shareholding restriction period. For the first two years following the introduction of a cornerstone investor, no disposals of TABQ shares are permitted without the approval of the Minister, subject to the expiry of the shareholder restriction period.

In any business, flexibility and corporate agility are key ingredients of success. This Bill is sufficiently flexible to allow for the appointment of a cornerstone investor before or after privatisation of TABQ. If a cornerstone investor were to be selected after the float, TABQ would be making the decision. This would allow TABQ to pursue potential equity participation in the course of establishing a strategic alliance post privatisation.

In this regard, I wish to inform the House today that the Government has decided that a cornerstone investor will not be introduced prior to privatisation. This decision reflects a number of factors, in particular, the Government's desire to maximise the opportunity for Queenslanders to purchase shares in TABQ. It follows positive indications of very strong investor demand for TABQ shares. We are determined to see that the mums and dads of Queensland are the ones who get the maximum opportunity to buy shares in this float.

This decision does not mean that the cornerstone process is jettisoned, as some very interesting and worthwhile proposals were submitted by a number of potential investors. Rather, it takes advantage of the flexibility provided in the legislation to allow TABQ to enter into future arrangements, if desirable, with potential cornerstone investors following the float. This allows the TAB to control its own destiny and gives it the opportunity to consider various proposals for strategic alliances or cornerstone investors after the sale process is completed. It gives the TAB flexibility.

Even after the shareholding restriction provisions cease, other regulatory mechanisms exist which can limit the holding of shares in the privatised TAB. Under the Wagering Act 1998, the Queensland Office of Gaming Regulation will keep the ongoing suitability of persons associated with the wagering licensee under review. As a matter of course, any shareholder that acquires a 5% or larger shareholding is subject to a rigorous probity investigation to ensure that they are a suitable person to be associated with the licensee. This is in common with all other pieces of gaming legislation. This type of regulatory mechanism was not available in the Suncorp-Metway merger, and it offers added security that the Queensland TAB will indeed remain a Queensland entity. However, in common with the Suncorp-Metway legislation, the headquarters provisions mentioned earlier will apply indefinitely. Of course, the general provisions of the Corporations Law and the merger provisions of the Trade Practices Act 1974 will also apply to the privatised TABQ. The Bill also provides flexibility to allow for the sale of shares in TABQ by way of an instalment receipt mechanism should such an approach be considered appropriate. The structure and precise details of the sale have yet to be settled.

Employees of TABQ will not be affected by the privatisation. The Bill contains specific provisions protecting their interests by preserving the status quo between TABQ and its employees throughout the privatisation process. These were undertakings that I gave prior to the approval of the privatisation by the Minister, the Cabinet and the party. We have lived up to those commitments. The net result of the TAB sale process will be to give Queensland TAB employees a degree of security and certainty that would have been unachievable had the TAB remained in Government hands.

I should say at this point that a specific allocation of shares will be set aside for TAB staff and agents. That is good news for the staff and their agents. TAB staff and agents will be given preference in the allocation process—and I am announcing that today.

The Government is also discussing with the TAB board the implementation of an employee share plan to give employees a further opportunity to acquire a direct ownership interest in their own enterprise.

Privatisation of the TAB is essential if we are to preserve jobs in the Queensland racing industry. The racing industry depends on TABQ as a major source of income—funding that is used for major race meetings, prize money and to assist smaller racing clubs in regional and rural areas. We need a strong and profitable Queensland TAB to be able to compete with its southern counterparts and ensure that we protect the 24,000 jobs associated with the racing industry in Queensland.

I wish to read into Hansard a letter that I referred to earlier today, signed by the Minister for Tourism, Sport and Racing, the Honourable Bob Gibbs, and me, to the chairperson of TAB Queensland in relation to one of the current members of the TAB board. I am determined that this float will not only attract the mums and dads but will also be squeaky clean and be seen to be squeaky clean. The letter reads—

"Dear Mr Chapman

As you would be aware, the issue of Mr John Bird's position as a member of the Board of the TAB Qld Ltd and as Chairman of Labor Holdings Pty Ltd has been raised publicly. There is a perceived conflict of interest between the two roles.

The Guide for Government Board members, which all Directors of Government Owned Corporations (GOC) are given upon appointment, sets out the duties of Board members. Those duties include:

the duty to disclose direct or indirect interest in a matter being considered or about to be considered by the Board; and

the duty not to make improper use of information or position to gain, directly or indirectly, an advantage for himself or herself or to the detriment of the GOC.

Directors of a company GOC are bound by the provisions of the Corporations Law regarding conflict of interest matters. A director of a public company, who has a material personal interest in a matter that is being considered at a meeting of the board or of the directors of the company must not vote on the matter or be present while the matter is being considered.

Mr Bird's position with Labor Holdings Pty Ltd may give rise to a potential conflict of interest situation when matters relating to the sale of the TAB are being discussed.

The Queensland Government regards any perceived conflict of interest very seriously, and is confident that this matter will be dealt with appropriately."

That letter was sent by the Minister and me to the board. Today I have stressed in my contribution that, through administrative mechanisms, we will ensure that Labor Holdings is not able to participate in this float. I commend the Bill to the House.

Debate, on motion of Dr Watson, adjourned.

PRIVATE HEALTH FACILITIES BILL

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) (11.55 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to provide for the regulation of private health facilities and for other purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mrs Edmond, read a first time.

Second Reading

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) (11.56 a.m.): I move—

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

This Government is committed to minimising risks to patients in hospital environments, particularly if their treatment involves surgical or other invasive procedures. In addition, it is committed to ensuring that appropriate standards of health care are delivered in Queensland hospitals and other types of health facilities where such risks exist.

Private hospitals in Queensland have been regulated under the Health Act, by way of a licensing regime, for over 60 years. In the early 1990s, licensing was extended to "day hospitals" as defined in the legislation. This legislation is now out of date and does not conform with current drafting practice or fundamental legislative principles.

The Private Health Facilities Bill, which is before this House, establishes a new regulatory framework for private health facilities in Queensland. The Bill retains a licensing system for private health facilities on the grounds that licensing is the most effective means of protecting the health and wellbeing of patients. In addition, the Bill contains a range of new measures which will enhance the level of protection provided to the public under the current legislation.

The Bill results from a comprehensive review of the current legislation. The review involved extensive consultation with peak bodies such as the Private Hospitals Association of Queensland, the Australian Medical Association, the Rural Doctors Association, all Medical Colleges and other key stakeholders. This process included stakeholders being given an opportunity to comment on an exposure draft of the Bill. The consultation process highlighted that the Bill has strong support from all key stakeholders.

One of the most significant differences between the Bill and the current legislation is the clarification of the legislation's application to day hospitals. Advances in medical technology in recent times have resulted in an increasing range of complex, higher risk procedures being performed in day facilities. In light of this, a new definition of "day hospital" has been developed to ensure that licensing applies to day facilities which provide higher risk health services. The higher risk health services identified for these purposes are defined under the term "day hospital health services", of which there are two distinct categories.

Firstly, any procedure performed by a medical practitioner involving the administration of a general, spinal or epidural anaesthetic or sedation other than simple sedation will be covered under the Bill. A wide range of higher risk procedures for which licensing is warranted will fall within this category. The second category comprises any procedure performed by, or under the direction of, a medical practitioner involving a significant risk that the patient may require resuscitation. A procedure in this category must be prescribed by regulation to be covered under the definition.

Another significant change to the current legislation relates to the making of standards that must be complied with by licensees of private health facilities. Whereas the current legislation lacks clarity as to the legislative basis for the making of standards, this Bill enables the Chief Health Officer to make standards about a comprehensive range of matters which impact directly on the quality and safety of health services provided at private health facilities. Examples of these matters include—

the daily care and safety of patients;

availability of clinical support services;

equipment, furnishings and fittings; and

infection control.

The standards, which are currently under development, will, where appropriate, draw upon recognised standards, guidelines or protocols published by bodies such as the medical colleges, Standards Association of Australia and the National Health and Medical Research Council. The standards will be drafted in a user friendly format which will allow licensees to know exactly what is expected of them.

It should be noted that the new legislation will no longer specify building related requirements for private health facilities. These requirements will be incorporated into the Building Code of Australia which will enable all matters relating to the design and construction of private health facilities to be dealt with under the development approval processes of the Integrated Planning Act. Under the Bill, persons proposing to operate a private health facility must obtain an approval from the Chief Health Officer before applying for a licence.

To obtain an approval, applicants must satisfy the Chief Health Officer that they are suitable persons to hold an approval and that the proposed facility, and the health services to be provided at the facility, will comply with the relevant standards. The criteria for deciding whether a person is a suitable person to hold an approval include matters such as—

whether the person has the skills, knowledge and experience to operate a private health facility under a licence;

whether the person has held any previous approval or licence under the Act that was suspended or cancelled; and

if the person has been convicted of an indictable offence or an offence against the Act—the nature of the offence and the circumstances of its commission.

The approval process benefits proposed operators of private health facilities as, once they obtain an approval, they can proceed with the design, construction and fit-out of the facility in the knowledge that they will be granted a licence for the facility provided they comply with any conditions on the approval

and the facility meets relevant physical standards.

The Bill imposes a number of important obligations on all licensees. As well as complying with the relevant standards and the conditions imposed on the licence by the Chief Health Officer, licensees must ensure the facility operates under a quality assurance program within a specified period of time. This latter requirement has been introduced in recognition that accreditation and other quality assurance programs play a key role in maintaining and improving the quality of health services. There is already a high degree of participation in such programs by the private hospital industry in Queensland either on a voluntary basis or to meet health insurance requirements.

To ensure licensees comply with their obligations, a comprehensive set of monitoring, investigative and enforcement powers have been included under the Bill. In addition, licensees will be required to give the Chief Health Officer periodic reports which will be used to monitor the quality of health services provided at private health facilities and for other purposes specified in the Bill. The penalties for offences under the Bill have been set at a level which reflects the potential harm that could be caused to patients if licensees fail to comply with the legislation.

Finally, I would like to highlight that the Bill incorporates various accountability and review mechanisms, notably absent in the current legislation, which ensure the Bill complies with fundamental legislative principles. For example, the Bill—

provides for transparent decision making processes by the inclusion of clear criteria for decision making and requiring reasons for decisions to be given;

sets appropriate time limits for the making of decisions; and

enables aggrieved persons to apply for internal review of decisions and to appeal to the District Court.

I commend the Bill to the House.

Debate, on motion of Miss Simpson, adjourned.

COAL MINING SAFETY AND HEALTH BILL MINING AND QUARRYING SAFETY AND HEALTH BILL

Resumption of Committee on Coal Mining Safety and Health Bill

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.

Resumed from 22 July (see p. 2941) on clause 59—

Mr ROWELL (12.06 p.m.): The Opposition is concerned about inconsistency, and we have spelt this out in our previous speeches on this particular clause. We believe that industry in Australia has to be at the leading edge. We have to make sure that we place people in the best positions. Of course, we do not want to compromise safety, and that is always one of the key areas that we are concerned about. We do not believe that this position has anything to do with safety. In fact, the Minister did speak briefly about the reason that he included this particular clause in this group with the surface mines and the coal. We will not be supporting this clause.

Question—That clause 59, as read, stand part of the Bill—put; and the Committee divided—

AYES, 40—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nuttall, Palaszczuk, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 37—Beanland, Black, Borbidge, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Clauses 60 to 71, as read, agreed to.

Clause 72—

Mr ROWELL (12.15 p.m.): I move Opposition amendment No. 2—

"At page 53, after line 27—

insert—

'(5) A notice mentioned in subsection (2) is subordinate legislation.'."

Clause 72 empowers the Minister and not the Governor in Council to make recognised standards. These are, according to clause 71, standards made for safety and health, stating ways to achieve an acceptable level of risk to persons arising out of coalmining operations. Nevertheless, under this clause these standards are made by the Minister and notified to the public by means of a notice in the Government Gazette. In other words, they are not subordinate legislation.

It is totally unacceptable that these standards are proposed to be made by the Minister alone and that they are not going to be subjected to the minimal scrutiny that Parliament is allowed of subordinate legislation. It is unacceptable because these standards are central to the whole issue of criminal prosecutions under clause 34. I ask the Minister to take note of that.

One of the most important means of avoiding criminal liability is to comply with the relevant recognised standard made by the Minister. Yet under this clause the very standards that can determine whether a person may be subjected to a fine of up to $60,000 or may be imprisoned for up to two years are not even subject to ordinary parliamentary oversight. They are not even subject to the Minister in question having to take them to Cabinet. In fact—I stand to be corrected—they are not even caught up by the Legislative Standards Act and do not even have to be drafted by the Parliamentary Counsel. I would like the Minister to comment on that. That is extremely important. The House, if it believes the standard is too lax, too strict, inaccurate or has other problems, cannot even debate a disallowance motion.

The Scrutiny of Legislation Committee has also raised concerns about this clause. At the moment, under the Coal Mining Act 1925 the Minister is empowered to make various rules which have to be published in the Gazette. The subject matter of these rules is set out in Schedule 1 to the Coal Mining Act and covers such matters as forms, accident inquiries, first aid, ventilation, winding and testing ropes and other appliances, health and sanitation, handling material, explosives, fencing, lighting and safety lamps, coal dust, ladders, types of rails, use of machinery and electricity, fires, baths, the furnishing of plans and providing for maintenance of order and discipline and the prevention of accidents. These are all very important issues in mining—issues of the type that will be contained in the recognised standards.

The Coal Mining Act goes on to specify that the rules can, after publication in the Gazette, be made by the Governor in Council even though they were first made by the Minister. In other words, there is a form of supervision by Cabinet over the actions of the Minister. Even more important is section 115. It states—

> "The Acts Interpretation Act 1954, and section 28A, shall apply with respect to rules made for the purposes of this Act as if they were regulations."

Mr Santoro: That is pretty clear, isn't it?

Mr ROWELL: It should be clear to anybody. In other words, at the moment these rules are subject to disallowance. That is the important issue: they are subject to disallowance.

In his response to the Scrutiny of Legislation Committee, the Minister gave a very lengthy series of reasons as to why these standards should not be subordinate legislation. The Scrutiny of Legislation Committee report bears that out. In essence, the Minister's argument was that there needs to be sufficient flexibility to cater for the needs of small mines, that placing highly technical issues in regulations would result in the dating of the legislation and that the Council of Labour Ministers had agreed that Australian standards should not be included in the legislation. I will not say that they are all the reasons put forward, but that sums up the essence of the argument bar one matter, which I will address shortly.

With all due respect to the Minister, these arguments are very shallow. There are any number of ways to deal with the sorts of technical problems that he raised. I am sure that if his officers had approached the Office of the Parliamentary Counsel they would have been informed as to just how this could have been achieved. The matters raised by the Minister are mostly of a drafting and not a policy nature and could be addressed by people more experienced than either he or I in those particular issues.

As I mentioned, when we are dealing with possible criminal prosecutions, matters of convenience or the like should take second place. If these standards are to be elevated to the level whereby a person could go to prison if they are not obeyed, then they are critical documents and need to be subjected to proper scrutiny. I think everybody would recognise that. In normal circumstances, arguments of convenience of the type advanced by the Minister would have great weight and it would not be reasonable to engage in an academic debate about whether they should or should not be in a regulation. But when one moves from the area of theory to the realm of criminal law, a far higher standard of care is demanded of the Minister and his department and a proper level of accountability is not just an optional extra but is absolutely essential.

The other issue I want to specifically raise is the Minister's contention in his letter to the Scrutiny of Legislation Committee that—

> " 'Recognised standards' are similar to the concept of 'advisory standards' in the Workplace Health and Safety Act 1995; these also are not subordinate legislation."

I am more than a little concerned with this suggestion of the Minister to the committee.

The issue of advisory standards is dealt with in Part 4 Division 2 of the Act. It provides that the Minister can make advisory standards and industry codes of practice. The Minister is required to notify the making of an advisory standard or an industry code of practice under subsection 41 (2). But subsection 4 goes on to provide that—

> "A notice mentioned in subsection (2) is subordinate legislation."

In other words, Parliament can move a motion of disallowance of the notice and there is a level of parliamentary oversight of these standards and codes of practice. This is the sort of drafting approach to which I was alluding earlier.

However, the Minister is playing very close to the edge in his self-serving and possibly misleading response to the committee. He would know full well that the very standards he was seeking to rely upon under the Workplace Health and Safety Act 1995 are not immune from proper parliamentary scrutiny, albeit with the debate technically on the notice and not the documents themselves. The point is that Parliament still can have its say and can still nullify the documents by rescinding the notice. So the contention of the Minister to the committee—from my reading of the Act—is wrong and possibly misleading.

The reality is that, under this Bill, we are actually going backwards in terms of parliamentary accountability. What is worse, we are going backwards at the very time when these standards are bound up with the launching of criminal proceedings. I believe that is extremely important, because people could be incarcerated for some time in accordance with this Act. Perhaps sound reasons could be put forward for this, and the Opposition would not be making a point simply for the sake of it if it were not for the fact that these standards—

Time expired.

Mr SANTORO: I am also more than a little concerned that recognised standards which are central to both mining workplace safety and the launching of criminal prosecutions are not going to be capable of being debated in this Chamber. I wholeheartedly support the comments made by the shadow Minister over the past few minutes.

I believe that there could be few things more important for the Parliament to consider than standards that are designed to prevent death and injury and which, if breached, can result in very heavy fines for a broad range of people and possibly even imprisonment for up to two years. I endorse absolutely the comments of my colleague the member for Hinchinbrook. In addition, I want it recorded that I am also very concerned about the Minister's response to the Scrutiny of Legislation Committee.

In justifying the fact that recognised standards are not subordinate legislation, the Minister relied upon the Workplace Health and Safety Act, with which I have some familiarity. In fact, under that Act, both advisory standards and codes of practice have to be notified by the Minister, and the notice itself is deemed to be subordinate legislation by section 41 (4). This means that the Gazette is not filled up by copious technical material, but that the Parliament can debate and possibly disallow that notice, thereby preventing a bad standard or code coming into force.

I believe that the reliance of the Minister on the Workplace Health and Safety Act in this particular case is misplaced and without foundation. I believe, with respect, that it undermines his case for not providing that the Gazette notice currently required in clause 72 (2) not be deemed to be subordinate legislation. I believe that parliamentary accountability, commonsense and the precedent of the Workplace Health and Safety Act clearly require this. I strongly urge the Honourable the Minister to reconsider his attitude towards this clause.

Mr McGRADY: I congratulate the two Opposition speakers in this debate for the way in which they have presented their case. I believe that the debate to date has taken a far more sensible line than it has on previous occasions.

We have tried to get the views of the major stakeholders. As we said the last time the Bills were under debate, there are four or five areas where there is disagreement between the Government and the Opposition. I am led to believe by my officers that this clause which members are now discussing and debating did in fact have the agreement of the stakeholders and, indeed, the previous Minister. That does not mean to say, of course, that this Parliament is not the paramount body and that the views of people who were once here have to be continued with

the new Parliament. On behalf of the Government, I cannot accept the amendment moved by the Opposition, but I do appreciate the concerns that Opposition members have raised.

The important point to remember in all of this is that it is major legislation—major changes. In fact, the stakeholders will be invited to review this particular clause. And if there is a demonstrated major problem, I will be more than happy to come back after having considered this with the other stakeholders.

Mr ROWELL: I would like to comment further. I heard what the Minister had to say, but perhaps there are sound reasons being put forward for this by the Opposition. We would not be making this point simply for the sake of it if it were not for the fact that the standards could result in persons going to prison. That is the point that we are making very clearly. It is important that, if we are going to impose such draconian measures upon people—and they are draconian; they are almost the ultimate measure in many cases—and if clauses in this legislation will be subject to changes as time progresses, which the Minister has the power to do, we should be considering having those clauses come before the Parliament and allowing the Parliament to decide whether it accepts them. And if there is a need for a disallowance motion, that is basically what the parliamentary process is all about. But the Minister is not allowing for that process to be carried out.

I believe that it is extremely detrimental to our democratic system in Queensland to introduce clauses such as this, which allow free rein for a Minister to decide. He does not even have to take his decisions to Cabinet. He can make these decisions unequivocally, it seems—and I stand to be corrected if that is not the case—and there is no requirement for them to be brought back to the Parliament and debated if there is a concern about the changes or about the implementation of the types of clauses in the first instance.

I do not know what else I can say. I believe in the democratic system in this State. I believe that it is important that we do not go too far. I do not believe that the Minister is going to do that unnecessarily, but he may not be the Minister down the track. Changes do occur, as we all know.

Mr Santoro: They may not be as nice as him in the future.

Mr ROWELL: My colleague is complimenting the Minister on his handling of his portfolio. But it could be the case that, in the future, the relevant Minister may not quite have the handle that this Minister has on the mining industry and, as a consequence, could introduce some measures in relation to penal clauses that are too draconian and too far reaching. I would like the Minister to reconsider his position.

Mr McGRADY: I thank the shadow Minister for those very kind remarks.

Mr Santoro: I thought it was me.

Mr McGRADY: I am sorry. I thank the honourable member for Clayfield. I am mellowing in my old age. A few moments ago I gave an assurance about coming back. The shadow Minister used the term "draconian". There is nothing more draconian than someone in the industry losing his life or limb. All along I have said that these measures are tough. Today, I give a commitment that the Government will be discussing with the stakeholders how the Act is operating. The stakeholders are the experts in the industry. I give a commitment that after, say, six months or 12 months I will have discussions with the shadow Minister—whoever he or she happens to be at the time, provided I am sitting where I am sitting now—and we will see how the new Act is operating.

Mr Rowell: That the very point I am making.

Mr McGRADY: I give the shadow Minister that assurance. I will come back to the shadow Minister of the day and in a private situation we can review how the Act is going. If there is agreement that there need to be further amendments, I will be more than happy to bring them into the Parliament. On this occasion I do not believe I can be much fairer than that.

Mr BEANLAND: I listened intently to what the Minister said. May I say that I am rather surprised that the Minister was able to get this through caucus. I have heard a lot from members on the other side of the Chamber in relation to civil libertarian issues. We see references to civil libertarian issues in the press from time to time.

I believe we need to understand what we are talking about here. This clause refers to imprisonment—the taking of one's liberty. One can imagine the reaction of the Australian Labor Party if one tried to do something like this under the Criminal Code. I do not appreciate how the Minister can say that there are justifiable reasons for not putting it before the Parliament. After all, it is going to be gazetted. The work needs to be done as far as the Government Gazette is concerned.

The Minister is not putting this matter before the Chamber and allowing for supervision by the Parliament. I believe this is a very fundamental issue. The former Government's fair trading legislation provided for access to a person's place of business. Many people insisted that a warrant be issued before people entered to inspect registers and books, even when the place was open during the normal course of business.

The clause in question is nothing like that. We are talking about taking someone's liberty. I believe the shadow Minister was talking about penalties in the vicinity of $60,000 and/or two years' imprisonment. This is quite a significant penalty. It would not matter whether the clause simply provided for three months' imprisonment; the fact is that we are still talking about imprisonment.

Whilst I appreciate that there might have been some signing off on this in the industry, it is not simply an industry matter. This is a far broader issue. It is a matter of taking one's liberty without the actual checks and balances of this Parliament. I am not sure that we have any other legislation which contains similar provisions. Had I known that this particular clause was contained in the legislation I would have checked to see whether other legislation contains provisions for taking the liberty of the subject.

I ask that further consideration be given to this matter. I heard the Minister give his commitment to look at the matter in due course. However, it is possible that action will be taken under this legislation before it is reviewed. Someone could easily end up in prison for having committed an offence under this particular clause. Unfortunately, the Parliament will not have the opportunity to scrutinise the regulation or whatever we want to call it—standard or guideline. The regulation will be set down by the Minister. It will be placed in the Gazette.

This provision is very far reaching. It is something that we have not seen before. If such a provision has been in past legislation, it is important that it is not included in future legislation. We have picked up on all sorts of things such as Henry VIII clauses where Acts of Parliament are changed by regulation. That type of action is a no-no today. I would have thought that the clause under discussion is also a no-no. There have been revolutions about this sort of thing.

The Minister says that this is simply an administrative matter. I contend that it is far more than that. It is a very serious issue. We are talking about taking a person's liberty. I believe that the Minister ought to see his way clear to accepting the amendment moved by the shadow Minister.

Mr McGRADY: I want to make a final comment on this matter. We are talking about taking away the liberty of people. This legislation is endeavouring to make the workplace environment safer. Time and time again we see people lose not their liberty but their limbs and their lives. That is the difference.

Mr BEANLAND: I agree with the Minister. There is no question that there are victims in this matter. There is no question that if someone commits a violent offence under the Criminal Code, there are victims. However, the point is that sections of the Criminal Code are not drafted in that way. If they were, the Minister would not agree with it, I would not agree with it, and I am sure that no other member of this Parliament would agree with it. I agree that there are victims—maybe multiple victims—in this case. However, that does not alter the point that I made before. At the end of the day, we are taking someone's liberty and we have to ensure that the proper processes, the proper checks and balances, are in place. That is the reason why I mentioned the Criminal Code in the first place; it was not for some other reason. Perhaps I did not make myself quite clear.

Yes, the Minister is right: there are victims in both cases and there are offenders in both cases. It may be that, in this case, someone is charged for not abiding by these recognised standards and ends up in prison. We would not accept such a section under the Criminal Code, and we would not accept such a section in the juvenile justice legislation or in any other legislation. To be fair, a host of legislation is introduced into this place that relates to victims. We could talk all day about them. However, we do not accept this type of situation. In these circumstances, it is inappropriate in this legislation.

I am not saying that the Minister should not be able to include such a standard, provided it is at least tabled, we see it, and the Parliament is able to move to disallow it. I think that is the important point. No-one is arguing about whether or not these people are victims. The point is that the Minister is taking a liberty with this standard. It should be tabled and it should be able to be disallowed by the Parliament.

I understand the Minister's comments before about the need for flexibility. There is still flexibility. If the Minister is proposing that these particular standards are drafted by the

Parliamentary Counsel's office—and this is no disrespect to the Minister's departmental officers or anyone else—I hope that standards are set and these provisions are drafted appropriately by the Parliamentary Counsel's office. If that is not done, no doubt the Government will experience difficulty in the courts in upholding the standards. I am sure that the Minister appreciates that it is in his interests to have the standards drafted appropriately and properly.

I do not see the problem if the Minister gazettes the standards, as is usually done, then tables them in the Parliament, which is the usual case in terms of subordinate legislation. The standard then proceeds to become law, unless it is disallowed in this place. The standards have to be tabled within 14 days and a member has seven days within which to move a disallowance, if that member wishes. If that does not happen, the subordinate legislation proceeds. However, the moment the standards are gazetted, they become law.

The key issue in relation to this matter is that the Government is not giving the Parliament—the elected body which ought to have a say—any say whatsoever. Members of this place, or future members of this place, ought to have the final say over whether or not to accept regulations. The situation is made worse by the fact that we do not actually have the standards spelt out in the legislation. I accept that there are a lot of coalmines and various other mines throughout the State and the Government does not want to have to spell them out in the legislation. That could be cumbersome. For that very reason, I believe that the Parliament is extending a great courtesy and is being a very kind in not demanding that these standards be set out in the legislation. However, the least that can be done is for the standards to be drawn, gazetted and then tabled. Of course, the moment they are gazetted, they will apply. If the Parliament feels that for some reason they should be disallowed, the Parliament then has the opportunity to do that.

Mr ROWELL: The Minister circulated an amendment to clause 233, which overcomes the very same issue. The Minister has accepted a performance criteria for mines rescue performance and that it should be set by him as notified by a gazettal notice. In that regard, the Opposition supports the Minister. I can see some parallels. The question that has to be asked is: if the Minister is prepared to do that in relation to clause 233, why is he not prepared to amend this particular clause? I ask the Minister to comment, because I think that is quite important. In one area the Minister is prepared to do something about the overriding power of a Minister. Yet in this particular clause, which involves penal provisions—and certainly very high penalties—there is some doubt as to whether the Minister is going to draft the standards immediately. Certainly, he is not prepared to do that, but he is saying that somewhere down the track he may be prepared to consider it.

As I have said, the Minister is very familiar with what goes on in mines. I know that at least one member of the Government has been a coalminer and is very familiar with what needs to be done. I believe that there is every good reason why those measures that the Minister would be gazetting will not be overbearing. As long as the Minister holds this portfolio, that may be the case. However, it may be that somebody will find themselves in severe difficulties because of this clause. A person could get caught up in a situation in which that they may have to pay a penalty that is much more severe than is required—I do not know.

Once again, this issue is all about scrutiny, it is all about the Parliament having a process that it can turn to, it is all about disallowing regulations if the Parliament believes that they are too draconian or unsatisfactory. I believe that, in relation to this clause, parliamentary scrutiny has been denied. That is why I am again raising this issue with the Minister.

In relation to clause 233, the Minister made some concessions. However, in relation to this clause, the Minister is not prepared to do the same. Could the Minister comment on that, please?

Mr McGRADY: All I can say is that, at this point, our position is still the same. Previously, I extended an offer to the Opposition members that, after six months of the operation of this legislation, I am more than happy to sit down and talk to them. If we can come to some agreement, I would be more than happy to take in the necessary changes to the Bill.

Mr Rowell: We are looking for consistency.

Mr McGRADY: I will come to that when we come to that clause of the Bill.

Question—That Mr Rowell's amendment be agreed to—put; and the Committee divided—

AYES, 39—Beanland, Black, Borbidge, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson,

Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Wellington. Tellers: Baumann, Hegarty

NOES, 39—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nuttall, Palaszczuk, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

The numbers being equal, the Temporary Chairman (Ms Nelson-Carr) cast her vote with the Noes.

Resolved in the **negative**.

Mr BEANLAND: We are still dealing with clause 72, following the division that defeated the shadow Minister's amendment. I have looked at this clause afresh and the more I think about it the less I understand why the Government is not prepared to accept the Opposition's amendment. We have heard so much from Government Ministers, caucus and Labor Party members about civil libertarian issues, yet they are not prepared to table these standards in Parliament, thus allowing for the possibility of the movement of a disallowance motion. It strikes at the very heart of our fundamental system of democracy that the Government is trying to do something without even using a regulation. It would be bad enough if, as the Opposition was prepared to accept, we were to allow the guidelines or standards to be signed off by the Minister and gazetted, and then tabled in the House to allow for a disallowance motion to be moved or to allow the matter to pass through the Parliament. However, we are not going down that street. It will simply be up to the Minister. I can imagine what members would have said if any coalition member when in Government had proposed something like this. It would be like proposing that we do something of this nature to the Criminal Code. That would be totally unacceptable and I believe it is unacceptable in the legislation.

Apart from the fact that, as I understand it, the Minister has reached agreement and signed the matter off, there does need to be flexibility. There has been no indication of what the problem would be with the amendment proposed by the shadow Minister. The Minister has given no indication of why he is so determined to proceed down this path, except to say that he has gained some type of agreement. Of course, we are not asking for these recognised standards to be spelled out in legislation because we know that there has to be some type of flexibility.

What we are talking about may involve taking someone's liberty for up to two years, and certainly victims are also involved. I am not arguing about that. I do not believe that we find such a provision in other workplace health and safety legislation or, indeed, in any other legislation that I can reflect upon, although it is spelt out here. As far as the Opposition is concerned, that is simply unacceptable. I would have thought that the Minister would have agreed to inserting some type of check and balance into the legislation. I will photocopy this for reference when members opposite raise these sorts of issues in the future, because the Minister will never live this clause down. It is as simple as that.

I doubt very much whether members of the caucus really appreciate the significance of this particular clause. If they do and they agreed with it, they must have been under a certain amount of pressure from the union movement. I do not believe that it is acceptable, no matter where it is coming from or what the excuses or arguments may be. That is why I am so determinedly opposed to it in its current form. I expected that the Chamber would have accepted an amendment to clarify the situation.

Certainly all of the things that the Government requires can be maintained, including the fundamental flexibility that is required, but at the same time we must ensure that the due process is observed. I do not underestimate the following statement: it is not over the top to say that the Minister will determine, without any checks or balances, what the standards are and whether people, in effect, will go to jail or face some other penalty. That would be acceptable if due parliamentary process was involved, but it is not under the current arrangement and it is not provided through this clause. At a stroke of the Minister's pen, he will be responsible for whether or not people go to jail. While the court process will still be followed, that is the basic effect of the way that the standards and guidelines are being drafted. It does not matter who is the Minister—whether it is the current Minister, myself or somebody else—the same thing applies.

The Minister probably appreciates that we are not opposing the legislation simply for opposition's sake. We are fighting for the fundamental principle that is involved in this clause. Members opposite can talk about accident victims and safety issues, but those issues also apply to the Criminal Code, the

juvenile justice laws and a whole range of legislation in which we do not find such provisions, and we ought not to find them here. I doubt that such a provision would appear in the legislation of other Parliaments of this nation.

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

Mr BEANLAND: Prior to the luncheon adjournment, I was speaking on clause 72. During the recess, I obtained a copy of the Scrutiny of Legislation Committee's Alert Digest, because I was sure that it would contain some comments in relation to this matter. I note that its comments reflect the comments that I have been making in relation to this clause. A couple of them are worth quoting. The Alert Digest states—

> " 'Recognised standards' are documents of some significance, in that under cl.37(3), a person's health and safety obligations under the bill can only be discharged if the person adopts one of the ways of 'achieving an acceptable level of risk' stipulated in the standard, or 'another way that achieves a level of risk that is equal to or better than the acceptable level'.
>
> The committee has previously commented adversely on provisions of bills which permit matters, which it might reasonably be anticipated would be dealt with by regulation, to be processed through some alternative means which does not constitute subordinate legislation."

I will not go on, because that really encapsulates what I have been saying in relation to this clause. I am sure this is something that members will pay very careful attention to. Unfortunately, it seems that this legislation contains a few of these types of provisions. I note that the shadow Minister has said that there is another clause that allows for appropriate subordinate legislation. It is unfortunate that these sorts of situations are still creeping in. This is one of the matters that the Scrutiny of Legislation Committee, with its FLPs, was established to scrutinise and rectify.

As I said earlier, the committee has addressed far less significant issues in relation to different pieces of legislation. However, this issue and this piece of legislation are significant, because people could be imprisoned and there might even be multiple victims. Although this might not be the case under other pieces of legislation, under this piece of legislation the Minister is given awesome power; at the stroke of a pen, the Minister will set the recognised standards. Indeed, through administrative action people may have their liberty taken away from them. Although it would be up to the courts to do that, it is the Minister who sets the recognised standards in the first place. If people break the law, that would be a matter for the courts.

Mr McGRADY: I will repeat what I said earlier today: this is a large Bill and there are lots of amendments. The point I made before is that this can be reviewed at any time by the stakeholders. In their speeches members opposite have referred to stakeholders as being the experts in the industry. I gave the shadow Minister an assurance that I would meet with him after the Act has been in operation for some time to see how it is operating. Likewise, those stakeholders will be reviewing this legislation from time to time. I do not honestly believe that I can be any fairer than that. I have asked the Opposition to support us on this matter. This is its amendment. I have gone as far as I am prepared to go on this issue. I heard what the member for Indooroopilly was saying. I have heard what the member for Clayfield and the shadow Minister have said. I cannot accept the amendment. I am asking them to bear with us. Earlier today in the debate I gave them a pledge that I would be more than happy to discuss with them any problems that they see with respect to the implementation of this legislation once it has been in operation.

Mr ROWELL: I heard what the Minister had to say. Yes, I think there is a degree of goodwill. The only thing I am concerned about is that something might have to happen to trigger off some changes to the legislation. I would not like to think that the need to do something about it arose only after somebody was affected badly under the legislation. That is my principal concern and is why I will divide the Committee. I feel that I have an obligation to demonstrate to the Parliament that we are not satisfied with what the Minister is saying. I believe that the Minister, in good faith, will do exactly what he said he would do. I do not have any doubts about that. However, I only hope that it does not become necessary to do this for some reason other than good parliamentary principles. That is what I am mostly concerned about. Somewhere down the track we might find that we have to rush back to Parliament to amend some section of this legislation because we realise that we could have done it better in the first place—that we could have done this more democratically and had greater scrutiny of the legislation. Again, I reiterate the point that I think we have gone down the wrong track. This

has created a situation that need not have occurred. We would not have had to divide on this if we had had support from the Minister in the first place. That is basically where the Opposition is coming from in relation to this clause.

Question—That clause 72, as read, stand part of the Bill—put; and the Committee divided—

AYES, 38—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hayward, Hollis, Lavarch, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 38—Beanland, Black, Borbidge, Cooper, E. Cunningham, Davidson, Elliott, Feldman, Gamin, Grice, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

The numbers being equal, the Temporary Chairman (Dr Clark) cast her vote with the Ayes.

Resolved in the **affirmative**.

Clauses 73 to 78, as read, agreed to.

Clause 79—

Mr McGRADY (2.44 p.m.): I move the following amendment—

"At page 56, lines 18 and 20, 'industrial'—

omit."

Amendment agreed to.

Clause 79, as amended, agreed to.

Clause 80, as read, agreed to.

Clause 81—

Mr ROWELL (2.45 p.m.): I move the following amendment—

"At page 57, line 22, ', other than the chairperson,'—

omit."

The Opposition is concerned that, unlike every other member of the Coal Mining Safety and Health Advisory Council who is appointed for terms of up to three years, the chairperson is appointed for such term as the Minister sees fit. Combined with the power given in clause 83 for the Minister to unilaterally—

Mr McGrady interjected.

Mr ROWELL: The Minister has indicated that he will accept the amendment. Will the Minister accept my amendments Nos 3 and 4, because they are both pretty similar?

Mr McGrady interjected.

Mr ROWELL: The Minister has indicated that he will accept them.

I therefore move the following amendment—

"At page 57, lines 26 and 27—

omit."

Amendments agreed to.

Clause 81, as amended, agreed to.

Clause 82, as read, agreed to.

Clause 83—

Mr ROWELL (2.47 p.m.): I move the following amendment—

"At page 58, lines 9 and 10—

omit, insert—

'leave of the council and without reasonable excuse.'."

It is clear that the proposed Coal Mining Safety and Health Advisory Council will play a critical role, especially in its ongoing review of the appropriateness of recognised standards and the implementation of recommendations from coronial inquests and boards of inquiry. In addition, the council is obligated to review the effectiveness of the Board of Examiners and the need for the continuation of its functions.

Three of the members of the council are Public Service inspectors, three represent management and three are union representatives; yet, despite the importance of the council, paragraph (d) of this clause provides that the office of a member of the council becomes vacant if the member "is removed from office by the Minister for any reason or none". In other words, the Minister can unilaterally move in and sack the members of this critical body at any time and for any reason no matter how ill founded, malicious, politically partisan or irrelevant.

Those members who recall the debates of the Public Service Bill in 1996 will recall how the Labor Party screamed from the rooftops about the removal of term appointees who were carrying out independent review functions. The Labor Party made a big play about how the removal of people who were appointed not to manage a statutory instrumentality and who have essentially executive functions, but people entrusted to carry out independent review work, sometimes of a quasi judicial character, was tantamount to a corruption of the system. The Labor Party claimed that it would be a travesty of justice to remove such people at will or at whim and that, when it was back in power, it would bring back certainty and justice.

Of course, we now know that the term of appointment provisions of the Public Service Act have been repealed and the Premier has indicated that they are there to be used strategically by his Government. Now three years on, the member for Mount Isa and this Government are presenting this Parliament with proposed legislation which will enable a Minister—not even the Executive Council—to have the power to sack a person from a body which may be in the process of reviewing the effectiveness and implementation of recommendations from a coronial inquiry or that of a board of inquiry.

How on earth can the Minister assure the Committee, the coal industry and the broader community that the proposed three-year review of the Board of Examiners by the council can be carried out effectively when each and every member of the council has the threat of being sacked ever present in the background? The Opposition would not oppose the Governor in Council having the power to remove the member, provided that their removal was for a stated statutory cause and the Minister gave reasons up front—provided, in other words, that there was at least an element of natural justice and procedural fairness.

The way this clause is currently drafted undercuts the independence of the council and undermines its credibility—a result which is deplorable and totally avoidable. Compare this clause with clause 97 which, for all its faults, at least provides that when a Minister removes a site safety and health representative from office written reasons must be provided.

For reasons best known to the Minister, this clause explicitly provides what should be the standard minimum level of procedural fairness, namely, that a person can only be removed from office for a reason and that that reason must be stated. This clause does not even reach that level. I fail to understand why the Minister has arrogated to himself total power to sack council members at any time and for no reason. I look forward to the Minister explaining why this level of totally unrestricted executive power is considered necessary in this instance.

Mr SANTORO: I wish to support the honourable the shadow Minister because, like him, I see it as inconceivable that the Labor Party would introduce legislation in 1999 after all the fuss it made in 1996 about the removal of term appointments in the Public Service Bill. This clause provides that the members of a key body can be removed by the Minister at any time or for any reason or, indeed, for no reason at all. As the honourable member for Hinchinbrook has just indicated, this is a draconian clause which really does require a bit more explanation from the Minister than we have had.

The Coal Mining Safety and Health Advisory Council plays a very important role, particularly with its review of the appropriateness of recognised standards and its oversight of the implementation of recommendations from inspectors' investigations, coronial inquests and boards of inquiry. It is not as if this body is just another statutory authority performing executive functions such as a port authority or an authority which is more topical these days, such as the TAB. This body actually is performing a central review function that could have an impact on whether people end up in jail or whether an accident is allowed to happen again because of a failure to fix up a deficient system highlighted by a board of inquiry.

This entity deals with very serious business. In some cases it can actually mean the difference between life and death. I know that the Minister is very concerned about preserving life and, by definition, avoiding death. In these circumstances, I say with respect that it is disgraceful that, after all the debate we went through in 1996, after all the Labor Party put the coalition parties through, the Government and this Minister have seen fit to bring to this Parliament legislation which gives the Minister and his successors the power to step in at any time and for no good reason simply sack the members of a council that, as I said, is central to the effectiveness of this legislation.

One does not have to be Einstein or have too much imagination to see what this axe hanging over their heads will do for certainty, morale, incentive and willingness to get on with the job. How can this council be expected to operate independently when the threat of the sack lies over each and every member's head all of the time? How can it properly carry out a review of the Board of Examiners when its tenure is practically non-existent?

I believe that, all in all, this power is over the top and totally counterproductive. I cannot express strongly enough my support for the comments made by the honourable member for Hinchinbrook, the shadow Minister.

Mr McGRADY: I understand where the two Opposition speakers are coming from. Both were Ministers in the previous Government. All I would say is that this is an advisory council to the Minister. We are talking

about how people cease becoming members: finishing a term and not being reappointed, resigning, being absent from three consecutive meetings, and removal by the Minister. As the Opposition would understand, the last thing a Minister wants to do is remove anybody from any committee or any board. We do not go into these things trying to create a battle.

As I have said before, the whole basis of this legislation is the tripartite agreement under which the Government, the industry and the unions are working together. As the member for Clayfield says, this is very important. But if there is someone on that board or advisory council who is not performing or is not doing the right thing, at the end of the day, in my opinion, the Minister must have those reserve powers to remove that person. A council not performing could in actual fact affect the health and safety of that particular mine or the industry itself.

I hate saying this, but in all the discussions and negotiations that have taken place, this, as I understand, received tripartite support. I understand that the previous Minister was quite comfortable with this. At the end of the day, there has to be a provision whereby if somebody on a council is not doing the right thing with regard to health and safety that person can be removed.

This is an important council, but it is not the Privy Council. It is simply an advisory council to the Minister. It is appointed by the Minister from panels presented to him or her. If the Minister were to dismiss one of those members and, say, for argument's sake, that person came from the management side, then the Minister would go back to the panels provided by, shall we say, the Queensland Mining Council, to reappoint. I do not think it is a big issue. At the end of the day, I think the Minister must have those reserve powers to remove somebody.

Mr SANTORO: Nobody on this side of the House is disputing the right of a Minister, or indeed the Government of the day, to have the power to dismiss a council, whether it is advisory or whether it has more executive functions compared with what we are putting in place through this legislation today. The Minister correctly stated that both of the speakers to this clause from this side of the Chamber have been Ministers. When I put legislation through this place which gave me as Minister or the Government the power to remove people, invariably there were reasons stated. Whether it was because people failed to attend three consecutive meetings, whether it was because they were incompetent, whether it was because they became bankrupt, whether it was because they were acting either negligently or deliberately against the objects of the Act, there were reasons that were stated. There were basic rules. The reasons need not be all encompassing. They need not be all inclusive. They need not be exhaustive. But what I do say is that some broad reasoning should be provided within a Bill such as this, and particularly within a clause such as this.

The Minister seems to be suggesting to the Chamber that Ministers should have the right to dismiss people from councils. Members on this side of the Parliament agree that that power should exist and that it should belong to the Minister. However, I believe that there should be some limit to that power through at least some broad definition of the reasons why the Minister should be able to dismiss people. We have heard what the Minister has said. We have heard argument for and against whether this Minister will act responsibly and not according to whim or because of a personal like or dislike of someone. But it is terribly important that members on this side of the Parliament place this point on the record, because we see it as important. We see it as an omission that will undermine the confidence of the participants—the members of the council. We cannot state that strongly enough in a debate such as this.

Mr ROWELL: I believe that the part that is of most concern is that a person can be removed from office by the Minister for any reason or none. That is why we are seeking to have included the words "leave of the council and without reasonable excuse". We are trying to be pragmatic about this to give people the opportunity to know that they will not be just pushed off a council for no particular reason; that some legitimate reason will be given for why they are going to be told by the Minister that they are no longer to be involved. It would not be unreasonable for the Minister to accept our amendment. We are quite happy with the essence of the clause, other than that part at the end of subsection (d) that talks about "any reason or none." I believe that is probably going a bit too far.

Mr McGRADY: One thing about me is that I am very humble, and I always try to take advice from people whom I consider to be experts. In actual fact, the wording of this was taken straight from the Workplace Health and Safety Act of 1995, which was introduced by none other than the honourable member for Clayfield, and which states that the Minister may at any time end the appointment of a member for any reason or none.

As I said, I am a fairly humble person. I am not trying to score points. I always bow to other people's knowledge. We thought it was an excellent clause, so we thought we would pinch it from members opposite. That is all we have done.

Mr SANTORO: I do not want to get pedantic about this particular point, but the Act to which the Minister is referring was the Goss Labor Government's Act. I readily acknowledge that we made some amendments to that Act, and I would have to refresh my memory to see whether I included that particular clause or whether it was a remnant or a continuation of a Labor Party provision.

Mr Nuttall: You could have changed it.

Mr SANTORO: It is a pity that more honourable members opposite, particularly those who profess a deep-seated love for the welfare of workers in the mining industry, do not actually put themselves on the list of speakers, make use of the microphone and express some views, rather than just interjecting, more often than not in a not very sensible way.

Mr Nuttall: Every inch of the way you've fought this Bill.

Mr SANTORO: We have not. Again, that just shows the ignorance of the member. The Minister has just accepted a couple of amendments from the shadow Minister. That does not suggest that we have opposed this Bill every inch of the way. If members are going to come in here after lunch and they want to participate in the debate, they should pay attention to what is happening so that they do not make absolutely unjustifiable—I was going to say "stupid"—statements such as the one the honourable member has just made.

I will deal with that interjection from the honourable member for Sandgate more seriously than it deserves to be dealt with. Two wrongs do not make a right. One has to take into account the impact of this particular legislation. We have raised some very serious objections to it. We have some very, very serious concerns about it. The power that is contained in this legislation is magnified many, many times compared with what is in the Workplace Health and Safety Act. The impact of an omission such as this is far more serious compared with what it is in an Act such as the Workplace Health and Safety Act.

Mr Fouras: Have you worked out that people on this side and people on the other side can criticise but, in the end, you should leave Government to the people who govern? Have you worked that out?

Mr SANTORO: It is interesting to listen to the honourable member for Ashgrove. I do not listen to him often, except when I want him to prove the fool that he is. He was a Speaker of this Parliament. As the Speaker of this Parliament—during his relatively undistinguished tenure in that position—he would have come to appreciate the fact that we are in a Parliament and that the Opposition has the right to express views. We acknowledge that eventually the numbers may dictate that the Government gets its legislation through. I might give the member one more chance at an interjection. But if it is as stupid as the one that I have just taken, I promise him that, after the next one, I will ignore him forever. If he wants to keep this debate going, he should continue making stupid interjections such as that.

Amendment negatived.

Clause 83, as read, agreed to.

Clauses 84 to 92, as read, agreed to.

Clause 93—

Mr SANTORO (3.08 p.m.): Clause 93 deals with the election of site safety and health representatives. My concern relates to subclause (1), which gives absolute discretion to the coalminers at particular coalmines who elect site representatives to decide what term an elected representative will have. There are absolutely no guidelines or parameters in place. And when one considers the pivotal role and the significant powers that these representatives will have, the lack of any statutory guidance—to put it mildly—is in fact quite puzzling. I ask the Minister why no term guidelines have been inserted in this Bill.

The Opposition's concern is particularly heightened by the fact that the absence of any sensible objective guidelines can be used as a pretext for the type of power which is included in clause 97, and which allows the Minister of the day to arbitrarily and unilaterally move in and sack a duly elected site representative irrespective of the wishes of the work force at a particular mine.

I would suggest that leaving this matter so open-ended is unsatisfactory and, in fact, weakens the tenure position of site representatives. The Opposition believes that, as a bare minimum, this clause should have some statutory time limits in place and that these should be communicated to the industry. The Opposition is concerned—as is the Scrutiny of Legislation Committee—about the power of the Minister to move in and sack

these people. If this clause was tightened up there would be far less justification—if some could be mounted—for the type of intervention allowed in clause 97.

I would suggest that the Minister has simply to look at the Workplace Health and Safety Act to see the model that he should have followed. Under that Act, provisions are made for the election of workplace health and safety representatives. Section 84 of that statute provides—

> "A worker elected as a workplace health and safety representative is a workplace health and safety representative for a term of two years from the day the worker is elected."

I ask the Minister: if this is good enough for almost every industry in the State, why was not a similar approach adopted in this Bill as was adopted in the Workplace Health and Safety Act?

I noticed that the Minister was taking some advice. I have two questions in relation to this clause. The first question relates to the lack of term guidelines within the Bill. Secondly, why are we treating the mining industry differently from every other industry in the State where term guidelines are provided?

Mr McGRADY: I thank the member for his contribution. As in many aspects of the legislation relating to this industry, there is a lot of custom and practice—

Mr Santoro: "Custom", did you say?

Mr McGRADY: Custom and practice. My understanding is that this has been the custom and tradition in the industry for many years. Mine workers at particular sites have the right to fire their representatives. My further understanding is that the stakeholders are more than happy with this particular provision. Therefore, if it is not broken there is no need to try to fix it.

As I have said on previous occasions, there is a lot of culture in the industry. It has been in operation since time began. Quite honestly, neither the Government nor the stakeholders sees any need to change it.

Mr SANTORO: I will be brief in reply to the Minister. I want to make two points. The Minister talked about custom. I understand the concept of entrenched work practices, including those practices which have no legislative base. But I would suggest that when we come into this place and we seek to make and pass laws, if we can make the laws more understandable and more precise so that the litigation that accompanies uncertainty and lack of clarity does not occur, I believe it is worth while pursuing the objective of certainty and clarity.

The often-stated principle "If it ain't broke, don't fix it" does not necessarily mean that we cannot improve something. It does not mean that just because something "ain't broke" it cannot be improved as an operating principle or, in this particular case, as an operational piece of legislation. I understand where the Minister is coming from when he speaks about entrenched practice, which he calls custom. However, I do not believe that the Minister's reasons are good enough to suggest that we should not be seeking to improve the provisions of this particular clause so that it becomes clearer to those who may one day seek to interpret it—particularly at a workplace.

Mr McGRADY: As I said on previous occasions in this debate, the stakeholders have been working long and hard over a substantial period of time. They are the experts in the industry. I believe all honourable members will accept that. The stakeholders, the Government and the unions are happy with it. My understanding is that the stakeholders are quite happy with the wording of the clause. I would not say "Who are we?" because the Parliament does have a right. The Parliament is the supreme body.

Mr Santoro: Would any of them object if we made it clear?

Mr McGRADY: We have hundreds and hundreds of clauses. Since day one I have tried to get a common approach from the tripartite committee. If the people who have been working long and hard on this legislation are happy with the wording, I suppose I could again be very humble and say, "Who am I to argue?"

Mr ROWELL: How much of this was negotiated during the previous Government's period in office? I want to get a little bit of a feel for this because I am not quite up to speed with it. I believe it is important that I have a clear understanding of when the negotiations took place. Were they recent negotiations, or has this been going on over a long period of time? If I have this information it will give me a better understanding of what the industry is all about when it comes to issues of this type. I am not trying to drag things out. I would genuinely like to know at what level the negotiations took place and when they occurred. That gives me a better understanding of why these types of things were put into the Bill.

Mr McGRADY: I think that is a very good question. Without attempting to be pompous, may I say this: this Act has been in place for

many years. I thought I explained this in my second-reading speech, but I set up a tripartite committee which was comprised of officers of the Department of Mines and Energy, people from the Queensland Mining Council and representatives of the trade unions. I might say that the CFMEU was not the sole union involved. The Australian Workers Union colliery staff, and other people who were involved, also had an input.

The tripartite committee met on a fairly regular basis. The committee went right through the Act. From time to time I sat in on the discussions and I made my contribution. I suspended the committee's activities when the Moura inquiry came about because there were going to be numerous recommendations flowing from that inquiry. When we received the recommendations from the Moura inquiry we set up an implementation unit. There was then a change of Government. In fairness to Tom Gilmore, I have to say that he continued along the same path. There has been a change of personnel over a period of time, but basically we have had the same people. I know that the matter has been discussed at Queensland Mining Council meetings. It has also been discussed at the union level.

Approximately 95% of the contents of this Bill has been agreed to by the three sections of the industry. There are perhaps five issues where there was disagreement. I think it is fair to say that most of the issues we are dealing with today have arrived here based on the unanimous recommendations of the tripartite committee.

I am not taking the credit for this, but over the last couple of years there has been a tremendous change in the professionalism of the staff of the department. I think we all realised, as a result of Moura, that if we were to get the best possible inspectorate we had to start paying proper rates for the job. I pay tribute to the previous Minister. He implemented the work that I started. There has been no disagreement at all. We now have a very professional staff, even though we still have a long way to go. When I came back I could see the change in the culture of the inspectorate. When I say that 95% of the contents of this legislation has been agreed between the parties, I assure the honourable member that he can take my word for it.

Clause 93, as read, agreed to.

Clauses 94 and 95, as read, agreed to.

Clause 96—

Mr McGRADY (3.19 p.m.) I move the following amendment—

"At page 62, line 15—

omit, insert—

'(b) stops being a worker at the mine; or

(c) is removed from office by a vote of coal mine workers.'."

Mr ROWELL: As the Minister is aware, I circulated a proposed amendment to this clause, which will remove the power of the Minister to sack democratically elected site safety and health representatives and instead empower the workers who elected the representatives in the first place to have that power. The amendment that I have circulated will align the provisions of this Bill with those prevailing under the Mining and Quarrying Safety and Health Bill.

The power of the Minister to unilaterally sack site safety representatives was questioned by the Scrutiny of Legislation Committee. The Minister responded by arguing that, as the site safety representatives were given wide powers and privileges under the legislation, there was a risk that those powers could be exercised improperly, resulting in disruption and expense to the industry. As I read this amendment, it in no way dilutes the unchecked power of the Minister to sack democratically elected workers' representatives. It simply adds as a further sacking trigger the vote of the workers as well.

I am pleased that the Minister has recognised the inherent commonsense and desirability of having some industrial democracy in this area. To that extent, this amendment is a step forward. Nevertheless, as I have said, the amendment does not water down or in any way disturb the power of the Minister to sack site representatives. If the power of the site representatives is too wide and the risk of misuse of their power is too great, then that is a fault of the Bill and should be remedied by the Minister in an appropriate manner.

However, there is an issue of industrial democracy at stake. If the Government believes that the site safety representatives are a critical element of the safety chain—and the Opposition certainly believes that they are—then the democratic wishes of the work force should be respected. If the powers of these representatives are too wide or the Bill does not have enough checks and balances, then the Minister deals with the matter appropriately and not through the back door by using over-the-top undemocratic powers in a manner that suppresses the democratic wishes of the work force.

I move the following amendment, which is an amendment to the Minister's amendment—

"At page 62, line 15, 'mine.'—

omit,insert—

'mine; or

(c) is removed from office by a vote of coal mine workers by secret ballot.

'(2) Coal mine workers must be given at least 7 days notice of the ballot.'."

Mr McGRADY: I cannot accept the Opposition's amendment to my amendment. The point I have made is that those people who elect the person have the right to remove the person. That is what the Government's amendment does.

Mr SANTORO: I rise to support strongly the amendment moved by the shadow Minister, the honourable member for Hinchinbrook. The Scrutiny of Legislation Committee pointed out that, under clause 97, the Minister is given the power to unilaterally remove from office a site safety and health representative duly elected by the mineworkers at the relevant site.

Obviously, as the honourable member for Hinchinbrook has stated, the Opposition is very concerned about this provision. If a worker is duly and democratically elected by his fellow mineworkers, then it is unfair and manifestly undemocratic for the Minister to step in and, in effect, deprive the work force of their democratic rights. One only has to compare this Bill with the Workplace Health and Safety Act to again realise just how intrusive and how undemocratic it is.

Pursuant to section 85 of the Workplace Health and Safety Act, a duly elected workplace health and safety representative can be removed only if the representative resigns or leaves the workplace. Under that Act, there is no power vested in the Minister to move in and sack a worker selected by the workplace. The Opposition suggests that if a duly elected worker is to be removed involuntarily, the most appropriate and democratic means is by the workers themselves voting to that effect.

The intention of the amendment moved by the honourable member for Hinchinbrook is to give to the workers on the site and not some far removed Minister in Brisbane, motivated possibly—and I say "possibly"—by incorrect information the ability to remove the site representative. The Opposition's amendment should overcome the problems that this clause was obviously designed to deal with, but in a practical, local and, I would suggest, very democratic manner.

Finally, I point out to the Minister that under clause 88 of the cognate Mining and Quarrying Safety and Health Bill, there is no provision for the Minister intervening and sacking duly elected site representatives. In fact, that clause provides specifically for the removal of a site representative, "By a vote of workers by secret ballot." In fact, this amendment is designed to keep both of these Bills in tandem.

In the Minister's response to the Scrutiny of Legislation Committee, he attempted to justify the power to remove a site representative on the basis that they are given considerable powers and privileges that, if exercised improperly, could result in disruption and expense to the coal industry of this State. I wish to assure the Minister that the Opposition is also very concerned about this fact—indeed, this possibility—but mostly with respect to the industry representatives, and I will return soon to that point. The Minister also pointed out that all stakeholders, including mineworkers' representatives, agreed that the powers must be subject to overview and control. The Opposition also agrees with this proposition. However, if these site safety representatives hold so much power and can cause so much damage that it is necessary to have a power vested in the Minister to remove them from office, why was not the same approach adopted in the Mining and Quarrying Safety and Health Bill? I think that is a very relevant question.

During his contributions, the honourable member for Hinchinbrook has talked consistently about consistency. I think that this issue certainly is a point of consistency and the Minister may care to clarify it. If it can be clarified to the Opposition's satisfaction, I dare say that we will be happy. The very same site safety and health representatives are immune from ministerial intervention. Under this Bill, the member for Mount Isa has no power to move in and sack these workers' representatives, yet under this Bill those representatives exercise the very same powers—and I wish to stress this—the very same powers as the site safety and health representatives.

In relation to these two Bills that we are considering during this cognate debate, where is the consistency? Where is the rationale and where is the difference?

Mr Grice: It's inconsistent.

Mr SANTORO: I take that interjection by the member for Broadwater. It is an inconsistent approach and it is a matter that concerns the Opposition. That is one of the

reasons why we are underlining this concern so strongly.

In the absence of any further clarification from the Minister here today, it is abundantly clear to the Opposition that there is no justification for the Minister having the power to sack site representatives at coalmines but leaving that to the workers themselves in the metalliferous mines and quarries.

This amendment is not only proper and democratic but also it ensures that the same standards apply in both coal and metalliferous mines. If the Minister can justify why this should not be the case, the Opposition would be not only very keen to hear from him but also hopefully to agree with him.

Mr McGRADY: Later on we will be moving an amendment in regard to the metalliferous legislation to bring about some consistency. I have nothing further to add. I gave our reasons before. I still believe it is vital that the Minister has this reserve power. It would not be used lightly. It would be used, I understand, if a person is not performing. In my opinion, if a person does not perform, that could affect the health and safety of the people in that industry. Therefore, I honestly believe that the Minister must have that reserve power.

Mr SANTORO: On a point of clarification, is the Minister signalling at this stage that he intends to amend the other Bill to reflect the provisions within this Bill?

Mr McGRADY: In the amendment that I will be moving later on in the Bill, we will be bringing about some consistency with district workers' representatives.

Mr SANTORO: Will the Minister be removing the reasons contained within that particular legislation to reflect the provisions within this legislation?

Mr McGRADY: When we come to that part of the legislation, we will tell the honourable member what we propose to do.

Mr SANTORO: I can only assume that the Minister intends to synchronise the provisions in that Bill with what is in this legislation. I need to signal to the Minister that the objections that both the honourable member for Hinchinbrook and I have expressed to this particular provision will have to be reiterated when we debate that legislation. We do not agree with the Minister's proposed amendment. I should say that he has done nothing to reassure us or cast aside our concerns.

Mr ROWELL: It appears that the Minister is quite adamant that he maintain this power. He has his own particular reason for that. I believe that when one takes the work culture into consideration, the Opposition's proposal that the workers themselves decide who the appropriate people are is a good one. I doubt that they would have any problems deciding whether a person was appropriate to carry out this very vital role within the mining industry.

Generally from what I have seen, and as the Minister said, the mining industry is cleaning up its act. There is no question about that. One can see a lot of good work being done in the mines today. Far more people in the mining industry are safety conscious than was the case some years ago. It is always a good thing to allow those who are directly involved in the industry to make some decisions for themselves. Basically, that is what we are asking for in this amendment.

If the Minister does not accept the Opposition's amendment to clause 96, the amendment that I proposed to move to clause 97 will not be of any benefit. Could the Minister respond on that point? Is he quite adamant that he will maintain the stance that, as far as the industry is concerned, he will be the overriding power on safety aspects?

Mr McGRADY: I hear what the Opposition is saying, but I honestly believe that they are making a mountain out of a molehill. We are talking about reserve powers for a Minister. We are talking about a council that has been appointed by the Minister from a panel provided by the stakeholders. If a person does not attend three meetings, he or she automatically goes. There may be times when a person on the council is not doing the right thing in the interests of health and safety. At the end of the day, I believe that the Minister must have those reserve powers to remove that person. Obviously, that would not be done lightly. The honourable member opposite has been a Minister and so has the member for Clayfield. They know that those decisions are not made at the drop of a hat. One makes them when something serious is happening.

In my opinion, it is vital that the Minister has those reserve powers. If somebody on the council is not doing the right thing in relation to health and safety, that could lead to a death or a person losing a limb simply because the council has not been working the way it should. If a Minister appoints that council, surely that Minister has the right to remove a person if he or she is not doing the right thing. With all due respect, I think that the Opposition is making a mountain out of a molehill.

Mr Rowell interjected.

Mr McGRADY: Obviously the member has been in the position that I am in now. He has been a Minister. He would not want to

come into conflict with the council that he, as the Minister, appointed. To some extent, it would be an embarrassment to the Minister if one of the people whom he had appointed was failing in their job. He would not make that decision lightly. At the end of the day, there would have to be some reserve powers for the Minister.

Amendment (Mr Rowell) negatived.

Amendment (Mr McGrady) agreed to.

Clause 96, as amended, agreed to.

Clause 97—

Mr McGRADY (3.35 p.m.): I move—

"At page 62, line 16—

omit, insert—

'Removal from office by Minister'."

Mr ROWELL: There is no point in the Opposition pursuing its proposed amendment to clause 97, because the Minister is quite adamant that he wants to maintain that power. I succumb to his deliberations.

An Opposition member: His numbers.

Mr ROWELL: I suppose one could say that it is the numbers in the Parliament, but the fact is that we are trying to work our way through the Bill and choose the best options available. We believe that that is what we have presented, but the Minister thinks differently. At this point, I accept his judgment.

Amendment agreed to.

Clause 97, as amended, agreed to.

Clauses 98 to 107, as read, agreed to.

Clause 108—

Mr SANTORO (3.37 p.m.): This is certainly one part of the Bills that the Opposition is most strenuously opposed to. The Minister has said that there are three or four major areas of difference within the Bills that we are debating today. Certainly this is one of them.

I wish to place on the record very clearly that the Opposition cannot accept that there remains a need for union appointed officers who are allegedly there to enforce safety and health legislation. It needs to be kept firmly in mind that there are no equivalent positions in the Workplace Health and Safety Act for either industry safety and health representatives under this Bill or district workers' representatives under the cognate Mining and Quarrying Safety and Health Bill. These positions are holdovers from a long gone industrial era and no longer serve any useful purpose.

Mr McGrady: Is the member referring to clause 109?

Mr SANTORO: No. I am talking about Part 8 and clause 108, which purports to outline the purposes of Part 8. I am speaking generally to the purposes. Obviously, I reserve my right to speak further to clause 109.

Under these Bills there will be duly elected site safety representatives with extensive powers. An inspectorate will be granted very wide powers and it will be backed up by penal provisions that some have characterised as being draconian. There will be recognised standards aimed at reducing health risks to workers, and a Coal Mining Safety and Health Advisory Council to review the effectiveness of various occupational health and safety issues under the Bill. In other words, there will be a range of officers and entities designed to encourage, promote and enforce workplace health and safety standards at all levels of the coalmining industry.

Therefore, the question arises as to why there is a need for union nominated officers who will be another layer in this process. On the best possible viewpoint, these officers will be unnecessary and redundant. They will simply be duplicating the work done either by the site representatives, who are the democratically elected people at each mine, or by the independent inspectorate. In short, on the most charitable point of view, they are redundant. From a less charitable point of view, these union appointed people will be able to roam around the coalmines of Queensland with extensive powers and, under the guise of workplace health and safety, be able to do the bidding of the CFMEU.

Even more disconcerting is the fact that these CFMEU nominated people will be given the power to shut down a mine or part of a mine. They will be given the right and the power to enter work sites even where a majority of workers are not members of the CFMEU. They will be given the power to demand entry to all parts of a mine, to demand assistance from management, to view material, to take copies and to give directives, and all of this on sites where they may have absolutely no industrial presence—where they may have no members and no jurisdictional legitimacy. That is not a hypothetical situation. Honourable members on both sides of this Chamber need only cast their minds back to Gordonstone and Ensham to realise what the future for Queensland coalmines may be in terms of union militancy by the CFMEU.

In these circumstances, these CFMEU people will be in a position to create maximum disruption and industrial strife, and all with the

full force of the law behind them. This will be an intolerable situation and will bring our whole coalmining industry into disrepute. Certainly, it would not do our international reputation as a supplier of raw materials—in this case coal—any good. Therefore, the Opposition will not be supporting the insertion of these provisions in the Bill. The very fact that these provisions have caused so much concern and yet, as I said, even on the best analysis will achieve absolutely nothing that could be defined as concrete, should alert the Minister to the fact that they are counterproductive.

In conclusion, I point out that under the previous Government a compromise was reached whereby these union nominated officers could be retained in underground operations subject to a review after a short period.

Mr Fouras interjected.

Mr SANTORO: The member is about to receive another belting. That was not what the mining industry wanted, but the then Government thought it would be an achievable and workable compromise.

This Government has thrown out all of the elements of the previous Government's compromise package. Under these circumstances, the Opposition is not in a position to support provisions that are opposed by the mining industry and which have no sunset clause, which apply to surface as well as underground operations and which are patently oppressive, intrusive, counterproductive and, dare I say, very much favouring a union which these days seems to be very much in favour within Beattie Labor Government ranks—a union which, as I have stated in this place in previous debates, has shown itself not only to be very capable but also deliberately willing to break the law of the State, to harass and make life very difficult not just for mine owners, managers and the managerial hierarchy within those places but also for fellow workers who want to get on with the job of earning a living, providing for their families and helping to ensure that the international reputation of Queensland as a reliable supplier of goods and services is not compromised by the wanton disobeying of laws by the CFMEU.

The honourable member opposite can stand up, if he wishes, and defend the CFMEU, of which he is a member. The honourable member for Fitzroy can stand up and justify how his union mates can go about breaking the law, intimidating, physically threatening, verbally abusing and sexually intimidating innocent Queenslanders. If he wishes to go on the record again and discredit himself as a representative of people who expect more from their law makers than people who encourage law breaking, of which he was a prime example, then let him stand up. We will listen to him in silence and we will let him put it all on the record. We will let the honourable member for Fitzroy vent his spleen. We will let the honourable member go on the record again in a very definitive way. Particularly these days in the age of the Internet and IT—

Mr Hayward: Are you getting a bit upset, mate?

Mr SANTORO: No, I am not upset. Do I sound upset? Anybody in the public gallery and anybody in the Chamber would be very quick to disagree with the honourable member, as most reasonable people would, in relation to these matters.

Mr Hegarty: A very moderate tone.

Mr SANTORO: Mine is a very moderate and considerate tone.

Mr Hegarty: Measured, I'd say.

Mr SANTORO: It is a measured tone; that is right. In this place we should always seek to be measured and realistic, which is a concept that the honourable member for Fitzroy, when it comes to favouring his CFMEU mates and justifying their law breaking practices, cannot embrace or comprehend. I invite the honourable member to stand up and again go on the record. As I said, these days people read these debates far more frequently than has been the case in the past. The member cannot speak enough in this Chamber. People like you—

The TEMPORARY CHAIRMAN (Mr Reeves): Order! I remind the member to speak through the Chair.

Mr SANTORO: We are seeking to influence people through moral and balanced argument which is legally based. We cannot have enough of the honourable member for Fitzroy standing up and saying things in this Chamber, because every time he justifies the actions of the CFMEU—many of which are no good at all for ordinary Queenslanders—he wins us political support. I invite the honourable member to make his contribution.

Mr ROWELL: I support the comments of the member for Clayfield. It is disturbing when a particular group dominates in such an important area as mine safety and has the power to go into a mine that has no union members whatsoever and decide whether it is safe. Those people are being given the ability to interrupt the workplace. Recently, we have

seen what has been happening at mines. We have heard comments about Gordonstone and so on. If everybody in this country did not get exactly what they wanted and people picketed the wharves, for example, so that we could not get food in or picketed farms so that the farmers could not produce their food and send it out, we would have absolute chaos. We do not always get what we want in a democratic society. All we can do is hope that we get the best outcome we can. Sometimes safety issues are used to achieve other purposes. I am concerned that with the enactment of this clause we will see that happening.

I know that there are many people out there doing it tough and I know they are not happy with their lot, but if they were to go about doing some of the things that the CFMEU was doing, we would find that the country would not function. It is as simple as that.

The member opposite knows about farming. He told me that he was on a farm at one stage and he told me how tough it was. He probably did not get a good deal. What would we do if all the farmers went out on strike? We do not do things that people in France and some of those other countries do when things do not go our way. We battle on and we try to do the best we can. I suppose in a rational, thinking group of people that is what we expect in Queensland and, in fact, in Australia.

Mr Pearce: You wanted people to work for half a sheep and a billy of milk.

Mr ROWELL: I have camped out under the stars, too. There is nothing new about that and I will bet you that there are many people on this side of the Chamber who have had to do the same. I have cut sugarcane. I know exactly how tough it can be.

The TEMPORARY CHAIRMAN: Order! I remind the member to speak through the Chair.

Mr ROWELL: Yes, I think I can relate to many of the difficulties that a lot of people face. I think that, when people do not get their own way and go off on the deep end and start picketing and threatening people, that is a very serious situation. I think it is for that reason as much as anything else that we will not be supporting clause 108.

It is unnecessary that these people go around the mines. There are sufficient provisions within the Bill that enable those types of things to occur. There has been a great deal of improvement, as I have said on a few occasions during this debate, in relation to mine safety, which is absolutely paramount. We do not want the situation in which we have forces opposing one another; we want to try to bring people together. We want to have a cohesive group in which safety is regarded as highly by the miner as it is by those who actually operate the mine itself.

Mr Pearce: That statement shows you know nothing about it. You haven't been out there.

Mr ROWELL: Would the member opposite like to get up and make a contribution? He has got every opportunity—

Mr Santoro interjected.

Mr Pearce interjected.

The TEMPORARY CHAIRMAN: Order! The member for Fitzroy! The member for Clayfield!

Mr ROWELL: The member for Fitzroy has every opportunity to get up and make a contribution. If he thinks—

Mr Fouras interjected.

The TEMPORARY CHAIRMAN: Order! The member for Ashgrove!

Mr ROWELL: If he thinks—

The TEMPORARY CHAIRMAN: Order! "The member for Fitzroy".

Mr ROWELL: If the member for Fitzroy believes that what we are saying is wrong, that we should not be going down this track, I would like to hear his point of view. I think that, unless people hear both sides of the argument, they cannot come up with a definitive position. We have put one forward. I would like to hear us proved wrong, and perhaps the Minister or the member for Fitzroy could do exactly that. I would be very pleased to hear from either of them.

Mr McGRADY: When we discussed the Bill in detail, I said that there were three or four or five points where there was difference between the Opposition and the Government.

Mr Santoro: Do you think this might be one?

Mr McGRADY: I am certain this is one. There is a fundamental difference between us and the Opposition.

Mr Santoro: We believe in democracy.

Mr McGRADY: It is democracy. That is why the member was elected to this place and that is why the member for Fitzroy is sitting on this side of the Parliament: because he was elected by the people of his electorate. There is nothing wrong with him advancing the case

for the CFMEU or, indeed, anybody else—this is democracy; this is what it is all about—just as there is nothing at all wrong with members of the Opposition going to the Queensland Mining Council or anybody else to get information to assist them in this debate.

I am not going to take too much time in this particular section because in my response I did reiterate some of the points that I have been making for quite some time. There is a view abroad that a CFMEU officer can go in and close down a mine. Being realistic, one telephone call—one single telephone call—to the director of the Department of Mines and Energy has that mine open within minutes. So we all use examples, we all exaggerate, to try to prove a point.

But let me say this: the National Party, the Liberal Party and the Labor Party all have their little groups and factions—call them what you like. Both gentlemen from the Opposition know where my allegiances are within my organisation. So I am not captured by anybody. Let me say that since 1940 we have had people from the CFMEU who have played a very important and vital role in the safety of the coalmining industry. Some of the greatest advocates of safety in this industry have come from the ranks of the CFMEU.

When one sits down and talks safety with these people, one discovers that that is the No. 1 issue on their minds. In common with me, these people have seen their mates killed and maimed in this industry. When one is involved in this industry and understands some of the potential risks that one's mates and colleagues face on a day-to-day basis, of course one becomes conscious of the safety issues. When one goes through the recent history of industrial disputation in this State or, indeed, this country, one finds that seldom has it been on issues of safety. I believe that there is this common thread which goes right through the industry whereby people are trying to improve safety.

I thought we had a deal that we would not get involved in union bashing. In the years that I have spent as a Minister for Mines and Energy, both in the Goss days and now in the Beattie Government, I have had a tremendous admiration for those men and women from all unions, but in particular from the CFMEU. There are many times when we have clashed over other issues, but we certainly do not clash on the issues of safety. Those people are held in the highest regard by the inspectorate of the Department of Mines and Energy.

This Bill is all about health and safety in the mining industry. It has been debated. I understand and I appreciate the position that members of the Opposition are coming from. I do not agree with them, but I think it has been well and truly canvassed. They are not going to change my mind and obviously I am not going to change their minds. However, we have to decide that those men and women who belong to the CFMEU and the other unions are committed to safety in the industry, and I do not think that we should take this opportunity today to attack and abuse the organisation for which they work.

Mr SANTORO: I was not intending to rise again under this particular clause, but I just want to make a few additional points to those I have made already. The honourable member for Hinchinbrook interjected on the Minister—in a decorous manner, I should add. I do not know whether Hansard picked up the interjection. What he sought to indicate was that he was not suggesting that members of the CFMEU—members of that union—were not capable or, indeed, willing to make a contribution to the advancement of workplace health and safety in coalmines. Just in case that interjection was not recorded, I take the liberty on his behalf to place that on the record.

The Minister suggested that we should not take the opportunity under this clause to bash the CFMEU, and I just want to take this opportunity to clarify my own position in relation to this matter. When I was the Minister responsible for workplace health and safety, I genuinely believed—and I still do—that workplace health and safety is an issue which should be bipartisan in terms of the way that political parties in this State approach it.

I spoke to a few people, mainly to friends of mine within the workplace health and safety industry. I said, "Who should I be talking to about gaining some knowledge and wisdom in relation to workplace health and safety?" Although I had been the shadow Minister for four or five years, I really did not have a lot of practical experience. So some of my political allies said, "Why don't you speak to some of the union people?" I recall that one of the people whom they mentioned was a person called John Christian, who was an officer with the BLF—one of the more militant unions. They also suggested that I should speak to somebody called Ron Keating—another very good, strong union advocate. I mention those two people because they are the ones who quickly come to mind.

I appointed people such as those to committees of review and to advisory bodies. As the responsible Minister, I got a

tremendous amount of benefit from the contributions of people from not just my side of politics, such as industry bodies, but also from individuals such as I have mentioned from the union movement. I hope that I have not in any way compromised the prospects of those people for advancement in the union movement by suggesting that they served some useful purpose within an administration that I was a member of, because I mean those comments in a very genuine way.

Let us not bring this discussion down to people, because I believe that even within the CFMEU there are people who really mean well, particularly when it comes to the workplace health and safety considerations of their colleagues. So this is not union bashing. We may bash a union, but we do not bash individuals. There are a lot of very responsible individuals in unions. The majority of them voted for Governments such as the Fraser Government and the Howard Government. The coalition would not have won those elections if the majority of union members had not voted for the coalition parties. The majority of unions from time to time vote for coalition parties. Those opposite have no moral or political monopoly over their votes and support.

The Minister said, "If the CFMEU closes down the mine, one phone call to the director-general will reopen it." But what about the expense? What about the inconvenience? What about the point which was very carefully considered by the Scrutiny of Legislation Committee? The bipartisan committee referred to the powers of site representatives as possibly resulting in "considerable disruption and expense to industry". So I do not accept the argument from the Minister that says, "So what if the CFMEU closes down the mine? One phone call to the director-general will see the mine reopen." Even the Scrutiny of Legislation Committee came up with the realistic view of that situation—that is, there will be disruption, expense and inconvenience. For that reason we do not accept the argument of the Minister and we will divide on this clause.

Mr ROWELL: I think it is very important that we recognise the role of unions. They provide balance in the industrial relations arena. I have worked on a whole range of projects—on some as a worker and on some as an employer. I have seen that if the balance is disrupted workers can be disadvantaged or employers can be held to ransom. And so it goes on.

I think a sensible situation is really what this country wants. When we compare Australia with many other countries we see that we have a fairly high cost wages structure. That is part of what we are about. We are extremely fortunate to be able to support that. In China, Vietnam and a lot of other countries around the world there is a major imbalance between workers and employers. I think we are fortunate in Australia to be able to maintain a reasonable balance. It is important that we do not upset that balance. If we do, we will go back to the old days when people were getting very low wages, not getting sufficient reward for the work they were doing. They were working in very difficult and unsafe conditions. I have been in that situation myself.

Mr Pearce: The unions fixed the problem.

Mr ROWELL: No, I did not say the unions. I am trying to put forward a balanced view. Why does the honourable member not make a contribution? It would be good if the member for Fitzroy made a contribution to this debate, because he continually interjects when we are discussing this very important issue of the involvement of unions in relation to coalmining safety. I think it is extremely disappointing that someone can sit on their perch and pick away and yet not want to make a contribution.

The Bill is very important for mine safety. As I have stated more than once, we have a safe situation in mines. There is increased recognition on the part of the employer and there is also a greater awareness on the part of those who are working in mines. I am very concerned that this legislation gives a right to one particular group to make decisions that could be detrimental to the operation of a mine. The Opposition will not be supporting clause 108.

Question—That clause 108, as read, stand part of the Bill—put; and the Committee divided—

AYES, 40—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 40—Beanland, Black, Borbidge, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Watson, Wellington. Tellers: Baumann, Hegarty

The numbers being equal, the Temporary Chairman (Mr Reeves) cast his vote with the Ayes.

Resolved in the **affirmative**.

Clause 109—

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

"At page 68, lines 2 to 7—

omit, insert—

'Nomination and appointment of industry safety and health representatives

'109.(1) The Minister may appoint up to 4 persons to be industry safety and health representatives from nominees for the positions.

'(2) The term of office of an industry safety and health representative must not be more than 4 years.

'(3) An industrial organisation with members in the coal mining industry may nominate individuals to be industry safety and health representatives.

'(4) The Minister is to appoint, from the persons nominated, persons who satisfy the Minister they—

(a) have appropriate competencies and adequate experience to perform the functions of an industry safety and health representative; and

(b) are in a position to adequately represent the safety and health interests of a majority of coal mine workers.

'(5) An industry safety and health representative is appointed under this Act and not under the Public Service Act 1996.'."

The object of this amendment is to ensure that the CFMEU is not given the sole right to appoint persons as industry safety and health representatives and that the decision to appoint will be made by the Minister from nominations made by unions with members in the coalmining industry. The Opposition will be moving a further amendment to give effect to this intention shortly.

As honourable members will also note, the clause deals with other technical matters that are not of any partisan or policy significance but are in the nature purely of drafting corrections. I will be speaking at length later as to why, as a matter of principle, it is wrong for this Bill to attempt to give exclusive union coverage to a nominated union. The only issue that I raise now is that the legality of doing this is by no means clear, and apart from the sound policy reasons I will explain later, I suggest to the Minister that, under both State and Federal laws, there is a potential minefield of issues that will come back to haunt him if he proceeds with the proposal to give closed shop status to the CFMEU.

We have discussed this at some length already. I would really like the Minister to comment on what I have had to say, because if we give closed shop status to one union and not others, I believe that has the potential to severely disrupt the coalmining industry over a long period. Why has there been exclusivity for the CFMEU? Why have other unions that are involved in coalmining not been allowed to have representatives in this particular area? I believe it is quite important that we recognise that there are other groups of unions that are working within the mine systems, and I believe that giving exclusivity to one particular union group raises some very serious concerns. I am afraid that the Opposition cannot support that.

Mr McGRADY: This is basically the same as the discussion we had a few moments ago. I have to say that the CFMEU is regarded as the prime union.

Mr Rowell: It's not the only one.

Mr McGRADY: No. It is the prime union in the Queensland coal industry. The other unions which operate in the Queensland coal industry are quite happy for the CFMEU to retain the status it has, and that includes the Collieries Staff Association.

This practice has been in the industry since 1938. It has been accepted for all of those years by people in the other unions and, indeed, by people on the other side of the industry. I understand where the member is coming from.

Mr Rowell interjected.

Mr McGRADY: It is not so much a balance. But if on the one hand the member is claiming that he requires some representation from the other unions and the other unions are saying, "Hold on a second. We are quite happy with the CFMEU taking the status", I ask again: who am I, or who is he, to try to change this? This is not something which is new to this legislation. As I said, this practice has been in operation since 1938. I just do not understand why there is this move afoot now to try to change a practice which, in my opinion and in the opinion of most people who have any knowledge at all of the Queensland coal industry, has worked extremely well.

Amendment negatived.

Clause 109, as read, agreed to.

Clause 110, as read, agreed to.

Clause 111—

Mr ROWELL (4.17 p.m.): I move the following amendment—

"At page 68, lines 13 and 14—

omit, insert—

'111. The industrial organisation that nominated a person to be an industry safety and health representative must fund the representative for the representative's term as industry safety and health representative.'."

Amendment negatived.

Clause 111, as read, agreed to.

Clause 112, as read, agreed to.

Clause 113—

Mr ROWELL (4.18 p.m.): I move the following amendment—

"At page 68, lines 23 and 25, 'union'—

omit, insert—

'Minister'."

These amendments are really consequential amendments that have been moved as a result of what may have happened with clause 109. But it appears that the Minister is not prepared to accept our amendments. This is just one of those consequential amendments—had we been successful with our proposed amendment to clause 109.

Amendment negatived.

Clause 113, as read, agreed to.

Clause 114—

Mr ROWELL (4.19 p.m.): I move the following amendment—

"At page 69, line 11, 'union'—

omit, insert—

'Minister'."

This amendment is consequential on the results of our proposed amendment to clause 109.

Amendment negatived.

Clause 114, as read, agreed to.

Clauses 115 to 118, as read, agreed to.

Clause 119—

Mr ROWELL (4.19 p.m.): I move the following amendments—

"At page 71, line 21—

omit."

The Minister would know that the Government's insistence on retaining union appointed safety inspectors—now called district union inspectors, but under this Bill known as industry safety and health representatives—has been strongly opposed by the mining industry. We have talked about this matter. Part of the reason for this opposition has been the fact that the role that these persons are supposed to perform will be effected on site by the site safety and health representatives, and from an industry perspective by the inspectors employed by the Department of Mines and Energy.

However, there is no doubt that one of the main stumbling blocks to any sort of acceptance by the mining industry and neutral observers in relation to industry safety and health representatives is the power vested in them under this clause to issue a directive under section 167. The directive can be given orally or by notice. In other words, the directive can be given on the spot. I concede that there are provisions in the Bill for reviewing these directives—and I think we have talked about those—but by the time these directives are reviewed the damage is done in the case of a mine shut-down. I think we have spoken about this to some extent, but I think it is well worth reiterating.

The Scrutiny of Legislation Committee in Alert Digest No. 4 pointed out that the issue of a directive can "have a substantial impact upon the rights and liberties of individuals affected by them." The committee referred to this Parliament the question of whether the system of giving directives has sufficient regard to the rights and liberties of the persons affected by those directives. Certainly the way that the power to give directives has been drafted is wide, but the Opposition's initial concern is the agenda of the person in whom the power to give directives has been vested.

The Opposition does not oppose giving broad powers to inspectors and, in appropriate cases, site safety representatives. At the moment, under the Coal Mining Act, inspectors are empowered to order the withdrawal of workers from all or part of a mine in the case of danger. This is the sort of power that must be included in the coal mining legislation, especially in underground operations.

However, it is clearly inappropriate that the extreme power to shut down a mine on the spot, and by word of mouth, is given to a union appointed person who may not even be representing any, let alone the majority, of the workers at a particular site. The Opposition recognises that, under the current legislation, both mine officials and district union inspectors

are empowered to suspend all operations in any dangerous place until that place has been certified to be safe by an inspector.

However, as was pointed out in the debate, not all coal mines are staffed by CFMEU members. The examples of Ensham and Gordonstone were given, as well as the numerous mines which are staffed by contract labour. In some cases it means that less than half the staff are CFMEU members.

Why should a CFMEU-nominated person be empowered to enter upon a non-unionised coalmine and shut it down, irrespective of the wishes of the workers, management, the site safety representatives or the inspectorate? Such a power can easily be misused and result in enormous financial losses for a mine. As I said, the Opposition supports giving the necessary power to people who are either independent and fully trained inspectors or people who are democratically elected representatives of workers on the site. The Opposition strongly opposes giving the power to close down a mine to CFMEU-appointed officers.

In fact, as I have already pointed out, section 181 makes it an offence to obstruct an industry health and safety representative in the exercise of this power. A breach of this section is punishable by a fine of up to $7,500. Putting the CFMEU in this position of potential absolute power is not in the interests of the mining industry or the general community and undermines the effectiveness of this Bill. By giving the CFMEU this power, the whole process of trying to develop a duty of care environment within a workplace is destabilised by actively facilitating off-site union representatives to move in and implement their industrial agendas under the guise of workplace safety.

As I said, we recognise that a limited form of the power to use a directive under clause 167 exists at the moment in section 71 of the Coal Mining Act. However, the power to issue a directive is broader than this power and, in any event, the "use by" date is well and truly up on giving union safety officers the right to shut down coalmines, especially when the trend throughout the industry is towards more flexible arrangements and, in some cases, a non-unionised work force.

To give the industrially militant CFMEU expanded powers to cause industrial mayhem at a time when workers and management in our coalmines are voting with their feet to dissociate themselves from this union is wrong in principle and has the potential to result in these powers being used not for protecting workers' safety but to try to bolster the CFMEU's position in the workplace. That is not desirable.

Mr McGRADY: This is a similar proposition to those with which we have been dealing for the past half hour. I hear the Opposition talking about the CFMEU coming around and closing down a mine. I have to ask this question: what mine? When does the CFMEU close down mines? The CFMEU inspectors have a responsibility for the whole coal industry, not just for one specific mine. If there is an accident in a non-unionised mine, it still comes back to the industry. People working in non-unionised mines are entitled to the same safety standards as anyone else. Therefore, we have to have policemen to ensure that safety is of paramount importance. Again, it is similar to the route that we have been following for the past half hour and, as such, the Government simply cannot accept it.

Mr SANTORO: I wish to strenuously support the honourable member for Hinchinbrook's contribution. I was outside the Chamber but I was listening very intently. I agree with everything that the honourable member has said. It is not a matter, as the Minister suggested, of going down the same route. The fact is that we do have this additional clause—clause 119—which we are considering. I would respectfully suggest to the Minister that empowering a CFMEU-appointed official to enter any part of a coalmine, to make inquiries, to examine documents, to copy material and to require the person in control of the mine to give the CFMEU official help is serious enough. But to then give the CFMEU official the power to close down the mine is totally unacceptable. That is the sort of power we are giving to the CFMEU.

As I said earlier in this detailed debate, in his response to the Scrutiny of Legislation Committee the Minister said that the power of site representatives could result in disruption and expense to industry, and this applies even more so to industry representatives. Under this Bill, the industry representative can enter any coalmine. I heard the Minister ask the honourable for Hinchinbrook, "Which mine?" The answer is obvious: it is any mine in Queensland irrespective of how vital that particular mine is.

Mr Beanland interjected.

Mr SANTORO: The honourable member for Indooroopilly is right. I understand the Minister's desire to get this Bill passed. I accept that he has a particular point of view, as do we. However, I say to the Minister that, when he asked, "Which mine?", I say: any

mine. It does not matter how commercially sensitive—

Mr McGRADY: I rise to a point of order. The reason I asked the question, "Which mine?"—

The TEMPORARY CHAIRMAN (Mr Mickel): Order! There is no point of order.

Mr SANTORO: The Minister can interject. I am happy for him to clarify it. Clearly, in terms of maintaining Queensland's hitherto very good reputation as a reliable supplier of goods and services, as we saw at Gordonstone mine sites are very sensitive. The fact is that the CFMEU is capable of entering any mine—not just coalmines—where a majority of the members belong to the union. They are in a position to disrupt operations and to cause millions of dollars worth of damages. It is important to appreciate that, under this Bill, the taxpayer, either directly or indirectly, picks up the tab. As legislators, when we are considering this legislation we can never forget the most likely impact of that legislation on the rest of the community—on a community that is not involved directly—and that we need not place them at great inconvenience and great expense.

Mr Pearce interjected.

Mr SANTORO: Again I hear the honourable member for Fitzroy in the back of the Chamber mumbling "supporting the mining company". Unlike the honourable member for Fitzroy, at least the Minister has courage. I pay credit to the Minister, but I do not pay credit to his colleague because he does not have to take up much of the time of this place to state his views. However, he mumbles. It is almost as though he is afraid to be heard. He says things in such a way that makes me think that he wants to be provocative. He wants to pluck up the courage to register a view. Of course, we on this side of the Chamber are representing, among other views—including the views of CFMEU people who want to improve workplace health and safety—the views of mining companies that are also committed to that particular ideal. But what about the cheek of the honourable member for Fitzroy who dares, in a cowardly and low-voiced manner, to interject and say, "You are just representing the views of the mining company." The Minister, with great propriety and with great candour, says, "You know where I am coming from. I am representing the views of the union." And why should he not? In this particular case, the Opposition is representing the views of a lot of people. If my views in relation to workplace health and safety happen to be coincidental to those of the CFMEU and the mining companies and experts within the workplace health and safety industry, so be it. However, let us not have that cowardly character from the back of the Chamber seeking to interject in a mealy-mouthed, underhanded, inaudible manner to show off. It is just incredible.

The TEMPORARY CHAIRMAN (Mr Mickel): Order! The term "cowardly" is unparliamentary and I would ask you to withdraw.

Mr SANTORO: Mr Temporary Chairman, out of deference to your ruling—

The TEMPORARY CHAIRMAN: No, I said you will withdraw it.

Mr SANTORO: I will withdraw. Of course, I will withdraw, Mr Temporary Chairman. I was actually stating a principle which members on this side of the Chamber observe, and that is deference to the Chair, and we have done that.

The TEMPORARY CHAIRMAN: Order! When I ask you to withdraw something, you withdraw it immediately. The term "with deference to the Chair" has already been ruled—

Mr SANTORO: Mr Temporary Chairman, I would like—

The TEMPORARY CHAIRMAN: Resume your seat. I asked you to withdraw. The term "with deference to the Chair" has been ruled out many times. You will withdraw it immediately.

Mr SANTORO: Mr Temporary Chairman, just as an aside, I will undertake some research and I will seek to establish whether, in fact, the word "cowardly" is unparliamentary and I will seek to determine whether, in fact, your ruling has any stated precedent.

All I can say is that this debate has been going on in a very, very constructive and moderate manner.

Mr Grice interjected.

Mr SANTORO: As the honourable member for Broadwater said, it has been going on in a measured way. However, with deference and with respect to the Chair, I think that there is a great need for all people in this place to display a level of reasonableness that helps to uphold and maintain the decorum in this place, particularly when members such as I come into this place prepared to debate a Bill as complex as this in great detail. All members of Parliament have a responsibility to undertake their duties in a proper and responsible manner.

As I said, under this Bill the unintended consequences will be picked up cost wise—they will be picked up in costs. As I said, this parliamentary record is broadcast to a lot of people and they will make up their minds. Some votes will change and members opposite, among others, will have contributed to that change. The Scrutiny of Legislation Committee has pointed out the width of directives and highlighted just how much damage they can cause and the fact that appeal rights are often academic because the damage is done as soon as the directive is given. That is the point that I have been trying to make to the Minister, because he says, "No, something happens, make a phone call and it will all be undone." The impact is immediate and it is a costly impact. In the end, somebody down the line pays, whether it is the taxpayer or the economy as a whole because we forfeit just that little bit more of our hard-earned international reputation as a supplier of goods and services. That is the cost to which we on this side of the Chamber have referred.

For this clause to give the power to close down a mine to a union official, who may at the time be in conflict with mine management, is crazy and could actually be a factor in escalating industrial conflict. I know that nobody in this place wants to escalate industrial conflict, perhaps with the exception of the Minister's union friends, including particularly the mates of the honourable member for Fitzroy, who today lacks the courage to get up and defend them and to say that he supports them totally. This power has nothing to with mine safety and everything to do with bolstering the power of the CFMEU in this workplace. In modern legislation, there is no place for a union-appointed official to have the power to close down a mine and then for the long-suffering taxpayers to be expected to pay the damages that were caused by the exercise of that power.

In conclusion, and at the risk of copping a couple of buckets, I invite the honourable member for Fitzroy to put on record—not just to mealy-mouth it in an undercurrent manner—his opinions and make a contribution to this Committee. We await that with great interest.

Amendment negatived.

Clause 119, as read, agreed to.

Insertion of new clause—

Mr ROWELL (4.29 p.m.): I move the following further amendment—

"At page 71, after line 31—

insert—

'Restriction on functions and powers

'119A. An industry safety and health representative may perform a function or exercise a power for the mine only if the majority of coal mine workers at the mine are members of the industrial organisation that nominated the industry safety and health representative.'."

Mr ROWELL: As I read this Bill—and the Minister can correct me if I am misreading it—there is no restriction placed on mining sites that an industry safety and health representative may enter. In other words, if a mine is staffed mostly by non-union labour, there is nothing to prevent the CFMEU-appointed officer coming onto the site and exercising his or her very extensive powers.

The reason given in the past for having both site and industry representatives was that, as all the workers were members of the one union, the role of each of these positions complemented one another: union elected workers advancing safety on site and union appointed officers monitoring safety industry wide.

Leaving aside the merits of the argument, if falls down badly when one considers the growing trend in the mining industry for contract labour and non-union workers. I am particularly concerned about situations such as occurred at Gordonstone. As we all know, there has been a protracted and nasty industrial dispute going on with the CFMEU members picketing the mine site. The non-union or ex-union workers have been subjected to abuse and threats. It is obvious that allowing the CFMEU appointed industry representatives to enter that site would in no way complement the work of the democratically elected site representatives.

I suggest to the Minister that this is an example of how the CFMEU appointed officers could actually be a catalyst for further disputes. In the process, workplace health and safety issues would invariably lose out. If the Government is to persist with the CFMEU appointed industry representatives, those persons should only exercise their powers at a mine where the majority of the workers belong to the CFMEU.

I cannot see how the Minister could disagree with this proposition. It is fair, it is plain and it is commonsense. To reject it is to undermine one of the key pillars justifying these positions in the first place, namely, that the industry representatives are part of the same union structure as the workers on the site and that they are assisting the site representatives. To reject this amendment is to

justify the fears of the industry that these CFMEU officers are being mandated by legislation not to advance workplace health and safety but to shore up the union and to give some sort of statutory legitimacy to its intervention in coalmines throughout the State.

If the Bill remains in its present state and industry representatives enter non-CFMEU mines and exercise their extensive powers in an inappropriate, harsh and unfair manner, the ramifications could be widespread. The Opposition does not want to see a situation where the CFMEU can use the penal powers in the Bill to settle scores or to intimidate workers and management alike.

The Opposition does not want to see workplace health and safety placed second to ruthless and selfish industrial action by a union desperate to maintain its near monopoly in the workplace. The amendment will go some way towards overcoming the concerns of industry and will in no way inhibit the legitimate activities of industry health and safety representatives.

Mr McGRADY: The Government cannot accept the amendment moved by the member for Hinchinbrook. As I explained a few moments ago, there could be a situation where 40% of the work force in one particular mine are members of the CFMEU and the other 60% are members of various other unions. As I said before, my understanding is that the other smaller unions are quite happy to have the CFMEU as the peak body.

The other point that I have to raise is that these industry safety and health reps are not acting just for the CFMEU workers. Their responsibility is to the coal industry in general. If a mine is non-unionised, the people who work in that mine are still entitled to the protection of safety officers.

I asked the member for Clayfield to tell me which mines are being closed down. Anybody in the gallery could be forgiven for believing that every Tuesday morning a mine is closed down. That is not happening. This is part of the scare campaign being run by some people. The CFMEU is not going around closing mines down. As I said before, if one of these health and safety reps came along and, for one reason or another, closed down a mine, a telephone call to one of the inspectors from the Department of Mines and Energy would have it opened within five mines. Although I can understand where the Opposition is coming from, I do not believe that there is a need for this concern.

Mr SANTORO: I take on board the point made by the Minister that we are not going to wake up every Tuesday morning to see the CFMEU closing down a mine. However, I simply and briefly wish to remind the Minister of the actions of the CFMEU at the recent Gordonstone picket. If that was not an attempt to close down a mine, I do not know what is.

I realise that we are talking about slightly different situations where there is a workplace health and safety situation as opposed to a fully blown militant and illegal picket. However, this union has demonstrated itself willing and capable of flouting the law. It is not a matter of us running a scaremongering campaign. The memories of Queenslanders and, indeed, Australians and perhaps even some of our key international trading partners are still very much alive to the images that were inflicted on anybody who had an interest in that dispute in terms of what that particular union was willing to do.

One only has to look at what has happened in the past to understand why we are motivated as we are. We are not trying to demonise the CFMEU. I will not name names, but I know quite a few members of the CFMEU. At the height of the Gordonstone dispute, a CFMEU member rang me and abused the hell out of me. He gave me his name and I have since had about three or four meetings with that individual. We have had a few beers and a meal—a pizza and some spaghetti.

Mr Braddy: Casa Mia?

Mr SANTORO: No, although I place on the record that that is a good restaurant. I have thoroughly enjoyed getting to know that person better. I fundamentally disagree with his view of industrial relations and his political leanings. However, as a result of those meetings I understand the CFMEU a little better. Obviously I do not understand it as well as the honourable member for Fitzroy. I do not pretend to be a great mate of that colleague of the member opposite. I enjoy trying to speak to reasonable people. One of the things that we spoke about was workplace health and safety. About a month and a half ago we spoke about this very Bill. I came away convinced of the fact that that person was genuinely committed to workplace health and safety. He strongly supported the Bill. However, from the way that he wanted to go about things, I do not think that he understood all of the implications of the Bill as perhaps he should. However, he supported the Bill and he was absolutely committed to workplace health and safety.

One of the things that I find offensive in a debate such as this are the attempts by

members opposite to demonise the Opposition and to suggest that we do not believe that anybody but ourselves and our friends believe in workplace health and safety. Certainly from my point of view and the point of the view of the Government of which I was a member, workplace health and safety has always been—and I believe should always be—treated in a bipartisan manner. The honourable member for Hinchinbrook will not mind me recommitting this side of the Chamber to a bipartisan approach to workplace health and safety.

I have named one member of the BLF with whom I have had some very productive and cordial dealings in relation to workplace health and safety. I say to all members of the BLF and the CFMEU that they have a 100% ally in me, but sometimes we have to accept that our views differ as to how the principle of workplace health and safety should be implemented. I am not seeking to vilify the CFMEU in terms of its commitment to workplace health and safety. But I often worry about the influence of militant union leaders who pursue political and industrial objectives via militancy. Often that militancy is not justified. That is all I am saying in this debate. I again place on the record that there are a lot of good union people. The majority of union members are decent people who often in the history of this State and nation have voted as a majority on behalf of coalition parties.

Mr ROWELL: In summary, I do not think that we are trying to vilify any particular group of people. However, unfortunately, sometimes people use certain situations to pursue another agenda. I believe this Bill will give the CFMEU more power than it already had. This power in respect of workplace health and safety could be of some concern to us in the future. The Minister has already said that there seems to be agreement among the other unions in the coalmining industry that the CFMEU is the principal union. I suppose that is fair enough. However, it could be dangerous to give absolute power to any one group of people, irrespective of what the motivation to give that power might have been. We will not be supporting the clause if the Minister does not agree to the amendments that we have moved.

Question—That Mr Rowell's amendment be agreed to—put; and the Committee divided—

AYES, 38—Beanland, Black, Borbidge, Cooper, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Turner, Watson, Wellington. Tellers: Stephan, Baumann

NOES, 40—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Clark, E. Cunningham, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

Resolved in the **negative**.

Clauses 120 to 124, as read, agreed to.

Clause 125—

Mr SANTORO (4.58 p.m.): This clause allows for the appointment of both inspectors and inspection officers. Both are public servants. But later on in the Bill it appears that inspectors will be the holders of certain professional qualifications and appropriate competencies. I seek information from the Minister as to what types of officers will be appointed as inspection officers. Will they only be officers of his department or is it intended to appoint officers in other departments? Also, could the Minister indicate how many inspection officers will initially be appointed and what types of work they will be specifically performing? We just have some general queries on this clause.

Mr McGRADY: The status quo will remain.

Mr SANTORO: For the record, would the Minister care to clarify what types of officers will be appointed?

Mr McGRADY: The functions of the inspectors and inspection officers are laid down under clause 128. I do not anticipate any changes to what is happening already. It is spelt out there under clauses 128 and 129 as well.

Mr SANTORO: I appreciate that the functions of inspectors and inspection officers, as the Minister has just informed the Committee—and should I say correctly so—are outlined in clauses 128 and 129. My query in relation to clause 125, which is what we are considering right now, is in relation to the type of people who will be appointed and what their qualifications are. As the Minister would appreciate, clauses 128 and 129—and I am quickly looking at them again—do not talk about the qualifications of the people in question. However, if we go to a prior clause, and that is 126, Qualifications for appointment as inspector—and I know we are not debating that particular clause at this stage, but I am just taking the lead from the Minister in referring further on—there is no specificity

within that clause in terms of qualifications. I am not trying to be pedantic or dogmatic about that, I just wondered, because presumably some of these questions could be covered in a regulation, do the Minister or his advisers have any idea or any information that they could provide to the Committee in terms of the qualifications of those people?

Mr McGRADY: As I said a few moments ago, the professionalism of the inspectorate has certainly improved over the past couple of years. Clause 126 states—

> "The chief executive may appoint a person as an inspector only if the chief executive considers the person has—
>
> (a) a professional engineering qualification relevant to coal mining operations from an Australian university or an equivalent qualification; and
>
> (b) appropriate competencies, and adequate experience, at senior level in mining operations ... "

I am not in a position tonight to actually state exactly what the qualifications would be, because that is something for the administration of the department through the inspectorate and the chief executive. I do not think that it is the Minister's role to actually dictate whether or not we would have fitters or scientists or computer engineers. That is something which I think would be the responsibility of the department of the day.

Mr SANTORO: I take the point, and I think that the Minister is making some sense. However, we are talking about a very complex industry which has very complex production methods, often requiring very specific skills. Maybe I will conclude by asking the Minister a question. I realise that it is obviously the responsibility of the department and that there is some discretionary power, invariably through Bills such as the one that we are considering today, vested in the chief executive, but would the Minister be prepared to perhaps make these particular clauses more meaningful by considering including within regulations some more detail about the expected qualifications?

Mr McGRADY: I will certainly have some discussions—I am not making any commitments today—with my staff to see whether or not that is required. The problem is that, as the member knows and as we all know, situations change and the requirements of the industry change from time to time. It is only a few short years ago that we had inspectors who basically did not have qualifications at all. Now there is a far greater demand on these people, and there is a far greater expectation that these people be tertiary educated. I think it is a bit dangerous to start inserting in legislation what the qualifications needed to fill a position should be. We employ in the department qualified people—the chief executive and other senior people—and I think that it is up to them to decide from time to time what qualifications we need.

As I keep on saying, there has been a major change in the inspectorate over the past couple of years. I think that is an ongoing process and I do not think we can bog ourselves down in legislation to actually stipulate what the qualifications of a person should be. There are ongoing changes as the industry changes. But I will make a commitment now: I will certainly discuss this with my senior staff to see if we can accommodate the member's concerns.

Clause 125, as read, agreed to.

Clauses 126 to 128, as read, agreed to.

Clause 129—

Mr SANTORO (5.06 p.m.): In rising briefly to speak to this clause, I am just seeking some information from the Minister as to why inspection officers are precluded from making a recommendation to prosecute. As the Minister would know, under clause 256 this right is specifically given to both industry safety and health representatives and site senior executives as well as inspectors. It would seem to me a little strange that there are Public Service inspection officers, who would be in a better position than either union appointed representatives or management representatives—just to underline and strike a balance here—to provide independent advice to the chief inspector, being precluded from making a recommendation. I would ask the Minister why this Bill places these public servants in an inferior position to industry safety and health representatives and site senior executives in so far as recommending prosecutions of a person for a breach of the Bill.

Mr McGRADY: It is a rather strange question and comment, because earlier on today we were talking about the problems and just how important it was that people were not taken to jail or taken to the courts. The answer that the staff give me—and I must say that I had not questioned this one before—is that the officers nominated by the member are subprofessionals. I think in an organisation such as ours, we have to have a certain level of people who have the ability or the responsibility to actually recommend

prosecutions. Does that answer the member's question?

Clause 129, as read, agreed to.

Clauses 130 to 147, as read, agreed to.

Clause 148—

Mr McGRADY (5.08 p.m.): I move the following amendment—

"At page 85, after line 22—

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 148, as amended, agreed to.

Clauses 149 to 166, as read, agreed to.

Clause 167—

Mr BLACK (5.10 p.m.): I move the following amendment—

"At page 93, lines 24 to 27—

omit, insert—

'167.(1) If an inspector or inspection officer believes risk from coal mining operations is not at an acceptable level, the inspector or officer may give a directive to any person to suspend operations in all or part of the mine.'."

We do not agree with the concept of a union dominated inspectorate in principle, and we certainly do not agree with the CFMEU having the monopoly on selecting the inspectorate.

Mr McGRADY: The Government is not prepared to accept the amendment moved by the member for Whitsunday.

Amendment negatived.

Mr ROWELL: I move the following amendment—

"At page 93, lines 24 and 25, ', inspection officer or industry safety and health representative'—

omit, insert—

'or inspection officer'."

This amendment is consequential on getting support for clause 119. We were not able to do that, so I see no point in proceeding.

Mr McGRADY: The Government is not prepared to accept this amendment.

Amendment negatived.

Mr ROWELL: I move the following amendment—

"At page 93, line 26, ', officer or representative'—

omit, insert—

'or officer'."

Amendment negatived.

Clause 167, as read, agreed to.

Clauses 168 to 172, as read, agreed to.

Clause 173—

Mr BLACK (5.12 p.m.): I move the following amendment—

"At page 96, lines 3 to 11—

omit, insert—

'173.(1) An inspector or inspection officer must keep an accurate record of all reports and directives given by the inspector or officer under this Act.

(2) An inspector or inspection officer must make a written report of every inspection of a coal mine made by the inspector or officer under this Act.

(3) An inspector or inspection officer must give the coal mine operator and the site senior executive of the mine a copy of the report as soon as practical after making it.'."

As I have said previously, One Nation does not agree with the concept of a union dominated inspectorate and hence I seek to have the reference to the position removed from the Bill.

Mr McGRADY: The Government is not prepared to accept the amendment.

Amendment negatived.

Clause 173, as read, agreed to.

Clause 174—

Mr BLACK (5.13 p.m.): I move the following amendments—

"At page 96, lines 13 and 14—

omit, insert—

'If an inspector or inspection officer has given a directive, the inspector or officer'.

At page 97, lines 1 and 2—

omit

At page 97, line 7, 'an industry safety and health representative,'

omit."

Once again, these amendments remove reference to industry safety and health representatives, according to our policy.

Mr McGRADY: The Government is not prepared to accept the amendments.

Amendments negatived.

Clause 174, as read, agreed to.

Clauses 175 to 179, as read, agreed to.

Clause 180—

Mr BLACK (5.14 p.m.): I move the following amendments—

"At page 100, lines 2 and 3, 'or industry safety and health representative'—

omit

At page 100, lines 8 to 10—

omit, insert—

'(a) tells the inspector or inspection officer to the best of the person's ability, how it is false and misleading; and'."

Again, these amendments remove reference to the industry safety and health representatives.

Mr McGRADY: The Government is not prepared to accept the amendments.

Amendments negatived.

Clause 180, as read, agreed to.

Clause 181—

Mr BLACK (5.15 p.m.): I move the following amendments—

"At page 100, lines 22 to 24—

omit, insert—

'181.(1) A person must not obstruct an inspector or inspection officer in the exercise of a power, unless the person has a reasonable excuse.'.

At page 100, lines 26 to 29—

omit, insert—

'(2) If a person has obstructed an inspector or inspection officer, and the inspector or officer decides to proceed with the exercise of the power, the inspector or officer must warn the person that—'.

At page 100, lines 30 and 31—

omit, insert—

'(a) it is an offence to obstruct the inspector or officer unless the person has a reasonable excuse; and'.

At page 101, lines 1 and 2—

omit, insert—

'(b) the inspector or officer considers the person's conduct an obstruction.'."

These amendments remove references to the industry safety and health representatives.

Mr McGRADY: The Government is not prepared to accept the amendments.

Amendments negatived.

Clause 181, as read, agreed to.

Clauses 182 to 185, as read, agreed to.

Clause 186—

Mr ROWELL (5.16 p.m.): I move the following amendment—

"At page 102, line 16, 'and industry safety and health representatives'—

omit."

Clause 186 deals with the membership of the Board of Examiners. The board is made up of at least seven persons, three of whom are to be inspectors. One of the inspectors is to be the chairperson. With the exception of the chairperson, the members are appointed for a fixed term of up to five years. No distinction is made in this Bill between the term of the Public Service inspectors and the non-Public Service members, however, the chairperson is to be appointed for the term that the Governor in Council considers appropriate.

Mr McGRADY: I will accept it.

Mr ROWELL: We have had a win. That is great.

Mr McGRADY: To be consistent, I accepted this earlier on. I take the point made by the member for Hinchinbrook. Under the legislation as it stands, the chairman could in fact be appointed for 100 years. We will make it the same as the other members of the committee, which is five years.

Amendment agreed to.

Mr McGRADY: I move the following amendment—

"At page 102, lines 18 to 20—

omit, insert—

'(7) A member, other than the chairperson, may be appointed for a term of not more than 5 years.'."

Amendment agreed to.

Mr ROWELL: I move the following amendment—

"At page 102, line 18, ', other than the chairperson'—

omit."

Mr ROWELL: I move the following amendment—

"At page 102, lines 21 and 22—

omit."

No reason is provided in the Explanatory Notes circulated with the Bill for this disparity of treatment of those particular workers. The Opposition queries why this is the case because, on the face of it, no logical reason presents itself. It is the Opposition's suggestion that there should be a parity of treatment for all members, and this amendment is designed to give effect to that intention.

The amendment is made more complex by the fact that the Minister has also moved an amendment to this clause. We have proposed to omit certain sections at lines 16, 18 and 21. I am just asking the Minister whether he will accept those amendments. He has accepted our amendment No. 16. Will he accept amendments Nos 17 and 18—18 in particular?

Mr McGRADY: The only amendment that the Government is prepared to accept is that to put a stipulation of five years on the term for a chairman. We are not prepared to accept the other amendments.

The TEMPORARY CHAIRMAN (Mr Mickel): Order! Let me clarify for the record exactly what has happened. I note that the member's amendment No. 17 related to words which were omitted and then reinserted by the Minister's amendment No. 3. That amendment has been put and agreed to. Therefore, I will not put the question on amendment No. 17, but I will put the question now on amendment No. 18.

Amendment negatived.

Clause 186, as amended, agreed to.

Clauses 187 to 197, as read, agreed to.

Clause 198—

Mr BLACK (5.25 p.m.): I move the following amendment—

"At page 105, lines 15 and 16, 'and an industry safety and health representative'—

omit."

These amendments once again remove reference to the industry safety and health representative.

Mr McGRADY: The Government is not prepared to accept that amendment.

Amendment negatived.

Mr McGRADY: I move the following amendment—

"At page 105, line 21, 'chief executive'—

omit, insert—

'site senior executive'."

Amendment agreed to.

Mr BLACK: I move the following amendment—

"At page 106, lines 3 and 4, 'and an industry safety and health representative'—

omit."

These amendments remove references to the industry safety and health representative.

Mr McGRADY: The Government is not prepared to accept that amendment.

Amendment negatived.

Clause 198, as amended, agreed to.

Clauses 199 to 201, as read, agreed to.

Clause 202—

Mr SANTORO (5.27 p.m.): This clause is a bit of a worrying one, because it enables the Minister to establish a board of inquiry about a serious accident or high potential incident by gazette notice. The term "serious accident" is defined in clause 16 to mean the death of a person or an accident that causes a person to be admitted to hospital as an in-patient for treatment for the injury. The Opposition has a number of concerns about this section as well as the direction of the whole of Part 12. If this clause becomes law, there will be no obligation to hold an investigation into an accident that results in either death or serious injury.

At the moment, under section 74 of the Coal Mining Act, an inquiry has to be held by the mining warden into such accidents unless the Minister otherwise intervenes. In other words, a proper and independent inquiry has to be held unless the Minister intervenes. Yet under this Bill there will be no inquiry—and I repeat "no inquiry"—unless the Minister agrees to it. The Minister has gone around the State claiming that this is the toughest Bill in the Western World so far as mine safety is concerned, yet the very cornerstone of this Bill dilutes and devalues mine safety through this particular omission.

Already we have a very serious situation regarding coalmine safety in this State. Only a few weeks ago, the mining warden, Frank Windridge, SM, said that for several years only fatal mining accidents have been investigated. He pointed out that the accident involving the young man who lost both his legs was going unchecked. He said—

> "No file of that accident or any other serious accident in relation to coal mines has been referred to us. It does seem a little unusual because there's anecdotal evidence of some serious injuries out in the industry. The reports never seem to cross my desk."

This is what the ABC interviewer put to the mining warden—

> "Is it that sometimes serious injuries can be a precursor or perhaps a warning that there is something wrong in the safety situation of a particular mine, and that a serious injury is a warning that perhaps if something is not done or corrected there could be a fatal injury?"

The mining warden said in response—

> "I don't disagree with that at all, because sometimes a serious injury is only a very short distance from a fatal injury."

The mining warden indicated that a practice had built up from five years ago of the inspectorate not forwarding to him reports of serious non-fatal accidents. In other words, while this very same Minister was Minister of this very same portfolio in the Goss administration, he oversaw a situation whereby the mining warden was, and remains, shut out of the safety equation. I have to say to the Minister that that is how the coalition reads it. It is very worrying.

I ask the Minister: does he deny that under his administration of the department some five years ago reports of non-fatal mining accidents stopped being sent to the mining warden? I suppose I should not revisit this because we had it out earlier in the debate. When it came to public attention that no material had been sent to the mining warden from the Minister's department's inspectorate, what did the Minister do in terms of procedure that may help to allay the coalition's concerns in this area? We are considering a deficiency in the Bill. What did the Minister do when it was drawn to his attention? Can the Minister's response be regarded as reasonable guidance in terms of what is to follow as a result of what the coalition sees as an absence of proper process?

This Bill places the Minister right into the heart of the decision-making process and caps off the coalition's understanding that perhaps the Labor Party and the union movement want to run the whole show—from the point of view that those opposite feel that they are qualified to do so.

I would like to go a little further. It is not just a matter of whether an inquiry will be held. The Minister can also specify the membership of the board. He is able to decide who will be the chairperson of the board and the board's terms of reference. So even if the Minister decides that there will be an inquiry, under this particular Bill he can step in and render it ineffective through the choice of its members and the scope of the inquiry via the terms of reference. I am not referring directly to this Minister, but a Minister can hobble an inquiry.

As the Minister would be aware, these are basically matters for the mining warden. The mining warden is someone who can legitimately be considered a judicial officer. Yet under this Bill we see that a path is well and truly opened up for political intervention and interference in what should be regarded as inalienable due process. I suggest to the Minister that this Bill will significantly weaken mine safety and has the capacity for significant political interference in the process of inquiries into mining accidents.

The coalition has serious concerns about this part of the Bill. I hope that the Minister will be able to allay some of these concerns in his response.

Mr McGRADY: It is not appropriate for me to pass any comments upon the remarks made by the mining warden. Suffice to say that under the current legislation the mining warden is empowered to hold an inquiry. He does not need the Department of Mines and Energy, the Minister or anyone else to refer a case to him. If he so desires, he can have an inquiry into anything he likes. That is as much as I am prepared to say about the mining warden's comments.

There are times when the Minister should initiate an inquiry. There are times when, if the mining warden desires not to hold an inquiry and there is a public outcry, or there are some other reasons why an inquiry should be held, it behoves the Minister to initiate such an inquiry. I recall in the Moura days when I had the option of having a royal commission into the Moura fatalities. At that time people were running around the State claiming that they knew the reasons for the disaster. I made it clear that I wanted a mining warden's inquiry to be open and to take evidence from people who genuinely felt that they had a contribution to make. That is what happened in Moura. Of course, if the warden had seen fit, he could have refused to take those witnesses on board.

When we are dealing with fatalities or serious injuries, sometimes logic flies out the

window and people feel that the authorities have not done the right thing. That is why I believe it is important that we have this new provision in the Act which allows the Minister to set up an inquiry into serious accidents in the industry. I cannot for the life of me see how that would in any way create a danger or lessen the safety aspects of the industry.

I cannot understand how the suggestion could be made that it could be used by political parties to safeguard their mates, because I believe that today issues need to be transparent. People want to know that not only is justice being done, but it is being seen to be being done. In cases where people have lost someone close to them, or where someone has lost a limb or whatever, people want to know why. Sometimes a Mining Wardens Court is not the only way in which to obtain the information. There is nothing sinister about this proposal. It is simply an effort to make the whole system transparent. If something has not been done the Minister has the power to move in and set up an inquiry.

Mr ROWELL: The Opposition has some concerns that pressure could be brought to bear on the Minister to hold an inquiry. I have heard what the Minister has said. I am in two minds as to whether this is the right thing. I am not sure whether the Minister should be seen to be implementing an inquiry. Sometimes it could be seen that the separation of powers has not been adhered to thoroughly enough. I have some doubts about whether this is the right way to go. Surely to goodness, if the mining warden process is working efficiently there should not be any need for this to occur. It is an unusual situation where we have the Minister saying, "Okay, I can implement an inquiry if I feel it is necessary." To be quite frank, I have some doubts about it.

Mr McGRADY: I ask Mr Rowell to put himself in the position of a Minister. Where there has been an accident—perhaps 11 people have been killed, or one person has been killed, or some victims have lost arms or legs—it is vital that people believe that as much has been done as is possible. The member may not have been as actively involved as I was in the Moura situation, but we had Doctor Sally Leivesley saying that she knew that this was going to happen and that this should have been done and that that should have been done. We had some other people making public comments in an attempt to get consultancy work. At the end of the day, people in the real world wanted to have their say.

Under the Mining Wardens Court system, this may not have been possible. I felt that it was imperative that, when we had the inquiry into Moura, it was an open inquiry and it was an independent inquiry. Anybody who knows anything at all about the composition of that particular inquiry would know that it was totally and utterly independent. In fact, one person who was selected rang me to say that he had received a telephone call from BHP. The call lasted for 30 seconds. I immediately disqualified that person from being on the panel.

As a Minister, when these fatalities occur and these problems have to be dealt with, one is not interested in the politics of it or who has to be protected, one is interested in trying to find the reasons. I have to say that I do not understand the Opposition's concerns. I think that it is imperative that the Minister has the right to order an inquiry if he or she feels that the normal process is not achieving the desired results.

Mr SANTORO: I thought that I had finished contributing to this clause. Initially I said that the Opposition would call for a division. Then I said, "No, we will not divide." However, after listening to what the Minister just said, I think that I am now more worried than ever.

In reply to my contribution, the Minister said that the Minister should have the power to order an inquiry. We on this side of the Chamber are prepared to accept that. However, the Minister also said that that should not be misconstrued as perhaps bringing about the development of a politically influenced situation. If the mining warden wants to initiate an inquiry, nobody stops the mining warden from initiating an inquiry. In my contribution, I outlined for the Chamber the opinions of the mining warden, including his very alarming statement that for quite a number of years he has not been receiving reports on non-fatal accidents. I realise that the Minister feels pretty sensitive about commenting on the words of the mining warden. However, we on this side do not have that sensitivity, because his words are very clear. He says that he has not been receiving the reports on non-fatal accidents. I do not know precisely how the Minister would get it, but presumably the inspectorate that is directly responsible to the Minister's department would make the information available to him, but how can the mining warden then determine, as opposed to the Minister who may have that information, to initiate an independent inquiry if he has not got a report? That particular inquiry

may lead to the rectifying of a problem and prevent fatal accidents in the future.

I understand that the Minister wants the power and why he wants it. I do not think that anybody would want to deny a Minister—whether he is the Minister for Mines or whether he is the Minister for Industrial Relations or whatever—the ability to recommend to Cabinet and Executive Council the setting up of an inquiry. I think that that is fair enough. However, at the moment it seems to me that the process is flawed and, according to mining warden Frank Windridge, it has really gone off the rails.

In the Minister's answer to me and also in answer to the honourable member for Hinchinbrook, I did not hear the Minister reassure the Chamber that that bottleneck that has developed, in terms of what the mining warden has said, has been resolved. I am afraid that, if the Minister cannot provide this Chamber with information and an assurance for the mining warden—particularly since he raised these concerns several months ago—that those concerns have been resolved, I do not think that we on this side would have any option other than to call for a division and express our own concern.

Mr McGRADY: As I said before, I do not want to become involved in a public discussion with the warden. I will repeat again that the warden has the power to initiate any inquiry. The warden has the power to express his concerns to the Minister of the day. It is my understanding that the warden did not express any concerns to the former Minister and certainly has never expressed any such concerns to me. I find it a little strange that such comments would be made to the media without first of all going to the source, namely, the Minister. I do not know what the agenda is. All I would say—and I repeat it—is that, under the current legislation, the warden has the power to initiate an inquiry. If he does not see fit to do so, that is the decision of the warden.

I would also say that in the radio interview, which I heard, the mining warden stated that the Minister's office had not informed him. With all due respect, I do not think that it is the role of the Minister's office to inform a warden of an accident. However, following his comments, I would certainly hope that that issue has been rectified and that the department would notify the warden. That is by the by.

The issue that we are discussing is the proposal in this legislation to allow the Minister to establish or, indeed, re-establish a board of inquiry into any workplace incident. I think that it is vital that the Minister has that authority and that power, because we are dealing with either the loss of limbs or, in an extreme case, the loss of lives. The public want to know the reasons why it happened and what can be done, through the recommendations from the court or from the inquiry, to ensure that it does not happen again.

Mr ROWELL: I am not clear as to how a warden instigates an inquiry. He is really a magistrate. Usually in the judicial system complaints are brought before a court. Is it really the role of the mining warden to initiate an inquiry or should the Department of Mines and Energy bring that information forward to him and say, "There is a problem here. We want you to adjudicate on it"? As I understand it, that is really the mining warden's role. Has something gone wrong in the system whereby the mining warden is saying that for a number of years he has not received any complaints or incidents where people have got into trouble on which he has had to adjudicate?

Mr McGRADY: I do not know whether or not there is anything wrong with the system. All I am saying is that, first of all, the warden went on radio and made certain comments. If there was an issue, I think that it would have been wiser for the warden to have gone to the previous Minister because, as I understand it, he used the term "over a number of years". If there was an issue, he could have gone to the previous Minister, and I do not believe that he did, or if he felt that there was a problem there, he could have come to the current Minister. I cannot recall the warden ever, ever expressing to me a concern that he was not getting these reports.

If there is a fatality in the industry, it automatically triggers an inquiry. As I said in my opening remarks, I do not want to get involved in a discussion about the merits or otherwise of the warden. However, I am saying that tonight we are discussing a proposal to allow the Minister to establish or re-establish a board of inquiry about any workplace incident. I think that is important. We have a process that should be used. At the end of the day, the Minister should be entitled and allowed to initiate an inquiry if he, and obviously his advisers in the department, feel that it is warranted.

Mr ROWELL: I do not want to labour this point, but there is a judicial system in the form of the Mining Wardens Court. Is there something wrong with this legislation, or in previous legislation, that does not really allow the people who should be bringing those matters before the mining warden to do so? It

seems apparent to me that, during that interview, he was raising concerns about not having these matters brought before him for him to deal with. I cannot understand why he has to initiate an inquiry. There should be somebody who has the responsibility through workplace health and safety or through the Department of Mines coming to the mining warden and saying, "We have accidents, we have problems. We want to bring these people to justice. We want them to appear before you because problems and mining accidents have occurred through lack of safety."

Mr McGRADY: The Mining Wardens Court, as the member and I know it, is not part of this new legislation. In this new legislation, we are talking about a board of inquiry that will be transparent—where people can see what is happening, where people will be able to go along and give evidence. The only reason one wants an inquiry is to find out the reasons for the accident, and also and more importantly, to get recommendations from the experts who have participated on the panel to try to ensure that this does not happen again.

Mr Rowell interjected.

Mr McGRADY: Or penalise or make recommendations to another source that certain people be investigated with a view to maybe taking further legal action. It is a whole new ball game and a whole new system, which I understand is why it had the support of the tripartite committee. Again, I understand that the previous Minister supported this. That is the information that I have. I honestly cannot see the major concerns that the Opposition has.

Progress reported.

MINISTERIAL STATEMENT

Gladstone Port Authority Lease; Navari Pty Ltd

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (5.52 p.m.), by leave: I refer to the statement I made in the House this morning with respect to the lease from the Gladstone Port Authority. As I indicated, this statement was based on preliminary advice received from my department. I have now had further advice from my department.

Between 1986 and 1994, Skipper Nominees Pty Ltd held the lease in question. In 1994, Skipper Nominees sought to sell its interest in the lease. The Gladstone Port Authority has advised me that the sale of Skipper Nominees' interest in the lease to Navari Pty Ltd was brokered through the L. J. Hooker real estate agency. That was a purely commercial arrangement between the parties to the sale.

In 1989, the then Minister responsible for the administration of the Harbours Act, Don Neal, had given a general approval for the port authority to assign or sublet this and several other leases. I table a copy of a document that sets out transactions in respect of this lease prior to 1994.

That company was not using the lease held by Skipper Nominees in strict accordance with the purpose of the lease, which was for "receipt, treatment and export of mineral products and the necessary works in connection therewith." At the time of the sale, Skipper Nominees had subleased land to Boyne Smelters for storage purposes. As part of the sale transaction brokered by L. J. Hooker between Skipper Nominees and Navari, the landlord, the Gladstone Port Authority, was requested to amend the purpose of the lease to reflect its actual use up to that time. The request to change the purpose of the lease required the approval of the port authority and the Minister administering the Harbours Act at that time.

In December 1994, the Department of Transport sought the approval of the then Minister David Hamill to the assignment and change of purpose of the lease. The advice from the department stated—

> "A general approval to assign or sublet the lease was given by the then Hon. the Minister on 22 Feb. 1989. However, in this instance the Deed of Assignment incorporates a condition which changes the purpose of the lease as indicated.
>
> In the circumstances it was considered prudent to seek your specific approval to the assignment and change of purpose of the lease. The area is presently sub-leased to Boyne Smelters Ltd. for a 3 year period until 31 December 1995 and is used for storage purposes."

The departmental advice recommended that "approval, pursuant to section 64 of the Harbours Act, be given to assignment and change of purpose of the lease." The departmental advice also notes that the Marine and Ports Division raised no objection to the proposal. I table a copy of this advice.

Based on the recommendation provided by the department, the then Minister granted his prior approval to the assignment and change of purpose of the lease from 19 December 1994. Following this approval, the

parties to the assignment executed the deed of assignment. Formal execution of the document was completed on 23 February 1995. As required by the legislation, the executed document was then forwarded for the then Minister to record his endorsement that the assignment had been approved pursuant to section 64 of the Harbours Act 1955. This did not occur until April 1995, by which time the responsible Minister was Ken Hayward.

PRIVILEGE

Gladstone Port Authority Lease; Navari Pty Ltd

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (5.54 p.m.): I rise on a matter of privilege. What we have seen tonight is an admission by the Minister for Transport that he misled the Parliament this morning, despite the fact that he had had ample time to check his facts and after I had been accused by the Premier and others of getting my facts wrong on this particular issue.

What we have seen today is a botched, deliberate attempt to protect stood aside Treasurer Hamill and to dump on the member for Kallangur. The only reason that the Minister for Transport has come into this place is because the member for Kallangur stood up to him outside this Parliament today. This raises serious questions about the actions of this particular Minister to protect the stood aside Treasurer.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! The member will resume his seat.

Mr BREDHAUER: I rise to a point of order. The assertions made by the Leader of the Opposition are wrong. They are untrue. I find them offensive. When I made my statement in the Parliament this morning, I said it was based on preliminary advice and that I would report back to the Parliament with detailed advice, which I have done at the first available opportunity since that detailed advice was provided to me. I find his remarks offensive and I ask that they be withdrawn.

Madam DEPUTY SPEAKER: The honourable member will withdraw the statements.

Mr BORBIDGE: Madam Deputy Speaker, I ask you to refer this matter to Mr Speaker to determine whether there has been a breach of privilege by this Minister, who has been part of a cover-up to protect the stood aside Treasurer.

Mr BREDHAUER: I rise to a point of order. I have asked that the matters be withdrawn. I found them offensive. They are untrue. I have acted in accordance with my statement to the Parliament this morning. I ask the member to withdraw the comments.

Mr BORBIDGE: He has not even apologised for misleading the House. He has not even apologised for lying to the Parliament.

Madam DEPUTY SPEAKER: Order! I will seek the assistance of the Clerk.

Mr BREDHAUER: I rise to a point of order. I found the remarks of the member for Surfers Paradise offensive.

Madam DEPUTY SPEAKER: Order! Honourable members will wait until I have conferred with the Clerk.

Mr SPEAKER: Order! The Honourable Leader of the Opposition has been asked to withdraw. That is a custom of the House and he will do so.

Mr BORBIDGE: I do so. I raised, as a matter of privilege, whether there was a deliberate attempt to cover up the involvement of the stood aside Treasurer in regard to the approval of the issuing of a lease to the same three Labor mates who are involved in Navari, and whether the actions of the Minister for Transport in this place earlier today constitute a breach of privilege. The fact is that the Minister for Transport has not apologised for misleading the House.

Mr SPEAKER: The member has raised his point of privilege. I will consider that.

MINISTERIAL STATEMENT

School Uniform Policy

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (5.59 p.m.), by leave: I table a document which I made available last Monday to the Leader of the Opposition and the member for Albert in conjunction with a supplementary answer to question on notice No. 673. I make this available to honourable members ahead of this evening's school uniform debate in order to make the process of policy formulation preceding the establishment of the present school dress code policy transparent. I make no secret of the fact that I put that policy in place contrary to a stream of thought in my department that had become established tradition.

At the time that I answered question on notice No. 673, there was no copy, and no record of this paper ever having been submitted to my office—and quite rightly so,

because it had been cancelled in the department. When I became aware that this cancelled paper was in the files in the Justice Department, I retrieved it and, on the very next day of business, provided the supplementary information to the record of Parliament. I was not forced to make this public. An FOI application to Justice has not elicited it, and I do not think that it is competent to elicit it. Assertions made to this Parliament by the member for Merrimac that this document is public as a result of an FOI document are blatantly untrue.

As to the status of this document, it is not departmental advice. A departmental officer came to me with a paper and said that he was not submitting this to me as an advice, because it did not represent his concluded view on the subject and it lacked the customary endorsement of the director-general, as it was at that time work in progress within the department. After discussions, the departmental officer took no further steps to refine the memorandum and submit it to the director-general. It was then treated as cancelled, as advice beyond that embraced by the department's approach was required.

Although my statement in answer to question on notice No. 673 that there was no written departmental advice was true and complete to the best of my knowledge at the time, I can accept that some members might want to insist that a document which was tendered to me with the caveat that it was not departmental advice was nevertheless departmental advice. For that reason, I followed the Westminster convention applicable in those circumstances, and a member who believed that I had misled the House in my answer to question on notice No. 673 would have to acknowledge that I corrected the record at the very first opportunity, and without prompting, as soon as I had the document which founded the additional information.

While I apologise to any member who was aggrieved or inconvenienced by my first answer to question on notice No. 673, I cannot make available pieces of paper I do not have, and I will not purport to have been advised in terms in which I have not been advised. I stand by the view that I expressed on the cancelled paper that the argument that we cannot have a school dress code policy unless we have a school uniforms Act is logically invalid. There are many sources of law apart from statute, and there are many sources of cooperation between people, including the source of social capital which is harnessed in the present school dress code policy.

TAB PRIVATISATION

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (6.02 p.m.): I move—

> "That this Parliament expresses its concern at the conflict of interest arising out of the investments of Labor Holdings Pty Ltd and other Labor associated companies, calls on the Government to remove the State ALP Treasurer, Mr John Bird, from the board of the TAB and further calls on the Government to ensure that no Labor Party companies purchase shares in the TAB privatisation."

This debate is about the proper administration of Government. It is about ensuring that justice is not only done but also seen to be done. It is about ensuring that the sale of the TAB is not sullied by the same sorts of issues and suspicions associated with the Treasury Casino in 1992. The people of Queensland have every reason to be concerned about the clear potential for a serious conflict of interest arising from Mr Bird's presence on the TAB board. Mr Bird is the Queensland Labor Party's chief money manager. He is the State Treasurer of the ALP. He is a director of several Labor investment companies, including Labor Holdings.

Let me remind the House that Labor Holdings has already done very well out of Labor Government decisions. For example, it made a financial killing in 1992 when the former Goss Government issued the Treasury Casino licence to Jupiters, in which Labor Holdings was a major shareholder. The circumstances were tainted by significant procedural irregularities, which I raised in the House at the time. Although the Opposition was never able to unearth hard evidence of illegality or insider trading, the whole episode was clouded by the perception of preferential treatment. Nothing much has changed.

The net bet scandal has already shown that the Beattie Labor Government is incapable of differentiating between official business, party business, mates' business and funny business. There have to be grave doubts about the Government's decision appointing Mr Bird to the TAB board in the first place. At the time of last year's election, the former coalition Government's negotiations on the TAB's sale were all but complete. The incoming Premier and Minister were also committed to the sale from the outset, notwithstanding their prerogative to renegotiate the deal. They had no business appointing the ALP's State Treasurer and Labor company director to the TAB board in

those circumstances. The Beattie Labor Government should have adopted the same standards set by the coalition. When we came to Government, we made sure that we appointed no office-bearers from our political parties to the boards of either Suncorp or the QIDC when they were being privatised. The TAB sale was always likely to proceed once the Premier and the Minister belted some sense into their Labor mates, and it was totally improper to create the glaring potential for a conflict of interest.

In addition to his involvement in Labor Holdings, Mr Bird is also a director of Labor Resources and Labor Enterprises, which own several other ALP companies. Those include New Labor, Labor Legacies and Texberg Pty Ltd. Honourable members will recall that I mentioned that company in last night's debate in relation to other issues. These are the same companies that fund Labor's election campaigns. The vested interest and the clear potential for conflict of interest extends right into the Cabinet room.

Mr Bird's fellow directors in Labor Incorporated include the ALP State President and the ALP State Secretary. They also include the heads of Labor's Left and Right factions, Ian McLean and Bill Ludwig. The Premier wants us to believe that Mr Bird will not have any access to confidential documents. The Premier wants us to believe that Mr Bird will not be privy to any inside information. The Premier wants us to believe that Mr Bird is no better placed to make a commercial judgment about the TAB sale than ordinary mum and dad investors. Whom is he trying to kid?

The Premier also wants to believe that Mr Bird would never abuse his position of trust, even if he was privy to inside information. The Premier wants us to believe that Mr Bird would never yield to temptation or bow to pressure. The Premier wants us to believe that Mr Bird would never say a word to his Labor mates in Labor Incorporated. The Premier wants us to believe that Mr Bird would never divulge any tidbit of information—even inadvertently—which might deliver a commercial advantage to his Labor companies and Labor mates.

The Premier may be right. Mr Bird may be as pure as the driven snow, but how do we know? Mr Bird may be as virtuous as Mother Theresa, but where is the guarantee? All we have to go on are the Premier's empty assurances. This is the same Premier who has defended his stood down Treasurer to the hilt. This is the same Premier who wants us to believe that the member for Ipswich did nothing wrong in awarding a casino licence to his other Labor mates in Ipswich. This is the same Premier who wants us to believe that the Queensland Treasurer is just as trustworthy as the ALP State Treasurer; that both are above reproach.

I am sorry, but that does not inspire confidence. The fact is that Mr Bird has ready access to confidential documents and inside information. He also has ready access to the highest levels of Government, up to and including the Premier himself. The warning bells are ringing off the wall, but the Premier has both hands pressed firmly to his ears.

The people of Queensland should not be expected to accept such a situation on trust. We have already established that the Premier was a little careless with his own corporate affairs a few years back. We have already established that there was no declaration of the Premier's own directorships and shareholdings in the Members' Register of Pecuniary Interests. We have already established that the Premier's judgment is not infallible when it comes to the issue of Labor Treasurers. This is not the time to be taking him or any other ALP powerbroker on trust.

The Premier has made a lot of noise about appointing a probity auditor to ensure that the TAB sale is squeaky clean, but he will not do anything about Mr Bird. The Premier has already been compelled to write to the chairman of the TAB board demanding the highest standards of probity, but he will not apply them to himself. Mr Bird is a fly in the ointment and that will not change until he is removed from the board. It took us a few weeks to get the Premier to admit that it would be inappropriate for Labor companies to participate in the TAB float, and I welcome his recent backflip.

Mr Beattie: Do you realise what you just said—"A Bird being a fly in the ointment"?

Mr Foley: It's a mixed metaphor.

Dr WATSON: That members opposite took so long to catch on shows us how slow they are.

The problem is that the moratorium will last for only a few months and then the clear potential for a conflict of interest will be restored stronger than ever. Let us make no mistake about it. This Government wants Mr Bird on the board of a privatised TAB. There is no other plausible explanation for the Premier gritting his teeth and toughing it out now. This Government is in damage control. It is facing a crisis of public confidence because of Government favours for Labor mates. The last

thing it needs is a bunfight over another Labor mate.

That is why the Premier has banned all Labor MPs and their families from buying shares in the float. That is why he has banned Labor advisers and Labor companies from buying shares in the float. So why is he digging in his heels over Mr Bird? The TAB is due to be floated within months. If that were to be the end of Mr Bird's association with the TAB, the Premier would remove him tomorrow. Why would he hang out against all the political flak for the sake of a few months? It does not make sense.

The new TAB board is likely to be very similar to the existing TAB board, at least until the first general meeting. The Premier is trying to ensure that Mr Bird has his foot in the door from day one. If Mr Bird can make the transition from the old board to the new board, he will be ideally placed to cement his position. He would then have access to highly confidential and even inside information. That information could be of enormous commercial value to Labor Incorporated. It would also confer a significant political advantage upon the Government, because it is these Labor companies which fund Labor's election campaigns.

That is why the Premier is prepared to wear the political heat now. It is all about some short-term pain for a long-term gain. This is a black and white, open and shut case. Mr Bird must be removed from the board. The Premier must apply the same kinds of standards that the coalition applied in Government when it privatised the QIDC and Suncorp. Today he introduced a Bill into the Parliament which replicated a lot of the clauses that were used in those mergers, and he made very pointed comments about that. He ought to adopt the same standards and make sure that there is no potential or perceived conflict of interest. He ought to remove Mr Bird from the board of the TAB.

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (6.12 p.m.): In seconding the motion moved by the member for Moggill, I point out that it is interesting that the Premier thinks that somehow this is amusing. He presides over an increasingly questionable and unethical Government whose motto is Government of the mates, by the mates and for the mates. We all know that the rampant cronyism, the unfettered cronyism, that is now under way in Queensland is a total recipe for corruption, for corrupt Governments, for a corrupt Labor Party and for corrupt Ministers. It is wide open for abuse.

The fact is that, of all the major political parties, it is only the Australian Labor Party which is a major investor in terms of the share market—in fact, a $20m-plus investor in respect of the share market. It made $17.5m back in 1986 out of the sale of 4KQ. It invested in Jupiters at a time when Jupiters was granted, or was in the process of being granted, a second casino licence here in Brisbane. It had the good commercial sense to invest in Suncorp-Metway, despite the fact that in this place it was opposing it on the so-called grounds of privatisation.

The simple fact is that, after the events of the last three weeks, why would anyone trust this Government? Even tonight the Minister for Transport had to come into this place and admit that he got it wrong in respect of the ministerial approvals for the sale of land in Gladstone in 1994.

Mr HAMILL: I rise to a point of order. The honourable member is misleading the House and making implications in relation to my term as Transport Minister. It is offensive and I ask for it to be withdrawn.

Mr SPEAKER: Did you refer to the—

Mr BORBIDGE: No, not by name. Is it not interesting who is sensitive down the back?

Mr HAMILL: I rise to a point of order. I just do not like people who cannot tell the truth.

Mr BORBIDGE: He looks in the mirror every morning.

The primary concern of the Opposition in this particular exercise is that the State Treasurer of the Labor Party, Mr Bird, remains on the board of the TAB. Of course, the Premier says that he is taking action by way of legislation to prevent Labor companies and Labor members and Labor associates investing in the shares at least in the initial stage. But, of course, there is a game plan to keep Mr Bird there, to make sure that the money train, the investment train and the confidential information that can be used to fund the election campaign of the member for Brisbane Central next time around comes through.

A Government must be seen to be doing the right thing. It is improper and it is wrong for the State treasurer of a political party to be serving on the board of a body that has been privatised as a result of the direct decisions of the Government that that State treasurer serves. It is wrong. It is a conflict of interest that leaves this Government open to

suggestions of cronyism, of wrongdoing and of abuse of executive power.

What else could we expect after the disgraceful events of the past three or four weeks involving this Government and the way it looks after its mates? That is its only interest. That is Mr Beattie's only interest as Premier: making sure that he looks after his mates, whether it is the CFMEU, whether it is the Labor mates, whether it is the Labor companies, or whether it is the people who line up to support him come election time.

Dead cats are falling out of trees all over Brisbane. Day by day people are coming to the Opposition with new stories about how bad this Government and this Premier are.

Time expired.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (6.17 p.m.): I move—

"That all words after—

'That this Parliament' be deleted and be replaced by the words—

'Notes the appropriate action taken by the State Government to ensure there is no possible conflict of interest in the TAB float;

Notes that the Government has demonstrated that it is conducting the sale of the TAB with the utmost regard for probity, due process and accountability;

Notes that Labor Holdings and any other Labor companies will not be allocated shares in the TAB float;

Further notes that Cabinet has endorsed a policy under which Ministers, other government members of the legislative assembly, and ministerial staff members and their associates, as well as public servants and advisers involved in the TABQ sale will be precluded from any participation in the offer; and

Calls on other Party Leaders to follow this example in relation to their members and staff.' "

We have shown—and I have shown—leadership on this issue. I have ruled out—and Cabinet has endorsed this—any Minister buying TAB shares. Caucus has endorsed that no Labor member—no Labor backbencher—will buy shares in this TAB float as well as a string of other people I have listed before. But who has failed to provide leadership on this issue? Mr Borbidge and the Leader of the Liberal Party! They will not rule out members of the Opposition buying shares because greed is their motivation. Greed dominates their thinking. Greed overcomes any principle. That is what it is about.

Let us look at the practicality here. I have said publicly and I have now said it on the record of this Parliament that we will put in place administrative measures to ensure that the Labor companies will not be able to buy shares. The legal advice we have says that the establishment of a process to review applications when they are received is possible, and further that this process would exclude from the allocation of shares any persons who fall within the identified categories, and this category would be the Labor companies. Our legal advice from Clayton Utz says that we can do it, and we will do it. I am giving a clear undertaking to the Parliament tonight that we will not, under any circumstances, sell shares in this float to the Labor companies.

Under those circumstances, bearing in mind that that statement is backed by legal advice, where is the conflict of interest? If Mr Bird is a member of the TAB board, where is the conflict of interest if Labor Holdings, of which he is chair, is prevented from buying shares? The answer is that there is no conflict of interest. What does this mean? This means that this motion tonight is nothing more than a move down into the gutter again. Mr Borbidge comes in here and in his Nixonian style misrepresents the circumstances and facts and tells half-truths. That is where we are. We have made our position absolutely clear in relation to this matter.

That is not all. What else did we do? The Minister, Bob Gibbs, and I have written to the chairman of the board of the TAB. The letter states—

"As you would be aware, the issue of Mr John Bird's position as a member of the Board of the TAB Qld Ltd and as Chairman of Labor Holdings Pty Ltd has been raised publicly. There is a perceived conflict of interest between the two roles. The Guide for Government Board members, which all Directors of Government Owned Corporations (GOC) are given upon appointment, sets out the duties of Board members."

I table this letter for the information of the House. The Minister and I go on to say—

"Mr Bird's position with Labor Holdings Pty Ltd may give rise to a potential conflict of interest situation when matters relating to the sale of the TAB are being discussed. The Queensland Government regards any perceived conflict of interest very seriously, and is

> confident that this matter will be dealt with appropriately."

In other words, we are saying to the board, "You ensure that in any dealings Mr Bird has as a director he behaves appropriately." The letter also states—

> "Directors of a company GOC are bound by the provisions of the Corporations Law regarding conflict of interest matters. A director of a public company, who has a material personal interest in a matter that is being considered at a meeting of the board or of the directors of the company must not vote on the matter or be present while the matter is being considered."

He will not. There is no conflict of interest, because the Labor companies will be prevented from buying shares.

This is the usual beat up. The Leader of the Opposition comes in here and talks about corruption. He knows all about corruption. He was a member of the most corrupt Government in the history of this State. I will not be accepting ethical advice from a man who was a member of the most corrupt Government in the history of Australia. Mr Borbidge knows about corruption and about cronyism because they are his mates, most of whom went to jail. He understands it very clearly. That has been established by the courts, not just by excuses in here from Mr Borbidge.

Hon. R. J. GIBBS (Bundamba—ALP) (Minister for Tourism, Sport and Racing) (6.22 p.m.): I have great pleasure in seconding the amendment moved by the Premier. What a group of hypocrites those opposite are to come in here tonight and move this sort of motion. This comes from the same group of people who were responsible for sponsoring somebody such as "Top Level Ted" Lyons, the National Party trustee and chairman of the TAB, who was credit betting at the Holland Park branch of the TAB some years ago. At the same time, he was the chairman and investor of funds from the Queensland TAB into Rothwells Bank, which went broke and cost hundreds of thousands of Australians their life savings. He is ably backed up, of course, by the current Chairman of the Queensland Turf Club, Mr Peter Gallagher, who was up to his eyeballs in the whole lot at that time. Of course, we do not have to remind the House of Kaldeal, Joh Bjelke-Petersen's slush fund. God knows what went into it and where it came from.

I take up what the Premier said in relation to Bird himself. It is absolutely beyond doubt that Bird cannot play a role on the board of the TAB at any time when it could be perceived that there could be any conflict of interest. The rules apply in exactly the same way as they apply to a Cabinet Minister. If a Minister is sitting in Cabinet and a matter comes before it about which that Minister believes there is a conflict because he or she has an interest, he or she must declare it and leave the room. Nothing changes because this fellow happens to be on the board of the TAB.

This debate tonight shows an alarming paucity of knowledge by the Opposition of how this whole process works. I will explain to the House exactly what is going to take place. In relation to the TAB float, the financial advisers to the Government, ABN AMRO, have recommended that the pricing of TAB shares be by way of institutional book build. This type of pricing mechanism was used for the Telstra and the New South Wales TAB floats and is now commonly used for IPOs, especially where there is a new company issuing shares for the first time and there are no securities of the company already trading in the market.

Simply, book build means that institutional investors bid competitively on the basis of both price and quantity for a limited pool of shares. In this way, a competitive market process determines the price to be paid for shares by the institutional investors. The member for Moggill knows as well as anybody else that there are institutional investors in this State, and probably interstate, who are interested in acquiring shareholdings in the Queensland TAB. The institutional shareholders make Labor Holdings look like a pygmy in the forest in terms of its financial muscle.

It is folly, stupidity and foolhardiness to come into this Parliament and even dare to suggest that Labor Holdings, if it were to be in the marketplace at any time for shares but which it now cannot be, is capable of influencing the issue price of the shares. Is the member for Moggill really trying to convince members in this Parliament and the people of Queensland that such a minuscule company is capable of that kind of influence? He has to be kidding. It is no wonder he was considered a joke in his former occupation as a Federal parliamentarian. I hate to say it, but he is a poor little man who is striving for some recognition and making an absolute botched job of it. In a properly structured and managed book build process, Labor Holdings or any other investor would be unable to secure any form of advantage.

I will talk about the TAB. I have here a letter from former TAB chairman Bob

Templeton, who wrote to his former Minister. He said—

> "Any attempt to license multiple operators will pre-empt the findings of the current investigation into the future of the TAB, and deliver a significant blow to the Government's interests in realising some value from these licences by incorporating them in the possible sale of the TAB."

He was referring to the poker machines. The member for Moggill still stands condemned by the people of this State and the racing industry as the man who effectively wiped $200m off the top of the worth of the TAB when it goes to sale. He is an economic dunce.

Time expired.

Mr HEALY (Toowoomba North—NPA) (6.27 p.m.): The appointment of the ALP Treasurer to the TAB board simply continues the tradition that has been established by the Queensland branch of the Australian Labor Party of flittering—if not indeed fluttering—around the gambling industry in this State in a way that just keeps getting smellier and smellier. It is a tradition that has to come to an end in the interests of the reputation of this State.

Unless this House is prepared to do it via support for the motion that was moved tonight by the Leader of the Liberal Party, the member for Moggill, then I shudder to think where the Premier's now shattered logic on these matters will take us. I fear for the future reputation of this State nationally and internationally. It is one thing at the political level to see the Premier of this State running around like a chook with its head cut off, as he has been over the past couple of days, but the serial damage that has been done to this State's reputation on this and related matters over the past few years, and indeed over the past couple of days, simply has to stop. We can take the first remedial step right here this evening. Action of that sort is desperately needed.

In recent times we have had all sorts of smelly affairs. Do honourable members remember Ed Casey and Caspalp? The then parliamentary leader of the Labor Party was doing deals with poker machine proponents long before the Labor Party brought them into Queensland and, I might add, against the clear and specific advice of the Criminal Justice Commission.

Then we had Labor Holdings revealed as being a significant shareholder in a major company that was subsequently awarded a casino licence. And that was coupled with considerable and very public controversy about the way in which some of those shares were traded at the time. But what happened? Labor of the day brought down the shutters. No FOIs got through. There was no judicial review. Nothing was done.

Of course, more recently, we have had three Labor mates as part of a company that got the first Internet casino gambling licence in the State. And now we are dealing with the fact that the Treasurer of the ALP in Queensland, Mr John Bird, is going to be at the heart of the TAB float—a key component of the discussions about that float, as the Premier made clear today in his second-reading speech to that legislation. He said that the Ministers will act in close consultation with the TAB's board of directors and management throughout the privatisation process. The Premier has obviously totally lost the plot. As Terry O'Gorman would say, the acting Treasurer—the Premier—is behaving like he has been hit by a rocket. He is behaving as if he has been hit by a rocket in a place conducive to generating considerable confusion. That is what I think.

Yesterday, for example, we were treated to the almost incredible scenario in this place of the acting Treasurer—the Premier—introducing legislation to ban not just ALP parliamentarians but local government councillors, the families of Labor parliamentarians and their staff from holding an interest in Internet gambling licences. It was the Labor equivalent of the Mad Hatter's tea party. The Premier played the Queen of Hearts—lopping off their heads from Winton to Ipswich. I can just imagine the Premier's men coming in of a morning and saying, "Premier, we have a problem", and he would say, "Off with their heads!" And the member for Ipswich was the March Hare, who was, unbelievably, concurrently defending what it was that the Premier was legislating against.

But of course, simultaneously and incredibly, the acting Treasurer has total confidence in the stood aside Treasurer, and the stood aside Treasurer has total confidence in the acting Treasurer, even as the acting Treasurer voted to effectively condemn the actions he had defended during the debate. Meanwhile, we now have the situation in which a dyed in the wool National Party councillor from somewhere way west of the range, who in his wildest dreams could have nothing whatsoever to do with influencing gambling on the Internet and cannot take part in the Gocorp float—

Mr BEATTIE: I rise to a point of order. The member is misleading the House. That is not what the legislation and the regulations provide. I know that was inaccurately reported this morning on the ABC, but that is not what the legislation provides. I made it clear to the House last night that that is not what it provides.

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

Mr HEALY: The Treasurer of the Australian Labor Party cannot be at the heart of the TAB action. Maybe we have missed a point here. What is going on in this Parliament?

Time expired.

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (6.32 p.m.): The action by this Government in the House today has set a standard of propriety that the coalition has never, ever, ever, ever matched either in Government or in Opposition. And we have done that with the upcoming float of the TAB. No ALP entity in any form can be involved in this float. In other words, we have set a standard. But when it comes to the Leader of the Liberal Party and the Leader of the Opposition, who play politics in here, when it comes to making a decision, and when it comes to making an ethical decision and setting an ethical standard for politicians in this Parliament, where are they? Nowhere! They run from the field. They have an opportunity tonight to set the same standard as that set in Government by the Labor Party, but they have run from the field.

Dr Watson interjected.

Mr ELDER: The member has an opportunity to do the same as we have done, but he will not. He is a wimp. The Minister for Racing was right. The member is a dope, and he is a dope for a whole range of reasons. He comes in here and makes slurs against those on the Labor side of politics. He has two standards: pursue the ALP at any cost, but forget the rest—"Let's not get involved in this ourselves. We might want to benefit from it in the future." Then, when he has had enough of chasing members on this side of the House, he goes out and slurs companies such as Deloittes. He takes a hospital pass from his leader and he runs out and slurs Deloittes, and then Deloittes has to defend itself. It is an ethical international firm with an impeccable reputation worldwide, but the member is out there saying that it is up to its neck in this. He is a disgrace. He will never crawl out from under that rock—not in the eyes of the business community. Members of the business community are outraged by the particular decision that he took to chase Deloittes on this.

Dr Watson interjected.

Mr ELDER: The member can keep that up, because he is losing credibility for the Liberal Party in the business community.

We are setting a standard, but the Liberal Party is not. There are no moral standards for the Liberal Party or the National Party. Over the past two days they have been trying to drag us down to their level. But they will not be able to drag us down to their level. Their level was best set by the Connolly/Ryan inquiry. If one is looking for their level of moral standard and propriety in Government, one has only to look as far as the Connolly/Ryan inquiry.

Mr Cooper: You're really off your tree—totally rattled.

Mr ELDER: It got the member off the hook. He would have been gone. He would have been out of this House, and he would probably have been sitting in a prison somewhere. But he set up an inquiry to roll an inquiry—an inquiry to roll someone who had his number on a jail cell. That is what he did. That was his level of morality in Government, and we are seeing it again.

It was the same in the Bjelke-Petersen era. Members opposite never learnt a lesson from that era. They repeated it when they were last in Government, and they are repeating it now in Opposition. We are into the Borbidge/Watson era, and all we are seeing from them is the same set of standards as that set by Liberal Parties and National Parties for decades. They just do not learn. They have an opportunity to meet our standards.

Dr Watson: You'll never get there. You're all talk, no action.

Mr ELDER: Yesterday, the member opposed the legislation in relation to Gocorp. Why? Because he might benefit from it at some stage, or because some Liberal Party members might benefit from it. Is that why he opposed it?

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Mr ELDER: And he is going to oppose the TAB float in relation to the role of John Bird.

Dr Watson interjected.

Mr SPEAKER: Order! The member for Moggill will cease interjecting. That is my final warning.

Mr ELDER: The member is going to oppose that. Why? Because he will benefit from it. I would bet that if I go through the members' interests register in two or three years' time, I will find TAB shares all over the place amongst members on that side of the House. I will find them in the entire front bench. They will all have TAB shares.

Mr Beattie: Russell Cooper—he will, won't he?

Mr ELDER: He will be the first in line.

Members opposite have shown no morality on these issues. They have shown no propriety on these issues. They have been unethical from day one. The acting Leader of the Opposition walks in here, drops a bucket of slime and walks out again. The problem with that is that he picks up innocent people on the way through. And when he picks up those innocent people on the way through, they are the ones who, at the end of the day, will pay a price, and that price will be something that he will regret in the long term within the business community in this State.

Time expired.

Mr BEANLAND (Indooroopilly—LP) (6.37 p.m.): Having Labor anywhere near gambling in this State is like putting a fox in charge of the fowl house. That is exactly the situation that prevails when we have Labor anywhere near gambling. It has a long history in relation to gambling in this State. One has only to look at its connection with Jupiters Casino right from the outset.

Further to that, now we have the ALP Treasurer in a position on the TAB board whereby he can be a recipient of information and knowledge. I listened to members opposite raise this matter. But at no stage did the Premier, the member for Capalaba or the member for Bundamba indicate that board member Mr Bird would not be a recipient of knowledge. This is all about who has the knowledge. It is the knowledge that counts. We have seen that over and over again, and anyone who knows anything about the operations of the marketplace would know that.

Not many days ago, in one of the southern States, a case of knowledge allowed a former Macquarie banker to carry out insider trading. It is knowledge that counts. It is not something else. It is not going out and carrying out transactions; it is having that knowledge. The member for Capalaba cannot get away from that. He likes to froth at the mouth and carry on. But the point is that it is knowledge that counts—nothing more and nothing less.

In recent days, we have seen the Premier trying to extricate himself from the situation of Gocorp licences, Internet gambling, Jupiters and the TAB. But nowhere will he be able to do this while there are such close connections between the Labor Party and gambling.

Fancy taking a senior partner from a firm of probity auditors to South Africa. How foolish can the situation become? The legislation is an attempt by the Labor Party to extricate itself from the mire. The member for Capalaba knows that.

We heard a great deal from the member for Bundamba but, of course, he added nothing new. He tried to pretend that Labor Holdings may not be able to buy shares and that that was the end of the story. Of course, it is not the end of the story—it is the start of the story. We also had a prima donna performance by the Premier. We have seen similar performances in recent days where he has been skittering around and has avoided answering questions. He sits in the Chamber and laughs, but he knows that it is quite inappropriate to have the treasurer of his political party involved in the float of the TAB. That is why the Premier is making every effort to introduce legislation. He is also carrying on in the House. However, these actions by the Premier will not overcome the situation, which speaks for itself.

The Labor Party in this State has a very close connection with gambling. We have seen evidence of that connection for some decades. Labor members make statements indicating that they are concerned about gambling. However, when we look at their connections with gambling in this State we become aware of Labor's hypocrisy.

At the end of the day Labor members are all about making a quick buck. Labor members are all about Labor greed and Labor mates. The gambling area is where Labor is at its best. The Premier knows that and that is why he is working overtime in an attempt to extricate the Labor Party from this situation. However, no amount of squirming and weaseling will overcome this difficulty.

The ALP State Treasurer, Mr Bird, is on the board of the TAB. The indication is that he will remain on the board throughout the float. Therefore, during the float Mr Bird will gain vital information for the Labor Party.

Time expired.

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (6.43 p.m.): I rise to oppose Dr Watson's motion and to support the Premier's

amendment. Dr Watson's motion was outrageous. Let us have a look at what his motion does. It implies that there has been improper behaviour by Labor Holdings and the other Labor companies. It implies that there has been improper behaviour by the company's chairman, John Bird. It also implies that there has been improper behaviour by this Government regarding the sale of the TAB.

Nothing could be further from the truth. This is just another of the witch-hunts and the trawling operations that have been undertaken by the coalition. It seems to be a case of the coalition judging the Government according to its own standards. As has already been reported, the coalition does not have a proud set of standards. One has simply to consider the number of former coalition Ministers who have resided for a time in my motels.

There has been no improper behaviour. There has been no conflict of interest. If members opposite had listened to the Premier they would know that the Government has taken action to ensure that there cannot be a conflict of interest and that there will be transparency. In that way there can be no public perception of a conflict of interest. Mr Bird is required to maintain the standards that Cabinet Ministers maintain. Former Cabinet Ministers on the other side of the Chamber would be well aware of those standards. This Government has taken action to ensure that the Labor companies cannot participate in the float of the TAB.

Let us have a look at the companies that the coalition—particularly the Leader of the Liberal Party—is attacking. Labor Holdings is a good company. It is very well run and it achieves excellent results. As the Leader of the Opposition said, Labor is the only party with any money. This has come about through Labor Holdings. It appears that those opposite are very jealous of this situation and are more interested in tearing down these companies and tearing down the interests of Queenslanders in this shallow attack on the Government. At the same time, those opposite are attacking the TAB float and tearing it down.

Labor Holdings is, effectively, a very small investment house. It has its own balanced fund of investments. For Labor Holdings to take big bids out on the TAB float would be an abrogation of its responsibilities. The company simply would not do that. Again I make the point that the coalition is jealous of Labor Holdings' performance. The company is very well led by its chairman John Bird. Labor Holdings does not need to cheat or insider trade to achieve the excellent results that it is already achieving.

Let us have a look at John Bird, the man who is being attacked by those opposite. John Bird is a true professional. I have had the pleasure of knowing John Bird for some 25 years. I worked with him in north Queensland before I came to Brisbane. I am proud to call John Bird a friend. He would not lower his standards to the level implied by the coalition. John Bird is a great Queenslander and a great Australian.

The motion we are debating tonight was moved by the leader of the party which is supposed to champion free enterprise—the boy professor. I must say that his actions of the past couple of weeks point to him being simply a boy, not someone with the standing of a professor. Over the past couple of weeks he has had more conspiracy theories than One Nation. We will have to start calling his part of the Chamber the grassy knoll rather than the back corner.

Because he has been a professor of commerce, the member for Moggill should know better than most the responsibilities of company directors. Their responsibilities are to look after the interests of shareholders. They must act independently. They cannot be told what to do by any Government in terms of where they place their investments. They cannot be told by Governments where to invest and where not to invest. Labor Holdings is a company that would not participate in insider trading and would not do the incorrect thing. The company has taken steps to ensure that that could not occur. There will be transparency. The public will be able to see that there is nothing wrong.

This Government has taken those steps in an absolute sense. The Government has also ensured that not only can the shareholdings not swap over, but there cannot even be a crossover of information, let alone intervention in an active way by John Bird as the chairman of Labor Holdings and a member of the board of the TAB.

The sale of the TAB was a correct decision that was taken by this Government. In many ways it was a tough decision. It saddens me that the coalition is talking it down to the detriment of Queensland.

Time expired.

Hon. T. R. COOPER (Crows Nest—NPA) (6.48 p.m.): This Government is stumbling from moral crisis to moral crisis. This has been proven over the past few days and the past few weeks. We have forced the Government

to take certain action. The Government has been hurt by it. We know that those opposite do not like it. We know that they are very bitter and very vindictive about being called to account. It is the job of the Opposition and the media to make sure that the Government is called to account. We have seen too many examples of this behaviour by Labor Governments in the other States of this nation. All the signs indicate that it could happen again.

The coalition makes no apology for bringing the Government to account. Labor Holdings is the vehicle that was ready to take advantage of the float of the TAB. The Opposition ensured that the Labor Party was not able to do that. The Labor Party had its State Treasurer in place ready to take action. However, Labor has been stopped in its tracks and those opposite do not like it. They are behaving like someone who has swallowed very bitter medicine. Labor has often demonstrated that it has double standards. Labor's double standards amount to double jeopardy for the people of Queensland. It is the people who always pay the price in the long run.

There are no prizes for guessing that we have this vehicle from Labor Holdings which can be converted into Labor's very own Queensland Inc. We have seen the damage that such activities has caused in other States. With Queensland Inc. v. the Battlers of Queensland Pty Ltd, who wins? There are no prizes for guessing who wins. We have seen what has happened in other States, and the members opposite know the history of what happened in those States—South Australia Incorporated, the State Bank and John Bannon. Members opposite know what John Bannon did to South Australia. Members opposite know what Brian Burke did to Western Australia with WA Inc. Members opposite know what John Cain did to Victoria with Tricontinental and all the other collapses. We saw a trail of wreckage, and who suffered? The people had to pick up the cost that Labor Governments foisted upon them. In New South Wales, we saw a trail of wreckage going right back to John Wren, Jack Lang, Joe Cahill and Neville Wran. All of those people left a trail of wreckage and they set a shocking example.

Our job is to make sure that that does not happen in Queensland today. That is why in many respects we are keeping an eye on members opposite—not just in relation to the TAB float but in relation to every other thing. The members opposite have their vehicles in place and tentacles moving into every nook and cranny of the State and into every business that they can get their hands on. The Opposition is concerned about that. We are going to make sure that we do our job and watch the members opposite. I hope that the media do likewise, because Victoria, New South Wales, South Australia and Western Australia all collapsed at a shocking cost to the people because those States had a weak and compliant media. I am not saying that the same thing has happened in Queensland; I am saying that that was why the Labor Governments in those States were able to get away with what they did and were able to ruin those States.

The Opposition knows the job that it has to do, and it is going to do it. Already, we have been successful in stopping the members opposite in their tracks in relation to their taking a major interest in the TAB float. We want to see a good, healthy TAB float. In that regard, we are going to continue to watch the members opposite. In the southern States, we saw the brazen, power-hungry desire of the Labor Party. We are now seeing all of those signs in Queensland. That is what worries the Opposition: the Labor arrogance—it never, ever goes far away—the brazenness is back. Over the past 12 months, the cronyism that we have seen from the Labor Party is out of this world. It is something to be seen to be believed. That, too, will be exposed because we believe that we have an obligation to the people of this State to do that. I can imagine the uproar and the outrage that would come from that side of the House had the Opposition engaged in such cronyism and put people such as John Bird into positions. However, Labor just does it with impunity: no-one worries, no-one bothers. Time after time after time they just carry on with it and time after time after time the Opposition will continue to expose them. As I have said, we have seen what happened in the southern States. The Opposition is not going to allow that sort of thing to happen in Queensland, because we know that the people will pay.

Time expired.

Hon. D. J. HAMILL (Ipswich—ALP) (Treasurer) (6.53 p.m.): This evening, this debate is all about standards, it is all about cronyism and it is all about contrasting exactly how this Labor Government adopts proper processes in relation to tendering and how the coalition does not understand such matters as proper processes and proper tendering. In this debate in relation to the TAB, we have been looking at how this Labor Government put in proper processes and how we went through a tendering process to put in place a probity auditor to ensure that the whole sell down of

the TAB was conducted in a manner that was all fair and aboveboard. We also put in a process to ensure that the selection of the joint lead managers for the TAB sell down was undertaken on a competitive tendering basis—again, to make sure that it was all done up and aboveboard. Deloittes have been appointed as the probity auditor. Of course, members would know that Wilson HTM Ltd and Morgan Stockbroking, along with Warburg Dillon Read, have been appointed joint lead managers. Of course, members would recall that Wilsons and Morgans were two of the companies—

Mr BEANLAND: I rise to a point of order. Mr Speaker, I draw your attention to the time. Last evening—

Mr SPEAKER: I control the House, not you. There is no point of order.

Mr HAMILL: Wilsons and Morgans were two of the joint lead managers who did such a very good job for the State of Queensland in the sell down of Suncorp-Metway.

However, how does one do business with a coalition Government? One does a bit of lobbying. One gets in the door to the Treasurer on the quiet and one makes secret submissions that deliver very fat commissions. With respect to the Suncorp-Metway sell down, was there a competitive tendering process for the joint lead managers? No way! On 26 August, an offer document turned up in Treasury from J. B. Were, Morgans and Wilsons. Guess what? It took only three days before the contract was signed—three days to evaluate the offer! What did the offer deliver? It offered a contract with a management fee for $1.5m. It also provided in that contract giving the company $600,000 if they were not used for the second part of the sell down. Last year, when I was having to deal with the second part of the sell down, I found out that, because of the contract that the Opposition signed, if we did not use the same joint lead managers that they did, it was going to cost us $600,000.

But there is more. The contract provides legal fees and travel expenses. The contract also provides for the joint lead managers to be able to allocate around $30m worth of broking business. That is not bad money for mates, is it? That is not bad money when one does not have a competitive tendering process. What is more, the contract was signed by the former Under Treasurer. This is a multimillion-dollar contract. The Under Treasurer, Mr McTaggart, could sign a contract on his own account up to only $250,000. For contracts of more than that amount, he had to get the permission of the Treasurer. However, this contract was worth multimillions of dollars. It needed Executive Council approval. So the former Premier, Mr Borbidge, was up to his ears in this contract, which did not require a tender. The Parliamentary Secretary to the Treasurer, Dr Watson, knew all about it.

The Opposition talks about a conflict of interest. Under the coalition, it is always a confluence of interest. I want to know: who were the mates? Why did they not have to tender? Why did they get an open run? Why did they get a secret contract through secret lobbying? Yes, there are very serious questions to answer. I table the document.

Time expired.

Question—That the Premier's amendment be agreed to—put; and the House divided—

AYES, 43—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 41—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Question—That the motion as amended be agreed to—put; and the House divided—

AYES, 43—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 41—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

Sitting suspended from 7.07 p.m. to 8.30 p.m.

TRANSPLANTATION AND ANATOMY AMENDMENT BILL

Second Reading

Resumed from 28 April (see p. 1540).

Mr FENLON (Greenslopes—ALP) (8.30 p.m.): I rise to oppose the Transplantation and Anatomy Amendment Bill 1998. I do so having received some greater enlightenment on the issue than when we last considered the Bill. At that time a motion was passed to refer this Bill to the Legal, Constitutional and Administrative Review Committee, which I chair. The committee was required to report back to the House by 1 August. It did so by tabling a report titled The Review of the Transplantation and Anatomy Amendment Bill 1998. That report was tabled out of session.

The committee's report was the culmination of a considerable number of hearings and great consideration by the committee, which is an all-party committee consisting of representatives from the four parties within this Chamber. At least, there were four parties, but I am not sure whether there are now following today's news about One Nation. That remains for history to determine.

The report canvassed the Bill that was introduced by the member for Thuringowa, which basically sought to impel a hospital authority to ensure that the wishes of the next of kin of a deceased person or, indeed, a person who is brain dead can be overridden in circumstances where a determination is made by the potential donor prior to death. The Bill sought a mechanism to ensure that the notation that is included on a driver's licence would, in effect, provide an overriding provision to ensure that the donor's intention would prevail regardless of the wishes of that person's next of kin. That was really at the centre of the report that the Legal, Constitutional and Administrative Review Committee undertook. Whilst it arrived at a determination on that point, it went on to make further recommendations of a very positive nature. Essentially, in relation to the proposed legislation of the member for Thuringowa, the committee rejected the prospect of overriding the wishes of a deceased person's next of kin if they did not wish that person's organs to be donated.

I make it very clear that—and I am sure that all members of the House join me—that I commend the member for Thuringowa for his good intentions in bringing this legislation before the House. However, the committee found that the effect of the Bill could reverse the goodwill and acceptance of organ donation that has been built up. Indeed, that could jeopardise the whole process. Organ donation is now being embraced through a very sensitive escalation of community awareness. If we override the wishes of a deceased person's family, that goodwill and acceptance may be jeopardised.

That conclusion was reached after a full consideration of over 50 submissions that were received by the committee. Submissions were received from highly professional persons within Queensland, Australia and New Zealand. In the course of other inquiries and inspections that the committee undertook on a trip to New Zealand, we took the opportunity of visiting a hospital in Auckland. Evidence was also taken from a number of sources overseas, including, in particular, an investigation of the models that have been developed by the very well respected and learned Dr Matesanz of Spain. In fact, Dr Matesanz made a submission to the inquiry. I record the committee's appreciation of the fact that Dr Matesanz took great trouble to communicate with the committee from Spain, giving us the benefit of his vast knowledge.

Indeed, Spain and South Australia were mentioned by the member for Thuringowa as having models to which Australia as a whole could aspire to improve donation rates. Whilst comparisons are very difficult to determine, it seems that there are some very fundamental ingredients within the South Australian and Spanish models that warrant some attention. The main ingredient of those models was the provision of a great deal of support in the intensive care setting. Basically, the models were founded on the principle that a great deal of training and support would be available within the intensive care units to ensure that the process of handling relatives was dealt with in a very sensitive way and that there was a clear, appropriate and concise way of identifying potential donors and working through the whole process.

Overwhelmingly, however, the view of those and other Australian and international submissions was that it is not appropriate to enforce the donor's wishes onto the next of kin. As I said, this is a very sensitive process. I can imagine the public outcry that there would be and the field day that the tabloid media would have, and perhaps even some of the current proponents would have, if the wishes of a grieving family, which would be experiencing a very difficult time, were overridden and their relative's organs were removed. That could be quite a disaster. It could have a very deleterious effect on the

entire process. It could create a stigma over the entire process of organ donation.

There is a very important overriding issue of just how relevant this prospect might be. At the centre of the matter is the question of just how frequently a situation might arise where the wishes of a family could be overridden.

On page 8 of its report, the committee cited two examples that serve to guide me. The first concerns a finding in Victoria that, where a patient's positive donor status is known at the time of the declaration of brain death, in all cases the donor family consented to donation. Anecdotal evidence from the various people we consulted supports that proposition. This is further confirmed by a 1998 Statewide survey conducted by Queensland Health in which 94% of respondents indicated that they would provide consent for donation if an immediate family member died and had indicated a willingness to donate their organs. Overwhelmingly, it seems that people who know the wishes of their next of kin at the point of death agree that a donation should proceed.

In relation to whether the Bill addresses the disease as identified by the member for Thuringowa, it can be argued that this is not a big issue and that it is perhaps non-existent. This brings me to one of the fundamental positive aspects that can be drawn from this Bill and the report. The issue of the notification of a person's next of kin is central to this process. If the next of kin know what the intention of a potential donor is, it is very likely that they will agree for a donation to take place. In Queensland we have an opt-in model rather than an opt-out model. The central aspect of the donation process is the potential donor's communication of their intention to their next of kin.

We now come to the next point, which is the significance of drivers' licences and databases as an indication of intention. Their greatest value is not in impelling the transplant unit of a hospital to remove organs. Their greatest value is in ensuring that the next of kin has a satisfactory understanding of the deceased person's real intentions. For example, let us look at what happens when a road trauma victim is taken to a hospital and that person's driver's licence cannot be located. In such an instance, we see that the value of having a database lies more with the next of kin being informed prior to the accident of the intention of the potential donor.

One positive recommendation of the report relates to the database that exists currently in relation to our drivers' licences. I think it would be a revelation to much of the Queensland community if people were to find out that the database on which we are registered when we tick the box on our driver's licence notifying our intentions is not available to hospital staff. It is only of value when the person concerned has their driver's licence on them. The committee addressed this issue in its recommendations to the Minister for Transport. Recommendation 5 states—

> "The committee recommends that immediate steps be taken to overcome the restrictions which currently prevent access to the donor information on the Queensland driver's licence database by those involved in organ donation.
>
> In this regard the committee notes that Queensland Health has been negotiating with Queensland Transport to amend the current driver's licence application/renewal form to include a question asking people who do consent to a donor notation being recorded on their driver's licence to also consent to Queensland Transport providing that information to Queensland Health.
>
> The committee urges the Minister for Transport and the Minister for Health to expedite moves to enable full use of this valuable data."

Again, I take this opportunity to urge both of those Ministers to take strong and urgent action to expedite that process. The committee and I believe that this would facilitate the process of organ donation and would assist all concerned—relatives and hospital staff—in terms of their knowing on more occasions what the intention of a donor was. In the circumstances where that intention is not known two things can happen. The relatives can surmise by some other means that a person's intention was to be a donor or they can simply refuse. Those are the alternatives at the moment. The only way in which those alternatives can be overridden is if prior to death a person has provided an express indication that they did not wish to become a donor.

That particular recommendation also led to recommendation 6 of the report, which states—

> "The committee recommends that Queensland Health attempt to ascertain the viability of the Australians Donate proposal to establish a national donor database and support that proposal should Queensland Health consider it viable."

Two main areas are being examined in relation to a national database. One proposal suggests linking up drivers' licences nationally. The second proposal would provide a database via our Medicare cards. That would have a long lead-in period, but it would be a fairly comprehensive and foolproof Australiawide system if we had our data linked to those cards. However, it would probably have a six-year lead-in period. The most viable and immediate proposal would be to link up drivers' licences.

The committee made a number of other positive recommendations in relation to the matters that I have already raised. They relate to education of people within the community and the staff within hospitals. The focus would be on educating the community as to the importance of organ donation in the first instance. More importantly, I reinforce the importance of an individual relaying that information to their next of kin. Without trivialising the subject or being flippant, I point out that we could have all sorts of merchandise, such as key rings, T-shirts and so on. For example, this would encourage people to say at a family barbecue, "I am very proud that I am prepared to be an organ donor." This a very significant issue for all of as individuals, families and as a community. The process involves confronting our own mortality—one of the hardest questions for all of us. That is very central to it.

Mr Palaszczuk: I'm a vegetarian.

Mr FENLON: That is probably a very good idea.

We have had some good feedback about the report. Tonight I wish to table a letter from Australians Donate, Australia's national organ and tissue donation and transplantation network. The author of the letter, Bruce Lindsay, the national director, thanks the committee for its report and offers his warmest congratulations on the quality of this report and its work. The letter states—

> "The careful consideration given to this issue by the Committee, and the clarity with which their views are then expressed in the Report, produces a document which in itself will be a valuable addition to the literature on organ and tissue donation in Australia.
>
> I am particularly grateful for the comments and indeed the recommendations made by the Committee, which are supportive of project and program directions being undertaken by Australians Donate. The value of the unanimity of approach which is so frequently mentioned in the Report may well lie in its contribution to a collaborative approach to individual programs at national level ..."

I table that letter dated 2 August.

There are many good things to do in terms of improving organ donation in Australia. There are many good approaches, and constructive approaches, and many of those are already being undertaken through Queenslanders Donate and Australians Donate. This report highlights many of those directions, reinforces them, and, I hope, gives further impetus to their expeditious execution in Queensland, in particular by way of linkage to an Australiawide strategy, because an Australiawide strategy is important to providing a wider access to organ donation.

I conclude by recommending that members do not support this particular Bill because it may indeed have a negative effect on the process of organ donation in Queensland.

Mrs Edmond: But they should go home and tell their families.

Mr FENLON: They should indeed. What we should all do tonight is make that choice and go home and tell our families.

Mrs GAMIN (Burleigh—NPA) (8.51 p.m.): The Opposition does not fully support this amendment Bill, but we are not totally opposed to it either, because we understand the very laudable motives behind its presentation by the member for Thuringowa. In believing that more work and research needed to be done on legislation as important and as emotive as this Bill, we recommended that it be referred to the all-party Legal, Constitutional and Administrative Review Committee, and honourable members have just heard the chairman of that committee speak very well on this issue.

Throughout Australia the way an organ donor is identified varies, but the most common method is by an endorsement on a driver's licence, and in Queensland a system of driver's licence endorsement is used. Alternatively or as well as licence endorsement, a person can sign a uniform donor card which carries several options. Donor cards are carried by persons indicating their consent to be an organ and/or tissue donor on their death and must be signed and are usually witnessed. But in order to be effective, the donor would need to carry the card at all times so that, in the event of an accident or emergency admission to hospital, the consent to donate would be immediately

apparent to hospital staff. The donor can nominate his or her willingness to donate any needed organs or tissue or can restrict his or her donation to specific organs or tissue.

A deceased person's next of kin may also give permission for removal of organs or tissues for transplantation purposes, even if the deceased person has given no prior indication of his or her views on this matter. In practice, however, organs or tissue are not removed after death without the consent of the next of kin, even if the deceased person has his or her driver's licence endorsed or is carrying a donor's card. If this consent is refused, the organ or tissue retrieval does not go ahead, even if the deceased person had during his or her life expressed a desire to be a donor after death. Doctors are extremely sensitive to the feelings of grieving families and never take actions which are not approved of by the next of kin. So it is the combination of medical ethics as well as clearly indicated consent of prospective donors which control the way in which organ and tissue removal is effected for transplantation purposes.

There is sufficient legislation covering definition of death, conduct and requirements of post-mortem examinations, and retention of post-mortem material and its subsequent disposal. However, there are still anomalies in terms of retrieval or non-retrieval of organs, consent of donors and next of kin. The intent of the amendment Bill before the House is to iron out these anomalies, to endorse the legal value of an organ donation indication on a driver's licence, to make such indication fully binding and to remove the need to seek the consent of the next of kin.

The ability to provide transplantation service to every patient who needs it is severely limited by the availability of organs or tissue, that is, by a critical shortage of donor organs or donor tissue, and that means a critical shortage of donors. Waiting lists are getting longer. Patients can wait up to three years for kidney transplants while all the time undergoing constant and draining dialysis procedures to keep them alive as they wait for a suitable and willing kidney donor.

To overcome some of these problems, strategies are now being devised whereby hospital staff and the medical profession are honing their skills in communication with potential donors and particularly with the general public, who are potential relatives and who may one day be asked to give permission for the removal of organs or tissues from their recently departed loved ones. This could well be extended into the field of general practice where GPs quite often have a closer personal relationship with their patients. However, as I have explained, the need to seek formal consent of the next of kin is not presently required by legislation but is a matter of ethical consideration on behalf of members of the medical profession.

In light of current medical practice it seems unlikely that, if this amendment Bill is passed, the medical profession and hospital staff would then agree to totally disregard the wishes of next of kin. It would be more likely that the medical profession and the hospital staff would continue to abide by the wishes of grieving family members, even if by doing so they contravene legislation which allowed them to ignore those wishes. No medical practitioner or reputable hospital would want the unfavourable publicity that could result from organ retrieval against the wishes of distressed relatives, even if the practitioner was acting strictly in accordance with the legislation.

That is why the amendment Bill was referred to the Legal, Constitutional and Administrative Review Committee for further review and consideration. The member for Thuringowa should be commended for bringing these matters forward, but they are very complicated. There is no doubt that the Legal, Constitutional and Administrative Review Committee had the ability to undertake more extensive research into this delicate, sensitive and indeed emotional subject and, as the member for Greenslopes has said, the committee produced an excellent report. We put a great deal of thought, work and effort into this report. Although the committee endorses the broader objective of the Transplantation and Anatomy Amendment Bill—that is to increase organ donation rates in Queensland; there is great potential to save lives and benefit others through organ donations—the committee does believe that the Bill in practice would not succeed in achieving its objective and that regardless there are better ways to achieve these objectives.

In seeking legal effect to the donor consent notation on a driver's licence, which would remove the need to consult with the deceased's relatives regarding donation, the Bill links the shortage of organs with the need to consult the families. Yet the organ donation process involves a number of steps, all of which must be considered in light of legal, medical, ethical, social and moral considerations. Of particular concern to the committee was that the proposal ignores that there are sound ethical and practical reasons

why hospitals always consult with the deceased's families about donation.

In addition, the proposal does not take into account that driver's licences are of limited value in that the Queensland licence database is currently not accessible by donor coordinators, very few people actually have their licence with them when they are brought to an intensive care unit and in any case licences are not always a reliable indicator of consent. There are many other reasons, apart from the family refusing to consent, why potential donors do not become actual donors.

Where the family does know that the deceased has consented to organ donation, they are unlikely to object to donation proceeding, and even if a donor consent notation on a licence was made legally binding, it would not eliminate the need for the hospital to consult with the family to establish whether the deceased's consent had been withdrawn or to establish the deceased's social and medical history. Indeed, the committee believes that, rather than increasing donor numbers, the proposal in the Bill if implemented might, in fact, have the opposite effect. Instead, the committee's research reveals that the Bill's objectives can be achieved by implementing more appropriate strategies, and there is a range of recommendations in the report that deal with these.

In his second-reading speech, the private member urges Queensland to introduce a model designed to increase the number of organ donors and to educate Queenslanders that the acquisition of organs is good, necessary and saves lives. Steps have since been undertaken in this regard by Queensland Health through its recently established program Queenslanders Donate. This program is designed to be complementary to, and supportive of, Australians Donate, the new national body responsible for increasing national donor rates.

I notice that the member for Greenslopes has tabled the letter from Australians Donate that was recently received by the committee. That was a very great compliment to the committee and on the work it has done.

In addition, in chapter 5 the committee suggests that the following might assist Queenslanders Donate and Australians Donate to increase organ donor rates: appointing as part of Queenslanders Donate an organ donor advocate to further develop and promote education and awareness strategies regarding organ donation in the Queensland community in addition to maintaining current programs which seek to educate and increase hospital staff awareness of organ donation; enabling people to provide for organ donation in advance health directives and providing Queensland drivers with more information about organ donation by utilising the driver's licence application and renewal process and amending the traffic regulations to provide licence holders with an express statutory right to require the amendment of the donor notation on their licences; expediting steps to overcome the current restrictions on Queensland Health accessing the organ donation information on the Queensland Transport driver's licence database; and monitoring the viability of a national donor database.

The committee believes that implementation of such specific suggestions in the context of Queensland's newly established organ donation program will in the short and long term be far more effective and acceptable. However, the Opposition has a problem here because if we vote this Bill down at the second reading, that is the end of it. The committee has submitted the report with the recommendations to the Minister and has written to the Minister. Under the Parliamentary Committees Act the Minister has three months to respond to the Parliament, but the Opposition would like something a bit more definitive. We would like to have amendments put forward in the Committee stage that it is not possible to put forward at the second-reading stage. We hope we can get the Bill to the Committee stage so that we can produce some amendments and call on the Government to ensure that satisfactory legislation is produced in three months.

There are three Ministers involved—primarily the Minister for Health, but also the Minister for Transport and the Attorney-General. The sorts of amendments we would like to put forward are covered completely in the summary of recommendations in the report. The summary of recommendations states—

"1. The committee recommends that the Parliament not support the Transplantation and Anatomy Amendment Bill 1998 in its current form.

2. The committee recommends that the Minister for Health, as the minister responsible for the Transplantation and Anatomy Act 1979 (Qld), consider reviewing Part 3 of the Act (Donations of tissue after death) with the aim of establishing whether those

provisions should be amended to more accurately reflect current practice in relation to organ donation and transplantation. Given the relative uniformity of these provisions in Australia (and given the desirability of maintaining that uniformity), this is a matter which the minister might wish to raise at an appropriate Australian Health Ministers' forum.

3. The committee supports the efforts of Australians Donate and Queenslanders Donate to increase education and awareness about organ donation both in the community and in hospitals. In particular, the committee supports the emphasis on educating people about the importance of communicating their decision to be a donor with their family. The conduct of periodic surveys will assist in measuring the effectiveness of these efforts. The committee recommends that the Minister for Health consider the appropriateness and feasibility of appointing (as part of Queenslanders Donate) an organ donor advocate to further develop and promote education and awareness strategies regarding organ donation in the Queensland community. To assist people in recording their decision to be a donor, the committee recommends that the Attorney-General, as the Minister responsible for the Powers of Attorney Act 1998 (Qld), investigate amending that Act so as to allow people to record a wish to be an organ donor after their death in an advance health directive."

That is a very important recommendation and one which I would hope to see the Attorney-General follow up. The recommendations continue—

"4. The committee recommends that Queensland Health continue to liaise with Queensland Transport (and Australians Donate) about utilising the driver's licence application and renewal process to provide people with information about organ and tissue donation. This information should encourage people to communicate their decision to be an organ donor with their family and be such that it gives the potential donor's next-of-kin confidence that the potential donor has made a well-informed or considered decision about organ donation. Where appropriate, changes should be made to the Traffic Regulations 1962 and current administrative procedures to achieve this. In addition, the committee recommends that the Minister for Transport amend the Traffic Regulations 1962 to provide licence holders with an express statutory right to require amendment of the donor consent notation on their driver's licence at any time.

5. The committee recommends that immediate steps be taken to overcome the restrictions which currently prevent access to the donor information on the Queensland driver's licence database by those involved in organ donation. In this regard the committee notes that Queensland Health has been negotiating with Queensland Transport to amend the current driver's licence application/renewal form to include a question asking people who do consent to a donor notation being recorded on their driver's licence to also consent to Queensland Transport providing that information to Queensland Health. The committee urges the Minister for Transport and the Minister for Health to expedite moves to enable full use of this valuable data."

This is a very important recommendation. The summary continues—

"6. The committee recommends that Queensland Health attempt to ascertain the viability of the Australians Donate proposal to establish a national donor database and support that proposal should Queensland Health consider it viable. (In this regard the committee notes that Queensland Health is represented on the National Council of Australians Donate.)"

As I said before, if this Bill is voted down tonight we have problems in that it is knocked out and we simply have to rely on the Minister tabling her response in Parliament in three months' time. She has three months under the Parliamentary Committees Act to produce her response to the Legal, Constitutional and Administrative Review Committee report. We cannot amend the legislation at the second-reading stage, but if we could get this

legislation to the Committee stage this evening, we could move amendments along the lines of those recommendations of the Legal, Constitutional and Administrative Review Committee, which I have already read to the Parliament, and hopefully have them included in the Bill.

There are three Ministers involved—the Minister for Health, the Minister for Transport and the Attorney-General. We call on the Government to produce legislation in three months along the lines of the committee recommendations. It is an excellent report with excellent recommendations.

Mrs LAVARCH (Kurwongbah—ALP) (9.07 p.m.): I express my in-principle agreement with the objective of the Transplantation and Anatomy Amendment Bill, which is to increase the donation rate of organs in the State of Queensland. If we look at Hansard of 14 April and 28 April this year, when this legislation was previously debated, we see that the issue of organ donation has been fully canvassed. I concur with the thrust of the sentiments expressed in that debate. From reading through that Hansard one can see that this has been a very sensitive debate, handled by both sides in a very constructive manner.

The issue that members on this side of the House have with this Bill is not what it seeks to achieve—I think everyone in the House is in agreement over what it seeks to achieve—but how it goes about achieving its objectives. This was also the concern of the Opposition on 28 April when the Bill was referred to the Legal, Constitutional and Administrative Review Committee. That referral was a unanimous resolution of the House. Since that time LCARC has fully considered the Bill and has reported back to the House.

Both the chair of that committee, the member for Greenslopes, and the deputy chair, the member for Burleigh, have spoken to the report and to this Bill. I am not a member of LCARC. However, I want to commend the committee members for the work that they did on that report. I concur with them that this was an excellent report that canvassed the whole issue, took public submissions and provided a comprehensive update of the state of organ donations around Australia. They also made overseas comparisons. The report was extremely sensitive to this issue. I believe that its recommendations deliver exactly what we in this House have sought.

I want to refer to the report and, in particular, to the committee's evaluation of the Bill, because I believe that it goes to the heart of this debate. I shall read from page 18 of the report, paragraph 4.1, which states—

> "Clearly, organ donation and transplantation raises not only legal and medical considerations, but also important ethical, social, and cultural issues.
>
> As the background discussion in this report highlights, at the core of organ donation are two (competing) principles. Organs and tissue from deceased persons can, in suitable cases, be used to save lives and enhance the well-being of others.
>
> However, there is also a need to respect individual autonomy and ensure some form of consent on the part of the deceased donor regarding the removal and use of their organs and tissue. These interests might therefore be broadly put as the recipient's and the wider community interest on the one hand, and the donor's (and their family's) interest on the other."

They then go on to say—

> "These broad competing interests must be considered in the context of Australia's multi-cultural society which brings with it diverse religious, ethical and moral beliefs. These factors influence the individual and the community perception and acceptance of organ donation."

They also state—

> "In addition, regard must be given to the ethical considerations of the medical profession involved in organ donation and transplantation.
>
> The committee is concerned that its response to the bill is informed by, and sensitive to, the many interests at stake."

That is, I believe, the very same concern as members in this Chamber should have when debating this Bill and promoting the objective of increasing the rate of organ donation in Australia.

It surprises me that debate on this Bill is proceeding, because I believed that, once the LCARC report came out, together with its comprehensive recommendations, all members would accept those aspirational recommendations. The intention is not to increase the rate of organ donation by enforcement. This is the aspect on which the members of LCARC have taken issue with the objectives of this Bill, as have members on this side of the House.

I know that the member for Thuringowa is very genuine and committed to this issue. But with all due respect, I find it disappointing that he is proceeding with this Bill. Having heard the member for Burleigh, I also find it disappointing that the Opposition seeks to take the Bill past the second-reading stage and on to the Committee stage. Although I have not seen the proposed amendments, I am not confident that the recommendations contained in the report should or can in any way be included in legislation.

The member for Burleigh has just given me a summary of the recommendations. I have read the recommendations in the report. I was speaking more about the proposed amendments.

Mrs Edmond: The first recommendation is to oppose the Bill in its present form. How you could support the Bill and then bring in a recommendation that opposes the Bill is a little bit beyond me.

Mrs LAVARCH: I concur with the Minister's sentiments. It seems to be out of sync with what the Opposition debated on 14 and 28 April and what all members of LCARC recommended in their report.

This is a matter that involves trust. We have all agreed that this involves a process of education and cultural change for this country. It is a process whereby we have to be sensitive to all interested persons. I know that members on both sides of the House have strong feelings about this issue—whether it be someone who is waiting to receive an organ or whether it be the next of kin of someone who has died tragically and who is being asked to donate a loved one's organs.

I want to revisit what the member for Thuringowa said in his reply to the debate on the amendment on 28 April. He said that he supported the motion to refer the Bill to LCARC for consideration and that he put his full trust in all members of the 49th Parliament to put their concerted efforts into funding a suitable working system that eliminates the problems currently experienced in the donation and acquisition of body organs and tissue. The member then went on to say that he is seeking a suitable working system that improves the incidence of donation of body organs and tissue. He also said that his aspiration is to have a world-class system.

I believe that, through the recommendations of LCARC, together with the work that has already been done by Queensland Health and national bodies in respect of organ donation, we will achieve not only a suitable working system but an excellent working system that will improve the incidence of organ donation. The member for Thuringowa should place his trust in all the work that is being done and all the work that is aspired to, because I believe that we will have the necessary tools to build that world-class model.

Recommendations 4 and 6 of the LCARC report highlight the committee's desire to have some of these issues addressed at a national level. I am a member of the Health Minister's backbench legislative committee. I was pleased to hear from the Minister that, at the most recent Health Ministers Council meeting on 4 August, there was a discussion and agreement about organ donations and Australians Donate. I wish to inform all members of the result of those discussions between all Health Ministers from the States and Territories of Australia and the Commonwealth Health Minister in this regard.

The Ministers agreed to a nationally based accessible information system—accessible to organ donation professionals—which identifies on their driver's licences persons willing to be organ donors and to support the recording of donor status information on driver's licences in all States and Territories. Secondly, they agreed to request Transport Ministers to support the central recording of information on organ donor status on NEVDIS, the National Electronic Vehicle Information System database. Thirdly, they agreed to request that Australians Donate work with individual Transport Ministers and the Australian Transport Council to achieve a national donor database which is accessible on a 24-hour basis.

As honourable members can see, since this Bill was last debated in the House there have been advances at the State level and at the national level. I urge the member for Thuringowa to endorse the LCARC report. Let us all work together for the benefit of all and not have a very legalistic, prescriptive approach to organ donation. I believe that the passage of the Bill would be counter productive because if we become too descriptive and enforce organ donation there will be a negative reaction and the cause will go backwards.

I believe that to achieve the Bill's objectives we need these aspirational measures. We need to trust that the matters already in place will continue to be addressed. We need to trust that the recommendations made by LCARC will be taken up and

furthered with the objective of increasing organ donations.

I urge all members not to support this Bill—not because of its sentiment, but because I do not believe that it will achieve what we, as a Legislative Assembly, are seeking to do.

Mr FELDMAN (Caboolture—ONP) (9.21 p.m.): I rise to speak on the Transplantation and Anatomy Amendment Bill. Tonight I intend to be reasonably brief in my address. I spoke to the amendment and now I have an opportunity to speak in the second-reading debate.

When this Bill was first introduced the member for Thuringowa was a member of One Nation. The Bill was proudly introduced as one of the first Bills that One Nation brought to this Parliament. When the Bill was introduced there was a parade of people from both sides of the Chamber congratulating the member on such a thoughtful contribution to the Parliament. I thought I saw consensus because this was something that was so very important that it crossed party lines. Because of the sensitivity of the issue I thought the Bill would receive support from both sides. Since that time we have seen support for the Bill dwindle.

It grieves me that we rush legislation through this Parliament; yet, when something as important as this legislation comes along we analyse it to the nth degree, we throw it to committees and we push it and prod it until we can find something inherently wrong with it. That is what saddens me.

The Bill itself is very good. The aims of the legislation are inherently very good. I can understand some of the points that have been made. The LCARC review of the Transplantation and Anatomy Amendment Bill extended to some 41 pages. After the amendment was dealt with I believed that the Bill would make it to the Committee stage. I thought that this review would bring about a number of amendments which would make the legislation very workable and start saving some of the lives that it was designed to save.

Dr Naylor and Ms Day from the John Tonge Centre had this to say—and I think this hits at the heart of the problem—

> "Given that the types of deaths that result in organ/tissue donation are usually tragic and unexpected, it is imperative that tissue and organ donation programs somehow accommodate the sensitivities of the deceased's family and avoid causing unnecessary additional distress. Many families who have consented to organ/tissue donation consider this decision provided them with something positive to come out of an otherwise tragic situation. This is because they are consulted, and provided with the opportunity to consider donation, rather than it proceeding against their wishes. The danger of the proposed Bill is that needs of the family may be disregarded once consultation is no longer a legal necessity. This may lead to complaints and adverse publicity, which may reduce the availability of organs and tissues."

This issue is about education and awareness of what can be achieved once we get past the sensitive aspects of the matter.

As a police officer, I have delivered many death messages. I have actually been in motor vehicles holding people together. I have worked with ambulance officers, holding compress bandages and watching blood drip through my fingers. I have accompanied people to hospitals. Unfortunately, I have been there when they have passed on. I have been with the grieving families. It is not a nice situation to be in. I feel for the people who have to work with the families. A lot of the people have ticked the particular box which took the distressing situation away from the grieving families—the mums and the dads and the brothers and the sisters. These are the people who have to make the decision at a later time.

A lot of people have told me that they would have felt a lot better if the decision was taken out of their hands. When they are present and have to physically turn off the machine and make the decision they become deeply affected. I believe most people would not want to be in that situation. These people are going to suffer some difficulty. If the matter is legislatively taken out of their hands they would not have to suffer the grief of making the decision. I have personally seen this.

Mr Wilson: You have got no evidence of that.

Mr FELDMAN: I have been with too many people too many times to even respond to that.

Tonight I want to let the member for Thuringowa know that we still wholeheartedly support this Bill. The members of One Nation hope that the Bill proceeds to the Committee stage. Instead of LCARC being critical and not coming up with reasons to support the Bill, perhaps it could have suggested amendments which would take this Bill forward from where it presently stands. This legislation has not moved in the last 12 months. We are still here

debating this legislation. Personally, I believe that is shameful.

I truly hope that all those people who came across the Chamber and congratulated the member for Thuringowa for the astuteness and credibility of the Bill will support him and get the Bill to the Committee stage, where it can be looked at and amended to a degree where it is acceptable to both sides of the House and to the community in general. This legislation will assist the community at large. I believe the purpose of this Bill is to assist the people who need organs. I will conclude on that point.

Ms BOYLE (Cairns—ALP) (9.29 p.m.): I still stand by my congratulations to the honourable member for Thuringowa, Mr Turner, in terms of his intention in introducing this Bill. Indeed, I would be surprised if any member of this House did not support his purpose—to increase organ donation in Queensland. However, whether this Bill can accomplish that is what we are debating, not the member's goal.

I was struck, as I am sure were many other honourable members of this House, when this afternoon we had delivered to our desks in this House an article from a paper—and it is not annotated to tell us from which paper—about a Townsville lady who is badly in need of a kidney transplant. In that article, the lady supports Mr Turner's intention. She also supports the Bill in terms of having people record their willingness to donate organs on their driver's licences. In that article, the woman asked what is so hard if a person says, "Yes, I want to donate my organs." She did not see why it should be a problem. It is not a problem and if a person says, "Yes, I want to donate my organs", that is indeed a fine thing and it is something that the report from LCARC recommends—that we increase community awareness, that we encourage people through a variety of means, driver's licences included, to signal their willingness to donate their organs.

However, having committed oneself in some form to that willingness, that does not in fact make organ donation happen. That is where we would be leading this lady and those other thousands—maybe even hundreds of thousands—of Queenslanders who wish to see us in this Parliament take some positive action down the proverbial garden path. Simply signing a piece of paper does not make organ donation happen. Of course, the focus of signing on the line of a driver's licence implies that at this time the difficulty with organ donation rates in Queensland lies in the lack of permission. In fact, that is not the case. In order to increase the rate of organ donation, we need to do much more than simply increase the number of people giving permission to have their organs donated. If we are to increase the rate of organ donation in Queensland, I ask members to consider the other factors that are required in addition to permission. It is a fact, unpleasant as the details may be for some of us to consider, that the cause of one's death is relevant to whether or not one's body may be useful or some parts of one's body may be useful. The time at which one dies and the place in which one dies is important, as is the hospital one is in—if, indeed, one is in a hospital—whether one is in a home, whether one is in some strange place apart from medical facilities and medical help, or whether one is near the immediate expertise that is required at the time of one's death. Apart from the system being in place, there is also a requirement for medical and nursing expertise, and one's body being in a state that one's organs may be of benefit to others.

Of course, most of us then have, I am pleased to say, the nonetheless difficult circumstances of people who have loved us being present. Have honourable members of this House experienced watching the life of somebody they love drain away? For most of us, it is a shocking experience, particularly if it is a young person who is dying. Of course, younger people have more to donate than aged Australians. However, as relatives experience the death of a loved one, they are in doubt, they are frequently in denial and they do not want to face the fact that their loved one is dying. They want the doctors, the nurses, the system to somehow be heroic and in those last few seconds to find a way to snatch the person back from the brink of death. Already, some relatives are in grief; others are in anger looking for somebody to blame. In those dreadful, dreadful emotional states, it is appropriate that those people are included in the process of deciding what should happen to the body of the person whom they have loved.

Therefore, already we have three factors that we need to work on if we are going to optimise organ donation in Queensland. Of course, added to that is the level of expertise that is required in dealing with our bodies as well as in dealing with relatives and the system of matching a suitable donor and transporting the organ to that donor in the right state. That entails a level of expertise in our intensivist medical and nursing professionals that we do not have easily on tap on every shift in every

health facility or in every hospital throughout the State. That requires a level of education that we would aim to attain as years pass.

There are also the logistics of matching the donor and the organs available and of managing the geography of a widely dispersed State that is 2,000 kilometres long. Of course, members should keep in mind that our objective in Australia is to work nationally so that organs are, as they should be, available across the State borders of Australia. In that regard, there is also already a good working relationship with New Zealand.

In order to make the system work, a considerable level of expertise as well as logistics is required. Therefore, the concept of organ donation is far more complex than simply a person giving permission on a driver's licence. We in Australia are fortunate to have an organisation called Australians Donate that is already working towards developing a national database that, given a country of our size, small population and, mercifully, low death rate of relatively young and healthy people, will allow for as smooth logistics as possible.

Tonight, the overwhelming message that I hope to leave members of this House is that while it sounds simple—"Let us all give permission on our driver's licences"—that would be far from sufficient action to take to be effective in increasing the organ donation rate. We would be leading our constituents up the garden path in suggesting that just because we give this permission the organ donation system is in place and it will magically happen. In fact, it is the task for all honourable members of this House to find ways to do more than simply signal our permission. For the system to work better, for the number of organ donations to increase in Queensland, a whole series of steps are required to be taken—a whole staircase, as it were, must be climbed.

I return to the intention of the Bill. It is a fine intention. However, it is not a sufficient program to achieve its worthy objective. I note the wishful thinking of the honourable member opposite that we could all support the Bill and then add in as amendments all of these additional recommendations from the LCARC report. That would probably not be an appropriate procedural way to move. It would not be in line with previous rulings in this House to the effect that it is not appropriate to introduce amendments that are contrary to the intention and substance of the original Bill. If members looked closely at the recommendations, they would see in the very first recommendation a contrary notion, and that is that this Bill not be supported in its current form. If members looked closely at the other recommendations, they would note that there is work to be done in terms of amending other Acts. Amendments to this Bill cannot require amendments to other Acts. It is not so simple.

On the basis of the recommendations in LCARC's report, three portfolios will be required to respond to the honourable members of this House—the portfolios of Health, Transport and Attorney-General. It is appropriate that the respective Ministers of those portfolios take the time to tell us how the recommendations of the report can best be implemented. Therefore, although the intention of the honourable member for Burleigh is admirable, it is not possible for the honourable members of this House to support the Bill and then change the Bill by amendment.

Tonight, let us send the very clear message back to the people of Queensland, and to the lady in Townsville who is so desperate, that we are working as hard as we can to make the system better and to increase the rate of organ donations. However, we will not lie to the members of our consistencies. We will not tell them that by simply signing a permission slip, somehow the system will fall into place. We have much more work to do and I hope we will do it in a non-partisan way. I hope we will do it in as speedy a way as can be accomplished.

Mr BEANLAND (Indooroopilly—Labor Party) (9.39 p.m.): I join with other members of the Chamber in supporting the concept of increased organ donations. This is a very complex issue, as was highlighted by report No. 16 of the Legal, Constitutional and Administrative Review Committee, released in July this year, which reviewed the Transplantation and Anatomy Amendment Bill 1998.

The report follows an intensive and extensive investigation, as many members of the House would be fully aware. That study took in not only Queensland but other Australian States, New Zealand and a number of other countries. The committee members and the committee staff in particular should be commended. I place on record my thanks to the committee staff who have contributed so much to this very detailed report. I congratulate our research director, Kerryn Newton, principal research officer, David Thannhauser, and executive assistant, Tania Jackman, on a job well done indeed.

The report highlights the fact that the process of organ donation does need a great deal of attention. Of course, we are waiting for the Government to bring forward legislation in relation to this matter, but there has been no indication from the Government or the Minister of when that might be. Legislation would involve not only the Minister for Health, who would be the primary Minister involved in the matter, but would also involve the Minister for Transport and the Minister for Justice.

The Minister for Transport's area of responsibility relates to drivers' licences, a subject which is given good coverage in the report. As the report indicates, a driver's licence is a very useful guide. It certainly gives us an idea of people's attitudes to organ donation. However, a driver's licence cannot indicate whether or not a person has changed their mind about donating their organs since first ticking the box on the licence. Secondly, I impress upon members that it does not indicate whether or not an informed decision-making process was undertaken. We all know how people can make a decision without knowing the full ramifications of that decision. As I introduced the Powers of Attorney Bill which provided for advance health directives, I am very familiar with that difficulty. One must ensure that, when one ticks boxes relating to one's health and other medical matters, one makes an informed decision.

Members would be most surprised to learn that currently the data from a driver's licence is not available to hospital staff. In fact, it simply goes nowhere. It sits up in that magnificent building in Springwood, although I am not sure where the computers and machinery are located these days. The information sits there; it does not go anywhere.

This is not a matter that requires a great deal of legislative attention. I am sure that the Minister for Transport could quickly sit down with the Minister for Health and finalise aspects of the legislation to rectify this problem. However, we have had no indication from those Ministers as to what might occur in this regard. I mention that because I am concerned that it might sit around and sit around and sit around for another 12 months or two years or three years. That is simply not justified and, of course, is totally unnecessary. It might require a Minister to work a night or two and perhaps the parliamentary draftsman would have to put in an extra hour or two, but the issue of drivers' licences is not complex within itself. It is a very straightforward issue.

The Minister for Justice's area of responsibility relates to powers of attorney and advance health directives. Of course, informed decision making already takes place in relation to advance health directives. A small area simply needs to be set aside on the form so that a person can fill in the necessary details . Of course, organs, tissues and a whole range of matters need to be covered. That can easily be done because an advance health directive must also be signed by a doctor to indicate that the person understands the decision that they are making. In other words, it is an informed decision-making process, which is terribly important.

As a couple of other speakers have mentioned, it is important that we look at where, when, how and why a potential donor died. The death must occur within or near a hospital, preferably in an intensive care unit, to ensure that the appropriate facilities are available for the donation process to occur. One cannot remove a person's organs two or three days after they have died. That simply would not work, as I am sure members are aware. The age of a donor is very important, as is how they died. Most donors tend to be the victims of car accidents, because generally they are young and healthy. That raises another issue, which I think is covered in the report. The lowering of the death toll on our roads has an impact on organ donations. We should not lose sight of the fact that, whilst we are continually going through the very worthwhile process of lowering the road toll, that does effect organ transplants.

Those are all very important issues to be taken into account when considering the matter of organ donations. Those who have taken the time to read the report of the Legal, Constitutional and Administrative Review Committee will know that those problems are highlighted throughout the report.

As I mentioned, the Minister for Health has the prime responsibility for this area, and a number of amendments need to be made to the legislation dealing with organ donations. Those amendments are set out in the summary of recommendations in the front of the report. A recommendation is made for an organ donor advocate to further develop and promote education and awareness strategies regarding organ donation in the Queensland community. That is particularly important, because whatever process we put in place we are going to need an education strategy. Indeed, it is probably one of the most important aspects of the whole report, because one needs a community relations officer who will get across to the public the message of exactly what needs to occur and how the process needs to be implemented. I

do not necessarily mean a PR person. The subject is extremely complex and sensitive, and would not benefit from a sales-pitch approach. We need someone who really has a feel for the issue and knows how to relate to it. I think that is a very worthwhile proposal. I strongly commend it to the Minister for Health, together with the other recommendations.

Of course, there is also the recommendation relating to the Queensland Health's attempt to ascertain the viability of the Australians Donate proposal to establish a national donor database. As is highlighted in the report, an exchange of organ parts occurs not only around Australia but also across the Tasman with New Zealand. That occurs where an appropriate organ match can be found. That highlights the need to quickly marry up the organ donor with the recipient of the organ.

The letter to the committee, dated 2 August, which was tabled by its chairman—something for which I thank him—from Australians Donate highlighted the work that has gone into the report. The committee and in particular its staff have put a lot of work into the report. They should be very proud of the report.

We need to keep this issue rolling. It is too easy for matters to fall by the wayside. This week legislation was brought into this Chamber very rapidly. I believe that these changes to the legislation can be made very quickly. The groundwork has been done. A Bill could be put together in a week or two and introduced into and passed by the Parliament. Indeed, as has been proposed, amendments could be made to the Bill we are currently debating so that those changes could be effected.

I note that someone has distributed a newspaper article highlighting an organ donor's plight. I do not know the circumstances surrounding this case. For everyone in this heartbreaking position it is a case of life and death. Our heart goes out to those people. However, there is a whole host of issues. It is not just a case of simply lining up someone for a transplant. Organs have to be married up and someone of the right age and in the right location has to be found before a transplant can take place.

In conclusion, I am looking forward to the three Ministers working rapidly on the amendments to their legislation. I believe that the Minister for Health could have brought in some amendments to the Bill we are debating tonight. I am very fearful that, if this legislation is not amended and passed this evening, we will not hear anything for 12 months or even two years. That would simply not be good enough. I believe the relevant Ministers would hold the committee's work and the Parliament in contempt if they were to take that line. We could introduce legislation very rapidly into the Parliament and move on from there.

Mr WILSON (Ferny Grove—ALP) (9.51 p.m.): Tonight I am delighted to speak against the Transplantation and Anatomy Amendment Bill. However, at the outset I indicate that I am equally delighted to be in total agreement with every other speaker in this House tonight and on previous occasions in respect of the key objective. We are all anxious to increase the rate of organ donation. Tonight, no-one has put forward an argument—and I do not expect any such arguments to be put forward after my contribution—against that key objective. For a whole range of different reasons, each of us sees that this is an extremely worthwhile objective to pursue. However, our views diverge when it comes to how we go about achieving that objective.

I was particularly impressed that the member for Thuringowa raised a very real issue in the community in respect of which he seeks to produce a solution. However, if we are dealing with real issues, I assure members that, at the same time, we need to deal with real solutions. The proposal that he has put forward in this Bill in general terms looks attractive superficially as a solution to this issue. However, as the all-party committee discovered, when we look at the practical circumstances and speak with the people who on a daily basis have to handle the complex emotional circumstances, both medical and non-medical, in which these decisions have to be made, we can see beyond any doubt whatsoever that a real solution to this problem is not to be found in this amendment Bill.

This amendment Bill proposes that a simple amendment can be made to produce the result that, if a "yes" appears in the relevant box on my driver's licence—and it expires in about four months' time; it is a five-year licence—were I to be bowled over by a bus tomorrow and in all other medical respects satisfy the conditions to be an organ donor, I would be considered to have given written consent for the purposes of the transplantation and anatomy legislation. On that basis, the relevant doctors could take parts of my body for organ donation.

There is a problem with that proposal. I suspect that I was one of many people who at the time of taking out their licence responded emotionally and thought, "What a great thing

to do. How could I argue against being an organ donor?" At the time, no-one pulled me aside and asked, "Do you understand what this means? Are you familiar with the circumstances of death and the position that relatives and next of kin are placed in at that time?" Nothing like that happened.

The "yes" on my driver's licence is an authentic expression of a genuine sentiment that I held at that time and still do. However, that is a long way from constituting informed consent. It seems to me that, just as we cannot in any way really argue against the good purpose of organ donation, we also cannot argue against organ donation being based on informed consent. What could be more fundamental than the relatives, who are the only ones left after we have been bowled over by a bus, being satisfied that the "yes" in the box was based upon our informed consent? In the absence of their being satisfied about that, surely we can expect them to be a bit tentative about saying, "Take the liver or some other organs." That might be putting it in a somewhat light-hearted fashion. However, I am trying to illustrate that we are dealing with a very complicated emotional medical situation that all of the evidence to the parliamentary committee tells us takes place in the space of four hours. My relatives might not even be able to get within a bull's roar of the hospital at which I am being kept on life support because I am brain dead. After the first hour has passed, I have only three hours left, by which time I might be an organ donor. They might be as close as a telephone; they could be 1,000 kilometres away.

This is a great illustration of the fallacy of wishing it were so. When we identify a problem which in the best of spirits and good nature we want to solve, we seem to be impelled towards a simple solution. However, simple solutions are often not the real solutions to a real problem.

The inquiry undertaken by LCARC—what a delightful acronym that is!—was a wide one, and there was a broad response to the public invitations for submissions. That inquiry was undertaken in a bipartisan spirit, as has been the debate on this whole issue. That is commendable. The key points arising from that inquiry and others have addressed some of the detail.

Some of the key points that came out of the inquiry are that, of all those who die, only 1% are potential donors. I say "potential donors" because the next step then is to do the medical matching exercise and also to check on the medical suitability of the donor. I suppose the third step is really the matching exercise with the potential recipient or beneficiary of the donated organ. Another point that came out was that 90% of Australians support the principle. In other words, I am in the large majority who have signed a "yes" on my driver's licence, because over 90% of Australians support the principle of organ donation.

But, as I said, time is of the essence when this decision has to be made. During this window of four to six hours, as all the medical experts told us, when time is of the essence, that is when the level of emotional tension and trauma associated with the occasion of the death of a beloved one is at its highest. The evidence of medical practitioners—the doctors, the nurses, the intensivists and all of the other people who in real life today are engaged in the process of facilitating organ donation—told us unequivocally that people must consider the wishes of the next of kin of the deceased. After all, they are the ones who remain. The evidence was that doctors were not willing to risk making a decision to take an organ in the face of some potential doubt, challenge or controversy through the next of kin because the support of the next of kin and, by extension, the broader community to the organ donation process is what will really raise the donation rates.

They were saying to us that the deceased, before their unfortunate, untimely and unexpected death, had the first say about organ donation and the next of kin has the last say and that the consent—and informed consent—of the deceased is a necessary precondition to the donation process. However, it is not sufficient because we must add into the equation the opinions and the sentiments of the relatives. The evidence also clearly showed that a range of things needs to happen to encourage and support the increase in the donation rate so that as many as possible of the 90% of Australians who, in fact, say that they support donation in principle are converted into available donors when the occasion for donation arises.

The first thing that they said was that people who decide, as I have, to tick the "yes" in the box on the card must communicate it to their relatives—to their next of kin. How many of us sitting here in the House tonight who have "yes" on their driver's licence had a good heart-to-heart with their next of kin when they made that decision, or have done so since then, and explained to them why they had done it, how they think it would happen, and what their views are? I acknowledge for the record that, out of the approximately 30

members sitting in the House at the moment, three have raised their hands. I rest my case on that.

Mrs Edmond: Are you saying they ticked the box?

Mr WILSON: No, only three have ticked the box and have actually then told their relatives or next of kin that they did so and explained to them why they did it. In other words, that was one of the points that came out in the evidence: that very few people actually communicate to their next of kin—the most important people who matter in this situation—the fact that they are organ donors. So the relatives are left high and dry at the time that the issue arises.

Secondly, it was said that there needs to be an education program, and one of the recommendations picks that up. Thirdly, there needs to be access to the database that records the information of those who are willing to be organ donors. Fourthly, it came out that amendments need to be made to the relevant legislation to enable advance health directives to be a vehicle by which informed consent can be given effect to and also subsequently communicate it to the next of kin. They also said that there need to be amendments to the transport legislation so that people who have done what I have done can also revoke the tick in the "yes" box.

When it all boils down, it is clear that, if the relatives know that a person has said "yes", they are happy to say "yes", too. But if they are put in the position of saying "yes" on that person's behalf when they do not know what the person said or whether what they said some time ago is still what the person would say, they will be very, very reluctant to make a decision on that person's behalf. It is as simple as that. The relatives are happy to affirm a decision they know that the person has already made. They are most unhappy and reluctant to make a decision on the person's behalf in ignorance of what that person's decision was or would have been. That is why the relatives are so critical to the process.

I conclude by addressing the proposal put forward by the deputy chair of LCARC in her contribution. I support, as I said, many of the sentiments of all of those speaking tonight. However, I do not support the proposal that the recommendations of the LCARC report be adopted as amendments to the Bill that is presently being debated before the House.

Mrs Edmond: Does that include the first recommendation?

Mr WILSON: Logically it would. The first recommendation is that we not support the Bill that is before the House in its current form. So that is how I address recommendation 1. If I address recommendation 2—

Mrs Edmond interjected.

Mr WILSON: I will go through each of them in a moment.

Secondly, the overall observation about recommendations 2 through to 6 is that none of them are in legislative form. So it would be impossible for us to vote on any one or all of them as purported amendments to the Bill that is before the House tonight.

Thirdly, some of these recommendations do not in themselves address the Bill before the House; they address the Powers of Attorney Act or the Traffic Regulations. I do not know how an amendment to the transplantation Bill tonight can effect an amendment to the Powers of Attorney Act. I am not familiar with how that mechanism operates. Fourthly, I am not familiar with how an amendment to the transplantation Bill tonight can effect an amendment to a traffic regulation, because regulations are, in fact, not made by this House; they are made by Governor in Council and are subject to disallowance by this House only after tabling.

Further, the recommendations that do, in fact, openly address particular Acts that I have identified expressly require the relevant Minister to consider or examine whether there be an amendment to that nominated Act. So were recommendation 2, for example, to be treated as an amendment to the transplantation Bill, we would be attempting to do so with a recommendation which, in its own terms, says that the Minister for Health should consider whether or not there should be an amendment to the transplantation Bill after reviewing Part 3 of the Act. Alternatively, if recommendation 4 was to be an amendment to this Bill, we would be saying to the Minister for Transport that he consider and examine amending the Traffic Regulations 1962 by way of the mechanism of an amendment to the transplantation Bill. I am nearly lost, and perhaps everyone else is. The mechanism that the previous speaker sought to rely upon is one that eludes me. I am happy for any subsequent speaker to remove my confusion and identify—

Mrs Edmond: They would have to bring in another Bill.

Mr WILSON: I am new to this and no doubt someone can set me straight.

Mr Fenlon: Why do you think they might have foreshadowed something that appears to be completely out of order in this House?

Mr WILSON: I do not think there is enough time to speculate endlessly about what might have motivated that step, but I have simply examined the practicalities of what is proposed. It is not practical. In fact, I think it is inconsistent with the Standing Orders of the House.

The other thing I observe is that it is not uncommon for an all-party committee required to examine a matter to produce a piece of draft legislation which it puts forward to the House in conjunction with its report, recommending that that draft legislation be the legislation considered and passed by the House to give effect to the committee report. I notice that this report does not do that. There is no explanation in the report of why it did not do that but rather adopted a range of narrative style recommendations which in their own terms require various Ministers of the Crown to themselves, separately and at another time, examine amendments to other legislation. As it is so open and obvious that an amending Bill could have been brought forward by this all-party committee and it has not done so, it seems to me reasonable to conclude that the committee thought that was not the way to go.

In conclusion, I support wholeheartedly the sentiment—everyone else does also, because no-one has a mortgage on it—of solving this real problem, but I support finding a real solution to this real problem.

Dr PRENZLER (Lockyer—ONP) (10.12 p.m.): I intend to take up only a small amount of the precious time of the House tonight. My LCARC colleagues have covered most of the aspects of our review and the resulting report. When I originally contributed to this debate I spoke in full support of the Bill. I am member of the Legal, Constitutional and Administrative Review Committee, which reviewed this Bill. This review of all aspects of organ transplantation was indeed a very comprehensive one. Meetings were held in Queensland as well as in other States of Australia. Indeed, we travelled across the Tasman and talked to people in New Zealand. On speaking to the people in New Zealand, I was surprised to learn that often accompanying passengers on aircraft that fly across the Tasman Sea every day of the week are organs for donation. Australia and New Zealand have a very close association in relation to organ donation and transplantation programs. That is very heartening.

I add my thanks to those of the member for Indooroopilly to the hardworking staff of our committee: our research director, Kerryn Newton; our principal research officer, David Thannhauser; and our executive assistant, Tania Jackman. They certainly worked very hard in helping us to put this report together. It is a very comprehensive report which I think this House should be very proud of.

Since my participation in this review and report No. 16 of July 1999, I have reviewed somewhat my stance on and my attitude to this Bill. I still fully support the thrust of the Bill and its intended result, that is, to increase the organ donation rate in the State of Queensland. I am quite sure that all honourable members of the House agree with this objective.

I am aware of a number of amendments proposed to be made to the Bill. They will be debated during the Committee stage if the Bill passes its second reading. The amendments are based on some of the recommendations of LCARC's very comprehensive review and report to the House. In my opinion the intent of the Bill is so important that I hope the legislation does proceed to the Committee stage for further consideration. I support the Bill.

Mr TURNER (Thuringowa—ONP) (10.15 p.m.), in reply: I acknowledge all of the people who have played a part in reviewing and offering submissions to my amendment to the Transplantation and Anatomy Act. The Legal, Constitutional and Administrative Review Committee put in an enormous effort.

The reason behind my Bill was to make organ donation more readily available to the people who need it to sustain life and to take the responsibility from grieving relatives to make a decision that they would prefer not to have to make and assure them that this is what their loved one wanted. Dr Fisher from the University of New England stated in her submission—

> "If people can decide to leave their body to a university and this is a matter for the individual, then why should organ donation be different?"

She went on to say—

> "Organ donation takes place in a health care context and if people can consent to have surgical procedures done then their consent should be able to determine whether or not to have their organs removed following brain death."

She also said—

> "If an executor is obliged to comply with the deceased's wishes concerning burial or cremation, it is plausible to claim that the executor or next-of-kin have a similar obligation with relation to the wishes of the deceased concerning organ donation."

The submission from the Donor Tissue Bank of Victoria stated—

> "The majority of our members have been through the heartbreaking decision to donate tissue from a recently deceased family member. Knowing the wishes of the deceased person helped us, but it would have been far less traumatic if the decision wasn't placed in our hands."

It is standard practice in hospitals to consult with the family members of a potential donor. The relatives are always treated with respect and sensitivity when being approached by the physician in charge for the use of a loved one's organs and tissue. These are highly trained and sensitive people. There is no reason to believe that this aspect of the process will change with the passing of this Bill. It would still be necessary for staff to consult with next of kin to discuss family history and to establish if the consent might have been withdrawn. Knowledge of the donor's intentions offers relief for the ICU staff and the family as it relieves the family of the responsibility of making the decision.

It is very rare for families to overturn a deceased's wishes when those wishes are clearly known. In a 1998 Queensland Health survey, 94% of respondents indicated that they would provide consent if an immediate family member died and had clearly indicated their intentions to donate their organs. It simply takes away the need for the relatives to make a very difficult decision at a very difficult time.

I know people who have been forced to make this decision and who are still haunted by the choice they made. One woman who phoned me after she read about the Bill in the paper said that she had declined to donate her son's organs and has agonised over it for two years, wondering about the life she may have been able to save. Had the decision already been legally made by the donor, she could have accepted that and not had to agonise over it. She is now receiving counselling two years too late. As things are now, it is open for relatives to have "buyer's remorse" and blame themselves for their decision.

The Australian College for Emergency Medicine offers its support for the Bill, saying that, by giving such legislative support to the donor's wishes, stress on the family will be reduced by removing from the family the need to make decisions about organ donation at such a difficult time.

The Legal, Constitutional and Administrative Review Committee says that it cannot endorse the Bill because it takes away the need for hospital staff to consult with families—even exclude them—yet it admits that the Bill contains a safeguard where the hospital staff need to establish from the family that the information is correct and consent has not been withdrawn, even verbally. And that is correct. Clause 25A(3) of the Bill incorporates a safeguard that the donor intention is effective only in so far as hospital staff have no reason to believe that the indication is incorrect or that the consent has been withdrawn. Therefore, it is still necessary for staff to discuss donation with a family in case the consent has been withdrawn or the information is incorrect.

The committee suggests that my Bill is undermined in the circumstance of accidental death as the potential donor is seldom carrying their driver's licence or donor card. This would be of little significance if the information is placed on a central registry. If we had a national central registry, even if the person died interstate, no-one would be overlooked. At present, the next of kin of potential donors are often not approached because the patient is not recognised as a potential donor.

Section 14A of the Traffic Act 1949 prevents the release of driver's licence information to another person without the driver's written agreement. Therefore, the Act needs to be amended to allow this information to be passed from Queensland Transport to Queensland Health to be placed on the register. Ideally, this information should be updated every 24 hours. Currently, organ donors are recorded in Queensland Transport's licensing database—not available after hours or on weekends, which limits its function as an organ donor database.

I strongly urge the Minister for Transport to put this amendment into effect to link both the Queensland Transport and Queensland Health databases immediately, no matter what the outcome of my Bill. This alone—the passing of information from one Government department to another—will have a dramatic effect in increasing the donation rate. I note that Australians Donate, in its submission, would welcome support in using the Federal Health Insurance Commission's database,

attaching donor status to the commission's records to give the best possible chance for a truly national database. This is an excellent solution.

Queensland Health, in its submission, has stated that the counter of a Queensland Transport customer service centre is not an ideal place to be making important decisions about donation. I have to ask: is it better to ask the grieving family of a potential donor at the hospital? A person has a learner's permit for six months. Surely this is time enough to consider the implications and discuss it with family members.

It was also said that when people get their licence they are unlikely to be correctly informed about what organ donation means. This is also overcome with an information kit made available with every renewal and every new licence. Information kits provided by Queensland Health could be handed out with every learner's permit and every renewal of a driver's licence. This is already done in Western Australia and South Australia. The kit could contain: information on the organ donation process and that a potential donor can choose to donate all or only one organ—the difference between circulatory death and brain death; a form to sign giving permission to use one's organs; list of organs and tissue so that people can choose which organs they are prepared to donate; and an option for endorsement from a relative showing that this issue has been discussed. There could be a phone available to link up to a free call number for more information. For people without a driver's licence, an identification card with the donor's photo similar to a driver's licence could be issued as a donor card also by Queensland Transport, also to go on the register.

The committee suggested that there were better, more effective means of improving the organ donor rate, such as an organ donor advocate to promote organ donation in schools, churches, community groups, etc. This is also a wonderful idea. A donor clause in a person's will has also been suggested. Most wills I have ever heard about are read days after the burial. I think that would be too late! Another suggestion is a donor card such as the one that the Australian Kidney Foundation provides.

In 1998, not even one of the 40 Queensland organ donors had signed a donor card, yet 14 had given their approval on their driver's licence. Approximately 54% of Queenslanders who hold a driver's licence have elected to record their willingness to be an organ donor on their licence. The driver's licence works.

The committee suggests that we can increase education and awareness for organ donation and conduct surveys to measure the effectiveness of these efforts. Yes, that would be good. But as surveys already conducted have shown, Australians are very willing to consent to organ donation. All that is needed is to put the opportunity before them. And what better way than at the counter of the licensing centre? We already know that works. We do not need surveys to measure effectiveness.

This Bill was introduced into this House in November 1998—10 months ago. The committee members say that they cannot endorse the Bill. They recommend that the Labor Minister for Health consider reviewing the Transplantation and Anatomy Act to establish whether these provisions should be amended and maybe raising it at an appropriate Australian Health Ministers Forum. I have to wonder when this might happen and how many more lives will be lost.

Last month, I attended the annual service of thanksgiving in Townsville, recognising the gift of life given by the donors and their families to the recipients and their families. The lighting and extinguishing of the candles, symbolic of one life given to save or enhance the life of another, was very moving. There was an overwhelming feeling of goodwill. Support programs for donor families acknowledging the gift that they have given are tremendously important. Equally important is public awareness. And had this service been publicised more, it would bring to the attention of the community the needs of potential donor recipients. It was apparent that some of the donor families and recipients knew each other well, and I would recommend that families be encouraged to make contact if both parties agree.

I intend, at the Committee stage of the Bill, to move amendments that cover all of the items that I have spoken about in my speech to complete a full donor model, including:

changes to section 14A of the Traffic Act to allow the passing of information from Queensland Transport to Queensland Health;

changes to the Traffic Regulations 1962 to allow licence holders to change the donor consent if it is incorrect or they have changed their minds;

to ensure that Queensland Health supplies the necessary information in a kit

form to be available with every new or renewed licence; and

to ensure that Queensland Health works towards establishing a national database.

The purpose of this Bill is to make every potential donor who has agreed to be a donor recognisable to the medical staff, to remove the responsibility of families from making the decision for their loved one and being given the knowledge that this is their loved one's wishes. A legal "yes" on the driver's licence or identification card would do this.

I received from the Legal, Constitutional and Administrative Review Committee copies of 42 submissions. I have studied these carefully, and I have broken them up into the following categories: support for the Bill, 20; against, 14; undecided and just comments, 8. These submissions confirm for me comments I have received from the general public that the majority of Queenslanders agree with making the driver's licence a legal document.

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

AYES, 42—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rowell, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

NOES, 42—Attwood, Barton, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. Cunningham, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

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

Resolved in the **negative**.

SCHOOL UNIFORM BILL

Second Reading

Resumed from 21 July (see p. 2863).

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.32 p.m.), continuing: Nothing has changed since we last considered this matter to convince me that the shadow Minister for Education is any closer to reality than he was a couple of weeks ago or, indeed, when he was the Minister. I have spent a lot of time in the schools in my electorate and I have asked teachers and principals whether they were hanging out to get the legislative power to enforce school uniforms, and they have resoundingly said to me, "No." They say that because they believe it is necessary to consider what is the best outcome for the school. Who is best to make that decision? It is the school community.

As I said on the last occasion when I spoke on this issue, here we have a shadow Minister who, when he occupied the ministerial position, stated that he thought it was best to have a situation called Leading Schools. That concept was empowered to make decisions closest to the school community, on behalf of the school community, and that power would lead to commonsense decisions. Suddenly we find that the shadow Minister is on the other side of the House, where he should be, and as a result he does not have any confidence in the ability of the school community and the school principal to make decisions. I cannot work out that piece of logic at all.

What we see in this proposed legislation is a distinct reaction to being in Opposition—nothing more and nothing less. This former Minister did not think that the situation with regard to the question of uniforms was so bad that it warranted legislative changes when he occupied the office of Minister. Suddenly it is warranted. The shadow Minister can plead that the Ombudsman had not made a report about it, but he, as a former schoolteacher—and he was not much chop at that, I have to say; he could not teach a pig to be dirty, as I said once before in this place—should have known that this has been an issue for a long time. A legislative arrangement has not been required to fix the problem. Why is that? Because there is no legislative answer to it.

If we pass legislation we bind the feet and the hands of the school principals and the school communities. We say, "Thou shalt." We say that this must happen on every set of occasions in every situation in the school. To suggest that this cannot be challenged at law is the greatest load of claptrap I have ever heard. I do not understand how any member in this place—let alone someone who has been a Minister—can believe that by simply running legislation through this place it somehow fireproofs it from any legal challenge through the courts. It shows an abysmal understanding of what the laws of this country are all about.

The Minister for Education, Mr Wells, has received departmental advice. If I was in the Minister's position, I would reject the option to go to a legislative model. I would go for the solution that Mr Wells has adopted in this

regard. I would do that because it offers the principals of schools and the school communities the option of developing a set of guidelines that best fit their circumstances. Circumstances change from school to school.

The other day I was at the Rockhampton State High School and the principal said to me, "Well, I could have a real barney with that kid over there because he hasn't got a school uniform on, but I choose not to." Why did the principal do that? To confront that student would only reinforce the kid's desire not to conform. It is far easier to work the kids through the process rather than to say, "There is the gate. You have not got the right school shirt on."

As I said previously, my kids go to State schools and they both wear school uniforms. My oldest boy goes to the Glenmore State High School, which does not have a uniform, but a dress code has been introduced. Honourable members would find that 99.9% of the kids voluntarily adopt the dress code. So the wearing of a school uniform is not the huge problem that people say that it is and want to whip up a storm about. For example, this issue does not necessitate taking up the time that has been taken in this House. As a result of what this Minister proposes to do, I would like to see that we understand what school discipline is all about. It is not just about wearing a uniform; it is not just about saying that kids who do not conform to a certain dress standard are any lesser beings than those who do have uniforms, it is about encouraging kids to do the right thing.

I do not think that placing a sledgehammer over a kid's head and saying, "The law says that you have got to wear a school uniform or else", translates into a very sensible outcome for our kids. For heaven's sake, if a kid turns up at a school without a school uniform, the world will not come to an end. If a new option is found to encourage that kid to wear a uniform, all the better. But for heaven's sake, we are nearing the 21st century and we want to go back to the days of compelling people to wear school uniforms because we think that is going to change their behaviour. What rot!

The issue is far deeper than just saying to a kid, "Conform to a uniform." This issue is about teaching people self-respect, it is about getting into their homes and their minds and saying that the world is a wonderful place and that if people extend to one another the hand of friendship, the hand of understanding and the sympathy in plight, it is a wonderful place. School uniforms will never teach kids that. The member opposite can pass all the laws in this place that he likes, but he will not make a better kid as a result. So let us not try to scramble onto this pinnacle of self-righteousness that this gentleman opposite has managed to scramble onto and suggest to ourselves that somehow that is the answer.

I just saw somebody flicking a paper aeroplane. Having been a former schoolteacher, I can say that that was once a punishable offence. The kids used to do that and say, "I did not do it, sir." Is anybody saying: if those members were wearing a uniform, they would not be engaging in that sort of behaviour. That is nonsense!

Of course, anybody with any sense would know that the wearing of a school uniform is the sensible outcome that we would all want. However, we should not kid ourselves into thinking that if we pass a law in this place suddenly we are going to give principals a bulletproof ability to enforce discipline in schools. That is just not going to happen.

The Minister has passed the power to where it is best able to be delivered in the interests of the kids of the school. That delivers the best educational outcome for those kids. In the former Minister's own words, the principals and the school communities are the ones who are best placed to know what is best for their schools. Suddenly, that is not good enough anymore. I disagreed with Leading Schools; I thought that they were elitist nonsense. However, one thing is certain, and that is that principals and school communities understand what is required in their schools. They know what the best outcomes are and, if a school community determines that a uniform code of conduct needs to be enforced, then that is what will happen and they will have the full backing of this Parliament and every other legal protection available to them. That is the fact of the matter. However, that also gives them the flexibility to make the best decision in the best interests of the kids and the school community.

I reject the statements of the former Minister, the anti Q-Build Minister, the anti day-labour Minister. Thank goodness he is sitting opposite, even though he has tried—

Mr Wilson: Anti-school cleaner.

Mr SCHWARTEN: He did get rid of the school cleaners. That was another of his little treacherous acts. What sort of example does he set for the children of this State, with his deceit and his lies about Q-Build people?

Mr Quinn interjected.

Mr SCHWARTEN: The member was caught out. He should not shake his head and sit there mute and absurd. The member knows jolly well that—

Mr Quinn: The same old claptrap.

Mr SCHWARTEN: It is not the same old claptrap. The member did not have the decency to apologise to those families whom he hurt with his disgraceful attack upon the day labour force in Q-Build. He did not have the decency to apologise.

Mr Quinn: Tired, old, worn-out union warrior.

Mr SCHWARTEN: That may be, but I say to the member that, when I am wrong, I admit it; and when I hurt people, I apologise. However, the member has not done that. He has a heart the size of a split pea—and he knows it—and he has the decency of a dingo.

The truth of the matter is that the legislation proposed by the former Minister will not work. It is not in the interests of Queensland kids, it is not in the interests of education in this State and it is certainly not in the interests of the wellbeing of our students.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.45 p.m.): In speaking to the School Uniform Bill, I would have to disagree with the previous speaker on just a couple of issues. I have to say that, overwhelmingly, the parents to whom I have spoken support a school uniform, overwhelmingly P & Cs support a uniform, and overwhelmingly schools that I have spoken to support a uniform, and that support is for a number of reasons.

In terms of school behavioural management, it is possible to identify students, whether they are in or out of the school environment, and apply behavioural management regimes to them. The wearing of a school uniform is a good discipline for students in terms of complying with the requirements of their school environment. Even in the work environment, increasingly people are being required to wear a uniform. I think that the wearing of a school uniform is a good discipline to learn not only in the school environment but also as students transfer into a work environment.

As the member for Merrimac said, the wearing of a school uniform is a matter of personal pride, it is a matter of team spirit and it promotes egalitarian values. However, more important is the use of school uniforms as a means of providing security and student safety. After the incidents that occurred in America, an article in the paper referred to the fact that school uniforms allowed people who administered schools to be able to identify their students. C. Hooper from Deception Bay stated—

> "The assassination of students at yet another American school should emphasise the importance of maintaining the school uniform system that exists in Australia. Students will form themselves into groups for a variety of reasons. Generally, it is simply the need for friendship. However, uniforms hopefully instil a sense of pride and prevent the formation of gangs or radical groups that can be identified by the wearing of caps, jackets, shoes, or even something as simple as the colour of shoelaces."

The wearing of a school uniform also allows the easy identification of someone in a school precinct who should not be there.

In the Ombudsman's 1997-98 annual report, he stated—

> "The position, therefore, is that putting inappropriate dress aside, a student who is reasonably dressed cannot be punished or treated differently in any way for not wearing the official school uniform. I know this view is unpopular with some principal and P & C associations but the position can only be changed by legislation, not by administrative stealth or low-level coercion."

I believe that has been the lead for the member for Merrimac. However, the Minister for Education has raised concerns that legislation, of its nature, will introduce its own complications. He moved to address the Ombudsman's report by writing to schools and saying that if, as part of their school behavioural management plan, they include a uniform requirement, that will sufficiently obligate students to comply with the behavioural management plan. I am not sure that there has been sufficient time to test that.

Mr Quinn interjected.

Mrs LIZ CUNNINGHAM: He said that the position can only be changed by legislation, not by administrative stealth.

Mr Quinn: Another part of the report says you can't incorporate it as part of school behavioural management. It's not incorporated in the Objects in the Act.

Mr Wells interjected.

Mrs LIZ CUNNINGHAM: Without having a debate between the Minister and the shadow Minister, that contravenes what I heard at a principals conference in my electorate only a few weeks ago.

Mr Quinn interjected.

Mrs LIZ CUNNINGHAM: Yes, it was—from the Minister for Education.

Given the time of the night, we are not going to get to the Committee stage of this Bill. I give an undertaking to the member for Merrimac that I will follow up on that point. I had not discussed that with the Minister for Education. The Ombudsman said that it could not be done by administrative arrangement. He said that it could be done only by administrative stealth, which is different from administrative arrangement. The Ombudsman said "by legislation".

I support 100% the need for school uniforms to be compulsory and enforceable. At the school that my children go to, the wearing of the correct school uniform is very heavily enforced, right down to the jewellery and the style of school shoes and socks that the children can wear. Everything is prescribed. Whilst there is a cost attached to that, there is also an advantage. When the kids get up in the morning, they never have to worry about what they are going to wear to school. They just get up and get into it.

Mr Sullivan: They just have to find a clean pair of socks.

Mrs LIZ CUNNINGHAM: That is exactly right. Like most families, we have a sock fairy that pinches one sock and leaves the other.

I am 100% behind a compulsory school uniform. However, I do not believe that tonight we are debating whether a uniform should be compulsory. We are debating the mechanism that is used to apply that compulsion. In discussions with the Minister, he also made the point—and I am sure that the member for Merrimac, given that he has previously held the portfolio of Education, would agree—that there are genuine cases where students cannot comply. That is either for genuine reasons of faith—and there are denominations in which, to comply with their faith, children would have to contravene the school uniform code—or for genuine reasons of economic hardship. Both members would agree with a mechanism whereby there is a residual of complying uniforms made available to those students who have genuine economic need. Tonight we are debating the mechanism of applying the compulsion. One point has been raised tonight that I do not have the answer to. Between now and when we debate this matter next, I will discuss that issue with both the member for Merrimac and the Minister.

Given my discussions with the Minister and the information that was provided in the Bill from the member for Merrimac, I was of the understanding that the discussion was whether legislation was necessary or whether the administrative direction that the Minister had given would be sufficient. The Minister has said that if it can be shown that administrative direction, as he has issued, does not significantly or successfully cover the P & C and the principal in applying a uniform standard, he will consider the application of legislation. The Minister gave me that undertaking. On the condition that what the Ombudsman has said is clarified, I foreshadow that on that basis it is my intention not to support the proposed legislation for a number of reasons. None of my concerns can be rectified by amendments to the clauses.

The Bill puts the responsibility for approving a uniform onto the director-general. I happen to support the proposal of the previous Minister, the member for Merrimac, to have school-based management, which means that uniforms would be determined by the local school. The P & C, in conjunction with the principal, would make a recommendation and adopt a school uniform in its entirety. The decision would take into account climate, socioeconomic factors and any other factors that may be unique to that school location.

The Bill proposes that a uniform would be recommended and forwarded to the director-general, who would apply his or her criteria to approve that school uniform. I have to agree with the Minister for Education. It says that the director-general would approve it.

Mr Quinn interjected.

Mrs LIZ CUNNINGHAM: I will get some advice on that. When I read the Bill after talking with the Minister, I understood that the director-general would be approving the dress code. I happen to believe that, in accordance with school-based management, that decision should stay with the school.

I foreshadow my intention not to support the Bill but to support the Minister's proposal that the school uniform be achieved by administrative direction, and where that administrative direction is deficient he has agreed that he would consider legislation. I would like to clarify the two points that have been raised today. The Ombudsman's report that said administrative direction would not be sufficient and that the director-general would not have the power of approval.

Mr Quinn interjected.

Mrs LIZ CUNNINGHAM: That is not what the Bill says. It does not talk about administrative delegation.

Mr Quinn: I don't think it's in the Bill. It's in the principal Act. The director-general may delegate the suitable authority.

Mrs LIZ CUNNINGHAM: And that would be?

Mr Quinn interjected.

Mrs LIZ CUNNINGHAM: Okay. Irrespective of that, we should be finding the simplest and most effective solution to something that I believe most parents agree to, which is that uniforms should be compulsory. On that basis, I conclude my comments.

Mr WELLINGTON (Nicklin—IND) (10.56 p.m.): I rise to speak in support of the Opposition's School Uniform Bill. I reached this decision after consulting with school P & C associations in my region. I have received written submissions from the following P & C school associations: Yandina State School P & C Association, Eudlo State School P & C Association, Mapleton State School P & C Association, Bli Bli State School P & C Association, Kenilworth State School P & C Association, Maleny State High School P & C Association, Beerwah State High School P & C Association and Delaneys Creek State School P & C Association. I now table a copy of these submissions for the benefit of members of the House.

I specifically draw the attention of members to the detailed survey conducted by the Kenilworth State School P & C Association. I am informed that approximately 45% of the school parents replied to the survey. The Bli Bli State School P & C Association advised me that the reasons for their association's support for the new Bill were that it will build school community pride, enable children to be proud of their school, break down the discrimination barriers and let all children feel equal. It meets the sun-safe requirements that help to prevent skin cancer. In relation to safety aspects, it is easier for the staff to identify outsiders on school grounds at a glance and, whilst on school outings, makes identifying school students easier.

The Yandina State School P & C committee decided unanimously to request the Government to pass legislation that enforces the wearing of uniforms in State schools. The Mapleton State School P & C Association stressed the need for the school community to have the legal backing that it needed to develop and apply its own individual dress codes. The Eudlo State School P & C Association advised me that it did not support the Opposition's proposed Bill and preferred to support the view of the Minister for Education on dress codes.

I do not propose to detail all of the submissions that I have received. Suffice to say that I am very proud of the school P & C communities in my region that have responded to me by letter and by telephone over recent months in relation to this matter. There is no doubt in my mind that most school communities in my region are seeking leadership from the Parliament on this matter so that their school communities can move forward with confidence and certainty. Accordingly, I urge all members to support the Bill currently before the House, and I place on record my appreciation to all the school P & C associations that assisted me in making this decision. I commend the Bill to the House.

Debate, on motion of Mr Wellington, adjourned.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (11 p.m.): I move—

"That the House do now adjourn."

Toowoomba General Hospital

Mr HORAN (Toowoomba South—NPA) (11 p.m.): This week we have seen the exposure of the corruption and sleaze surrounding the net bet affair. Tonight I wish to speak about one of the most disgraceful cutbacks I have ever seen. The Beattie Government is making cutbacks at the Toowoomba Hospital, starting with, of all things, a cutback to palliative care.

The Toowoomba Hospital has one of the most wonderful palliative care sections imaginable. Its staff are totally dedicated. This is an essential area in any modern hospital, enabling those who are dying slowly to have their family with them and receive specialised palliative care. At our hospital, palliative care is being reduced to only four beds. Worse still, those beds will be amalgamated with the medical ward, which is itself being reduced from 32 beds to 24 beds. Virtually every day of the week that ward treats some 27 or 28 patients. It is hard to believe that a Government could be so callous as to make cutbacks aimed at the dying and their families. But that is probably typical of this Government, which has lost the plot. It has its eye very firmly on what it can do for its Labor mates and is forgetting about the most vulnerable in our community.

In addition, the surgical ward has been cut by some six beds. The maternity ward has already been cut by six beds. The alcohol and drug unit, which treats another vulnerable group, will close for a month over Christmas. There will be no outpatient services over that period. That unit is going through another external review. Would honourable members believe that dialysis services within the hospital will be capped? There will be a waiting list for dialysis services within the hospital. However, there will be home dialysis wherever that is feasible.

Let us turn to some other areas of the hospital. In relation to speech therapy services, there are 70 children on the waiting list, some of whom have been waiting since December last year. We all know how essential speech therapy is for kids. If they do not get the chance to have their speech impediments fixed at an early age, they face learning difficulties, they are placed at a disadvantage socially and they do not get the start in life that they deserve. For physiotherapy services there is a waiting list of 120 people, some of whom have been waiting since the beginning of the year.

The tragedy of the waiting lists is that the direction from Queensland Health is that no-one is to be advised about these cuts. The staff want to write to people to explain the waiting lists and how long they have to wait—just normal communication. They are being banned from communicating with people. The dreadful disciplinary regime being imposed on the hospital is akin to that in Russia. The staff are not game to speak to anybody else. They are being threatened with disciplinary action and the sack. The Government has turned the Toowoomba Hospital into a place of fear instead of a place of love and compassion—something it has always been.

The Toowoomba General Hospital serves a region containing around 200,000 people. There are 100,000 people in Toowoomba, and the remainder come from all of the surrounding districts in the south-west of Queensland. The staff are absolutely fantastic and the work they have done over many years is appreciated. However, there is low morale at the hospital as the Labor Government moves in with its tentacles.

The physiotherapy visits to intensive care have been cut by 33%. What do we see when we look around? We see the Labor Government looking after its mates. The Government is aiming to cut 100 jobs. Young nurses in casual employment will lose their jobs. These are young people who are probably married and are trying to pay off their house or car. They are in great fear of losing their jobs. One hundred jobs will go. This is the Government that talks about jobs, jobs, jobs. That is probably $5m worth of wages gone from our city, which has contributed so much to Queensland.

Just last week the Government commenced its plan to move out 90 seriously intellectually and physically disabled people from the Baillie Henderson Hospital. These are some of the most vulnerable people in the State. For decades they have received wonderful care. A few months ago, the 14 men at the Mount Lofty Nursing Home, who had been there for 30 or 40 years, were moved away. The only family they ever knew were the caring staff at the Mount Lofty Nursing Home who looked after them. That is the sort of callous Government we have. It is preoccupied with putting Labor mates in positions of influence and giving them the rails run when it comes to business opportunities such as Gocorp. That is an absolute disgrace. Whom is it attacking? It is attacking the dying, the sick, the aged and the disabled.

Time expired.

Olympic Games Work Force

Mrs ATTWOOD (Mount Ommaney—ALP) (11.04 p.m.): Considering the still high rate of unemployment in Australia and the number of unemployed in my own electorate of Mount Ommaney, I am absolutely appalled that SOCOG is considering importing workers for the Olympics from overseas countries. People call on me regularly asking whether I can assist them to obtain suitable employment. I have a number of resumes from highly qualified people looking for work. In fact, one resident of my electorate wants to set up an over 40s group to assist that age group to find employment with local businesses.

There are many qualified and unqualified people keen to find employment. I know of many who have sent out hundreds of job applications and resumes but cannot gain employment. That is why it is simply ludicrous even to think about importing workers from overseas. Why not give the people who are out of work in Australia the first option? Our Premier, Peter Beattie, has offered to pay the fares of Queensland unemployed to travel to Sydney if they can secure employment at the Olympic Games. SOCOG has said that as at May 36,000 Olympic jobs remain unfilled and that the work force requirements included 18,000 people for catering, 2,944 cleaners,

6,000 licensed security guards, 4,500 bus drivers, 1,500 housekeepers and 3,340 broadcasting technical specialists.

I believe that the work force required will have to be reassessed closer to the event and that most recruitment exercises will have to be carved out closer to the time. The Federal Government would be wise to make use of Employment National to set up a national recruitment campaign just prior to the Olympics employment period. Employment National should be able to identify the types of skills and numbers of people available with those skills at any given moment. With this information, SOCOG would be able to identify where shortages lie and devise appropriate training programs to skill its work force in time for the Games.

Australia's unemployed would benefit greatly from the experience and perhaps even become more marketable as a result of this short-term work. This would certainly be more economical for the Australian taxpayer and would provide more valuable skills to our unemployed. We should be making the most of this tourist attracting event and put Australians first.

Time expired.

Australian Tourism Promotion

Mr MUSGROVE (Springwood—ALP) (11.06 p.m.): A couple of weeks ago the Public Works Committee was returning from Atherton via a commercial flight from Cairns. Flying economy class—as I like to do—I was disturbed to see that the feature film on that Ansett flight from Cairns was a 40-minute promotion of the Californian wine industry. I found that particularly embarrassing, as I was sitting beside some foreign tourists. The members for Nudgee and Mooloolah were also on that flight.

As I always like to do, I had been chatting to the foreign tourists and telling them about the marvellous things they can do in Brisbane and the things they can see in Australia. However, for virtually the entire flight we were subjected to a promotion for the American wine industry. Members may not be aware that this week the second Australian Wine and Tourism Conference is being held in Rathdowney. Our Stanthorpe growers are very well represented there. I am sure that they would be very distraught to learn of the actions of Ansett in promoting American wine and tourism to America on an Australian domestic flight.

Only when the plane was preparing to land and when passengers had been instructed to fasten their seatbelts and take off their headphones did a brief five-minute Australian tourism promotion hit the screens. However, nobody could hear it, because people had been instructed to pack away their headphones. I will be writing to the chief executive officer of Ansett to express my extreme displeasure and disappointment over its actions.

Mr G. Murphy

Mr SANTORO (Clayfield—LP) (11.08 p.m.): I refer to the response of the Minister for Employment, Training and Industrial Relations to my question regarding the appointment of lawyer Mr Gerry Murphy to the WorkCover Queensland board. May I make the point that the essence of my question was a real concern regarding ongoing conflict of interest on the board of an important Government institution.

The Minister's understanding, outlined in his response, that the situation with Mr Murphy not being on the panel was brought about by WorkCover making a decision primarily that people who were doing work for plaintiffs could not also do work for defendants is incorrect. If the Minister cares to obtain accurate information from WorkCover on dates and sequences of events, he will find that the independent legal audit and proper process leading to Ebsworth and Ebsworth's removal from WorkCover's defendant panel occurred and concluded before the decision by WorkCover's board that lawyers who were doing work for plaintiffs could not also do work for defendants.

In a letter dated 5 March 1997, WorkCover advised Mr Murphy that, due to unsatisfactory performance, which was confirmed by the independent legal audit to which he was unable to provide an adequate response, Ebsworth and Ebsworth have been removed from the department's panel. The process in respect of moving to the stage where lawyers who were doing work for plaintiffs could not also do work for defendants did not commence until some time after this date.

The independent legal audits are a legitimate process for WorkCover to ensure that its defence lawyers provide high standards and quality of service. With common law payments of $220m in the 1997-98 financial year, of which $52m was paid in legal costs, unsatisfactory performance by defence lawyers is totally unacceptable. Obviously, with

payments of $220m, common law claims defence is a major part of WorkCover's business, and litigation by plaintiffs is also a crucial compulsory third-party issue which this Government has been forced to address.

The real concern with Mr Murphy's appointment by this Government to the WorkCover board is that he has a direct, continuing business interest in taking regular legal action against WorkCover and employers. Mr Murphy's business interest is therefore in direct conflict in a significant way with the proper role of WorkCover.

The Auditor-General, Len Scanlan, has expressed concern about a real and perceived conflict of interest with respect to the net bet scandal in which a decision by this Government has allowed its mates to profit. It does not matter whether this conflict is real or perceived; Mr Murphy's appointment is still a conflict of interest in that he profits from suing WorkCover. While board members will sometimes need to voluntarily abstain from involvement in certain issues because of real or perceived conflict of interest, does the Government not consider Mr Murphy's appointment an unacceptable perceived and possibly a real conflict of interest, especially given WorkCover's clear common law defence and responsibility, which is a major part of its business?

There is absolutely no doubt in my mind and in the minds of most decent people who are observing the operations of WorkCover that Mr Murphy's role on the WorkCover board has, in fact, a very destabilising, debilitating and negative influence on morale within WorkCover Queensland. There is no doubt that what is happening to WorkCover at the moment following the good work that was done by the coalition Government in addressing the problems that we inherited from the previous Government is, in fact, debilitating to the morale of WorkCover Queensland staff.

We have a conflict of interest, as I have just mentioned; we have an exodus of up to one third of the managerial staff within WorkCover, which is clearly draining WorkCover of managerial experience and corporate memory, and that is impacting very negatively on the ability of WorkCover to go about conducting its business in an efficient and financially prudent manner.

We also have various concerns that have been expressed in terms of the proposed structure for delivery of WorkCover's insurance services, particularly at its district locations. It is my understanding that WorkCover operations will be delivered by three separate streams, all reporting separately to the Brisbane office. Clearly, at district locations, one manager will no longer have overall responsibility for service coordination and delivery. I believe that this will again affect the long-term viability of WorkCover.

There has also been an incredible increase in the number of consultants who have been used to perform normal WorkCover functions. I have asked the Minister to provide the number of WorkCover consultants who have been employed by WorkCover to undertake normal tasks. I hope that the Minister will be honest, because if he is, he will clearly demonstrate one of the major reasons why morale within WorkCover is, in fact, on the decline. I have asked him to provide full details of executive staff appointments in the past 12 months, who they have replaced and the number and classification of executive staff who have left WorkCover in that period. Clearly, there are tremendous problems associated with WorkCover, and unless the Minister—

Time expired.

Brisbane Airport Parallel Runway

Mr ROBERTS (Nudgee—ALP) (11.14 p.m.): I wish to make some comments on the recent announcement by the Brisbane Airport Corporation Limited for a new option for its parallel runway. The BACL proposal is currently to site the parallel runway a further 1.3 kilometres away to the north of the existing proposal towards the bay. However, the parallel runway will remain at two kilometres apart from the existing runway.

In making this announcement, BACL has made a number of claims. One of them is that it will reduce the number of homes within the 25 AENF line within which noise levels are almost intolerable. In the case of homes on the south side, it does appear that a large number of homes have been taken outside of this particular AENF line, and that will provide some relief, particularly to residents on the south side.

The other claim that has been made by the BACL is that the nearest residents to the end of the runway are 6.3 kilometres away. However, this is a very deceptive and misleading statement made by the company which has since been acknowledged as being wrong. The fact is that the closest residents to the end of the runway are approximately only two kilometres away in the suburb of Banyo. BACL has now, to its credit, at least

acknowledged that it was wrong in the first instance, and it has done so publicly.

With respect to the suburb of Banyo and others, such as Nudgee Beach and parts of Northgate and Nundah, the new proposed position of the parallel runway offers little relief. If the new parallel runway is to go ahead, it is my belief that one way of reducing the impact on the suburbs that I have referred to is to place it a further 500 metres to the east of the current proposal, making the two runways—if they are built—1.5 kilometres apart. BACL argues that it must have at least two kilometres between the two runways in order to allow maximum flexibility.

Time expired.

Homeless People in Cairns CBD

Ms BOYLE (Cairns—ALP) (11.16 p.m.): For a long time we have had a problem with homeless people and with people who drink excessive alcohol in the Cairns CBD. A high proportion of these people come from out of Cairns. The problem has flared again in recent times, particularly since the siting—a decision by the previous Borbidge Government—of a night shelter in Quigley Street at a neighbourhood close to the City of Cairns. There was no consultation with the people and the problems that are occurring in the neighbourhood now are indeed angering the people because of that lack of consultation. The honourable member for Moggill was at the centre of that decision when he was part of the Borbidge Government. He was also at the centre of awarding a tender—to an out of town company, I might say—that has left us with many physical problems in the building that it has cost us many thousands of dollars to redress.

The honourable member for Moggill came to Cairns recently. What did he do to redress the problems that he and his Government caused in the past? Did he speak with the residents about the siting and the lack of consultation? Did he speak to the people who were on the streets of Cairns and who were homeless and who have alcohol problems? Not at all! Instead, he gained lots of media attention, claiming that the use of the night shelter had in fact been changed and that it was now some kind of hostel for backpackers from Bavaria. He did himself no good in making those spurious claims. He embarrassed his Liberal Party friends, he embarrassed his colleagues on the Opposition benches and he angered the residents even further. It was poor politics when he made those decisions and it was poor politics in daring to come to Cairns now and, as it were, laugh at this very serious problem.

I am pleased to say, however, that we do have some very good working relationships that will hopefully lead to long-term decisions to resolve this long-term problem. I would like to give credit—as the member for Moggill did not—to the fine residents of the area who are attempting to be reasonable while still determined to resolve this problem for their own peace of mind. I give credit, too, to the staff of the Department of Aboriginal and Torres Strait Islander Policy Development and to staff of the Department of Families, Youth and Community Care and to the police. Together we, the residents, the people who have the problems and those Government servants are working together to find both short-term and long-term solutions that will hopefully resolve the problems left to us by the previous Government and resolve this longer term problem I hope for all time.

Supermarket, Buderim; Kawana Police Station

Mr LAMING (Mooloolah—LP) (11.18 p.m.): I rise to bring to the attention of this House the matter of the proposal to build a supermarket in the village of Buderim on the former ginger factory site in Burnett Street, which is a part of the Buderim-Mooloolaba Road, a State-controlled road.

This proposal was approved by the Maroochy Shire Council in 1996 and was subsequently appealed against by the Department of Main Roads on the following considerations amongst others: the development will generate significant additional traffic; the only road frontage is a State-controlled road; Mooloolaba Road is a narrow, undulating and winding road; the development will add to congestion and detrimentally affect the efficiency of traffic and safety of motorists; it is undesirable to create new intersections servicing the site so close to Ballinger and Lindsay Roads; it will create more turning movements by traffic, aggravated by trucks; vehicles would be required to queue to access the site; there is no single access to the site; and, lastly, the decision was wrong and should not have been approved. I table the notice of appeal here this evening.

I have taken deputations to Ministers and to departmental staff, had countless meetings and telephone conversations and written many letters expressing my concern on probable future traffic congestion.

Buderim has a fire auxiliary, an ambulance station and a proposed police station that do or will rely on their ability to get through Buderim. The capacity of the road is already stretched during the arrival and departure of students, parents and buses at the nearby primary school. These are just some of my concerns. These are just some of the concerns of the many Buderim residents. These were the concerns of the Department of Main Roads three years ago. Have they all been satisfactorily resolved? I doubt it.

I am very concerned about any avoidable increase in traffic congestion on this, Buderim's only through road. I have requested a full briefing from the Minister's office at the earliest opportunity so that I can put the case once again and have been advised that this will be expedited. I understand, however, that time may be running out. Hence my appeal tonight. On behalf of Buderim residents I call on the Minister to keep this appeal in place to allow the Planning and Environment Court to fully and independently investigate the traffic situation and make a considered decision.

I also raise the issue of policing in my electorate, specifically the services provided by the Kawana Police Station. I have a special affinity to the operations of the Kawana station as I was on the Police for Kawana Waters Committee prior to becoming a member of this House. I, along with other committee members, made representations to the Minister of the time, the member for Chatsworth. The station was eventually built. It is a fine building and it is well located. In fact, the station is so well located, on what is the Sunshine Coast's busiest road, the Nicklin Way, which links Caloundra with Mooloolaba, that its visibility and accessibility means that it receives a lot of extra work from not only residents but also passers-by, many of whom are tourists. This extra work is not confined to the daytime but continues into the evening and night.

The Sunshine Coast is an area of huge growth which often seems to suffer its share of growing pains, such as always chasing necessary infrastructure and services for the growing population. This situation applies to policing just as it does to other services and infrastructure.

The north coast region has one of the lowest police to population ratios in the State. One of the reasons for this is that the staffing allocation model does not adequately take into account projected growth rates. As a result, stations such as Kawana have not been able to open beyond normal office hours, despite an obvious need in the community to do so. I understand that a trial of opening the station until midnight was conducted and that it proved very successful. I call on the Minister to urgently assess the effect of the staffing allocation model on rapid growth areas such as Kawana, to further increase police numbers in the region, and Kawana in particular, and to extend the hours of operation at the Kawana station as soon as possible.

It is worth noting that the nearby Kawana Ambulance Station is now operating a night shift and may even move to a 24-hour operation in the near future. This points out clearly the need for at least a night shift at Kawana Police Station, through until midnight. I place on record the community's appreciation of the good work provided by all emergency service personnel in our region.

Cassowary Protection

Dr CLARK (Barron River—ALP) (11.23 p.m.): The majestic cassowary is the symbol of the Wet Tropics World Heritage area but is listed as an endangered species by both the Queensland and, more recently, the Federal Governments. It is estimated that there may be as few as 1,500 birds left, but nobody is really sure because of the difficulty of accurately surveying them in their forest habitat.

Why has the cassowary reached this dire situation? The answer is simple, yet complex. It is people—people who have cleared their lowland forest habitat, people who let their dogs roam free or who go pig hunting with their dogs, people who drive too fast and people who feed cassowaries, attracting them into urban areas where these dangers abound. Of all of these threats, habitat destruction is undoubtedly the most significant, however, particularly in areas such as Mission Beach, where it is estimated that 42% of critical cassowary habitat on freehold land has been cleared since 1992, primarily for residential development.

Over the past two years the Commonwealth and State Governments have established a community based program to implement urgent on-ground action to minimise the risks to individual cassowaries known to be located in specific hot spots. This program has pooled the skills and resources available in our community to implement measures which improve the survival chances of cassowaries living close to human habitation. These measures include traffic

calming initiatives, dog control programs in four shires, providing rescue kits to wildlife groups, developing a safe and effective sedative for use on injured birds, training of local vets and detailed surveying of cassowaries in the Kuranda, Daintree, Mission Beach, Innisfail and Cairns hillslopes areas.

A regional road signage program is being developed and trials to improve the accuracy of surveys by extracting DNA from cassowary dung are under way. The program is coordinated by the Wet Tropics Cassowary Advisory Group, which includes representatives from councils, conservation groups, wildlife parks, conservation agencies, research institutions and, recently, the Department of Main Roads.

I pay tribute to the committee chair, George Mansford, and all of those community groups and individuals who have been responsible for implementing these critical management measures, including the Community for Coastal and Cassowary Conservation, known as C4, in Mission Beach, Envirocare in Kuranda and the Daintree Cassowary Care Group. There is no doubt that the cassowaries' chances of survival would be significantly less without the time and effort put in by dedicated volunteers and professional officers associated with the Cassowary Advisory Committee, particularly John McIntyre from the Wet Tropics Management Authority.

Continuing road deaths in Mission Beach and a series of recent events point to the need to improve our efforts still further. Henry, a well-known and well-loved cassowary at Lake Barrine, had to be put down after he was injured by a vehicle. Three juvenile birds in the Kuranda area were found in a small pocket of rainforest adjacent to a residential area, where they were at risk from dogs and cars. Just last week another juvenile bird had to be relocated from a residential area at Lake Placid near Cairns to the Barron Gorge National Park because the threats to its survival there were judged to be too great.

The Queensland National Parks and Wildlife Service needs to fast-track a strategic plan for cassowary conservation first put forward in February this year. The broad strategy objectives are: identify priority areas for cassowary habitat protection; reduce loss of critical cassowary habitat; reduce known threats to cassowaries by continuing the program of community action; and gather essential information for management. The implementation of actions to achieve these objectives over a four-year period requires a budget of some $300,000 and the appointment of a cassowary project officer dedicated to coordinating and progressing the strategic plan. The strategy also includes the formation of a cassowary recovery team and the preparation of a formal cassowary recovery plan.

The threats to cassowaries are undoubtedly greatest in the Mission Beach area. A State lands strategy was released in 1995 which took account of the views of stakeholders and recommended reserving some State lands as national park. Land was also proposed to go into reserves of various kinds, including strategic land management reserves, which simply hold the land until further investigation determines its most appropriate use.

The Environmental Protection Agency has just completed a report entitled the Importance of State Land at Mission Beach and Cassowary Habitat, which highlights the recent habitat loss and increased need for conversion of unallocated State land to protected area status.

As a result of this report, the Department of Natural Resources has decided to initiate a full review of the original 1995 strategy involving all of the original stakeholders. Whilst this may ultimately result in more State land being recommended for national park status, the local conservation group C4 is extremely concerned about the DNR review.

I share the concern of C4 because the Cardwell Shire has indicated to the Department of Natural Resources that it considers that the review of this strategy should be undertaken as part of its planning scheme review process, due to be completed in three years' time. This move will clearly significantly delay the review and may be used to question the national park proposals in the original 1995 land strategy. It is essential that the Department of Natural Resources either rejects this delaying tactic on the part of this council and completes the review in a timely fashion or else immediately gazettes as national park those areas recommended in the 1995 strategy and then deliberate over the most appropriate use for the strategic land management reserves and other reserves.

At the very least, the Minister for Environment and Natural Resources needs to send a clear message to the community that the areas of critical cassowary habitat already proposed for national park in the 1995 strategy will not be up for grabs for other uses in the current DNR review.

Motion agreed to.

The House adjourned at 11.29 p.m.