FRIDAY, 12 NOVEMBER 1999

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

PETITION

The Clerk announced the receipt of the following petition—

Pacific Motorway

From **Mr Baumann** (59 petitioners) requesting the House to instruct the Department of Main Roads' Pacific Motorway Unit to change its landscaping proposals so that existing businesses and residents in the Coomera area retain their existing exposure to the Pacific Highway/Pacific Motorway.

Petition received.

PAPERS

MINISTERIAL PAPERS

The following papers were tabled—

(a) Minister for Tourism, Sport and Racing (Mr Gibbs)—

Department of Tourism, Sport and Racing—Annual Report for 1998-99

(b) Treasurer (Mr Hamill)—

Queensland Office of Financial Supervision—Annual Report for 1998-99

(c) Minister for Police and Corrective Services (Mr Barton)—

Annual Reports for 1998-99—

Department of Corrective Services

Public Interest Monitor, delivered pursuant to the Police Powers and Responsibilities Act and the Crime Commission Act

Queensland Crime Commission

Queensland Police Service

Queensland Police Service Statistical Review

(d) Minister for Public Works and Minister for Housing (Mr Schwarten)—

Annual Reports for 1998-99—

Board of Architects of Queensland

Department of Public Works

Department of Housing

(e) Minister for Families, Youth and Community Care and Minister for Disability Services (Ms Bligh)—

Annual Reports for 1998-99—

Children's Commission of Queensland

Department of Families, Youth and Community Care

(f) Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford)—

Annual Reports for 1998-99—

Environmental Protection Agency—Queensland Parks and Wildlife Service

Wet Tropics Management Authority

Report on the administration of the Environmental Protection Act 1994 for the year 1 July 1999 to 30 June 1999

Report on the administration of the Native Conservation Act 1992 for the year 1 July 1999 to 30 June 1999.

MINISTERIAL STATEMENT

Tarong Energy

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.34 a.m.), by leave: Queensland has a rapidly growing economy—the best in the nation. Under my Government's policies we will continue to see massive development of major industrial activity throughout the State. That means thousands of new jobs for Queenslanders, their children and their grandchildren. It also means that our large and efficient energy sector will need to expand to maintain a reliable supply of electricity and gas to feed that industrial development.

There is a flood of interest from around the world to invest in the expansion of Queensland's energy sector. The need to develop this new capacity puts Queensland ahead of other States in being able to transform its energy infrastructure towards new technologies and alternative fuel supplies, including natural gas and renewable energy resources such as bagasse, a by-product of sugarcane.

My Government is also determined to ensure that power is more reliable, more competitively priced and cleaner. My key Ministers have been working with me on the development of the State's first ever energy policy. My Government is currently finalising a range of strategies to encourage these alternatives while recognising the important ongoing role of coal as a major source of energy for Queensland. An important decision confronting my Government is the expansion plans by Tarong Energy aimed at securing a viable position for that corporation in the highly competitive national electricity market.

I stress that it is not a question of whether we expand Tarong but rather how we expand

Tarong. The State Cabinet meets in Kingaroy on Monday. One of the major decisions to be taken will be how we expand Tarong Energy. Let me make it clear that the Tarong expansion will be going ahead. There are basically three options: a new coal-fired expansion of the existing facility, a coal-fired expansion together with a natural gas component, or a focus on expansion through natural gas. Cabinet will be concentrating on delivering an outcome which meets our criteria of more reliable, more competitive and cleaner energy.

My Government is committed to reducing greenhouse gas emissions, but we are also committed to generating jobs. It is fair to say, therefore, that delivering cleaner energy will be a major determining factor in Cabinet's deliberations on Monday. This is an important issue for the State, but perhaps more specifically for the South Burnett. We are talking about investments of up to $1 billion generating thousands of jobs in the South Burnett and across the State. Cabinet will also be considering a Statewide energy strategy, including initiatives to deliver greater volumes of gas generation across the State, developing new competitive sources of gas, such as PNG gas, coal seam methane—CSM—Timor Sea gas and renewable energy sources such as bagasse, a by-product of sugarcane. The Government sees enormous potential in gas-fired generation, because it offers the potential to reduce greenhouse gas emissions from power stations by 40%. We are exploring every opportunity to develop new gas-fired facilities.

My Government is determined to make Queensland the Smart State. We are also determined to make Queensland the jobs State. I have with me an announcement that I will be sending to Kingaroy today. Rather than reading it out, I seek leave for it to be incorporated in Hansard.

Leave granted.

QUEENSLAND GOVERNMENT

PREMIER OF QUEENSLAND

November 12, 1999

PREMIER ANNOUNCES EXPANSION FOR TARONG ENERGY

Tarong Energy's generating capacity will be expanded as part of the State Government's strategy to provide "more reliable, more competitively priced and cleaner" power, Premier Peter Beattie announced today.

Speaking in State Parliament, Mr Beattie said the additional capacity—which could cost up to $1 billion—would be approved by Cabinet at its meeting in Kingaroy next Monday.

The Premier said the additional generation capacity was required to meet the demands of the nation's fastest growing economy.

"Under my Government's policies, we will continue to see massive development of major industrial activity throughout the State," Mr Beattie said.

"That means thousands of new jobs for Queenslanders, their children and their grandchildren.

"It also means our large and efficient energy sector will need to expand to maintain reliable supply of electricity and gas to feed that industrial development."

The Premier said there was "a flood of interest from around the world" to invest in the expansion of Queensland's energy sector.

The Government was finalising a range of strategies to encourage greater use of alternative energy sources while recognising the important on-going role of coal as a major source of energy for Queensland.

"An important decision confronting my Government is the expansion plans of Tarong Energy, aimed at securing a viable position for that Corporation in the highly competitive National Electricity Market," Mr Beattie said.

"I want to stress, it is not a question of whether we expand Tarong, but rather how we expand Tarong

"Let me just make that clear—the Tarong expansion will be going ahead."

The Premier said there were three options for the expansion—

- A new coal-fired expansion of the existing facility.
- The coal fired expansion, together with a natural gas component.
- Or a focus on expansion through natural gas.

"Cabinet will be concentrating on delivering an outcome which meets our criteria of more reliable, more competitive and cleaner energy," Mr Beattie said.

"My Government is committed to reducing greenhouse gas emissions, but we are also committed to generating jobs.

"It is fair to say therefore that delivering cleaner energy will be a major determining factor in Cabinet's deliberations on Monday."

Cabinet would also soon be considering a State-wide Energy Strategy including—

- initiatives to deliver greater volumes of gas generation across the State,
- develop new competitive sources of gas, such as the PNG gas, Coal Seam Methane (CSM), Timor Sea gas and
- renewable energy sources such as bagasse by-product of sugar cane.

> "The Government sees enormous potential in gas fired generation, because it offers the potential to reduce greenhouse gas emissions from power stations by 50 per cent and we are exploring every opportunity to develop new gas fired facilities," Mr Beattie said.

Mr McGRADY: I rise to a point of order. At a time when the Premier has just made a very important announcement, it is interesting to note that the member for Barambah is not even in the Chamber.

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

Mr BORBIDGE: I rise to a point of order. I welcome the Minister for Mines and Energy. It is good to see a Friday sitting when he has turned up.

Mr McGRADY: My apologies; not the member for Barambah, the member representing Tarong.

MINISTERIAL STATEMENT
Bible Studies in State Schools

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (9.38 a.m.), by leave: I confirm that there is no proposal to ban Bible studies in Queensland State schools. No such proposal has come near my desk. No such proposal is known to anyone in my department who has the capacity to forward such proposals to me. Nothing whatsoever is changing with respect to the long-established right of religious denominations to enter Queensland State schools for the purposes of providing religious instruction to children from families of that denomination. Nothing whatsoever is changing with respect to the right of communities to appoint chaplains. The Board of Secondary School Studies offers a subject called the Study of Religion. Nothing whatsoever is changing with respect to that.

Members may be interested to know that there is a Religious Education Advisory Committee, which has existed in the Education Department for 25 years. It has 19 representatives of Christian denominations, as well as representatives of other faiths. It has expressed a view, I understand, that it would be desirable to have a textbook which could be used by teachers during religious education classes. I understand that their idea is that, when a teacher was doing a Bible reading, in most cases with the majority of the class, if there was a child from an Islamic or a Confucian background, that child could be given suitable reading material from the Koran or from the works of Confucius. There is, however, absolutely nothing whatsoever new in this idea.

As I understand it, that proposal has reached the desk of a public servant, who has not yet thought about it to the extent of making a recommendation about it one way or the other. However, since this is a proposal which comes from a committee in which representatives of Christian religions are predominant, I doubt that any honourable member would have any difficulties with it.

MINISTERIAL STATEMENT
Securing the Care Seminar

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (9.40 a.m.), by leave: On 31 May of this year, the Forde commission of inquiry into the abuse of children in Queensland institutions presented the report of its findings and recommendations. Whilst the commission concluded that significant numbers of children have suffered physical, sexual and emotional abuse in State institutions, it also acknowledged a number of new services and programs were being developed at the time of the review to tackle those problems. One of the most significant of these was the Securing the Care project, designed to improve the coordination of services, case planning and the management of young people in detention.

At 1.30 p.m. today, I have the pleasure of officially opening a seminar about the Securing the Care project and its implementation across Queensland's three youth detention centres. The seminar will be attended by representatives from key community and youth organisations, Government departments and academic institutions as well as senior youth justice administrators from all Australian States and Territories. During the seminar, an information paper and three research reports produced during the course of the project will be publicly released.

The Securing the Care project was started in May 1998 by Queensland Corrections to critically examine the range of processes encountered by young people during their periods of detention. These included the systems used to make decisions about matters such as young people's case plans, their behaviour management, management of their suicide risk and security classification amongst others. The Department of Families, Youth and Community Care continued and built upon this work and in March of this year initiated a six-month plan for implementing the project's findings across all centres. Key outcomes of the project have included—

a single framework for practice entitled the Secure the Care Framework to guide the work of all occupational groups working in centres be they case workers, youth workers, nurses or teachers;

new organisational arrangements through the creation of Secure the Care panels within each centre to better coordinate and integrate the work of these staff;

new assessment procedures, information systems and forms to support the improved practices;

increased opportunities for young people to responsibly participate in decisions that affect their lives; and

higher levels of accountability and transparency led by the creation of secure care review groups made up of community-based youth and indigenous agencies and the Victims of Crime Association that will monitor the performance of the detention centres.

A key component of the Securing the Care research involved a survey of 84 detained young people who volunteered to participate in the project. Let us be very clear. Young people who offend should be held accountable for their actions. The community has a right to expect that, when young people are sentenced to detention, security will be maintained to prevent their escape. The community also has a right, however, to expect that, when young people are detained, this will be done safely, taking into account their age and maturity, and that young people will not leave detention more criminalised than when they were admitted.

The community has every right to expect that services will be provided to assist these young people to rehabilitate and avoid growing into adult offenders, thereby securing the long-term protection of the community from crime. It is incumbent upon us, therefore, to listen very carefully to young people, to understand what happens to them in detention, to improve their rehabilitation and successful reintegration into the community.

While young people had some criticisms to make of detention centres, these were generally made fairly, with many also commenting positively about their experiences and the efforts of staff. Of particular interest was the insight that young people showed about the dilemmas that are faced on an almost daily basis by managers and staff in balancing the purposes of detention. It is this pursuit of a balanced approach to detention that best summarises Securing the Care.

Securing the Care has become much more than a series of administrative processes and forms. It has become a culture—a mind-set for all who work with young people in detention. Securing the Care is about ensuring that young people are dealt with firmly, fairly and safely whilst in detention. It is about providing them with the guidance and services to keep them safe and maximise their opportunities to avoid further offending.

Implementation of the project represents a milestone in the Government's progress in acting on the recommendations of the Forde inquiry. Along with plans for the construction of a new Brisbane centre, a rebuilding of the Cleveland centre at Townsville, an upgrading of the John Oxley Centre and the closure of the Sir Leslie Wilson Centre, Securing the Care heralds a new era in youth justice services in this State.

MINISTERIAL STATEMENT

Climate Forecasting Technology

Hon. H. PALASZCZUK Inala—ALP) (Minister for Primary Industries) (9.44 a.m.), by leave: Under this Government, Queensland is forging ahead breaking new ground in the field of climate forecasting. This Government recognises the value of leading-edge climate information for primary producers as well as the broader economy. The Queensland Centre for Climate Applications is drawing international attention for its leading-edge work in climate forecasting based on the Southern Oscillation Index. Currently, work is focusing on extending the climate forecasting ability up to five years and enhancing the scientific accuracy of this forecasting.

It is with pleasure that I announce today a world first feasibility study into the potential use of global positioning system—GPS—satellite technology for improved climate forecasting. GPS technology is being used by farmers to enhance their productivity via reduced inputs, such as chemicals, diesel and fertiliser. GPS technology is also pivotal to sustainable farming practices, such as precision farming and controlled traffic farming.

The aim of this feasibility study is to examine the potential to use this technology for climate forecasting and for severe weather alerts through the measurement of changing atmospheric conditions. The study is a joint project between QCCA, through the Department of Primary Industries, the Queensland University of Technology and the Cooperative Research Centre for Satellite Systems.

This technology has the potential to be applied worldwide across a number of industries. In particular, there are significant benefits for Queensland, which has one of the most variable climates in the world. After all, by better understanding our climate, we can work smarter, we can plan more confidently, we can be more self-reliant, we can be better managers and we can shape the future instead of being shaped by it.

PERSONAL EXPLANATION

Minister for Emergency Services

Mr MALONE (Mirani—NPA) (9.47 a.m.), by leave: Yesterday in this House, the Minister for Emergency Services delivered what could only be described as a callous and gutless attack on my personal integrity and my responsibility as a member of this Legislative Assembly. How dare the Minister attempt to deny me my absolute right under the Westminster system of Government to question a Minister of the Crown during question time on a matter pertaining to her portfolio!

On Tuesday I questioned the Minister about why an ambulance took more than three hours to attend to a 92-year-old lady who had broken her arm. As a member of this Assembly and also as shadow Minister for Emergency Services, I have an absolute right to seek an explanation. Instead, the Minister, after approaching me personally after question time, delivered a tirade of abuse and chose to stand in this House yesterday and accuse me of distorting the truth, promoting a media campaign against her and denigrating the work of the Queensland Ambulance Service.

Let me make this very clear: I did not issue a media release on this issue, I did not hold a media conference, nor did I influence the media to follow up this issue. All I did was ask a question of the Minister on this issue in Parliament, and I passionately defend my right to do that. For the Minister to suggest that I was wrong in doing that and that I should have merely spoken to her personally on this matter defies all sense. Many times I have communicated with this Minister on other issues without raising those matters in the House. In fact, when the Minister attempted to answer my question on Tuesday, she inquired whether I was referring to a case involving a Mrs Mason, about whom I had previously communicated.

Yesterday's ministerial statement by the Minister was an attack on me that was nothing short of a disgraceful and incompetent display by a Minister proving that she is totally unworthy of the high office bestowed on her by the convention of the Westminster system of Government. If this Minister or any other Minister of the Beattie Labor administration thinks they can avoid scrutiny in the true democratic process, I suggest that they should seriously consider their immediate political future, because one thing is sure: I will not back down from my responsibility as a duly elected representative of this House to scrutinise, question, inquire and probe into the Government of the day and do so with pride and integrity.

PUBLIC ACCOUNTS COMMITTEE

Report

Hon. K. W. HAYWARD (Kallangur—ALP) (9.50 a.m.): I lay upon the table of the House Public Accounts Committee Report No. 52: Review of the Auditor-General's Reports—Third and Fourth Quarters 1998-99. This report outlines the committee's review and follow-up action taken as a result of its consideration of the five audit reports tabled during the period. I acknowledge the efforts of the parliamentary committee and, on behalf of our committee, I thank our staff for their hard work and commitment. I commend this report to the House.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report

Mr MICKEL (Logan—ALP) (9.50 a.m.): I lay upon the table of the House Report No. 37 of the Members' Ethics and Parliamentary Privileges Committee—Report on a Citizen's Right of Reply No. 10. I commend the report and the committee's recommendation to the House.

I also lay upon the table of the House the Members' Ethics and Parliamentary Privileges Committee's 1998-99 Audit of Responsibilities. The Audit of Responsibilities should be read in conjunction with the committee's 1998-99 annual report, which was tabled in accordance with Standing Order 201 on 2 September 1999. I thank my fellow committee members and also the secretariat for its help.

SELECT COMMITTEE ON TRAVELSAFE

Information Paper

Mrs NITA CUNNINGHAM (Bundaberg—ALP) (9.51 a.m.): I lay upon the table of the House the Travelsafe Committee Information Paper No. 1, Inquiry into Public Transport in South-East Queensland. The committee has

prepared an information paper for the inquiry to assist people making submissions and invites all members, agencies, transport operators and interest groups in the region to participate. I commend the information paper to the House.

QUESTIONS WITHOUT NOTICE

Sale of Liquor by Retail Outlets

Mr BORBIDGE (9.52 a.m.): I ask the Premier: can he confirm that he has recently met with representatives of non-licensed retailers to discuss the sale of liquor through retail outlets and that a paper has been circulated concerning this issue? If such a meeting has taken place, can the Premier inform the House who attended that meeting and will he confirm that it is still the intention of the Government not to allow the sale of liquor in supermarkets and retail outlets?

Mr BEATTIE: I meet regularly with a range of groups. I meet with the retailers. I assume that that is whom the Leader of the Opposition is referring to.

Mr Borbidge: No, I am asking you.

Mr BEATTIE: I am trying to establish whether the question was whether I met with the retailers. The answer is: yes, I meet with the retailers on a regular basis, as do my key Ministers, because this is an accessible Government that goes out and listens to people. The retailers are a very important part of this community. I meet with them on a very regular basis. Yes, I have met with them to discuss this issue and a range of other issues.

Mr Elder: Its no secret they're lobbying on this.

Mr BEATTIE: As I understand it, they are lobbying all—

Mr Hamill: You talk to representatives of clubs and hotels as well.

Mr BEATTIE: I do that as well. I will continue to meet with them. I meet with the Mining Council. I meet with the environment movement. The other night a number of key Ministers sat down and talked about eastern trawling and all sorts of matters. We do it all the time. I meet with indigenous groups.

Yes, I have met with the retailers. Yes, I have discussed this. Our position on this matter has been spelt out by the Minister very clearly. That is the Government's position. I will continue to listen to people. We will always consider what people have to put to us. When we make a decision based on submissions that are put to us, we will announce the decision. We do not support the sale of liquor in supermarkets. That has been spelt out by the Minister.

Sydney 2000 Olympics

Mr BORBIDGE: I thank the Premier for his confirmation. I ask the Premier: can he detail to the House the extent of hospitality suites and packages secured by the Queensland Government in Sydney for the 2000 Olympics? Does this package include suites reserved at the Sheraton Wentworth Hotel or any other hotel? What are the costs involved? Who will have access to the facilities?

Mr BEATTIE: Here is an attempt to get on the Olympic bandwagon to try to score a few cheap points. Let me make it absolutely clear: we have made no financial commitments at all. If I recall correctly, the New South Wales Government has made available to all State Governments the possibility of hiring a hotel room in the normal course of events if we attend the Olympics. We have made no decision as to whether we will be attending or not. Any room in that hotel would be paid for the same as any room usually would be—if it is used.

The bottom line is this: as the Honourable Leader of the Opposition would know, during the Olympics hotel accommodation in Sydney will be at an absolute premium. If the Premier or any key Ministers or anyone else from the State decided to go, unless there was a prior booking they would not get accommodation. That is the end of the story. If I recall correctly—and I am happy to double-check this and let the Leader of the Opposition know—the New South Wales Government has put rooms aside, but they will cost the Queensland Government and the Queensland taxpayer absolutely nothing—zilch—unless we decide to go and stay there as part of the Olympics. I have made no decision as to whether I am going to the Olympics.

Mr Gibbs: One of those rooms is for his use.

Mr BEATTIE: I was coming to that; this is the important part. One of those rooms, should the Leader of the Opposition want it, is available for his use as well. If he wishes to go—

Mr Borbidge: We're sharing, are we?

Mr BEATTIE: No, no.

Mr Borbidge: I thank the Premier for his invitation, but I think I'm busy that day.

Mr BEATTIE: Mr Speaker, as you know, we are a warm, caring Government. I feel shunned because the Leader of the

Opposition would not share a room with me. I am stunned. In this spirit of new politics and bonhomie, to save the Queensland taxpayers money, I am prepared to share a room with the Leader of the Opposition. That shows how frugal an administration we are. We will do almost anything to save the taxpayer money.

Mr Hamill: I have heard of the Odd Couple, but this is ridiculous.

Mr BEATTIE: I can assure the Honourable Minister that this is worse than the Odd Couple.

The Queensland taxpayer will incur nothing unless the Premier, the Leader of the Opposition or a key Minister goes to the Olympics. We have made no decision to do that. I assume the Leader of the Opposition has not either.

Gambling

Mr SULLIVAN: I refer the Premier to public concern about the social impact of gambling, and I ask: does he share those concerns?

Mr BEATTIE: The issue of gambling is an important one. I will spell out the Government's position, because my Government is concerned about the social impact of gambling and the spread of gambling. Two recent initiatives of my Government clearly demonstrate not only our concern but also our determination to strictly control gambling. Last week's meeting of State Cabinet in Cooktown approved a crackdown on underage gambling in Queensland. In essence, charitable gaming laws will be amended as a priority. The most significant change will be banning the sale of scratch and reveal tickets to children under 18 years of age. That brings that type of gambling into line with more recognised forms of gambling, such as poker machines, scratch lottery tickets and betting at the local TAB.

Cabinet has also approved a full review of the age restrictions for participation in all charitable and non-profit games, including bingo. My Government shares the community's concern that it is too easy for kids to gamble. In common with the vast majority of charities and non-profit organisations, we are determined that kids will not be exploited by unscrupulous groups. The review of underage gambling will be concluded by the end of next year. Public submissions will be welcomed. This is not about reducing cash flows to charities; it is about keeping our kids away from gambling until they are old enough to make adult choices.

Other amendments to charitable gaming laws will, however, assist bona fide charities and other non-profit organisations such as local sports clubs by removing red tape for small-scale gambling licences. Streamlining of the legislation should save charities about $3m a year in total in licence fees and other red tape.

The second major initiative of my Government to control gambling relates to poker machines. The Honourable the Treasurer, David Hamill, will soon announce the outcome of a sweeping review of gaming in Queensland. This is not in response to recent drumbeating by the member for Indooroopilly, who believed he was on the bandwagon here in order to score a few cheap political points.

My Government is likely to introduce even stricter controls on poker machines. Not only has my Government placed an unprecedented clamp on gaming machine licences; we are considering even stricter controls. Unlike the honourable member for Indooroopilly, we are not headline hunting. We are concerned about the growth of gambling and its effect on communities. Soon after coming to Government we introduced guidelines that severely restricted gaming machines in public places such as shopping centres. We then asked the review to look specifically at further tightening the guidelines in relation to shopping centres.

As I said, the Government will shortly hand down the outcome of its review of gambling, which is likely to recommend even tighter controls on gambling in Queensland. If we compare this with the record of the coalition, we see that the chief law officer of the coalition at the time did not even have the confidence of this Parliament.

APEC Technomart

Dr WATSON: I refer the Minister for State Development to the first World Technopolis Association technomart being held at the Taejon Trade Exhibition Centre in Korea this week, and I ask: can the Minister confirm that the WTA technomart has been a runaway success, with hundreds of international exhibitors and thousands of delegates and attendees? Can he further confirm that the global drawing power of the first WTA technomart was a significant contributor to the collapse of his own convention on the Gold Coast? Can the Minister inform the House when the Korean secretariat in his own department first advised him of this major international convention in direct competition

with the APEC technomart? Can he further inform the House why he failed to recognise and respond to the very real threat posed by this unfortunate clash of dates?

Mr ELDER: Let us revisit history, just for the information of those opposite. I am pleased that the member for Moggill has asked me this question. The APEC technomart conference was given in-principle support right back when the coalition was in Government. That is when this had its genesis, when they first looked at running a conference in this country and on the Gold Coast. It was right back then.

Mr Borbidge interjected.

Mr ELDER: Did the Leader of the Opposition know? It is not in any of the briefs that he knew, and he gave the conference in-principle support. What he has done since that day is quietly say to each and every one of the members opposite, including the member who asked the question, "Yes, we support this particular project. Yes, we support this particular conference." He has done that and swum in that little pool all of that time. Those opposite were out there as supporters. Then when the private sector company that was running the conference collapsed, it of course became the Queensland Government's fault. Suddenly it became the fault of one of the major sponsors.

The member for Moggill said that it was the Premier who sent the invitation to this event around the world. That is not true. It was not the Premier who invited all of those delegates to the Gold Coast; it was in fact the Prime Minister of Australia. He said, "I would like to take this opportunity to invite you to participate in APEC Technomart." We as a major sponsor said yes, and we outlined the case for Queensland.

I go back to the original point. This was an APEC technomart under the franchise of the Federal Government as the principal sponsor. The Federal Government, the Queensland Government and the Gold Coast City Council, as well as a range of companies, were sponsors of it. During the week I outlined the steps we took at the end of the day to intervene and save our reputation. We were not prepared to scuttle this event.

Mr Borbidge: Did the Cabinet secretariat advise you of the clash of dates?

Mr ELDER: The Leader of the Opposition is the biggest hypocrite God ever put breath into. A week before the technomart—

Mr Beattie: He hates the Gold Coast.

Mr ELDER: He does hate the Gold Coast. A week before, as this event was going down, the Opposition Leader said that we should have been in there saving the event and that we should have been in there providing money to all of the Gold Coast suppliers. A week later in the House he said that we should never have committed ourselves to that money.

It is really hard to follow the logic of the Leader of the Opposition. He is one of the greatest opportunists in this place; he always raises the argument of convenience. He never changes. It is never the truth and the whole truth, but always the half-truth. In this case this Government did everything it could to save the reputation of the Gold Coast and Queensland and to look after the interests of the Gold Coast community, which is something the Opposition Leader has not done since he has been a member of this House.

Smart State, Scientists

Mr PURCELL: I direct a question to the Premier. The Government's Smart State policy recognises the need to attract to Queensland top scientists and researchers such as Professor Mark von Itzstein, the developer of the influenza drug Relenza. I ask: what can the Premier tell the House about the standard of scientists and researchers currently working in this State?

Mr BEATTIE: On behalf of this Parliament and the Government I congratulate two eminent Queensland scientists whose outstanding work has been recognised by the presentation to them of prestigious awards. Professor David James is the winner of the Glaxo Wellcome Australia Medal for 1999, which I had the pleasure of presenting to him at the Sheraton at a major function on Monday night, and Paul Gottlieb has won the prestigious Sir Ian McLennan Achievement for Industry Award.

Professor James has won one of the most celebrated awards in the Australian research community for his work on insulin. His work has fostered a number of international collaborations and generated hope for new treatments of diabetes, a potentially fatal condition that affects millions of people. Professor James is National Health and Medical Research Council Principal Research Fellow and Associate Director of the Centre for Molecular and Cellular Biology at the University of Queensland.

This is precisely the sort of work that my Government is encouraging with the 10-year biotechnology strategy and our commitment to the development and expansion of the centre

in our drive to make Queensland the Smart State. Our strategy is designed to make Queensland an international centre for biotechnology. The larger pharmaceutical companies are increasingly outsourcing a lot of early stage research and development. That obviously opens up opportunities for Queensland research and development laboratories.

It takes on average $300m to $400m and 10 to 15 years of hard work to bring a new drug to the market, and failure rates far outnumber success rates. Glaxo Wellcome spends about $21m a year in Australia on research collaborations. One of the company's most significant recent achievements has been the development of Australia's first blockbuster biotech drug, Relenza, in association with Biota. I am happy to say that Professor Mark von Itzstein, whom we attracted here from Victoria through our package and who led the research team which developed the drug, is relocating to Queensland to head the new Centre for Biomolecular Science and Drug Discovery on the Gold Coast. The centre will be co-located with the Genomic Research Centre at Griffith University, in which Glaxo Wellcome has invested $1.5m over three years to investigate genes linked to migraines.

Over the past nine years the company has invested more than $10m in the Centre for Drug Design and Development at the University of Queensland which, along with the Centre for Molecular and Cellular Biology, forms the core of the Institute for Molecular Bioscience. My Government looks forward to building on this relationship with Glaxo Wellcome.

Mr Gottlieb's award recognises outstanding contributions by CSIRO scientists and engineers to Australia's industrial development. Mr Gottlieb won the award for creating the QEMSEM system of mineral analysis—that is, the quantitative evaluation of minerals by scanning electron microscopy. I am advised that this world-beating technology has resulted in massive productivity gains across Australia's minerals industries. The system is also being exported to companies in South Africa, the USA, Canada and South America, with earnings estimated at $3m over the next three years. Most of the copper, lead and zinc mines in Australia now use the system.

Queensland Ambulance Service

Mr MALONE: I refer the Minister for Emergency Services to the case of Mrs Mason, whom she identified and whose case she raised during question time on Wednesday, and I ask: can the Minister confirm that, despite being the holder of Seniors Card No. 6403269, Mrs Mason was sent an account for $288 for ambulance transport while she was still very sick in hospital? Is this another example of this can't do Government embarrassing yet more Queenslanders? Why has the Minister failed to have the account cancelled nearly two weeks since my correspondence when it took only a couple of days for the account to be sent to Mrs Mason?

Mrs ROSE: The member for Mirani did write to me about this matter concerning the account that was sent to Mrs Mora Mason. On receiving that letter, I fully investigated the circumstances surrounding the issuing of the account to Mrs Mason. At the time of Mrs Mason's transfer from the Brisbane Airport to the Wesley Hospital, Mrs Mason's Seniors Card details were not recorded on the ambulance report form. Ambulance officers do endeavour to obtain pension details. However, in some circumstances it is not possible, depending on the condition of the patient, and that results in the patient receiving an account. Upon receipt of the honourable member's advice of Mrs Mason's Seniors Card details, the account was cancelled.

Mr MALONE: I rise to a point of order.

Mrs ROSE: The member is digging himself a deeper hole with the QAS.

Mr MALONE: I rise to a point of order. As late as last night, that account had not been cancelled.

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

Mrs ROSE: The account has been cancelled, and it reflects a nil balance.

Honourable members interjected.

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

Mrs ROSE: The account has been cancelled, and it reflects a nil balance. Let me assure members—

Mr Borbidge interjected.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mrs ROSE: The ambulance officer concerned has received some directions in relation to this matter and, on behalf of the Queensland Ambulance Service, extends apologies to Mrs Mason for any distress caused.

This also gives me the opportunity to respond to a couple of the comments which were made this morning by the member for Mirani in an attempt to defend himself following his outrageous attacks on the Queensland Ambulance Service over the past couple of weeks. We know for a fact that the member for Mirani handed to the media the phone number of that elderly lady, whom he used to denigrate the Ambulance Service. He spoke to the media. He handed it to the media. He actively encouraged the whole episode. He used a 92 year old lady as a pawn to get himself some media attention.

Mr MALONE: I rise to a point of order. Mr Speaker, I gave the Minister the information.

Mr SPEAKER: Order!

Mrs ROSE: Mr Speaker, it is cheap politics, and he owes an apology to the lady concerned.

Mr MALONE: Mr Speaker, I rise to a point of order.

Mr SPEAKER: Order!

Mr MALONE: Mr Speaker, it was I who gave her the information.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order. The member for Mirani had taken a point of order.

Mr MALONE: The information was handed to the Minister.

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

Starland

Ms BOYLE: I ask the Minister for State Development and Minister for Trade: can the Minister advise what the $1.5m which the State Government loaned to the Starland company, plus the extra money paid to wind up the company, was spent on?

Mr ELDER: Over the past couple of days, I have outlined how that company did business. The criticism of the way in which we handled the APEC Technomart and saved the venture capital conference and saved a number of conferences and saved the reputation of Queensland and saved the reputation of the Gold Coast—

Mr Schwarten: Didn't cost $1.4m.

Mr ELDER: No, it did not cost anywhere near $1.4m in a loan. However, it pales into insignificance in terms of its comparison with the way in which the previous Government did business. Remember, $1.4m was the loan that Government gave those characters for that project. One would have thought that a company that was coming forward with a proposal that was going to at least have a contribution from the Queensland Government of half a billion dollars would have been a substantial company—three directors. It was not a $2 company; that is true. It was a $100 company. I now have the funding arrangements and I now have the financial details of the project.

Equity from the principals, that is, the directors, was $100, and Disney said that this would cost the State three-quarters of a billion dollars, if we wanted it, and we walked away from that. It is no wonder that the Leader of the Opposition is scuttling out of the Chamber. From January to September, the directors took out of that over $650,000 in directors' and management fees. I read in the Gold Coast Bulletin that the husband of former member Kathy Sullivan, Bob Sullivan, said, "Yes, I own up. I was a director. I received $7,000 a month for eight months."

Mr Gibbs: Oh, no!

Mr ELDER: He was stitched, because that was only $56,000-odd. So the other two directors have taken out over $300,000 in directors' fees for this.

Mr Mackenroth interjected.

Mr ELDER: Remember, this was good value for Queensland, because we had intellectual property. All members would remember the intellectual property. They would all remember Starland, Disneyland, Fantasyland—part one of the sequel, and part two—"Once upon a time", there in the bottom of the garden with the Leader of the Opposition.

The fact of the matter is that this was a disgraceful waste of taxpayers' money, because it did not go to the project. Hardly any of the money went to the project; it went straight into the directors' fees. Honourable members are going to hear more about this matter, because the Leader of the Opposition alluded to the fact that we had intellectual property. I was not prepared to look, but I have looked since. There were professional fees for relocations. There were apartment costs. Heaven knows why they would need an apartment between the Gold Coast and Brisbane.

Mr Gibbs: So they can wish upon a star.

Mr ELDER: Exactly! What star? The rising star—or more like the falling star of the Leader of the Opposition! There were other fees. There was international and domestic travel of over a quarter of a million dollars. There were

consultancy fees of $600,000, which have not been outlined. And do honourable members know where I am going to go looking over the next week? I am going to go looking through those $600,000 of consultancy fees, because I would bet that a lot of them ended up in the pockets of the three directors who walked away with $650,000. Gee, members opposite did shonky business!

Time expired.

Adoption Services Branch

Mr BEANLAND: I refer the Minister for Families, Youth and Community Care and Minister for Disability Services to a recent letter from her department regarding concerns relating to the Adoption Services Branch being in disarray and causing unnecessary pain and distress to clients of the department, and I ask: why has the Minister allowed this situation to develop? Is this another reason why Premier Beattie no longer trusts her and her department?

Ms BLIGH: The honourable member has brought to the attention of the House a very serious concern that I found when I came into the department last year, that is, the neglect of the Adoption Services Branch over the previous two years. The manager of the Adoption Services Branch had been in place for a very long time in the department. She retired during the time of the previous Minister, Mr Lingard. During those two years, there was a series of acting managers and a series of staff turnovers.

Hopefully, members will not be surprised to know—and I would have thought that they would be aware of the fact—that when I took over as Minister, the manager of the Adoption Services Branch was none other than Mr Graham Zerk, who went into that position directly from his position as a senior adviser on policy to the then Minister for Family Services, Mr Lingard. Under the stewardship of Mr Zerk—who I understand assists the member for Indooroopilly in his work in the shadow portfolio from time to time—

Mr Beattie: He needs a lot of help.

Ms BLIGH: He needs all the help he can get. I suggest that he go and look elsewhere, because if Mr Zerk is bringing the same degree of rigour to the assistance that he is providing to Mr Beanland in his shadow portfolio as he did to his job as the head of the Adoption Services Branch, then it is little wonder that Mr Beanland's performance is so absolutely woeful. Mr Zerk, thankfully, took it upon himself to leave the service of the Queensland Public Service—

Mr Schwarten: Again.

Ms BLIGH: Again. Thankfully, this time he did not ask for a payout from the taxpayers. He gracefully resigned and left us. I think that happened around the same time as senior officers of the department asked him to start doing some work. The Adoption Services Branch—

Mr BEANLAND: I rise to a point of order. The letter says "since mid last year". The letter specifically states that it has been in disarray since mid last year. I will furnish the letter to the Minister.

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

Ms BLIGH: When did Mr Zerk leave? Mr Zerk left six months after that time. I can tell the member for Indooroopilly that we are still uncovering the unspeakable atrocities that occurred under his stewardship. People keep finding applications under desks. There was an absolutely shocking waste of time. The appalling lack of any administrative system has left innocent Queenslanders in some very difficult situations. I have a great deal of sympathy for those people.

I am very happy to inform the member for Indooroopilly that the position was advertised. Last month, the position was filled, as a permanent position, by a very professional officer of my department named Anne Zafer. I know that a number of honourable members have already had cause to deal with Ms Zafer. I trust that they found her as professional and as competent as I have found her in the times when she has briefed me. I am absolutely confident that she is an officer who will restore the adoption branch of the department to the reputation that it held before Mr Zerk took it over.

Pre-Olympic Training Camps, Queensland

Ms NELSON-CARR: My question is directed to the Minister for Tourism, Sport and Racing. Can the Minister advise the House of any further success by Queensland in attracting international teams to conduct pre-Olympic training camps in the Sunshine State?

Mr GIBBS: Queensland has been more successful than any other State in Australia in attracting overseas and Australian Olympic and Paralympic teams to conduct games training camps here. Pre-Olympic training will generate more than $100m for the Queensland economy as well as attract more

tourists and raise Queensland's international profile.

Some of the best athletes in the world will conduct pre-Olympic training in Queensland—Kathy Freeman and Michael Johnson, to name just two. Today, I am pleased to announce that four new teams have committed to Queensland in the lead-up to Sydney 2000. The highly-regarded Jamaican track and field team has chosen the State Athletic Centre at ANZ Stadium as its training venue for two weeks prior to the Games. The Jamaicans have built a strong reputation in sprinting over the years and won medals in both the men's and women's relays at the Atlanta Olympics.

The State Athletic Centre will also host the Belgian track and field team for a 10-day period in the lead-up to the Olympic competition. The Danish badminton team has also confirmed arrangements to use the Sleeman Centre for its pre-Olympic training in the weeks leading up to the Sydney Olympics. The Australian women's water polo team will base itself for several months next year at Kawana on the Sunshine Coast.

These new teams bring the total of squads to train in Queensland to 129 teams from 17 nations. A further two world-class teams are on the verge of announcing their commitment to train in Queensland. My department continues to negotiate with dozens of other nations about pre-Olympic training.

I guess the good news for Queensland is simply this: as of this moment, we have more teams coming to Queensland for pre-Olympics training than there will actually be in New South Wales prior to the Olympic Games. We have attracted more teams than any other State in Australia. We have done exceptionally well. I acknowledge—as I acknowledged during the Estimates committee—the efforts of the former Minister, Mick Veivers. I know that he played a role in bringing a number of those teams to Queensland. Members of this House have shown an excellent cooperative spirit in relation to this matter. This is in the best interests of Queensland. It can only serve this State well in terms of further international coverage for our great tourist industry.

East Coast Trawl Management Plan

Mr COOPER: I refer the Minister for Primary Industries to his meeting with representatives of the QCFO earlier this week and also to reports that hundreds of commercial fishermen have turned off their vessel monitoring systems and threatened to blockade ports in protest at his handling of the long overdue East Coast Trawl Management Plan. I ask the Minister: will he stand by the allocations as published in the draft management plan? If not, will his Government pay compensation to those fishermen who suffer a reduction in their incomes or value of investment as a result of its trawl plan?

Mr PALASZCZUK: Let me inform the House that this issue of the preparation of an east coast trawl management plan has been around since 1980 when the Queensland Commercial Fishermen's Organisation wrote to the then State Government pointing out that, because of the way in which commercial fishermen were operating, the fishery would be unsustainable.

As I say, this issue has been around since 1980. It was around when members opposite were in Government, but they did absolutely nothing about it—it was put in the back paddock. This Government is doing something about it. Let me reassure the House that this Government is taking action in very close consultation with all interest groups.

A couple of days ago, the Premier convened a meeting with the Minister for Environment, the Minister for Public Works and Minister for Housing, the Deputy Premier and myself. We had a very productive meeting. Some of the outcomes of that meeting are these: we have agreed with the Commercial Fishermen's Organisation, the environment lobby and other interested stakeholders—

Mr Schwarten: Sunfish?

Mr PALASZCZUK: Including Sunfish. We are putting together a working party to look at the very important issues. This Government—

Mr Schwarten: We made more progress in three weeks than they made in two years.

Mr PALASZCZUK: Exactly. We have made more progress in three weeks than those opposite made in two years and four months. We are not going to be bullied by the Federal Environment Minister so that he can keep to his time line. We want to get it right. In order to get it right, we are going to consult further with the industry through the working party.

I suggest to the member for Crows Nest and the Leader of the Opposition that they get on their telephones and ring their Federal coalition counterparts because they are the ones who are trying to impose these sorts of restrictions on us. This Government is not going to stand for that. The chance is there for honourable members opposite. They should lift their telephones, ring their Federal

counterparts and enlist their support for a Queensland east coast trawl management plan, not a Federal management plan.

Recreational Fishing

Mr FOURAS: My question is also directed to the Minister for Primary Industries. I ask: what is the latest allocation of fish fingerlings under the State Government's Freshwater Recreational Fishing Enhancement Program and how are Queensland's fish hatcheries meeting the increased demand for fingerlings?

Mr PALASZCZUK: This has become the year of the angry fish. I have some good news for the honourable member for Ashgrove and for the recreational fishing lobby: this Government is committed to recreational fishing. This Government believes that, as an industry, recreational fishing will grow even further and more Queenslanders will be employed as the quality of the State's freshwater fishing attracts anglers from across Queensland, interstate and overseas. This Government is committed to growing the industry. The Government's attitude is reflected in its Freshwater Recreational Fishing Enhancement Program.

Today, I announce that more than 810,000 fingerlings will be released in 47 streams and dams across Queensland this summer in an increased fingerling allocation under this program. Last stocking season—the first under this Government—saw the allocation of fingerlings increase by 260,000 over the previous stocking season.

Before attending the Kingaroy Community Cabinet meeting on Sunday, I will have the pleasure of officially opening extensions to a major Queensland fish hatchery at Murgon. With the extensions, the Hanwood Fish Hatchery will triple its production to at least 4,500,000 fingerlings, thus establishing it as one of Australia's largest private hatcheries for the supply of fingerlings.

I would like to acknowledge the foresight, investment and commitment of confidence that the owners of the Hanwood Fish Hatchery, Max and Deirdre Cluff, are giving to the industry and the South Burnett region. This is an emerging industry in Queensland—particularly in the South Burnett.

This Government is a strong supporter of all primary industries, whether it be emerging industries in the South Burnett in wine, grapes and olives, or the region's established industries in peanuts and other crops, and in beef and pork production. This Government is committed to primary industries in Queensland and it will not be deterred from that position by honourable members opposite, who do not support primary industries. The attitude of honourable members opposite was reflected in the vote that they received at the last election.

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

FORESTRY AMENDMENT BILL

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries) (10.29 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Forestry Act 1959."

Motion agreed to.

First Reading

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

Second Reading

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries) (10.30 a.m.): I move—

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

The objective of this Bill is to amend the Forestry Act 1959 and, specifically, to—

(a) implement part of the Queensland Government plan for the South-East Queensland Regional Forest Agreement; and

(b) extend the legislative exemption from the provisions of the Commonwealth's Trade Practices Act 1974.

The amendments contained in this Bill will ensure that the objectives of the Forestry Act are achieved. These objectives relate to managing State-owned forests to ensure ecologically sustainable development, achieve efficient production and wood distribution and to promote the stability of the processing industry, including ensuring security of supply. I will now deal with each of these in turn in the order in which they appear in the Bill.

South-East Queensland Regional Forest Agreement

On 16 September 1999, the Queensland Government announced the Queensland Government plan for the South-East Queensland Regional Forest Agreement. The Queensland Government plan was

underpinned by an agreement between the Australian Rainforest Conservation Society, the Queensland Conservation Council, the Wilderness Society, the Queensland Timber Board and the Queensland Government. The agreement is the outcome of two years of analysis and negotiation to determine the future of the forest and timber industry in south-east Queensland.

The agreement provides, inter alia, for the grant of 25-year wood supply agreements in the form of sales permits ending in the year 2024 with respect to Crown native forest hardwood sawlogs for most current allocation sawlog holders in south-east Queensland. Further, the agreement provides that the 25-year agreements will make provision for compensation in certain circumstances. Where a mill seeks to sell their wood supply agreement or their business, the Queensland Government will have the first right of refusal over purchasing the agreement and business at a fair and reasonable market price.

The 25-year sales permits are designed to provide long-term resource security to the forest and timber industry. They will promote economic and social stability in the industry and ensure job security and promote economic development in rural and regional communities. The permits will also encourage investment in the forest and timber industry and in remote communities. The Government is committed to moving out of logging the Crown native forests and the sales permits provide timber supplies at current levels in advance of the move to a plantation-based industry.

In giving effect to the agreement, there is an industry expectation that the Queensland Government will provide 25-year sales permits by way of legislation. The amendments contained in this Bill confirm the right of the Primary Industries Corporation to enter into 25-year sales permits with the Crown native hardwood sawlog industry in south-east Queensland. The 25-year sales permits are to commence on 1 January 2000, as announced by the Queensland Government in the agreement of 16 September 1999.

The Bill also provides for the 10-year extension of the legislated exemption from the provisions of the Trade Practices Act 1974. This exemption protects industry and Government from any possible prosecution under the TPA for behaviour that may be deemed to contravene the restrictive trade provisions of the TPA—Part IV. This exemption is currently valid until 27 November 1999.

The extension follows the results of a public benefit test on the non-competitive allocation of sawlog permits that underpins the native forest sawlog allocation scheme. The assessments considered economic and social costs and benefits on the timber industry, Government and rural and regional communities. The public benefit test demonstrated that the benefits of the scheme outweigh the costs. The extension is for 10 years because, under National Competition Policy, Acts are to be reviewed every 10 years.

This Bill is designed to implement part of the South-East Queensland Forest Agreement. In particular, the Bill is designed to provide for critical long-term security and certainty to the forest and timber industry and for our rural and regional communities. In view of the lengthy consultation with the various industry bodies that has preceded the development of this Bill, I expect the wholehearted support of all members of this House for this Bill. I commend the Bill to the House.

Debate, on motion of Mr Cooper, adjourned.

DOMESTIC VIOLENCE (FAMILY PROTECTION) AMENDMENT BILL

Second Reading

Resumed from 11 November (see p. 5040).

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (10.35 a.m.), in reply: I rise to sum up and to answer some of the questions that honourable members have put to me during the debate. I would like to thank members on both sides of the Chamber for their support for the legislation, which seeks to significantly improve the efficiency of the Domestic Violence Act and its administration and its ability to protect people from what I think is understood in a bipartisan sense to be a scourge in our community. I think we honestly share across the Chamber a desire to see domestic violence minimised to the extent that that is possible by the law.

The member for Indooroopilly took great offence at my accusation that, under the previous administration, for some time the legislation had been collecting dust. As much as I might enjoy going through with him some of the failings of the previous administration in relation to this legislation, I do not think now is the appropriate time to do it. I think that the ups and downs of this Bill are well understood

by people who work in the sector and know how important it is. However, I have to say that it is very touching to see the member for Indooroopilly defending the member for Beaudesert. I was surprised to find him appointing himself as president of the Kevin Lingard fan club. Good luck to him, but I suspect that he will find it a very lonely place, particularly after this morning's effort.

I was also very disturbed to hear the member for Indooroopilly make the accusation that the majority of domestic homicides had happened under a Labor Government. I regard that as a disgraceful and despicable contribution to a very serious debate and I think that that kind of attempt to party politicise some very tragic homicides in the domestic circumstances of our citizens was unwarranted and, frankly, beneath the dignity of the member for Indooroopilly.

The member asked about a number things. Firstly, he sought more information about the proposed removal of the word "knowingly" in relation to the way in which an order may be breached. In that regard, I refer him to the case of Abbott v. Brown in the District Court. However, I also point out to him that the model laws as proposed by the Commonwealth propose that laws do not refer in any way to the word "knowingly". In fact, because of similar difficulties, that is now the case in the majority of States.

In relation to the question of the effective individual, it is precisely because of the varying nature of workplaces where these sorts of issues might arise that the Bill is crafted sufficiently broadly to allow the court to order that this sensitive information is provided to the appropriate person in the workplace of any particular aggrieved spouse. Both the member for Indooroopilly and the member for Caboolture expressed some concerns about the restrictions on weapons access and particularly in relation to the way that may affect the employment of a respondent spouse who is subject to an order. In the first instance, the member for Indooroopilly asserted that he had received many, many complaints about this. I have to say that that has not been my experience as Minister and I cannot recall that the member himself has ever made representations to me on the matter. However, I would encourage him to do so if he is aware of these sorts of complaints, because it is certainly something that I would take on board in crafting further legislation.

This is not to say that I do not recognise the potential this has to affect the employment of people and that there may be unintended policy effects from such moves. But I would draw the attention of both the member for Indooroopilly and the member for Caboolture to the fact that the Weapons Act amendments made in 1996 by the coalition Government, supported by the Labor Opposition at the time, both supersede the domestic violence legislation and further restrict access to weapons where a domestic violence order exists. I would have thought that those reforms brought forward by the Prime Minister enjoyed the support of the honourable member for Indooroopilly and indeed the majority of the House.

In relation to the ouster orders, the member raised the question of how issues related to property settlement might be resolved where the terms of an order prohibited one spouse from entering a property that they might be seeking to settle. I think the member answered it himself. The answer is that in those circumstances, if a relationship has been broken down to that degree where someone has been ordered out of the house, we would have to expect that it would be resolved through lawyers, as are many Family Court matters, unfortunately. The Family Law Act provides for the settlement of property disputes.

The member raised the question of time limits on temporary orders. I refer the member to sections 57(1), (2) and (3) of the current Act, which provide that the order must be returned to the court within 30 days and, where the court is not sitting, as soon as practicable after that. There is a time limit on how long an order can be temporary. In practice I understand that in most courts it would not be that long.

The member referred at some length to the model laws and the legislation put forward by the Commonwealth. The discussion paper in relation to the model laws was released in April after the consultation had been finalised about the amendments that are currently before the House. But I am happy to report that in most instances these amendments do reflect the proposals in the model laws. There are a couple of exceptions, which I will outline. Firstly, the Queensland laws before the House propose that employers be notified where there is a weapons matter. Secondly, the Queensland laws propose a prohibition on attempts to locate and identify a refuge. Neither of those are in the model laws at this stage. In addition, the model laws propose a significantly increased coverage of protection under the Act to a wider range of people and the model laws propose that the courts that hear matters around domestic violence should be open. It has always been the practice in

Queensland that these matters are dealt with in closed court. I do not propose at this stage that we would be moving away from that.

The question of coverage will be the subject of an amendment that I will be bringing in and which I think has been circulated. The model laws propose an extension of coverage, firstly, to other kinds of spouses, particularly same sex spouses, and other forms of domestic relationships, such as people who are in relationships of dependence—for example, a frail older person being looked after by their adult son or daughter. I propose—and an amendment is being circulated now—to incorporate the model laws insofar as they go to the coverage of same sex spouses. The question of coverage beyond that to other types of domestic relationship will be the subject of broad consultation based on a discussion paper that has been drafted by my department.

The member for Caloundra was concerned about who will determine whether or not an effective person has distributed information more widely than is necessary. If we look at the clause, we see that it provides some guidance to the court in making that determination. The only people who can be given the information are those for whom it is necessary to achieve the effect, and that is the restriction of access to the weapon. I accept the point of the honourable member for Caloundra that this is not an easy area, but if she looks at the clause she will see that it is the courts that will determine whether or not that has been exceeded.

The current situation relies totally on the honesty of the respondent spouse. I think we would both accept that there would be many circumstances where relying on that would be extremely foolhardy. I accept the point of the honourable member for Caloundra about the need for education in this regard and I recognise the work that the Federal Government has done, particularly in the area of work with children, and the work that she, as Minister for Women's Affairs, did with the Commonwealth in its Pathways project. I am happy to inform her that it is due to be released very soon and we will be notifying her of that. But I think she would also agree that this legislation is not the place for us to be legislating about education. I am also happy to inform her that the Education Department has been reinstated on the Queensland Domestic Violence Council, because I share her concerns about the importance of education in breaking the cycle.

Both the member for Caloundra and the member for Gladstone raised concerns about the capacity of the police to hold respondent spouses for four hours. The current legislation provides that police can hold a respondent spouse for up to four hours unless something else happens first. The most common example is if the order is made before the four hours expires. In many cases, the police can therefore hold the respondent spouse for only 20 minutes. As soon as the order is made, under the current legislation the police have to release the respondent. The police certainly made it clear to us when preparing these legislative amendments that that was not long enough, that it did not give them the flexibility that they needed. I think it is fair to say that the police are of two minds. They are mindful of not wanting to have extended powers to hold people without a charge for unreasonably extended periods, but they also want a workable amount of time whereby they can ensure the safety of a person who is the victim of violence.

The halfway point that we have reached on this is that the Bill before the Parliament will ensure that police are able to always use the total four hours, whether an order has been made or not. We are going to monitor the implementation of that. Many police would never have actually held anybody for four hours; they have never had that capacity, because an order has usually been made significantly before that. This is a halfway step to giving police more powers to hold someone. There are many circumstances in which that is important. Obviously, where the person is significantly affected by alcohol, the capacity of the police to hold the person until they at least get some way towards sobering up can make a big difference. Where the police are operating in a circumstance compounded by remoteness, certainly an appropriate amount of time is needed for a victim to leave town, if that is what is required. This is something that we will be monitoring. I have spoken at some length to the Police Minister about this. We will be consulting with police as this is put in place and we are certainly not averse to the proposition that it might need to be extended over time.

The member for Caboolture raised some concerns about the capacity of a respondent spouse to go back to his home and retrieve tools of employment and so on. This is addressed in the proposed amendments and I refer him in that regard to clause 25A of the Bill before the House.

The four hours question was the only significant question raised by the honourable

member for Gladstone. I think what I have said basically addresses the concerns and requests for clarification that members had. As I said, this legislation is long overdue. I am very pleased to see that it has the support of the House.

In conclusion, I acknowledge and thank a number of people whose efforts have seen this Bill come to fruition. I start by thanking and recognising the commitment and hard work of all the staff of the Domestic Violence Policy Unit of my department, particularly its manager, Heather Nancarrow. As the member for Archerfield outlined last night, she has a very long history of commitment in this area. She has personally worked on this piece of legislation since 1995 and she informs me that she has seen out eight parliamentary drafters in the process.

I put on record my thanks to my former deputy director-general, Margaret Allison, Ms Glenda Alexander and Mr Adrian Lovney, all of whom have been instrumental to the production of the Bill before the House. I recognise the efforts of all members of the Domestic Violence Council and successive chairs of those councils, especially Ms Betty Taylor and Ms Leanne Spelleken.

I thank the many community sector workers and community representatives and members who have participated so fully in the extensive consultation processes involved in the provisions of this Bill. I recognise the staff of my office for their hard work, in particular Jackie Trad. I conclude by paying tribute to the many people whose lives have been touched and damaged by domestic violence and who have had the strength and courage to use the provisions of this Act to put violence behind them and begin to rebuild their lives.

Motion agreed to.

Committee

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) in charge of the Bill.

Clauses 1 to 6, as read, agreed to.

Clause 7—

Ms BLIGH (10.49 a.m.): I move the following amendment—

"At page 9, lines 12 to 14—

omit, insert—

'7. Section 12(1)—

omit, insert—

'12.(1) A "spouse" means—

(a) either 1 of a male or female who are or have been married to each other; or

(b) either 1 of the biological parents of a child, whether or not they are or have been married or are residing or have resided together; or

(c) either 1 of 2 persons, whether of the same or the opposite sex, who are residing or have resided together as a couple.

'(1A) For subsection (1)(c), 2 persons are a couple if they reside together in a relationship that is normally considered by the community to indicate that they are a couple.

'(1B) A relationship mentioned in subsection (1A) is one formed on the basis of intimacy, trust and personal commitment and does not include, for example, a relationship where the 2 persons are merely cotenants.'."

This amendment extends the definition of "spouse" to include persons in same sex relationships. The replacement of section 12(1)(c) specifically extends coverage to one of two persons of the same or opposite sex who reside together or who have resided together as a couple. The term "couple" is then defined by a relationship formed on the basis of intimacy, trust and personal commitment—a definition that I trust would find broad community acceptance.

Currently, there exists a level of discrimination in this Act which excludes people in same sex relationships from protection against domestic violence. I trust that all members of this Chamber would agree that violence is abhorrent in all its forms and that it is incumbent on this Chamber to enact laws to protect people from violence regardless of their sexual preference.

Since the release of Susan Currie's 1996 report on legislative options for non-spousal domestic violence, the Department of Families, Youth and Community Care has consulted extensively on the issue of extending the protections of this Act to categories of domestic relationships. In this period three specific consultation rounds were conducted to establish public support for extending legislation to protect people in violent, non-spousal domestic relationships, including one commissioned by the member for Beaudesert during his time in the portfolio.

While only one of the consultation papers formally proposed to include same sex couples, over 50% of all the written

submissions across all of the three consultation processes specifically referred to the need to include such relationships in the category of "protected persons". These written submissions came from various individuals and organisations, including the Uniting Church in Australia, South Burnett branch; the Save the Children Fund; the Australian Pensioners and Superannuants League; the Anti-Discrimination Commission of Queensland; the Queensland Council for Civil Liberties; the Noosa District Family and Youth Service; and the Queensland AIDS Council.

The last consultation round on this draft amendment Bill held earlier this year elicited the same response without any mention of the inclusion of "same sex" in the definition in the paper that was circulated. I think this quite clearly demonstrates that the community has consultation fatigue on this issue and is now waiting for Government actions.

Parents, services, victims and academics are asking Government to respond to a basic human rights issue—protection against violence in one's own home. Access to domestic violence protection orders is available to people in same sex relationships in New South Wales, Victoria, Tasmania, Western Australia and the Australian Capital Territory. This amendment seeks to extend this right to Queenslanders. Domestic violence orders from other States are enforceable in Queensland. The practical effect of the current discrepancy between the States is that a person in a same sex relationship in Tweed Heads can take out an order and they can then have that order enforced in Queensland by the Queensland Police Service and the courts, whereas Queensland homosexual couples cannot even make an application for such an order. It is a patent absurdity, one which I think we are obliged to rectify.

I was pleased to hear the member for Indooroopilly during his speech during the second-reading debate express considerable support for the model laws being put forward by the Commonwealth. I would draw his attention to the fact that the model laws being put forward by Amanda Vanstone incorporate a definition of "spouse" that includes protections for people in same sex relationships. I understand that some members of this Chamber have very strongly held personal views on this issue, and I respect their right to hold those views. However, I would ask that members focus on the functions of this Act to protect people from relationship-based violence. Regardless of their personal views of same sex relationships, in my view members opposite must ask themselves whether people should be denied protection from spousal violence merely on the grounds of their sexual preference.

Many members in this debate have spoken of the devastating effect that domestic violence has on the lives of children who are witnesses to it. I would ask members to remember as they contemplate their vote on this clause that many people in same sex relationships are the parents of children and, if domestic violence is occurring, these children are just as entitled to our protection as are any other children.

This is a fundamental human rights issue. Our failure to rectify this defect in the Bill will result in an ongoing breach of the Anti-Discrimination Act. I give credit where it is due. The former Minister, the member for Beaudesert, had an unusually insightful comment to make on this issue when he was Minister. He said to the Courier-Mail on 18 March 1997 when he proposed a similar amendment himself—

> "Domestic violence is not just a man-and-wife situation ... New laws will deal with people living in a home where there is violence (and) there is no need for me to differentiate between whether they are homosexuals or not ..."

I would like to make some mention of the Anti-Discrimination Commission and its submission to a number of consultations about the coverage of this Bill. It has made it quite clear that it regards this to be a breach of the Anti-Discrimination Act. It stated—

> "... this Commission is concerned that those people who are afforded protection against discrimination on the basis of their lawful sexual activity under the Queensland Anti-Discrimination Act 1991, will be denied access to protection under the Domestic Violence (Family Protection) Act 1989."

I would like to conclude my opening comments on this clause by saying that I think there are a number of reasons for supporting the amendment. Firstly, it has broad and overwhelming support from the community across a number of consultations held by both sides of politics. It will mean that we have consistency with other States of Australia with whom we have reciprocal enforcement rights and it will put an end to the kind of absurdity that I described earlier. It will mean that our law will be consistent with the model laws being proposed by the Federal Government. It will put an end to a discriminatory situation. I trust that the shadow Minister in his contemplation of this clause will allow tolerance to triumph

over bigotry, as he did in 1990 when the criminal law on homosexuality was debated in this Chamber. I commend the amendment to honourable members.

Mr BEANLAND: This morning was the first time I had seen this amendment. It is a very significant amendment; it is not some minor amendment. It certainly changes a major aspect of the legislation. It was something I looked at very carefully when the amendments were circulated. I marked the Act itself carefully as I went through it to see if any changes were made so that, if there were, these matters could be discussed in the party room—the appropriate place for members on our side of the Chamber to express their views on these matters.

I have listened intently to what the Minister has said, and although I might agree with many of those points she made, this matter has not been discussed by either the National Party or the Liberal Party at a party meeting. Obviously it has been discussed by the Labor Party. It has been brought in this morning in what I believe is a not very appropriate method. Had I known about it even yesterday or the day before, I could perhaps have got the leaders to call a party meeting to discuss this matter.

I want to make it clear that there has been no discussion on the issue. I did notice it was in the model domestic violence laws. That is another reason that I went through the Bill carefully to make sure there were not any amendments in this regard because of the significance of it. I will be dividing the Chamber on the issue. The Opposition will be voting against this amendment. Whether or not we might agree with it down the track, the point is that there have been no discussions by members on this side of the Chamber in relation to this particular amendment. I know that, while some members might agree with some aspects of the amendment, others will certainly be strenuously opposed to it.

As the Minister said, the issue of same sex couples is something that I supported previously in this place. The issue here, though, is somewhat different in that the passing of this amendment may have other ramifications. At this stage it is not possible to tell in that regard, because the Minister is transferring this aspect of same sex couples in a de facto marriage situation into some other piece of legislation. It could very well be construed that that in itself is going to lead to something more, such as recognition of same sex couple marriages. I am not saying for a moment that this does that—do not get me wrong—or that this is going to lead to another step.

As I say, had there been notice given of this most significant issue and there had been time to discuss it at the parliamentary party meetings, it may have been that the Opposition supported it. But we certainly do not support it in the way that it has been introduced. I have no authority or approval to support a significant amendment such as this. It is not some minor amendment; this really is a major change to the legislation. As the Minister has indicated, this is picking up some aspects of the model code, and I am not arguing that point. It certainly increases considerably the number of people who will be covered by the domestic violence legislation. I am not saying that domestic violence situations do not occur in relation to those people. However, that does not mean to say that that is the only course of action they can take; as we all know, they can currently take action under the Criminal Code. Of course, they choose not to do so. We will not go down that track again. We have already covered that point in earlier discussions. Obviously, the Labor Party has had lengthy discussions about this matter in order to bring in an amendment of this note and in this manner. I am disappointed that it has been slipped in in this way. I have no alternative but to oppose the amendment in its current form.

Mrs LIZ CUNNINGHAM: I will echo a couple of points just made by the member for Indooroopilly. It is a significant amendment. I find it difficult to believe that knowledge of its inclusion was not held when the Bill was circulated. I do not think the Minister would be surprised at my intention to oppose the clause, not because anything she has said is wrong or unreal, but because my position on the recognition of same sex couples is something I have not made a secret. There are relationships of the same sex type. I recognise that. I believe there would be violence within those relationships. They are worthy of intervention on the basis of assault, etc. However, because of my position on the recognition of same sex couples, I will be opposing it.

I also acknowledge that the speaker coming after me will perhaps have some very appropriate biblical quotes to counter what I have just said. I remain absolute in my position.

Mr LUCAS: If there is one thing that we stand for in this Chamber it is the dignity of the person. All people are created equally, both before the law and, for those of us who are of

that belief, in the eyes of God. All people in this State are entitled to equal protection from the law. This legislation is not about making moral judgments about our views about particular relationships. This legislation is about the State exercising its responsibility to protect its citizens and their children from the criminal offence that is violence. It does not, nor should it, rely on moral or value judgments about whether one group is more meritorious, more worthy of protection, more valid or more moral than others. Currently it draws no distinction between married, unmarried, never married or remarried; nor ought it draw a distinction between whether a couple is of the same sex or not.

In his contribution to the second-reading debate last night, the shadow Minister made some very important points. He said—

> "The first point is that I believe that no member of this Parliament or, indeed, any decent member of the community condones domestic violence. On behalf of all members on this side of the House, I make no secret of our abhorrence of behaviours that involve one person intimidating, threatening, hurting or in any way degrading another, especially within the context of a spousal or family relationship."

Members opposite us today say they are taking a moral stand. How right there are: they have stood on the principle that they reserve it to themselves to offer the protection of the State from violence only to those with whom they share the same moral outlook. I say that one does not have to ask that question. I say that everybody is equal in the eyes of the State and in the eyes of the law, and they are entitled to the protection of us here today.

I can understand and do not in any way question the moral views of the member for Gladstone—far from it. I have no questioning of those at all. However, from my understanding of religious observations and from my own, there is one fundamental principle, that is, everybody is equal. Let us consider some parts of the Bible, especially the parable of the good Samaritan. The individual was described as a Samaritan for a very good reason. At the time of Christ, Samaritans and Jews hated each other. When travelling, if one was a Jew or a Samaritan, one was at risk from the other group. The reason they were used in that parable was to show the Jews that each person is created equal. It does not matter what one thinks of other people morally; they are all equal in the sight of God and in the sight of the law. It is not about our particular moral view of relationships but our view of the dignity of the person and the right of all our citizens to the protection of the law from violence, which is a criminal act.

How can any legislator in conscience accept a state of affairs like the one I am about to outline? In a suburban street—it could be any street—there are two women who are just like anyone else with young children. They go shopping. They are on the P & C. They go to sport with their kids. Tragically in this case, there is domestic violence. Other people in the street are sitting at home one night and hear the sickening sound of a domestic dispute. What happens? Perhaps in the same street there is a man and a woman with kids in a similar situation. Again, other people in the street hear domestic violence. What happens? Are the former any less entitled to the protection of the State, either legally or morally, than the latter? No-one in conscience can say no. They are the same people as we are, too. Are their children not able to be protected also? Are their families to be sentenced by bigotry to violence? Do the people in the street, because of their different sexuality, turn off the lights, turn up the stereo and ignore their cries for help?

For the benefit of members, I will quote from another speech from the debate last night—

> "People of all ages, from all racial, cultural, religious, socioeconomic, educational and professional backgrounds are subjected to domestic violence. Abusive partners also come from these diverse backgrounds. Many people are unaware of, or underestimate, the extent of domestic violence in our society and the impact that that domestic violence has on their partners. Many abused partners suffer extreme psychological trauma, and the effects on the victims are devastating. These include physical effects, ranging from bruising—and as I said before—to murder; psychological effects, such as constantly living in fear and uncertainty; nervous disorders and anxiety; and dislocation from family and friends and their broader social environment."

Who said that? It was the member for Caboolture. How then can one come into this Chamber and say that same sex couples are not entitled to the protection of the State?

Dr Prenzler: He is not here.

Mr LUCAS: I am not speaking about him individually.

Mr Chairman, it is not about my, yours or anyone else's views; it is about what I hope are two common values that we all share. The first is that all people are created equally and entitled to dignity as a person. The second is that violence is wrong. That is why, to support this amendment, I do not need to consider anything other than the importance of the State's protecting its citizens.

Mr BEANLAND: I hope that the Minister will indicate the reasons that this amendment was not included in the original amendments. I have not heard any indication of that yet. This amendment is very significant. It is probably as significant as all the other amendments that the Minister has put forward. For many members, it is a moral issue. I am interested to hear the reason that it was not included in the original amendments that have been left to lie on the table for some five months. Surely this amendment is of such significance that it could have been brought in and left to lie on the table for the mandatory 13-day period. That is certainly not too much to ask. Amendments circulated in the Chamber a few moments before they are to be debated are normally not of this significance; they are normally of a minor nature. It is simply not good enough.

Secondly, I certainly have not done any public consultation on this issue as distinct from the issues contained within the other amendments. I have not consulted the Liberal or National parliamentary parties in relation to this. I still do not know whether this issue is such a great concern. I listened intently to the Minister and the member for Lytton. If it is such a great concern, why was it not included in the original amendments that were brought into this Chamber five months ago? There has been no indication of that. I question the Minister's thinking in that regard, because it was not included in the original amendments. The fact is that this amendment was circulated as we were about to debate this clause. It could have been done at 12.30 this morning when were debating this legislation. A few moments ago when this amendment was circulated, I thought it was my minor amendment. I looked twice and realised that it was the Minister's amendment. I thought, "Heavens! What is this about?" When I read it, I noticed the significance of it.

The member for Lytton spoke about assaults. We are all concerned about assaults but, as I mentioned previously, people who have been assaulted can take action under the Criminal Code. It is not just domestic violence laws that allow people to do that, although those domestic laws allow them to do it in a far different way. I accept that, but people can always take action under the Criminal Code. I make the point that this is not the only piece of legislation that allows people to do that. I am sure that I am not telling anyone in the Chamber or anyone who happens to read Hansard anything new in that regard.

I ask the Minister to outline the reason that this provision was not contained in the amendments that were foreshadowed some five months ago. I think the Minister owes it to the Chamber to indicate the reason that an amendment of this significance has been brought forward at this late hour.

Mrs LIZ CUNNINGHAM: I have listened to the other points that have been made in relation to this amendment. I do not know of anybody who would stand by and see somebody assaulted in a home. The comment was made that if screams come from the home of a same sex couple, then people living in the street would cover their ears, turn off the TV and go to bed. I do not know of anybody who would do that. If they did, they would be the same sort of person who would walk past an assault in the street because they do not want to get involved.

I do not know that there is anyone here who would support a malicious attack on somebody because of their sexual preference—I certainly would not—but there is a difference between not being prepared to stand by and allow somebody to get hurt and not supporting this amendment. To infer that anyone who does not support the amendment is callous and indifferent to the safety and welfare of a person irrespective of their sexual preference is wrong.

I certainly am concerned about people's safety. This is a moral issue, as far as I am concerned, and it is not one that I can support. But I do support measures that will keep people safe. I support the right of individuals and children to be brought up and live in a safe environment. Because of the other issues that are involved—that is, the issue of values, my values—in the instance of a same sex relationship, assaults and aggravated assaults should be dealt with under the Criminal Code.

Mr JOHNSON: Like the shadow Minister the member for Indooroopilly, I think the fact that this amendment has been brought before the Committee without the notice that should have been duly given is deplorable. This is a moral issue. If the Beattie Labor Government condones this type of behaviour, it certainly

does not reflect the Christian values that we in this society stand for. It does not matter whether we are Christians, Muslims, Hindus or some other religion. I know that there are these types of people in society, and we in the Opposition are tolerant people—I think we are all becoming more tolerant—but this amendment blatantly condones something that is not proper.

Today we are considering the Domestic Violence (Family Protection) Amendment Bill. Every person in this Chamber has a mother and a father. Jesus Christ put us on this planet to procreate in a proper Christian family environment. As I said, that could be a Muslim family environment or a Hindu family environment. That is exactly why God created man and woman in the first place. If we are going to condone this type of behaviour, we may as well close down the whole place and go and live in an environment of filth, smut and dirt.

I feel for the people who have found themselves in this situation. At the same time, I would never vote to support a provision such as this. Even if it meant voting against my own party, there is no way in the world I would support something like this. This provision is absolutely horrific.

There are young kids in the public gallery today. I hope and pray that they grow up in an environment of love and protection with their mums and dads and their extended families.

Mr Lucas: And it should not matter what their parents' views are when you want to protect them. That is what you are saying.

Mr JOHNSON: The member for Lytton does not understand this properly. We have been ridden roughshod over by a Minister who condones this type of behaviour. If she does condone this type of behaviour, she should keep it to herself.

We are not here to promote this type of behaviour. We are here to try to help those people while not promoting their behaviour. As the member for Maroochydore and the member for Gladstone have rightfully said, the Criminal Code covers this type of situation. This piece of legislation is about domestic violence. I do not believe that this amendment should have been proposed at the eleventh hour.

I do not care what beliefs members on the other side of the Chamber hold, but we are not here to condone something that is not right. Again I refer to the Christian values and ethics that are held by most of the people of this State and this nation. If those on the other side of the Chamber support this type of behaviour by supporting this amendment, they will have put themselves well and truly into the gutter. They and their Government will never be able to regain their credibility. I urge members of the Government to have the guts, determination and forthrightness to vote against this amendment. Even if it means splitting the Government they should do it, because Jesus Christ will strike them dead in the end if they do not.

Mr Lucas: Go and read the parable of the good Samaritan.

The TEMPORARY CHAIRMAN (Mr Reeves): Order! The member for Lytton will cease interjecting.

Mr FELDMAN: I rise to speak against this particular amendment. I concur with the statements made by members on the Opposition side of the Chamber. This provision has been brought forward at the eleventh hour. We were not aware of it last night or when we started debating this Bill. There would have been a different tone to our speeches had we been aware that this amendment was coming before us. To drop this amendment on the table during the Committee stage is very wrong. It is immoral to do it at this hour and the way that it is being done is immoral.

We are seeing a lot of redefinition of the word "spouse". It still does not comply with the Federal Marriage Act, which states that a married couple is a man and a woman, male and female, married to the exclusion of all others. As the member for Gregory said, God put us on this earth to multiply. Homosexual couples cannot. We have already seen the community outrage at two males paying the princely sum of something like $500,000 to adopt some children. That in itself is immoral.

I cannot support this amendment in any way, shape or form. I cannot understand why this amendment was brought forward at such a late hour. Why did the Minister not flag this at the beginning? Why has the Minister not flagged this in the community?

Mr Veivers: She is sneaking it in under the table.

Mr FELDMAN: That is the way the industrial relations legislation was dealt with. I cannot add any more to what has already been said. As the member for Gregory said, this is not the way things are done in a Christian country.

The member for Lytton mentioned the parable of the good Samaritan. I suggest he read that in the context in which it was written. He should take into account the Greek and the Hebrew. On another occasion I heard a

speech by the member for Chermside on the parable of the good Samaritan. He was saying that these days it would be some AIDS infested drug addict lying in the street that we should be picking up, taking home and allowing to bed down for the night. That is not the intent of the parable of the good Samaritan either. I suggest that the member for Chermside goes back and does a little more research on that matter.

As I said, it is totally immoral to introduce this amendment at this stage and expect support for it in any way, shape or form. It is a shame. It is utterly appalling that this has been done at this time, and there is no way that anyone in One Nation will be supporting this amendment.

Mr SEENEY: I, too, would like to add my voice to the objections that have been raised by members on this side of the Chamber to what is a very rushed and underhand example of how this Government is, once again, trying to use legislation to recognise and legitimate relationships and behaviour in our community that I do not believe have wide acceptance in our community.

While I would urge anyone to be tolerant of other people's behaviour, I do not believe that anyone in our community at large can seriously suggest that what is being considered in this clause should be legitimated and recognised in legislation. And that is the point that is being missed by so many members opposite, particularly the member for Lytton and some of those other members on that side of the Chamber who made some of the more stupid contributions to this debate. They fail completely to recognise the ultimate point that is at issue here. It is a point that we took up during the industrial relations legislation. That legislation represented the first time in Queensland's history when legislative recognition was given to this term to which I have a personal objection: same sex couples.

The TEMPORARY CHAIRMAN: Order! Those members at the back the Chamber who want to have conversations will do so outside the Chamber.

Mr SEENEY: The point at issue here is not whether we have a personal opinion or otherwise about this particular behaviour; the point at issue is whether or not we, as a law-making body, should give legislative recognition and equal status to the types of relationships that are being addressed in this clause.

Mr Lucas: It is about violence, no matter where it comes from or how it comes about.

Mr SEENEY: The point at issue here really has nothing to do with the domestic violence Bill. It has nothing to do with violence or this particular piece of legislation. During the term of this Government, and particularly in the past three or four months, there have been a number of attempts, through legislation introduced into this Chamber, to change the whole way in which Government and legislation address the fabric of our society. That is the point. It has nothing to do with domestic violence. This is just one instance. The first instance was the industrial relations legislation, wherein family leave was extended to include so-called same sex couples, and the definition was changed. Are we going to see it extended throughout the whole legislative process?

The TEMPORARY CHAIRMAN: Order! Those members at the back of the Chamber who want to have private conversations should do so outside the Chamber. The member for Callide is on his feet.

Mr SEENEY: It is indicative of an agenda that is being pursued by some elements of this Government which I personally find objectionable. It is an agenda which I believe is in contradiction to the mainstream views of the community which we represent. I certainly will take every opportunity to stand in this place and argue against this each and every time that these types of clauses are added to legislation. I do not believe that this has wide acceptance in my electorate. I do not believe that it has majority acceptance across the State. That is one of the reasons why it has been done in this manner. There has been no public debate about this. There has been no attempt by this Government to make sure that people know what is being proposed. Without exception, every time this sort of thing is introduced into this Chamber it is sneaked through without the opportunity for full and proper debate, because Government members know that this does not have wide acceptance in the electorate.

I challenge some of the members who represent rural and regional Queensland in particular, such as the member for Bundaberg and the member for Fitzroy: let us go into their electorates and have this debate—any time, any place. The member for Bundaberg is in the Chamber. I am serious about this. Any time, any place in your electorate, let us have this debate.

The TEMPORARY CHAIRMAN: Order! The member will direct his remarks through the Chair.

Mr SEENEY: I issue the challenge through the Chair to the member for Bundaberg, because her electorate adjoins mine. I issue the challenge: any time, any place, let us go into her electorate and talk about this.

Mr Sullivan: Fitzroy.

Mr SEENEY: The electorate of Fitzroy, as well.

An honourable member: Anywhere.

Mr SEENEY: Anywhere at all, for that matter. The point is that the community needs to know the agenda that is being pursued here. It should be the subject of public debate. It should not be slipped into this Chamber as extra clauses in legislation, when no-one gets a chance to talk about it or to understand the connotations and the implications of these clauses. They get hidden in the legislation and, at the same time, they are being used to give recognition—and recognition that is not deserved—to that type of lifestyle.

As I said in my contribution to the debate on the industrial relations legislation, I do not have a personal agenda against these particular people who care to indulge in that lifestyle. I urge everyone to be tolerant of anybody else's lifestyle. But when it comes to the Government making legislation—

Mr Black interjected.

The TEMPORARY CHAIRMAN: Order! The member for Whitsunday!

Mr Black interjected.

The TEMPORARY CHAIRMAN: Order! If the member wants to become involved in this debate, he can do so at the correct time.

Mr Dalgleish interjected.

The TEMPORARY CHAIRMAN: Order! I warn the member for Hervey Bay.

Mr SEENEY: The behaviour of Government members in this Chamber today is indicative of the attitude that they adopt to this whole issue. They do not want to talk about it. They do not want to have it discussed. They do not want the community to know what is being proposed. They want to slip this through to suit a small element within their ranks who are pursuing an agenda to adjust and alter the social fabric of our community without there being a wide realisation of what is happening. That is indicated by the fact that we have seen this atrocious behaviour in the Chamber today—absolutely atrocious behaviour. If you are fair dinkum about this, let us have a sensible, grown-up discussion about it. Let us have a debate about it.

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

Mr Fouras interjected.

The TEMPORARY CHAIRMAN: Order! If the member for Ashgrove wants to interject, he should do so from his correct seat.

Mr SEENEY: I suggest to Government members that this issue is sufficiently important for there to be wide community debate about it. If Government members are serious, then let us debate this in the community and let us see how much support there is for this particular change in legislation. This is not just a minor issue. It is not just a matter of adjusting a few words in a clause in this particular legislation.

Honourable members interjected.

The TEMPORARY CHAIRMAN: Order! The member for Chermside, the member for Kurwongbah and the member for Gregory will have the opportunity to join in this debate, but not while the member for Callide is on his feet.

Mr SEENEY: Thank you, Mr Temporary Chairman. I reiterate that the behaviour of members such as the member for Chermside shows that the Government does not want to have a reasonable discussion on this matter.

In the short time remaining to me, I would like to repeat some of the points that I made when this issue was first raised in this place as part of the industrial relations legislation. I say again that I urge all members of the community to be tolerant of others. What we are talking about here is a major change to the social fabric of our State. What we are talking about here is giving legal and legislative recognition to lifestyles that I do not believe should be presented as having equal value with the traditional family unit. As legislators, we have a responsibility to protect, encourage and do all we can to ensure that that basic unit of our society survives and prospers. Apparently clauses similar to this are going to be part of just about every piece of legislation in this State. It devalues the traditional family unit by giving equal status to other types of relationships which are worlds removed—

Time expired.

Miss SIMPSON: I join with my colleagues in opposing this sneaky amendment. If the Government is so proud of this amendment, why did it not embody it in the legislation? The Government snuck it in at the last moment. It was merely placed on the table. It amounts to a significant alteration to the legislation. As we have heard from other members, it is a backdoor approach to an issue—

Mr Johnson: A backdoor sleaze approach.

Miss SIMPSON: It is very much a backdoor sleaze approach to an issue that should have been publicly discussed. It should have been placed on the agenda. I support the domestic violence laws as they were previously mooted prior to this amendment with regard to same sex couples being included. I recognise that, in the majority of cases, women are the people who require protection when they are in violent situations. I realise that there are examples of men who also require protection under this legislation.

However, to transpose that to same sex couples in this legislation which is called the Domestic Violence (Family Protection) Amendment Bill is an absolute joke. The Criminal Code is accessible to everybody. There is equal access to the Criminal Code, regardless of gender. There are provisions in the law which recognise an individual's access to the Criminal Code.

To take the domestic violence laws and re-write the definition of "spouse" to include same sex couples is a quantum leap. The Government has it dead wrong as far as the community is concerned. Many Queenslanders say that they do not want to know about what other people do in private. The Government is totally out of step when it starts to legitimate these practices and say that same sex couples should receive the same recognition under the law as families. The Government is totally out of step with community views. The irony is that the Government tends to focus on being lovey-dovey to absolutely everybody. However, in doing that, the Government is undermining the very principles that we should be upholding as the ideal for our community.

The ideal in our community is still a mum and dad family unit. I recognise that there are some single mums and dads who do it tough. These people do an excellent job. What has happened in our community—

Mr Johnson interjected.

The TEMPORARY CHAIRMAN: Order! I warn the member for Gregory. It would be appreciated if we could hear the speaker who is from the member's own side of the Chamber.

Miss SIMPSON: In order not to offend the minority, the Government undermines what we should still be promoting as the ideal family unit in the community. I do not downgrade single parents who have done it tough. If we do not uphold the ideal family in our community we will undermine the community. As the family structure breaks down, Governments tend to step in and put fuel on the fire, thus making it harder for young people as they grow up to recognise good role models in our community. What this Government is doing is atrocious. As I said earlier, this has been done by stealth. I wish to put on the record that this legislation was not passed by a previous National/Liberal Party Government. We realised that such legislation was not in step with community values. As I said, what people do in private is one thing. However, when Governments step in and recognise same sex couples as a legitimate family unit in our community, the next step will be marriage.

This morning, we were all laughing when the Premier was offering a twin-share to the Leader of the Opposition. I am pleased that the Leader of the Opposition rejected that offer. We know now that the broader agenda of this Government is to provide for same sex couples in a range of legislation. We saw this happen with the Industrial Relations Legislation. Interestingly enough, pages of significant amendments were snuck through without prior scrutiny in that legislation. That seems to be the approach of this Government—if something is controversial, do not put it on the table of the Assembly where it can be scrutinised. The Government prefers to slip the amendment in just prior to the conclusion of the Committee stage and push it through.

The Minister has not explained why she did not put this amendment in the body of the legislation which was tabled in the Parliament many months ago. She has not explained why she is seeking to sneak it through at the eleventh hour. I think she will find that she is dead wrong in her interpretation of community expectations. We need to uphold family values in our community. We need to stress that families consist of a mum and dad trying to bring up young people, whilst at the same time recognising that others are doing it tough in less than ideal situations.

People who experience domestic violence have access to the law under the Criminal Code. I suggest that members opposite had better talk to the electorate, and at the same time look at the Criminal Code.

Mrs PRATT: I will take only a few minutes to comment on this clause. I have extensively polled the electorate on the prostitution and associated issues. I believe that if this matter were put to the people in a referendum we would achieve the same result—if not an even stronger result—as we saw in the referendum involving the republic.

A Government member interjected.

Mrs PRATT: The member would get it right across Queensland if he read the statistics. People do not recognise same sex couples. We tolerate them in society because we have to; if we do not, we are told that we are small-minded. We are not small-minded; we are simply trying to protect the moral fabric of our society. Labor Governments seem to pander to all the minority groups and sacrifice the rest of the State.

A Government member interjected.

Mrs PRATT: I may not be here after the next election, but I guarantee that if the member continues with this type of thing he will not be in Government after the next election. Every time I enter this Chamber I become disgusted over some issue—if it is not a matter of behaviour, it is the Government trying to sneak legislation of this type through the Chamber. It is underhanded. I do not condemn anyone for what they do in private, but I will not have homosexuality thrust upon society as a legitimately recognised act. I think honourable members will find that the average person in the street will condemn every member who votes for this amendment.

It is true that everyone needs protection. There are avenues for protection available for same sex couples. It upsets me to have to use that phrase. I know some homosexuals. I do not condone the practice, and I say openly to their faces, "I do not condone your actions, but I personally won't hold it against you." I believe the Government is a disgrace to have even moved this amendment.

Mr KNUTH: This morning, I was talking to one of my constituents who is a Labor voter. He said to me, "Jeff, you always support the battler and the worker in your electorate." I have always stood up for the worker and the battler. I said to my constituent, "I will never join the Labor Party because it supports homosexuality and same sex couples." That is the reason why I will never join the Labor Party. Far from it. I tell members opposite right here and now that, in the next term, they will be out of Government.

The TEMPORARY CHAIRMAN: Order! The member for Burdekin will speak through the Chair.

Mr KNUTH: Mr Temporary Chairman, I will refer to you—

The TEMPORARY CHAIRMAN: Order! Not across the Chamber.

Mr KNUTH: Mr Temporary Chairman, sorry. As I said, this party will be out of Government in the next term. I can assure them of that, because the people of this State will not stand for this sort of immoral rubbish. What is it going to do for young kids? What is the future for those young kids who are being brought up by same sex couples? What twisted minds are going to come out of that? If a young child is going to have two parents of the same sex, how can he know whether his parents are Martha or Arthur? What sort of sickness is going to be brought upon these kids? The members opposite are destroying the family unit—the fabric of society in this country.

I tell you that there is an all-powerful being up there who is going to judge your party and judge it very strongly. I know that some of the members opposite are good, moral upright people and I know that you do not like this.

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

Mr KNUTH: As I said, I know that members of the Labor Party are good, moral and upright people. However, I tell the members opposite that, if their Premier cannot ask them to make a conscience vote on this, then they have to make this decision in their own minds. They have to listen to the oracles of God. They have to listen to what even some of the churches are telling them. They cannot take this up and on Judgment Day face God and say, "I did the right thing." They have to make this decision. If this party brings in this amendment today, it is condemned; it is finished.

Mr VEIVERS: Mr Temporary Chairman—

Mr Palaszczuk: We remember your comments before the last election.

Mr VEIVERS: It is very good that the honourable Minister can remember them. He can remember them as much as he likes, because he is not going to change my thought patterns—not on this issue or anything else that I stand for. If we were in another place, I would challenge the Minister to a debate about this issue so that I could tell him in my own words what I think—words which I am not able to use in this place.

The Minister has introduced this amendment in a very skulky, sneaky manner, because she did not want the people out there to know what she was introducing or to debate it. That indicates that the Minister knows that this amendment will not stand up to any scrutiny by the general public in Queensland. This amendment attacks the fundamental rights of the traditional family unit, and that is what I stand for. It is pandering to a minority

group. I do not care how the Minister wants to say it, but that is what it is.

I come from the Gold Coast. There are people in my party who, shall I say, live in a fashion that the amendment refers to. Yes, I tolerate these people, but I do not want them telling me or my family, "This is the way you have to live and this is it." It is unbelievable. Under any circumstances, my upbringing will not allow me to condone this type of legislation, and that is what we are doing. We are supposed to be legislators and we have to look at everything. I know that members opposite also think the same way as I do, speak the same way as I do and have been brought up the same way as I have. It is called a Christian upbringing. Obviously, at times my parents must have failed because now and then I fall by the wayside. But then again, I suppose, that is life.

It has been said, and it has been said quite eloquently, that we on this side will never condone this issue. As it has also been said by members on this side, it has been ongoing. Little snippets and pieces of legislation have been attacking and bringing down the very fabric of society and condoning—

Mr Johnson interjected.

Mr VEIVERS: Yes, and they are quietly trying to erode the family unit. I do not know what the Christian leaders around town, Archbishop Hollingworth and Archbishop Bathersby, think about this. I went to school with Bathersby. I will be getting on the phone and asking him personally, "Do you condone this type of legislation that is going to attack the Ten Commandments that you have been stuffing down our throats for years? That is what this amendment is about. Do you want to go down this line?"

I have not said in this place that I was a bible-basher or whatever. I am not. I have been as rough as guts as the best of them. However, I have been brought up with these Christian values. Today, through this amendment, the Minister is bringing in something that undermines everything that I stand for and everything I tell my children they should stand for. A member said that, when the people in the electorates find out about this amendment, the Government is going to cop it. I say that, when this gets out and the members opposite who occupy those seats on the south side of Brisbane that are just sitting there for Labor have to say, "Yes, I walked across proudly and supported this type of"—I have to say—"filthy legislation", they will find that they are going to go down in a big bad heap.

Mrs GAMIN: I want to place on the record, too, my extreme concern—in fact, my deep resentment—that an amendment that relates to an issue of this importance is dropped into this Chamber just at the beginning of the Committee stage of a Bill, which normally would have been passed without any problems or difficulties. Last night, I chose not to speak to the legislation. It was a late night, and there were plenty of speakers to the Bill. So I decided not to speak. I have spoken many times in this Chamber on this issue of domestic violence. I thought that all the speakers last night from both sides were very good and spoke well. Right back in 1989 when the National Party Government first brought domestic violence family protection legislation into this place, I spoke very strongly on the issue of domestic violence. In those days, I served on the Minister's Bills Committee. The Minister was Craig Sherrin. I had a lot to do with the initial legislation. Had I known that this issue was going to come up, last night I would have spoken to the Bill. If this issue had been included in the body of the legislation, everybody on this side would have spoken. If this amendment had been foreshadowed last night, it would have given members time to think about it and to speak.

I want to make the point that the lifestyle that is being advocated in this amendment is certainly a lifestyle that exists in our society. However, it is being advocated as a norm. It is not the lifestyle in which each one of us here in this Chamber was brought up, it is not the lifestyle in which we have brought up our children, and it is not the lifestyle which we have to accept as normality and which we should be telling people is the norm. This is a very, very important issue. It should have been opened up for public discussion. It was not. Instead, it was dropped into this Chamber just at the beginning of the Committee stage of the Bill. I resent that deeply. I think that is a very, very poor method of handling important legislation. I am strongly opposed to this amendment.

Mr JOHNSON: I note the Premier is in the Chamber at the moment, and I hope that he does not leave. The Premier and his wife have three beautiful children. He is a family man. I say to the Premier, as the Leader of this Government, to today show leadership on this issue. This is a very immoral issue. I bet the Premier and his good wife certainly do not condone this type of behaviour and I bet the Premier instructs his children in terms of the Christian morals and beliefs. I see numerous members opposite whom I regard as good, family-minded people—people who love their

spouses, who love their children, and who have raised their children in a good environment.

I will dwell for a moment on the words of my colleague the member for Southport. Some of us may not have always done the right thing in our life, but we certainly do not condone this amendment, which is totally immoral and goes totally against the principles that we instil in our kids—for example, love, respect and leadership—as we bring them up to be good citizens. The member for Maroochydore touched on the morality of the whole issue, about the Christian faith and the issues that confront us as citizens in this society. I think the member for Burdekin hit the mark precisely. I beg Government members to re-examine their thoughts on this issue. I believe the Minister is an intelligent and responsible person. However, this amendment is totally immoral and goes totally against the principles of society. As the member for Barambah said, if a referendum were held on this issue, I believe it would be defeated, with only one in 99 people voting for it. Again, this is a sleazy backdoor deal.

Mr Fenlon interjected.

Mr JOHNSON: I will expose the member for Greenslopes.

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

Mr JOHNSON: Mr Chairman?

The TEMPORARY CHAIRMAN: I ask the member for Greenslopes to allow the member for Gregory to get on with his speech.

Mr JOHNSON: As the member for Indooroopilly said this morning, the Minister crept in here with this amendment at about one minute to midnight. There has been no consultation with the Opposition. But that is not important. The important point is that there has been no consultation with the wider community, which does not know about this. All of the good people out there have not heard about this. I notice that the television cameras are back in the Chamber today. It is unfortunate that we have this legislation on our hands when we are striving to reduce the unemployment level in this State to 5%. That is the Government's policy. It is one of its election platforms. Unemployment is currently around 8.7%. All honourable members support the policy of trying to reduce unemployment to 5% or lower. But at the same time, how can we expect the Government to implement good policies when it intends to implement immoral, anti-Christian policies at the eleventh hour through a piece of domestic violence legislation. Nobody condones domestic violence. At the same time, nobody—and I mean nobody—supports a policy that erodes the family values of the wider community. As I said before, there were a number of youngsters in the gallery earlier. What sort of example does this set for those kids—the kids of today, the mums and dads and leaders of tomorrow? They are the future generation that we have brought into this world to make this place better. My time is running out. Honourable members should have the guts to vote against this amendment.

Time expired.

Mr PAFF: I rise to place on the record my absolute disgust at this amendment. With reference to the term "spouse", I have been around for a long time, but I never would have expected the Parliament of Queensland to write a piece of legislation such as this into the laws of this State. All honourable members on this side have spoken about the morality of this issue. It seems that nothing has been said about morals on the other side of the Chamber. If this legislation is enacted, the Labor Party will be condemned for a long time. I call on the Premier to intervene and stop this piece of rot. We could speak for hours about all sorts of moral issues.

Mr Robertson: How can you stand in this place?

Mr PAFF: I can stand proudly in this place; I have morals and you have none.

The TEMPORARY CHAIRMAN: Order! I ask the member for Ipswich West to speak through the Chair.

Mr PAFF: As I have said, at this late hour I call upon the Premier of the State to intervene to change the course of this legislation.

Mr LINGARD: I am disgusted that the Minister has tried to use a comment of mine when I was Minister to try to vindicate the moving of this amendment. Clearly, when we were looking at this legislation, we objected to it and it was rejected. Let me put on the record my particular thoughts on the philosophy of domestic violence legislation. There is no doubt that victims of crime can be covered by the Criminal Code. That will also include the spouse of a party in a house. It will also include the children who are involved in any sort of victimisation or abuse within a house. The conservatives did not bring domestic violence legislation into the Chamber. This is something that the ALP brought in, and we allowed it to continue.

I always thought that the philosophy underpinning domestic violence legislation was that, if domestic violence affected young children in a house, if there was an assault within a house, if there was a need to keep the children within a house—in other words, not have them removed immediately, not have them taken away from home at night for two or three nights—and to allow children to remain in the house, we needed domestic violence legislation to remove the perpetrator of the assault. That is most definitely what domestic violence legislation is all about.

For example, if a lady makes a domestic violence complaint, the legislation allows the police to have the man removed for a certain number of hours during which he is not to come near the house. In this way, the children are allowed to remain in the house, a situation which we regarded as acceptable. That was always the reason for domestic violence legislation—nothing further. Anything beyond that is covered by the Criminal Code. But then it was considered that perhaps we should extend domestic violence legislation to cover old people in a house. In many cases, where the grandmother or grandfather continue to live in a house, it is all right while they are in good health; however, as their health deteriorates, things can change. They may be subjected to not just physical violence but also verbal abuse. For example, the old people might be asked whether they have written out their will or whether they would like to go to a nursing home. Perhaps these people have committed a lot of finance to the house and they cannot leave. Sometimes there is a need for legislation to protect older people in a house.

That is why we looked at expanding domestic violence legislation. But we did not look at expanding it to same sex couples. We did not look at saying, "Children should remain in a house where the people are of the same sex." We looked at domestic violence legislation that allowed children to remain in the house, if it was a situation that they should remain in, and which removed one of the partners. We were looking at expanding it to include older people. But there was never anything said about same sex couples. Clearly, this side of the Chamber is saying that we do not believe that children should remain in a house where there is a same sex couple looking after them. That is completely beyond our contemplation. It is wrong of the ALP Government to bring this in at the last moment and to expect the Chamber to accept it. That is not related to domestic violence legislation. Those sorts of things can be covered under the Criminal Code. The Government should not try to cover it up with domestic violence legislation. Domestic violence legislation exists to protect children in families. If there is abuse, say, at 5 o'clock in the afternoon, the legislation will protect people by allowing the perpetrator of the alleged abuse to be removed from the house for a certain period so as to allow the children and the wife—or perhaps even the husband—to stay in the house with the children. That is a matter for the police to decide. That is the specific purpose of domestic violence legislation, as opposed to the legislation in the Criminal Code. It is inappropriate for the Minister to try to legislate for same sex couples under the guise of domestic violence legislation.

Mr BORBIDGE: I rise to express concern at what has occurred today and at the abuse of process in respect of this particular episode. I understand that these amendments have now been before the Parliament for five months. I understand that, in all the community consultations and all the community briefings and the briefings provided to the Opposition, there was no suggestion that this particular amendment would be brought forward, and here we have during the Committee stages a sneaky and devious effort at social engineering by Mr Beattie's Government.

I can accept the argument that, if people want to put forward particular propositions, that is their business in an open, free and democratic society, but you do not sneak it in. What we have before the Committee is a massive act of political deception. I am saying that if the Minister wanted to do this, it should have been in the Bill five months ago; you do not sneak it in during the Committee stages. I would make the observation that, if this had been in the Bill, there would have been a lot of community debate—as there should be—in respect of this particular issue so that Governments can say, "Righto, this is what we want to do", and the consultation process is genuine and fair dinkum, but that has not happened.

This is social change by deception. This is bypassing the electorate. This is treating Queenslanders with contempt. I say to the Minister: if she wanted to bring it in the original Bill, that is her right and we could have had the debate and the community could have had the debate, but to do so by sneaking it in on a Friday sitting when Queenslanders out there had no knowledge whatsoever of her intentions is the height of arrogance. It is my view that the people of Queensland should be made aware of this and have the opportunity

to be properly consulted. Therefore, Madam Temporary Chairman, I move—

"That you report progress and seek leave to sit again."

The TEMPORARY CHAIRMAN (Ms Nelson-Carr): Order! The question is, "That the motion be agreed to."As many of that opinion say "Aye", to the contrary, "No". I think the Noes have it.

Mr Beanland: You didn't call the Noes, Madam Temporary Chairman.

The TEMPORARY CHAIRMAN: I said, "I think the Noes have it."

Mr Beanland: No, you did not call—

Mr BORBIDGE: Madam Temporary Chairman, you did not call. I would ask that you call the motion again.

Question—That the Temporary Chairman report progress and seek leave to sit again—put; and the Committee divided—

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

NOES, 38—Barton, Beattie, Bligh, Boyle, Clark, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

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

Resolved in the **negative**.

Dr PRENZLER: I rise to put on the public record my disgust at what I believe to be an abhorrent amendment. My disgust is in the amendment itself and also in the underhanded manner that it was put to this Chamber this morning. I say this to the Minister: if this had been placed in the original legislation and placed on the table for public scrutiny and for our scrutiny, I am sure that, if I walked down the streets of towns in my electorates with this little amendment—Kalbar, Boonah, Roadvale, Harrisville, Laidley, Gatton, Forest Hill and Withcott—and asked people, "What does the word 'spouse' mean?", and I told them that this Minister wants to put through legislation in this House to the effect that "same sex couple" means "spouses", they would look at me in wonderment and amazement and say, "How disgusting! This should never be allowed."

I agree with the sentiments that have been expressed here by members on this side of the Chamber today against such an amendment. It is disgusting. This Labor Party has introduced such amendments already during this term of office—in the industrial relations legislation, which was passed through this House a number of months ago by use of the guillotine. I have even noticed that it has snuck into the fishing regulations that have been passed through this House.

Mr Paff: It is social engineering.

Dr PRENZLER: This is social engineering at its worst. It is certainly a hidden agenda by the Labor Party to appease some of its mates. I do not know where they are, but I am disgusted with it. In my opinion, this is certainly a shabby bit of social engineering at its worst. If the Labor Party wishes to go on with such changes to the fabric of our society, it should put it in a Bill and allow members to debate it correctly. Let us not allow this amendment to sneak into the Chamber this morning in such an underhanded, grubby, dirty little way. It is a very emotive issue. It deserves to be debated in the correct manner, not sneaked in through the back door as many of these things are.

Mr DALGLEISH: I try to see a positive side to everything. The only positive side that I can see to these events is that the Labor Party has just lost more voters. How would miners in the coalmines feel if they knew that this is what the people they support are putting in legislation?

An honourable member: They'll know.

Mr DALGLEISH: Now they will know.

Mr Black: What about the mill workers, the truck drivers?

Mr DALGLEISH: What about the mill workers and the truck drivers—all the blue collar workers out there? Let us see Labor members poll them and see what response they get—if they can come back to tell us, that is.

Let us consider a scenario. A young boy is adopted by a same sex couple. Years go by. A bus is coming. He runs to get into the bathroom to change before leaving for school, only to find that his mother is his father. What is he going to do? Will he think, "I hope nobody else knows", and try to keep it to himself? The Minister should think about it. She is sick; the Labor Party is sick—anybody who supports this amendment is sick. The only good thing that will come out of this amendment is that Labor will not be sitting on the Government side of the Chamber after the next election. There will be more One Nation

members and more coalition members, because we have morals and we uphold family values. This is an absolute disgrace.

I do not have to listen to the rubbish that is coming out of the mouths of members opposite. I am proud to be on this side of the Chamber when the members on this side are sticking it to members opposite, because what members opposite are saying is absolutely disgusting. They can have anybody who wants to support them. We do not want them. We are not going after the minority group vote. That seems to be what Labor is looking for.

I think that most aspects of this issue have been covered by members on this side of the Chamber. It is good that we are able to do the right thing and uphold family values. At least we are here standing up for what we believe in. We believe in family values. I note that other members on this side of the Chamber are very keen to rise and have something to say about this, because they feel so strongly. I am not sure about members on the other side.

Mr Paff: They have no morals over that side.

Mr DALGLEISH: It is a moral issue. I understand that perhaps a few members on the other side of the Chamber are lacking in that department, but I will not pursue that issue any further.

I want to make sure that my comments are on record, because I have very firm views on this. This is an important issue. I do not believe that this amendment will do anything to uphold family values in society. I think all it is doing is undermining our families. It really is a very sneaky and disgraceful method of bringing these issues into the Chamber.

Mr LESTER: I simply call upon the Minister to withdraw this amendment for the moment and to allow it to be considered in the public arena over a reasonable period. I cannot condone this amendment when the Bill has been before the House for some five months and it was not included. This is not giving a fair go to the churches or to society in general. Unfortunately, it is a very backdoor way of dealing with an issue that is very serious and has important implications for a lot of people. I am disappointed that the Labor Party has chosen not to support our move to defer this particular issue til some later time. I am very, very disappointed at the way the Government has handled this. This is far too important an amendment to throw in at the last second. It is a real insult to caring people from all sides of politics in this State. As a gesture of goodwill, I suggest that the Minister withdraw the amendment for the moment and seek input on it in a proper discussion paper. Then we can vote on the amendment one way or another on its merits.

Mr HEALY: It is quite evident that the lefties are at it again—the loony Left, headed up by the Minister for Families, Youth and Community Care. This is social engineering at its absolute worst. In fact, I think it is a bit more than just a bit of social engineering. This is all about power brokering; it is all about the numbers and trying to get the Minister for Families, Youth and Community Care further up the ladder. This is all about "Look out, Pete! Here comes Anna." It is all about the loony Left and its social engineering and trying to gain brownie points within the Labor Party. Of course, it is the community that suffers. This is unbelievable.

Mr Cooper: She just blew her chances now, though.

Mr HEALY: She blew the chances right out the window, because the people of Queensland will have their say.

I challenge the Labor Party to go to an election on this issue. Let the people of Queensland decide whether they want this type of legislation in this State or not. I can guarantee what the results would be. This is supposed to be the Government of consultation. The members opposite come into this Chamber and say, "We've consulted with the community." Where is the consultation on this issue? Was this issue discussed and voted on in caucus? Let the members of the Government answer that question. If they all answer "Yes", we will well and truly know where members of the Government stand on this particular issue.

In the past, former Ministers for Families, Youth and Community Care, the member for Beaudesert and the former member for Mulgrave, have been criticised. I can guarantee that there is no way in the wide world that the member for Beaudesert or the former for Mulgrave would have contemplated trying to bring amendments of this type before this Parliament. This is the defining moment. This is the difference between this side of the Chamber and the Government side. I know that this is one issue on which this side of the Chamber will stand strongly. I know what the community will be feeling. This particular issue is one on which the Government will lose.

Mr LAMING: First let me say how disappointed I am with the method of introduction of this amendment—at the eleventh hour. I recall how many complaints the then Government received during the last

Parliament when amendments were introduced into this Chamber at a time that the then Opposition thought was too late. And those amendments were not anything of the magnitude and importance, from a social point of view, as is the amendment that has been brought in now. The Minister should be ashamed of herself.

Most of the sentiments that I wish to express have already been made by my colleagues. I will not take up the time of the Committee to repeat them. But this effort to introduce same sex couples into this legislation is a disgrace. It is just a harbinger of what is to come in other legislation which will be even more damaging than this legislation if this is allowed to become a precedent.

When I read the amendment which sets out what "a spouse" means and I read the dot points, I did not believe it. So I went to my trusty dictionary and I looked up "spouse". A spouse is defined as "a husband or a wife". I will give the Minister an English lesson. During the luncheon adjournment, when the Minister will be having a caucus meeting instead of enjoying her lunch as we will, she should ask the Minister for Education—he is always pontificating in this place about the English language—what the word "spouse" means. If he is honest, he will say "a husband or a wife". I suggest that the Minister does that.

If the Minister has some honour, or if she would like to redeem some honour, she should withdraw this amendment. She should let the Bill proceed without this amendment and then bring the amendment back in, preferably after the next election. She should let the provision be subject to a bit of public consultation in the real world, in the real forum. Two things will happen.

Mr Cooper interjected.

Mr LAMING: I take the interjection of the member for Crows Nest. The Minister will not be back. Even if she did struggle back, this amendment would not come with her. I suggest that the Minister withdraw the amendment and proceed with the Bill without it.

Mrs LIZ CUNNINGHAM: I move the following amendment—

"Sections 12(1)(c) and (1A)—

omit."

I move this amendment because from my perspective the two sections I seek to have omitted are the offending sections. There has been a lot of debate here today. A lot of anger has been expressed. Quite a broad range of emotions has been shown, both for and against the proposed amendment.

The amendments were brought in without being foreshadowed by the Minister in any of the discussions we had. I remember that in preparing to speak to the Bill last night I noted that couples were male and female. I almost made a comment on it but thought, "Let's keep the comments on this domestic violence Bill positive where it is going to remedy violence within families." As has already been said, this amendment was circulated at the eleventh hour, when we had started the Committee stage.

There have been anecdotal comments made in the debate that we are not talking about the recognition of same sex couples; we are talking about domestic violence. There are some in the Chamber who can compartmentalise that understanding. I cannot. The definition of what is a couple—the definition of what is a spouse—is intrinsic. If we believe that recognition of same sex couples is wrong, then it is wrong in whatever context it is proposed. We cannot have that sort of applied morality or applied definition.

The intention of the removal of these paragraphs is to take that part out. There has not been a single person in this Chamber, either last night—it was very late when we debated this—or today who has argued about the need for protection of couples in the home. Not one person has said that they welcome somebody getting bashed about, irrespective of their gender. What has been said is that this is a quantum leap in the legislation. It is a significant change. To say that we are not dealing with same sex couples but that we are talking about domestic violence is to deny reality.

We understand what is right and wrong, irrespective of its context. Otherwise we have relative morality. Same sex couples exist. Nobody can deny that. If they try, they are living on another planet. Some of them are very nice people. But the fact that they exist does not make it right. My amendment is intended to take the Bill back to the position we thought we were debating 12 hours ago. We were looking at the protection of couples—male and female—parents and children in domestic violence situations.

Domestic violence may happen—it has been said that it does happen—in homosexual and lesbian relationships, and I am sorry for that, but from my perspective, and I believe from the perspective of the majority in my community, they will have to rely on the Criminal Code to address those problems,

because I cannot support a Bill that recognises a relationship that I believe the vast bulk of the community does not recognise as appropriate. I commend the amendment to the Committee.

Ms BLIGH: I do not have the amendment before me. I would like to clarify that the amendment seeks to remove sections 12(1)(c) and (1A).

Mrs Liz Cunningham: That is right.

Ms BLIGH: That would have an effect that the member does not intend. It would actually remove protection of heterosexual de factos. The outcome the member is trying to achieve would be achieved by simply voting against the amendment that I am proposing. That will then mean that we revert to the definition of "spouse" which is in the amendment Bill before the Parliament. If we revert to the definition in the Bill we are debating, then what the member is seeking to achieve will be achieved; that is, the current definition of "spouse" in the Bill is supported. The member for Gladstone does not need to move this amendment to achieve what she is seeking to achieve. Obviously I do not support it, but I set out the technicalities for the Committee.

Mr BORBIDGE: That is precisely why this particular amendment moved by the Minister should be withdrawn at this stage. We are dealing with a very difficult social issue that a great many Queenslanders feel very passionately about and we are doing so on the run because the Minister is seeking to implement a major social reform by way of last-minute amendment to a piece of legislation that has been before the Parliament for five months.

I say in all sincerity that I think the Minister owes it to the Parliament and to the State of Queensland to say, "Obviously this is a legal minefield. Obviously the Opposition and non-Government members are having difficulty in preparing appropriate amendments as a result of the action that I have taken. Obviously the communities do not know."

I would be delighted to know whether Archbishop Bathersby has been consulted in regard to this. I would be delighted to know whether Archbishop Hollingworth has been consulted in respect of this. I would be delighted to know whether the major church groups in Queensland have been consulted in respect of this. The Minister has an obligation to do that. By all means, the Minister can proceed with the legislation as she was doing last night—minus this amendment. I ask the Minister to not proceed with changing the social order of our society by stealth. If in due course the Government decides that it wants to proceed with this, it should bring it forward in a separate, stand-alone Bill. But this should not be done by way of last-minute amendment.

Obviously, the member for Gladstone feels strongly about this issue, and she has moved an amendment which she thought might resolve the situation, but the Minister has pointed out technical difficulties with that. That is precisely why the Minister should not be proceeding with her own amendment at this time. This issue is very important. Queenslanders feel very strongly about these sorts of issues. They have a right to be consulted. The churches have a right to be consulted. The various community organisations have a right to be consulted.

I would welcome the Minister's indication, in her reply, that what she is proposing in this place today has been canvassed with the major church leaders in the State of Queensland—the Archbishop of the Catholic Church, the Archbishop of the Anglican Church, the head of the Uniting Church, the Lutherans and the various other churches that make up the Christian Coalition.

An Opposition member: Family groups.

Mr BORBIDGE: And family groups. The Minister might also like to detail precisely with whom she has canvassed it, because I suspect that if it has been made on the run like this, no-one knows about it. We are saying: give everyone a little time. I say to the Minister: if you want to do it, and that is your policy decision after consultation, you are the Government and that is your decision to make. But please, do not sneak this sort of change through in this manner, because it will only cause incredible angst amongst sections of the community who will feel bypassed in regard to a piece of legislation that has been before the Parliament for five months and then, all of a sudden, at the eleventh hour, the total complex of that legislation has been changed without proper and appropriate community consultation.

The CHAIRMAN: Order! Before I call the member for Indooroopilly, I point out to the Committee that we are now debating the amendment moved by Mrs Cunningham. I do not expect members to be repeating speeches that were made to the amendment moved by the Minister.

Mr BEANLAND: It is the amendment moved by the member for Gladstone to which I want to refer briefly. I was not aware of what the amendment was going to be when the member for Gladstone moved it. However, I

am inclined to agree with the Minister; this is one of the problems that we face when trying to do these sorts of things on the run. Believe it or not, the definition of "spouse" can become quite difficult when one is getting down to the very fine detail within the original Act and within the Bill. We know why the amendment was made to the Bill to include males and females; it was to overcome the 18 years of age problem.

I do think that the Minister is probably correct when she indicates that members on this side of the Chamber would be better simply to vote against the Minister's amendment, which deals with same sex couples, rather than trying to amend the amendment. I do believe that this makes things difficult, and I do not believe that it really achieves the intent of the current legislation. I do not think we should move away from that.

I appreciate what the member for Gladstone has endeavoured to do in a very difficult situation that has been thrust upon us at a moment's notice. Nevertheless, I think it is fair to say that we do not want to get into further difficulties—created by the Minister's amendment—by moving a further amendment to that. No doubt the member for Gladstone has consulted further on that and taken further advice on that, but I stand to be corrected. I have been listening to this debate and trying to sort this out for myself. But after sitting in this Chamber for two days and two nights, it is a little difficult to fully appreciate the finer aspects of this particular definition.

It is terribly important for all members to know what they are voting on here and not to get it wrong. So I suggest to the member for Gladstone that it might be better not to proceed with her amendment to the Minister's amendment. The Opposition opposes the Minister's amendment—and I will not go through the reasons for that again; I made them clear earlier—and we should not try to amend the Minister's amendment.

The CHAIRMAN: Order! Before I call the member for Gladstone, I have been asked to recognise the presence in the gallery of students and teachers from the Kenilworth State School.

Honourable members: Hear, hear!

Mrs LIZ CUNNINGHAM: I acknowledge that this amendment was put forward in great haste. I was endeavouring to retain what the Minister felt was a necessary expansion of the definition of "spouse" but to exclude the "same sex" definition. I acknowledge the unintended consequence, that is, that other relationships may be harmed by my proposed amendment. I am happy to withdraw the amendment, but only because I have an opportunity to vote against the Minister's proposed amendment. But with the numbers in the Chamber being the way they are, and unless there is a significant change of attitude by somebody in the Government not to support the Minister's amendment, it is going to get through.

But I have to reiterate—and it happens often; I am not saying that this is the first time it has happened—sometimes we make amendments on the run in response to late amendments that are circulated. The Minister's amendment is significant, and it would be very superficial for anybody to deny that. It gives recognition to a new relationship which many in the community would find unacceptable. I formally withdraw my amendment because of that unintended consequence, but in no way does that withdrawal reduce my opposition or the depth of my opposition to the Minister's amendment in recognising same sex couples.

The CHAIRMAN: Order! The member for Gladstone must formally seek leave of the Committee to withdraw the amendment.

Mrs LIZ CUNNINGHAM: My apologies, Mr Chairman. I seek leave of the Committee to withdraw my amendment.

Leave granted.

Mr WELLINGTON: In speaking to the amendment before the Committee, I note that we have 30 Bills on the Notice Paper currently before the Parliament, and I believe that a genuine attempt is being made to get through as many of them before the end of the year.

Last night, when the House adjourned at about 12.30 a.m., I thought that there was bipartisan support, in principle, for what the Minister was introducing into the Chamber. There have been a lot of supportive comments made by members on both sides of the Chamber for what the Minister was attempting to do in the Domestic Violence (Family Protection) Amendment Bill. But all of a sudden, a significant amendment has been introduced. And instead of the lion's share of 30 Bills being debated and finalised by this Government in the remaining three weeks of sittings, it could be the case that things will be bogged down, the guillotine may have to be applied in the future, and the opportunity for full and frank debate on many of the other Bills on the Notice Paper, which are of equal importance to the Bill we are currently debating, will be lost.

The Committee is due to break for lunch in 20 minutes. I urge the Minister to seriously consider withdrawing this amendment, thus

enabling the Bill—which I understand has basic bipartisan support—to be finally debated and to go through this Chamber today, so that this Assembly can move on, in a proactive way, to debate some of those 30 Bills which are currently on the Notice Paper and enable them to be finalised before Christmas. Otherwise, we will simply see debate continuing and continuing, and I do not believe that this Parliament will be able to perform the role which Queenslanders expect it to perform.

I urge the Minister, over the lunch break, to please consider withdrawing this significant amendment, which was only recently introduced, for the good of this Assembly, for the good of the Government and for the good of all Queenslanders, so that some of those 30 significant Bills can be debated before Christmas.

Mr SANTORO: This Government was elected on a very, very loud platform of openness and accountability. It was elected on a platform which had consultation as one of its major planks. Consultation has been almost a God within all the policies that the Labor Party put forward before the last election. Labor promised that it would bring Queensland with it; that it would seek to unite Queensland. Labor promised that all Queenslanders would have a say in the major decisions that would be made by a Beattie Labor Government in power.

The Government promised that it would consult on major issues. After listening to the debate here in this Chamber, I believe that the Minister and all members opposite would have to acknowledge that this is a major issue not only in this Chamber but also in the community. It is clearly an issue that defines the differences between people and communities and groups within Queensland.

I suspect and I believe that this is an issue which defines the difference between the majority and the minority in Queensland. I am not saying anything about what minorities feel about an issue such as this because I think the majority of Queenslanders, when it comes to this question, would vote against it. Of course, the majorities and the minorities have a right to be heard.

But the important thing about this particular amendment is that neither the majority nor the minority have had an opportunity to say anything about it. They have not had an opportunity of being consulted or of having their say through their members of Parliament.

In a few days' time, Cabinet will be meeting in Kingaroy. I wonder what the people of Kingaroy will say to the Minister and to the Government when they gather in Kingaroy. Judging from the smile on the Minister's face and the reaction from my colleagues on this side of the Chamber, it seems that the Minister thinks that Kingaroy may be an atypical case. I ask the member for Mansfield, the member for Springwood, the member for Mount Gravatt and other honourable members on that side what their constituents will think about them sitting there and not giving the voters a chance of saying how they would like them to vote in this debate.

That is a threshold question at this stage of the Committee debate. We have a Minister who is influenced—or very willing to be influenced—by a particular line of argument. We must respect the right of anyone in this place, including Ministers, to be influenced in taking a course of action in which they believe, which is easy on their consciences and on which they have the genuine support of their colleagues.

I believe that the Minister has come to this Parliament and abused the democratic process which we should all observe in this place—namely, giving all members the opportunity to come in here and debate, on behalf of their electorates, issues which are as important as this one. This is a threshold policy. Because of the way that the Minister has introduced this amendment, it becomes a threshold technical question. It is a threshold consideration in a moral and technical sense in terms of the way in which the Minister is treating this Parliament. It is a major policy, moral and technical issue.

I strongly endorse the comments which were made by the honourable member for Nicklin and the honourable member for Indooroopilly, as well as the sentiment contained in the amendment which was moved by the honourable member for Gladstone. The Minister has the numbers if she wants to get the amendment through.

The Minister should face the people of Kingaroy and see what they have to say about this matter. The people of Kingaroy may convince the Minister that she is wrong. If the Minister believes that governing for the majority is a consideration, she should let the people of Kingaroy give her some direct feedback.

I endorse the comments which have been made in terms of the technical aspects of this situation. I think the Minister has perpetrated a travesty of the parliamentary process. I

strongly recommend to the Minister that she withdraw this amendment. Let the matter lie for one more week. Let the archbishops, the community groups, the family associations and the lawyers give their views on this matter.

What do the lawyers think about this amendment? Can the Minister tell us whether the lawyers see any problems with the definition? Have the lawyers told the Minister whether specific circumstances may impinge adversely on minors and people who have been abused? Religious people, legal people, community people—

Ms Bligh interjected.

Mr SANTORO: The Minister can say, "Sit down."! I will be sitting down. I need not speak much longer because the point has been made abundantly clear by many speakers on this side of the Chamber. As the honourable member for Nicklin said, the Minister has a split Parliament. She has destroyed the bipartisanship of this Parliament.

Last night, I intended to speak on this Bill, but I heard the contributions that were made and I said to myself, "No, I will let it go because the point has been well made." Had I known that this amendment was going to be moved, I would have been speaking to the substance of the Bill in the second-reading debate and during the Committee stage.

I urge the Minister to give the Parliament and democracy a chance to function as they should—in a well-informed manner and in a way that has respect for the will of the people as expressed through their local representatives.

Mrs PRATT: I would like to endorse the remarks made by the honourable member for Nicklin. I would like the Minister to withdraw the amendment until another date. Kingaroy is expecting the Minister; the people are waiting patiently. I would like the Minister to be welcomed to Kingaroy without having this hanging over her head.

As the Minister would be aware, Kingaroy is a very strong religious community and this matter will not go unnoticed. I would hate to see a cloud over this Cabinet meeting because, as I said, we are looking for promising things coming out of the visit. We have hope for the future. The Cabinet meeting would be marred if something was not done.

I spoke earlier in the debate and I was very emotional. I was shocked to see this amendment lying on my desk. I should have taken a little time and analysed what I wanted to say.

Dr Prenzler interjected.

Mrs PRATT: No, on this desk here. I did not have a chance to look at it, either. Who did the Minister ask about this matter? Did she ask all honourable members how their electorates felt?

A One Nation Party member: She asked Adam and Steve.

Mrs PRATT: If she asked Adam and Steve, that is a start. This is a very dangerous piece of legislation for the Labor Party. As I said earlier, if this matter was put to a referendum it would achieve the same result as the referendum we had last weekend. It would be soundly defeated.

A One Nation Party member interjected.

Mrs PRATT: I probably am being conservative, but I know it would be soundly defeated in my electorate. If I have to beg the Minister to withdraw the legislation, I will do that because the moral fabric of our society hinges on this.

A One Nation Party member interjected.

Mrs PRATT: Of course it is. The family unit is one of the fundamental treasures of our society—mum, dad and the kids. The thing that bothers me is that the Minister believes that this is a small step on the road. In a few years' time people will say, "Hang on, you guys, it was recognised in the Industrial Relations Bill." The Minister is now trying to have it recognised in the Domestic Violence (Family Protection) Amendment Bill. I do not believe it is necessary. People will look back and say, "Okay, it was passed then; it will be passed again."

The Minister has the numbers in the Parliament. She can railroad anything she likes through this Chamber, whether it is morally correct or not. The Minister can railroad anything through the Chamber if she thinks it is okay. The Minister has to consult with the community. It is obvious that the Minister has not consulted anyone about this. Every member of this Assembly is desperately trying to protect the moral fabric of our society. The Minister seems to want to pass it by.

I cannot see any member of this Assembly who even slightly agrees with the Minister. In desperation, the member for Gladstone moved a motion which she was later forced to withdraw. That is an indication of how desperately everyone in this Chamber is fighting to keep homosexual and lesbian relationships from being recognised as legitimate activities. I notice that hardly any of the ALP members are present in the Chamber at the moment. They must feel ashamed of this situation. I cannot believe that members of

the ALP to whom I have spoken will condone the passing of this legislation. I believe their hearts must be bleeding. It is a shame that they are being led by the nose and forced into compromising their integrity and their beliefs.

I do not think that any member in this place wants to persecute anybody. I do not think that any member wants to do anything other than to protect what they believe to be their moral obligation to the people of Queensland, the people of Australia.

I will be quite happy to vote on this amendment after the Minister has actually consulted with all the churches and the general public. The Government has the numbers, so the amendment will probably be passed. As a member asked previously: has the Minister asked the unions what they think? I am sure that they will be quite interested in the issue. I am sure that they would be quite happy to give the Minister their comments. I am sure that the churches—

Mr Johnson: Friends of Bill Ludwig would like to know about it.

Mrs PRATT: I would be very surprised if he did—

Time expired.

Mr SEENEY: I would like to add my voice to the speakers who have requested the Minister to withdraw this amendment to the Bill. I think that it is pretty obvious that it is certainly not a necessary part of the Bill. I think that the Bill can achieve what the Minister has set out to achieve without it. Without this amendment, the Bill would have bipartisan support.

However, I would like to ask the Minister a question that illustrates how little thought and debate has gone into this particular proposal. On reading this amendment—and none of us has had a chance to study it—it seems to me that, under this clause, a person could have multiple spouses. Under this legislation, is there a limit to how many spouses a person can have? Subclause (b) of the amendment refers to either one of the biological parents of a child, whether or not they are or have been married or are residing or have resided together. If one takes the example of a woman who has a child, obviously that child has a biological father. If this particular woman begins a relationship with somebody else, she has another spouse. Subclause (c) refers to either one of two persons, whether of the same or the opposite sex, who are residing or have resided together as a couple. So if this woman is living with somebody else, she has another spouse. If that particular relationship ends and she begins another relationship with another person—which is not uncommon and I pass no judgment on that—she has a third spouse. Is there a limit to how many spouses there can be? Can she have three spouses at the one time? Has any thought been given to just how far this thing is going to progress? These are the types of issues that I think need to be explored in a full and frank public debate. The fact that that debate has not occurred is pretty well illustrated by those types of questions which come to mind when one reads this particular amendment.

I endorse the calls that have been made to withdraw this amendment. Earlier in this Chamber, members illustrated their very different philosophical view on this issue. There are very deep and very differing philosophical views on the issue across the community and it is a defining issue for us here in this Chamber. Too often people say that both sides of the Chamber are of the same view. This issue demonstrates that there is a defining difference between the two sides of this Chamber. It is an issue that is very important to the people whom I represent and it is an issue that they should have a chance to debate so as to understand fully the connotations of what is being proposed.

I think that when one reads the subclauses of this amendment, particularly those that relate to the question of how many spouses a person can have, one realises just how ridiculous this particular amendment is, the undue haste with which it has been introduced and the need for a full and frank public debate on it. We can have that debate without losing the opportunity to pass this legislation.

I urge the Minister to seriously consider the calls that have been made by the member for Mooloolah, the member for Nicklin, the member for Barambah and the other members on this side who have quite genuinely asked the Minister to withdraw this amendment. Let us have that public debate and let us explore all of the possibilities and connotations of the amendment before we make it part of the legislation.

Mr TURNER: Yesterday, I complimented this Minister on the presentation of the Family Services Amendment Bill. I supported that Bill, because it gave extra protection to people who are open to abuse by people in positions of trust. All the members of this Chamber hold a position of trust. We must attempt to protect our communities from any situation that puts them at risk.

If this amendment is passed, it will jeopardise the morals of the society in which

we live. I am disgusted by any member of this place who can vote in favour of something that they know is wrong. I feel sorry for those people whose morals have sunk so low that they are able to do this. Obviously, those members know who they are, and I can assure them that all decent members of the community condemn them. We have just witnessed in this place another example of the party coming before the people. The members opposite should be ashamed of themselves.

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

AYES, 37—Barton, Beattie, Bligh, Boyle, Clark, J. Cunningham, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 37—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Santoro, Seeney, Simpson, Slack, Springborg, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

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

Resolved in the **affirmative**.

Question—That clause 7, as amended, be agreed to—put; and the Committee divided—

AYES, 37—Barton, Beattie, Bligh, Boyle, Clark, J. Cunningham, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Hollis, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 37—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Santoro, Seeney, Simpson, Slack, Springborg, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

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

Resolved in the **affirmative**.

Sitting suspended from 1.05 p.m. to 2.30 p.m.

Clauses 8 to 31, as read, agreed to.

Insertion of new clause—

Mr BEANLAND (2.31 p.m.): I move the following amendment—

"At page 30, after line 26—

insert—

'Insertion of new s. 75A

'31A. After section 75—

insert—

'When police officer to give receipt for weapons licence or weapon

'75A.(1) As soon as practicable after a person gives or surrenders a weapons licence or weapon to a police officer under this Act, the police officer must give to the person a receipt for the weapons licence or weapon.

'(2) As soon as practicable after a police officer seizes a weapons licence or weapon under this Act, the police officer must—

(a) give a receipt for the weapons licence or weapon to the person from whom it is seized; or

(b) if for any reason it is not practicable to comply with paragraph (a), leave a receipt for the weapons licence or weapon at the place of seizure in a conspicuous position and a reasonably secure way.

'(3) A receipt must be in an approved form.'."

I will not take the time of the Committee to go through the matter in detail. This is not a major amendment. I thank the Minister for accepting it.

Ms BLIGH: I am happy to put on the record that the Government supports the amendment. I thank the Opposition spokesperson for bringing it forward. While it is minor and technical in nature, it is an important amendment.

Amendment agreed to.

Clauses 32 to 36 and Schedule, as read, agreed to.

Bill reported, with amendments.

Third Reading

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (2.32 p.m.): I move—

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

Mr BEANLAND (Indooroopilly—LP) (2.32 p.m.): I rise to speak in view of the proceedings that occurred before lunch today. The Government's surprise amendment, which

was introduced and first sighted by the Opposition this morning, changes the whole thrust of the legislation. It is a very significant amendment indeed. I am very concerned about the way in which it was brought in. I am concerned about the fact that no notice was given of this significant amendment and that there has been no real community consultation on it. I am concerned about the fact that the other amendments to the legislation, which we debated last night and this morning and which have lain on the table for some five months, did not include this particular amendment, which was circulated by the Minister only this morning once the second reading debate on the Bill was completed and as we moved to the Committee stage.

Therefore, the Opposition will be dividing on the third reading, even though we supported the original amendments to the domestic violence legislation that were put forward by the Minister and the second reading of the Bill. Anyone who reads the Hansard will see why a number of Opposition members feel particularly strongly about this issue and the process—or the lack of process would be a more appropriate way of putting it—that has occurred in this instance.

At lunch, someone reminded me of what used to happen when the former Government was in power. Even though we normally went to great lengths to ensure that Independent and Opposition members were suitably briefed, if something came up at the last minute and the Opposition spokesman had not been briefed on it, there was certainly a great furore. Opposition members would complain about the fact that they were not fully briefed and that the amendments were not available for some days prior to the debate so that they could consult people and so on. None of that has occurred in this instance—far from it.

As I say, there was plenty of time to bring in the amendment separately or to put it in the original legislation. With respect to the Minister—and I do not want to belabour the point—I do not know why it was not among the original amendments. That has not been explained at all. It seems in all likelihood that the Minister intended to bring this matter forward when the original amendments were introduced, or at least at some time since, so that it could have been lain on the table of the House or at least circulated to the members. A ministerial statement on the matter could have been made. There are a number of ways that the Minister could have handled the situation so that members of the Parliament and the community were aware of this significant amendment to the legislation.

I will not go through all the arguments that were raised earlier. I simply put on the record the reason for our opposition to the third reading of the Bill in this instance, even though we supported the second reading and the amendments to the legislation, with the exception of the late amendment that was moved by the Minister.

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

AYES, 38—Barton, Beattie, Bligh, Boyle, Briskey, Clark, J. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Fouras, Gibbs, Hamill, Lavarch, Lucas, Mackenroth, McGrady, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Pitt, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Struthers, Welford, Wells, Wilson. Tellers: Sullivan, Purcell

NOES, 37—Beanland, Black, Borbidge, Connor, Cooper, E. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Healy, Hobbs, Horan, Kingston, Knuth, Laming, Lester, Lingard, Malone, Nelson, Paff, Pratt, Prenzler, Quinn, Santoro, Seeney, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson, Wellington. Tellers: Baumann, Hegarty

Resolved in the **affirmative**.

HEALTH PRACTITIONER REGISTRATION BOARDS (ADMINISTRATION) BILL
HEALTH PRACTITIONERS (PROFESSIONAL STANDARDS) BILL

Second Reading (Cognate Debate)

Resumed from 11 June (see p. 2548).

Miss SIMPSON (Maroochydore—NPA) (2.42 p.m.): The issue of professional conduct and providing health consumers with appropriate grievance mechanisms to deal with complaints is an important one. The Opposition will be supporting this legislation in principle, but it reserves the right to question the Minister as to the implementation process and the resources that will be allocated to ensure its workability. This is because the feedback that I have had from a range of professional organisations is that they are not opposed to these Bills. However, a number have expressed some disquiet as to whether a simpler model could have achieved the stated objectives and whether a greater number of the current deficiencies are more administrative in nature than legislative. Likewise, a lot of the success or failure of this new legislation actually resides in the implementation. It will be dependent on whether appropriate professional support is provided to the boards, with trained investigators, a streamlined process of

handling complaints and a time commitment to resolving complaints that reflects the relative gravity of the complaint.

In reality, there is no evidence that the Government will provide appropriate additional resources to establish this new process for the training of staff and board members. The complaints procedure actually involves more double handling and is procedurally more complex. In addition, I have some very real concerns that with the passage of the new legislation there will be a higher expectation as to what the system may deliver in practice and that a backlog such as that experienced by the Health Rights Commission is likely to be experienced here. There is currently a two-year backlog in investigations at the Health Rights Commission, and for some matters it is even longer. Given the operational reviews in recent years, the commission could hardly become more efficient.

I support the work of the Health Rights Commission. However, I wish to note that I do not believe it is resourced to a level to satisfy public expectation, which in turn, unfortunately, often affects public confidence. Yet I understand that the commission probably will handle only about a quarter of the potential investigations which the boards will have to consider under this new system. How many investigators does the Minister envisage will be necessary to meet this demand? Furthermore, as the grounds for pursuing complaints will be far wider than those currently considered by the boards, how does the Minister believe this will impact upon the workload of these new investigators? Similar to the position at the Health Rights Commission, I believe that a danger for the new system for a scrutinised standard of registrants will be that resources will not match public expectation and public confidence may, ironically, be more eroded as a consequence. I sincerely hope that I am wrong in this matter, but it is a concern.

I think it is appropriate to quote from the 1998-99 Health Rights Commission annual report, in which some comments were made about the number of complaints it is now processing. Even though it has improved its efficiency in dealing with these matters, it has had quite an increase in demand. Page 3 of Ian Staib's review states—

> "The 1998/99 financial year saw the benefits of the new strategies introduced during the previous year. The number of new complaints opened increased by some 30 percent on the previous year and the number of complaints closed increased by approximately 40 percent. During 1998/99, 1,210 new complaints were opened, compared with 930 in the previous year. One thousand two hundred and ninety five complaints were closed during the year under review as compared with 940 in 1997/98."

It is processing more complaints, but it has experienced an incredible upsurge in the number of people accessing its services. In his report, the commissioner goes on to note the need for resources and to reflect upon the impact of this legislation. He states—

> "The Health Rights Advisory Council met on four occasions during the year. It provided substantial support and advice in relation to the legislative proposals. The Council made two submissions to the Minister supporting the Commission's position in respect of the legislation. In particular, the Council has expressed its concern at the need for the Commission to be appropriately resourced to meet the additional workload anticipated to be generated by the legislation."

I draw this to the Minister's attention, because I would like to hear what she has to say about what increase in resources there will be for the Health Rights Commission so that it is able to meet the demands of this new process.

I wish also to hear from the Minister about what the cost implications will be for the Government and health practitioners. It is apparent that there has been a degree of cost shifting to the health professionals. This model places a complex framework over the top of the professions and requires them to be self-funding, if the Minister approves certain fee increases, and legislates a wider complaints mechanism for consumers to utilise, which the professionals will be responsible for delivering and paying for, with the exception of the tribunal and the panels, which will be Government funded.

The balance between a professional's responsibility and his or her rights and those of consumers is important. The Government has an unfortunate tendency of legislating grievance mechanisms that inevitably penalise those who do the right thing by making them pay for the mistakes of those who do not. Similarly, it is not satisfactory simply to have a mechanism for consumers to lodge a grievance if that issue cannot be dealt with in a reasonably expeditious way. There needs to be a balance. If professional standards are to be supported by a legislative framework—a framework the professions pay for—the Government should strive not to make the process an unwieldy beast of burden which will

let down both professionals and consumers awaiting a timely outcome. I am not convinced that this fairly complex system of various grievance tiers could not have been far more streamlined.

However, another issue raised by stakeholders at this time is the lack of industry specific legislation which is currently being drafted to complement the legislation that we are debating today. Stakeholders have raised concerns such as definitional issues to do with core practice. However, because they have not yet seen those 13 pieces of legislation which will outline the standards to which they have to perform, it means their scrutiny of these machinery Bills that enforce those standards is inhibited.

I acknowledge that there are a number of points of merit in the legislation, particularly the stated objective of achieving a system which delivers a uniform process in relation to the grounds for disciplinary action, the adjudicative processes or the sanctions that may be imposed where a registrant is found guilty of misconduct. Once again, aside from some necessary legislative changes to standardise certain powers and functions, much could have been achieved in terms of uniformity of decisions through a well resourced office that provided high-level professional and consistent advice to the boards about their investigative processes and determinations and with the development of some uniform guidelines for operations.

I also wish to refer to Justice Fryberg's submission to the Government dated 4 March 1999—comments which were limited to issues impacting on the operation of the proposed tribunal or Supreme Court. He notes the need for a set of rules and procedures, asking what work has been done. I reiterate that I would appreciate it if the Minister could outline the status of such a set of rules and what resources have been set aside to create them.

The benefits of the proposed law are that non-medical registration boards will have the power to immediately suspend or impose conditions on a registrant where there is an imminent risk to the life, health or safety of a person. I support them in principle, although I have some concerns as to the notification and the natural justice aspects and how natural justice for the non-medical registrants will be protected. An improvement in regard to the Health Rights Commission is that the Health Rights Commissioner will now have the discretion to refer out of time complaints involving inappropriate professional standards or issues of misconduct to the relevant boards. The commissioner will also now have the power to refer complaints to other bodies at the conclusion of assessment.

I touched before upon the question of increased costs for health practitioners. I refer to the annual reports of various boards—and this is a similar statement across the various boards. I have taken this excerpt from the dental board. It states—

> "At the close of the reporting period the recommendations of the operational audit report were awaiting decision by the Minister for Health. If approved, the recommendations would result in substantial fee increases to commence in the year 2000 or 2001."

The annual reports quoted a benchmarking exercise which identified the need for a substantial increase in fees to enable the board to become self-funding. I would like the Minister to explain what the increased costs to practitioners will be in light of the fact that the review was undertaken by the audit and operational review branch with regard to the changes proposed in this legislation. I table a copy of some of the proposed fee increases.

For example, osteopaths currently pay $213 annually. They could face a substantial increase in yearly fees to between $379.74 and $491.15. Physiotherapists currently paying $55 per year could face new fees ranging from between $119.16 and $133.45. In this report, options for increasing fees for the health professionals range from between 16% to a maximum of 142%. I would appreciate it if the Minister could outline just what these increases that she is going to sign off on would be, because these are the recommendations of her audit branch in light of this legislation that she has before the House.

I note that the cost of the panels and tribunal will be borne by the taxpayer. The Explanatory Notes say that Queensland Health will meet the structural costs related to the independent adjudicative bodies of approximately $245,000 per annum, including the provision of registry support to the tribunal. I have already referred to the Health Rights Commission's request for additional resources and its concerns in this regard. I reiterate that I would like to hear the Minister's answer as to what additional support there will be for the Health Rights Commission as requested in that annual report.

I note that another express purpose of this Bill is to widen the scope of issues about which consumers or any entity can lodge complaints against registrants. Some concerns were expressed by health practitioners that

professional standards were not identified in the Bill's dictionary and that, by moving the standard from "substantially" below to a lesser standard, that could have a wider than intended scope of impact.

I would certainly be interested to hear the Minister's explanation as to the implementation process and the training of staff on the new laws, particularly with regard to the number of additional investigators needed to implement the legislation. I stress these points because, unfortunately, we saw this in relation to the Radiation Safety Bill. When I queried the Minister during the debate on that legislation as to what additional resources and training was available—particularly what additional resources were available—given the small size of the unit and the increased size of their task, the Minister said they had ample resources and it was not a problem. Yet we saw during the Estimates process that, when I questioned the Minister as to why there had been a failure to meet their target number of audits and inspections of radioactive material storage facilities, the Minister said that those people had been tied up in writing the regulations.

It was ironic that we had legislation which was not fully implemented at the time of the Estimates process—months after it had been passed by Parliament—with all the fanfare of the Minister saying that this was going to provide greater safeguards in regard to how radioactive waste materials would be stored, yet the Minister failed to supply the necessary resources to that unit in order to allow it to keep doing what it was there to do, that is, to monitor those very facilities to make sure that people were storing those resources properly. But no, they were busy writing the regulations.

That is why I do not have a lot of confidence that the Minister has got it right with regard to the resourcing of this particular structure. I am yet to see her really demonstrate that the appropriate funding has been made available. She misled the House with regard to the Radiation Safety Bill and the resourcing that was needed to enable the provisions of that particular Bill to be properly implemented without compromising the basic fundamental role of the radiation safety people, which was to go around and check that those materials were safely stored.

In summarising the new process, it is a three-tier process; there is the board, the panels and the tribunal. The various disciplinary actions that can be implemented by those bodies is set out in the legislation. The most serious of the complaints—which could result, for example, in someone being struck off or suspended—are to be dealt with by the tribunal. As I mentioned earlier, I sincerely hope that the process works better than the structure as it appears on paper. I know that there is a lot of goodwill among the staff who are involved in this process to try to make it work well, but I reiterate my concern about the fact that it is a fairly complex process and involves a lot of double handling in regard to some of the consultative mechanisms. At the end of the day, it is a bit like designing a horse by committee: you end up with a camel.

I think the proof of the pudding will be in the size of the fees that will be passed on to health practitioners. As I mentioned before, it is unfortunate that those who do the right thing—the majority of people who are practising out there in the various health professions—are the ones who end up bearing the cost of the minority who do not. Obviously, the majority of people want to see their professional standards upheld, but they also want to make sure that they do not find themselves caught in a complex grievance process in which, at the end of the day, consumers' concerns may have to wait years to be resolved, as we have seen with regard to the Health Rights Commission. That is ultimately a matter of great concern. There must be appropriate grievance mechanisms in place, but the consumers are not going to win out if the process is complex and expensive to administer and they have to wait many years for an outcome.

I pose those questions in regard to what resources the Minister is going to make available. I still have those concerns in regard to the Health Rights Commission because, as I have outlined, a number of matters have been held over for several years. I understand that in the report reference is made to some matters from 1994 not even being resolved. These are issues that are creating a lot of uneasiness for consumers who want to make sure that their matters are being dealt with in an appropriate way. I know that the staff are doing their best, but at the end of the day, sometimes the systems let them down and certainly the resourcing issues make that very difficult.

To reiterate, I support the upholding of framework that supports good, professional conduct and that provides health consumers with appropriate grievance mechanisms. It is really a case of waiting and seeing how many years some of those consumers may have to wait in order to have their grievances pursued under this new model.

Ms BOYLE (Cairns—ALP) (2.59 p.m.): I am pleased to support the Health Practitioners (Professional Standards) Bill 1999. I will address some matters in the Bill that relate particularly to the health of health practitioners and to our management of health practitioners who become impaired. Long gone are the days when doctors were treated as though they were slightly above ordinary mortals, when we accepted a doctor's wisdom without question, when we did not consider for a moment whether or not we should get a second opinion or whether or not the doctor was in a fit and proper state to offer service. These days, consumers in all fields, including in their dealings with doctors and other health practitioners, have much higher expectations and are much more willing to complain. That is probably the reason for an increase in complaints, rather than there being more bad practice. These days, consumers not only expect high standards of service but will question and complain when they feel it is appropriate.

Additionally, health practitioners and particularly doctors experience significant stress in their work. Of course, they face similar personal stresses to other people in the community. In common with the community at large, health workers are not immune to the development of psychiatric, psychosocial or physical illnesses and addictions. Because of the privileges conferred on some types of health practitioners, they are more vulnerable in some ways. For example, they have easier access to drugs of addiction than members of the general community. The problems associated with illness and addiction among health-care practitioners, in particular with medical practitioners, are well documented. It is estimated that up to 7% or 8% of doctors suffer from significant alcohol abuse and perhaps 1% from severe narcotic abuse. A range of studies of suicide rates indicates that depression is a significant problem for the medical profession.

The Medical Board of Queensland is currently managing about 126 impaired doctors. There are more than 10,000 registered doctors in total. Over 50% of the doctors on the health assessment and monitoring program have drug dependency problems, 6% are alcohol dependent and about one-quarter have a mental illness. An impaired health worker is a potential source of danger to the patients under his or her care. There is also increasing recognition that a doctor in trouble in one part of his or her professional life is quite likely to be in trouble in other areas, for example, involved in overservicing or irregular billing practices.

Many registration authorities around the world have recognised the need to implement programs to assist and monitor practitioners who are impaired. These programs aim to restore and maintain the good health of practitioners and to ensure that impairments do not cause incompetence and poor clinical judgment; in effect, that they do not endanger patients' safety. Five years ago the Medical Board of Queensland implemented a program for impaired medical practitioners in Queensland. The program recognises that sometimes the quality of medical practice may suffer if a doctor is unwell and that it is not always appropriate to manage impaired practitioners through a disciplinary process. The Medical Board's experience in this area has been important in informing the development of this legislation.

There is no doubt that the medical profession is leading the way in respect of the management of impaired practitioners. Legislation in New South Wales and Victoria contains detailed provisions dealing with impaired registrants. These are considered to be among the most successful provisions of the legislation. The valuable work of Doctors Health Advisory Services in managing impaired practitioners needs also to be acknowledged. These services are separate from the boards and are run by the professions. It is anticipated that they will continue to have an important role within the professions, providing an alternative or complementary service to that offered by the boards. Of course, it is not just medical practitioners who may become impaired and require assistance at some time in their professional career. Members of all the registered health professions are potentially susceptible to illness or addiction and, accordingly, all registration authorities should be in a position to monitor, counsel and assist such registrants while still ensuring the protection of the public from harm. This then is the rationale behind the provisions of the Health Practitioners (Professional Standards) Act 1999, which establishes a uniform approach to dealing with impaired practitioners from all the registered health professions.

To this date, there have been some problems with existing legislative arrangements. The approach to impairment is not uniform across the current health practitioner registration Acts. The legislation tends to focus on either "medical fitness" or "mental illness", rather than the broader concept of impairment. The Medical Act is the only health practitioner registration Act that

currently defines impairment. Also, the statutory processes for dealing with questions of fitness to practise also vary. The Dental Act 1971 and the Optometrists Act 1974 have no provisions to deal with medical fitness. The effect of the current provisions in the non-medical registration Acts is to prevent a focus on rehabilitation. Existing Acts do not provide the opportunity for an informal and collaborative approach to management of health issues.

Although the Health Assessment and Monitoring Program operated by the Medical Board of Queensland is recognised as one of the best in the country, its absolute effectiveness is hamstrung by the provisions of the Medical Act as it stands currently. In particular, the existing scheme relies upon a practitioner voluntarily submitting to a health assessment and committing to an agreed monitoring program. The Act is unclear as to what action the board may take in circumstances where a practitioner does not comply with an agreed program. Furthermore, the Act is silent as to the powers that the board has to impose a monitoring program where a practitioner refuses to cooperate with attempts of the health assessment committee to have the practitioner's health assessed and to implement a monitoring program. In cases where the impaired practitioner does not cooperate with the efforts of the board, the only formal powers available to the Medical Board to determine whether a practitioner is impaired are the inquiry powers contained in the Medical Act. This is often intimidating, as the ultimate purpose of these powers is to determine whether the practitioner should remain registered.

In recognition that impaired registrants are ill and should be assessed and managed in a humane way that nonetheless protects the public, the Health Practitioners (Professional Standards) Bill sets out separate processes for the management of impaired registrants. The Bill defines an impaired registrant as one who—

> "... has a physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, (their) physical or mental capacity to perform (their) profession and includes substance abuse or dependence."

The Bill recognises the need for a scheme similar to that that has been operated by some Australian Medical Boards to assist all registered health practitioners. The Bill builds on and refines the Medical Act 1939 model, remedying its deficiencies by clarifying the powers that may be exercised by a board in dealing with impaired practitioners. The Bill provides all boards with powers to act promptly when necessary to protect the public while also supporting a rehabilitative, non-coercive and non-punitive process. It provides for informality and cooperation in the initial stages and recognises that impaired practitioners have health rights. The process established by the Bill will allow boards to receive information from any source that indicates that there may be reason to suspect that a registrant is not fit to practise due to impairment. Boards will have the discretion of whether or not to act on information they receive, including the power to suspend a registrant immediately where extraordinary circumstances warrant such action. An example of an extraordinary circumstance is where suspension is necessary in order to protect the life, health or safety of patients.

The Bill provides an alternative to the disciplinary process to manage registrants who are impaired. A two-stage process is available under the Bill to deal with impaired registrants. The first stage involves the board negotiating an agreement informally with the registrant to manage the impairment. An approach that allows for informality in the initial stages has a number of benefits. It recognises that the impaired practitioner has become a patient and needs help. It encourages and supports them to seek help. It is also more likely to facilitate registrants' coming forward with concerns about fellow practitioners. Finally, informality in the initial stages is also significantly less costly.

Where the registrant is unwilling to cooperate with the board or an agreement cannot be reached, the second stage is triggered. The key feature of the second stage is the establishment of a health assessment committee. The health assessment committee has coercive powers to assess the nature and extent of any impairment suffered by the registrant and advise the board as to any conditions that should be imposed on the registrant's registration to protect the public. Health assessment committees are not investigators and they are not commissions of inquiry. They are expert bodies established for the sole purpose of assessing a registrant's health. Where additional coercive powers are required, such as the power to enter premises or seize things, the board would need to utilise the investigation part of the Bill.

The Scrutiny of Legislation Committee has queried whether the powers to require a registrant to undergo a health assessment

have sufficient regard to the rights and liberties of the registrant. In particular, the committee raises the registrant's right to privacy. The Government is satisfied that the provisions are justified, given the limited circumstances under which they may be used and the tightly cast duty of confidentiality under clause 392.

In order to ensure that the best health assessors are available to the board, their reports are shielded under the Bill from use in legal proceedings, except disciplinary proceedings. There are interstate precedents for this approach, and the Government is concerned that without it it will be difficult to attract suitably qualified assessors. The statutory shield does not adversely impact on the rights of registrants or complainants, because there is no impediment to another report being privately commissioned for use in litigation. An important innovation under the Bill is the requirement for all matters that may, if substantiated, provide grounds for deregistration or suspension of a registrant's registration to be referred to the tribunal for disciplinary proceedings.

The impairment provisions do not prevent boards from using the investigative and disciplinary provisions of the Bill to deal with impaired registrants if this is considered more appropriate. It is intended that, where a registrant's impairment manifests in conduct which gives rise to serious complaints from users or their representatives, the investigative and disciplinary provisions of the legislation will be utilised to protect the public.

In order to protect the privacy of the registrant, the impairment process is conducted in private and the complainant is not advised of the details of any conditions or undertakings entered into, except where they are recorded on a publicly accessible register, although in the case of matters referred to the tribunal the tribunal has the discretion to open the proceedings to the public where it is in the public interest to do so. The details of any conditions or undertakings pertaining to impaired registrants are generally not recorded on the publicly accessible register, but a board does have a discretion to do so when it is in the interests of users of the registrant's services or of the community generally.

The Bill strikes a careful balance between encouraging self or peer reporting and public accountability. It is important that the impairment processes under the legislation are subjected to external scrutiny, especially where the processes are triggered by consumer complaints or complaints to the Health Rights Commission. The Bill requires the board to provide the commissioner with a notice of the outcome of impairment processes which have been triggered by certain types of complaints. This is the minimum position acceptable to the Government in respect of this issue.

While it may appear that there is no external scrutiny of the impairments process in respect of third party complaints and self-referrals, this is acceptable because all serious matters will be referred to the tribunal, which is totally independent. The suggestion that notification of this information to the commissioner will compromise registrant confidentially is rejected, as the commissioner and the staff of the commission are subject to a very strict duty of confidentiality. The Bill will not stop registrants' self-referrals to or the valuable activities of the Doctors Health Advisory Service.

There are several elements of the Bill that relate to the protection of consumers, to their participation in these processes and to their scrutiny of the proper management of impaired practitioners or such allegations. I would like to draw these to the attention of honourable members. Each of the adjudicative bodies, boards, professional conduct review panels and the Health Practitioners Tribunal will have input from consumer or public members. Consumer membership of the board, which has responsibility for initial decisions about impaired practitioners, will be increased from one to two.

If impairment is serious and there is an imminent risk, the board has powers to immediately suspend or impose conditions on registration. The board must then immediately either investigate the matter or refer it to the Health Practitioners Tribunal. When a practitioner is immediately suspended or has conditions placed on their registration because of an imminent risk, this must be recorded on the register which is accessible to the public.

The board has powers to require a registrant to undergo a health assessment. If a registrant does not cooperate, the board may refer the matter to a health assessment committee or the Health Practitioners Tribunal. The tribunal has the power to suspend or deregister a practitioner.

If the board decides that a practitioner is impaired, it may enter an undertaking with the practitioner, investigate the practitioner or refer to a professional conduct review panel or the Health Practitioners Tribunal. An undertaking could include, for example, practising only under supervision, attending counselling or rehabilitation, attending health assessments, or undergoing random urine drug screening,

blood tests or hair tests. If the board believes that it is in the public interest to do so, the details of the undertaking may be recorded in the register.

There will be independent scrutiny of the board's decisions about impairment, including investigations. The Bill requires the board to inform the Health Rights Commissioner and the complainant of its decisions about impaired practitioners. The board must also keep the commissioner informed of progress on its investigations and must consider the commissioner's comments. Further, the commissioner may report to the Minister about investigations conducted by the board.

I am satisfied indeed that these are provisions which reflect our concern for the health of practitioners as well as our concern for high quality standards of provision to the clients, the consumers of Queensland. I am convinced that the democratic processes—the opportunity for participation by the consumers and scrutiny of decisions related to impaired practitioners—more than satisfy the appropriate standards.

In conclusion, society makes a considerable investment in the training of health practitioners. It is in everyone's interests, therefore, for impaired practitioners to be rehabilitated and assisted to return to work as soon as possible. This piece of legislation before the House will allow Queensland to become a leading light in the management of impaired practitioners. The impairment provisions included in the Health Practitioner (Professional Standards) Act 1999 will allow Queensland to set the standard in Australia for the management of impaired practitioners.

Mrs GAMIN (Burleigh—NPA) (3.17 p.m.): Research into these Bills revealed that since 1993 the Health Department has been conducting a review or reform of one-third of the Health portfolio's principal legislation. For some six years, 12 Acts and 17 sets of subordinate legislation have been under consideration and undergoing some form of consultation. That is a big task in anyone's book, and the departmental officers engaged in the task must be commended on their commitment. Nevertheless, I still have to question why the task was undertaken in the first instance. It is this question that keeps drifting through my mind.

When I posed this question, I was informed that the objective of this legislation is to provide occupational registration legislation to provide the best protection for the public and to ensure that health care is provided in a safe, competent and up-to-date manner. Of course, one cannot argue with that ethical objective. However, I have to ask: has the public not been receiving that level of professionalism or competency within the health system of this State? Of course they have. Naturally, there are a few misdemeanours within some health disciplines, but have these misdemeanours not been dealt with and handled professionally, efficiently and effectively by the respective boards or the Health Rights Commission? If not, why not? If not, what sort of liability is looming against the State?

If the answer to the question regarding the efficiency and effectiveness of the various health practitioner boards is in the affirmative, I have to ask once again why we need this legislation. I refer to the Health Practitioners (Professional Standards) Bill, which provides for a cumbersome and complex structure. I also have to ask: at what cost and who pays? Any increase in fees to the health practitioner will result in an increase in fees to the consumer. That is certainly not a positive outcome for our rural families, who do not have access to bulkbilling services.

I understand that an operational audit of annual licence fees for health professional registration boards was undertaken earlier this year. The objective of the audit was to review the annual licence fees and to determine a fee structure which enabled the boards to function independently of any public funding. Yes, the review was to determine a new fee structure which enabled the boards to operate without any public funding. That signals to me that huge licence fee increases are looming—and once again the consumer will pay.

Consider the current costs of boards and the current level of licence fees. Then consider for one moment the additional costs expected to be incurred by those boards—for example, establishment costs, such as accommodation and associated expenses; salary increases; and anticipated staffing increases. And of course, we should add in an estimate to address potential litigation expenses. I believe that, at this juncture, it would be advantageous also to provide some tangibility to the expense list.

Information to hand reveals that accommodation expenses, which include telecommunications, cleaning, electricity and waste removal—presently met by the Health Department—were calculated at $313,000 in the last financial year. Under the new regime, the boards would be expected to pick up that tab, as well as covering the costs of relocation

or lease and/or refit expenses, estimated to be in the vicinity of $450,000. Add on legal costs, which are expected to increase by a conservative estimate of 10% on last year's figure of some $700,000, and obviously the revenue realised from current licence fees will not be enough to achieve the objective for boards to operate without any public funding. Consequently, health practitioners in this State are facing fee increases ranging from a minimum of 16% to a maximum of 142%.

During this last week of parliamentary sittings, the annual reports of the Pharmacy Board, the Medical Board, the Optometrists Board, the Physiotherapists Board, the Psychologists Board, the Speech Pathologists Board, the Occupational Therapists Board, the Chiropractors and Osteopaths Board, the Dental Technicians and Dental Prosthetists Board, the Podiatrists Board and the Dental Board were tabled, and all reports revealed that substantial fee increases commencing in the year 2000 or 2001 were imminent. To quote the reports—

> "In the second half of the year, an independent operational audit was undertaken of the adequacy of the annual licence fees charged for registered health practitioners. This benchmarking exercise identified the need for substantial increase in fees to enable the board to become fully self-funding. At the close of the reporting period, the recommendations of the operational audit report were awaiting a decision by the Minister for Health. If approved, the recommendations would result in substantial fee increases to commence in the year 2000 or 2001."

There it is in black and white awaiting the Minister's signature.

Perhaps today the Minister for Health will advise honourable members, the health practitioners and the long-suffering consumers that they have a reprieve. Perhaps the Minister for Health will provide the health practitioners with an early Christmas gift and decide that no fees will be increased. Unfortunately, the likelihood of no fee increases is not good, and the estimated increases revealed in the operational audit—ranging from 16% to 142%—are extremely high. That brings me back to my original point: why go down this pathway to provide a cumbersome, complex structure which will prove very costly for practitioners and consumers alike?

Quality health care is provided by the overwhelming majority of health practitioners in this State. There has been no evidence presented by the Government that would suggest that the current systems, that is, the various boards and the Health Rights Commission, are not coping with the process. I understand that the Health Rights Commission has a backlog of approximately two years. That is a resource matter—not enough funding being provided by the Government to overcome the backlog and to address the community demand. With the exception of the funding issue, under the present system the Health Rights Commission is conducting its business most professionally and effectively.

As I questioned at the outset: why are we going down this path to establish a costly, cumbersome and complex structure which will provide three avenues for disciplinary action against health practitioners? Whilst seeing no evidence from the State Department of Health or the Minister to warrant such action—and similarly, I have heard no public outcry from the community to establish these disciplinary processes—I have to ask once again: is this another example of bureaucratic process for process' sake?

I am very surprised that the State associations of the various health disciplines have not been voicing public concern about the additional costs. And similarly, I must say that I have been very surprised to see the several health boards being led like lambs to the slaughter, meekly allowing this disciplinary process to be established. Surely those boards can see that this legislation deals mainly with practitioner discipline in an inordinately detailed manner that will outstrip the boards' fund reserves.

It is understood that the Health Practitioner Tribunal and the Professional Conduct Review Panel will be financially supported by the State Department of Health. However, the continuum in covering full costs is the subject of annual budget allocation and negotiation. In relation to the health assessment committee, the costs will be borne by the respective board. Perhaps when the hip pocket nerve suffers an assault from the Government next year, we will hear a public outcry from the various health practitioners.

As I stated previously, this Bill will provide a cumbersome and complex structure that would appear to be totally unnecessary. I have used those words several times during this speech. As well, this Bill will be difficult to apply, as it deals entirely with professional misconduct which, in the various professions, has not been a problem to many of the boards.

With regard to the Health Practitioner Registration Boards (Administration) Bill 1999, I am concerned about the potential politicisation of the position of executive officer. I note the Governor in Council determines the executive officer position without input from the various chairs of the boards—who, incidentally, are ultimately the employers of the executive officer. I believe that it is an oversight to diminish the input of the chairs in the selection process or termination process. This oversight leaves the boards employing a senior manager whom they did not necessarily select. Speaking hypothetically, should the wrong person be selected in the position of executive officer, serious financial or administrative repercussions could be inflicted upon the boards.

Although these Bills have been in the melting pot for some six years, there are still many questions remaining. And in the short time that I have been speaking, I have identified several shortcomings which need rectification. But most importantly, I strongly believe that this Parliament is dealing with legislation that this State does not necessarily need. And sadly, this legislation will provide only additional costs, and it will offer no additional community benefit or improvement.

Consequently, whilst I will always uphold the provision of the best protection for the public which ensures that health care is provided in a safe, competent and up-to-date manner, I cannot support superfluous legislation that provides nothing more than what is already in existence but, of course, at substantial additional cost.

Mrs LAVARCH (Kurwongbah—ALP) (3.27 p.m.): I rise to support both Bills presently before the House. In my contribution to the debate this afternoon, I wish to concentrate on the complaint and disciplinary procedures established by the Health Practitioners (Professional Standards) Bill and the proposed amendments to the Health Rights Commission Act.

The starting point is that this Bill changes the way in which the Health Rights Commission and the registration boards interact. The roles, priorities and accountabilities of the boards and the Health Rights Commission are also clarified. As well, the relationship between the boards and the Health Rights Commission will be streamlined. This has been done to ensure proper protection of the public from health practitioners who practise in an unsatisfactory manner.

To put the proposed complaint and disciplinary regime into context, it is worth while having a look at the history of the Health Rights Commission, considering the current problems and discussing how the reforms will address those problems and thereby provide greater consumer protection. For the benefit of the member for Burleigh I might add that the Health Rights Commissioner, in the reports of 1996 and 1997 and the sixth annual report of 1997-98, commented on the problems that exist with the Health Rights Commission Act.

Before I look at those problems and what this Bill will do to address them, I would like to make a quick comparison of the current complaint system to that proposed. Currently, complaints are either received by the Health Rights Commission or by the boards. If a complaint is received by a board, it is required to refer the complaint to the Health Rights Commission, but if that complaint is received by the Health Rights Commission there is no reciprocal requirement for the commission to refer the complaint to the board. Section 121 of the Health Rights Commission Act provides that in assessing a health service complaint, the commissioner may refer a complaint about a registered practitioner to a registration board if it is not suitable for conciliation and should be investigated and, if the commissioner considers that the board has adequate functions and powers of investigation, the commissioner must consult with the board before referring the complaint to it, but there is no legislative provision to enable boards to require referral of complaints on which they wish to take action. The lack of investigative powers by all boards, except the Medical Board, has on a narrow reading effectively neutered this provision.

Under the existing scheme, the Health Rights Commission accepts complaints about unreasonableness while the board is limited to accepting complaints concerning conduct which is "substantially below the standards of the profession". In some respects the commission's jurisdiction to accept complaints is broader than a board's ground for disciplinary action and narrower in others. Under the current scheme the Health Rights Commission has sole discretion regarding the referral of the matter to a board.

Just to give honourable members some idea about the number of complaints, there are about 400 to 650 complaints made each year regarding registered health practitioners and 60 to 80 complaints per year are referred from the Health Rights Commission to the board. Of the 10 to 15 cases where serious

disciplinary action is taken each year, more than half relate to doctors.

The proposed new framework for the complaint process is that a complaint can be made to either a board of registration or the Health Rights Commission, or the boards will be able to initiate the process themselves. In general, it is expected that complaints to a board made by a health service consumer or its representative will be referred immediately to the Health Rights Commission. However, the board and the Health Rights Commission may agree to let the board handle the matter if it is in the public interest for this to occur. Complaints may be split by the Health Rights Commission and investigated and/or conciliated by the different bodies if it is so required. The boards and the Health Rights Commission give each other copies of all complaints received regarding registrants. Complaints against registrants and third parties, particularly other members of the profession, would generally be dealt with by the board. This is because many third party complainants have expressed the view that they feel better complaining to a board rather than to the Health Rights Commission.

What is anticipated by this model is that it will allow the Health Rights Commission to continue to oversee the handling of complaints about health services and, in so doing, attempt to ensure that the approaches of the differing boards remain consistent. On the other hand, if this model adopts a more collaborative approach, the boards will also be able to act to inform the Health Rights Commission of issues relating to the maintenance of professional standards and any case that arises.

For disciplinary proceedings, if the board decides following consultation with the Health Rights Commission to proceed further, the next step will depend upon the severity of the alleged misconduct. A registrant can, however, elect to have the matter dealt with directly by the health practitioner's tribunal.

Turning to the history of the Health Rights Commission, it is said that the failure of existing institutions and structures to deal with Ward 10B at Townsville General Hospital was the reason for the establishment of the Health Rights Commission. It was argued that the rights of patients in that case were not adequately protected by the Health Department, the health professions, the Registration Board or the Ombudsman.

Public submissions were called for and there was universal support for the creation of a new statutory mechanism to deal with health complaints, with only one professional association dissenting. Submissions favoured the Victorian model with its emphasis on conciliation. The medical profession, in particular, was strongly opposed to the New South Wales model whereby a complaints unit, now the Independent Health Care Complaints Commission, had carried the prosecution of professional disciplinary matters.

Medical defence organisations made it clear that they were seeking an alternate dispute resolution model. At the eleventh hour in the development of the legislation it became apparent that there were some significant issues regarding the Victorian model which had not been adequately considered. These were: the focus on dispute resolution rather than the broader public interest; the balance of independent and accountability mechanisms; and the lack of clarity regarding the respective roles of the Health Rights Commissioner and the boards.

While that Government—the Goss Government in 1991—remained committed to the creation of an agency to accept the public complaints, after careful review of the Victorian model the policy direction of the then Bill was substantially refined to focus on the public interest. If honourable members look at the Minister's second-reading speech on the Health Rights Commission Bill, together with the debate on that Bill at the time, they will see that it was contended that 97% of matters would be conciliated, but in fact less than 5% of complaints are dealt with in this way. Experience has shown that it is more likely to be handled and resolved at a local level.

During the debate on the Health Rights Commission Bill in 1991, the commission's investigation powers were questioned by the Opposition and, in particular, the member for Toowoomba South, Mike Horan, a backbencher at the time. He said that the Health Rights Commission has the potential to become a Big Brother organisation because of the enormous power that will be vested in the Minister and the commissioner. He has been proved to be totally wrong. He criticised the duplication of investigatory powers conferred on the registration boards. However, he was only half right, as only the Medical Board has proper investigative powers.

History has shown that, whilst the Health Rights Commission was set up as an independent body to resolve health complaints, problems have arisen in its operation. The cause of the operational problems have at their root the fact that the

disciplinary provisions of the current registration Acts do not dovetail with the Health Rights Commission Act 1991 and this has created the potential for delay and has increased the risk that professional standards issues would be overlooked.

Of particular concern are, firstly, the absence of a parallel jurisdiction to accept complaints. Secondly, doubts have arisen about the admissibility of the commission's investigation report in board disciplinary proceedings and the inadequate powers of the boards to investigate disciplinary matters. Currently the commissioner may refer a complaint only where he or she is satisfied that the board has adequate functions and powers of investigation. Thirdly, deficiencies in the statutory consultation requirements have been revealed. For example, the commissioner is not required to consult a board before making an assessment decision and a board is not required to advise the commissioner when disciplinary proceedings are being commenced.

As I pointed out previously, there are also inflexible referral requirements. Lastly, the commissioner cannot refer complaints to a board without assessment, which causes unnecessary delays in matters being addressed. The operational problems with the current Health Rights Commission Act are addressed by this Bill. This Bill addresses: the inefficiency related to the receipt and consideration and assessment phases of the Act; the lack of power to refer complaints to other bodies at the conclusion of assessment; the inability to take more than one action on a complaint; and the inability to split complaints involving multiple issues or respondents into component parts.

In relation to disciplinary proceedings, it is usually health complaints which provide the main trigger for disciplinary proceedings against registrants. Given that disciplinary proceedings are the principal strategy for protecting the public and upholding professional standards, this Bill establishes processes to facilitate complaints and provides increased flexibility for the handling of complaints by the boards and the Health Rights Commission.

The Bill also incorporates strategies to ensure that the professional standards issues arising out of complaints are given statutory priority and are not inadvertently overlooked. Specifically, the Bill facilitates complaints by providing the boards and the commission with the function of receiving complaints. Some complainants, particularly third parties, have indicated that they would prefer to make complaints directly to the board. The Bill also facilitates complaints by removing the requirement for third party complaints to be referred immediately to the commission; by providing statutory protection to persons who honestly and on reasonable grounds make complaints to boards; by incorporation of the various rights of complainants and witnesses, for example, to be given notice of a disciplinary proceeding, to attend the proceedings, to be accompanied and advised of the outcome of the proceedings, and to have their identity suppressed if mentioned in the proceedings; by providing for increased public involvement in the discipline of registrants, for example, all adjudicate bodies must include at least one public member; and by requiring that all disciplinary bodies are constituted by at least one person of the same gender as the complainant.

In addition, increased flexibility and complaint handling is achieved by reducing the circumstances under which a board must immediately refer a complaint to the commission. This allows a board to retain a complaint if the board and the commissioner agree that it is in the public interest of the board to do so. It also enables the commissioner and a board to agree that it is in the public interest for the commissioner to refer a complaint directly to a board without assessment and also flexibility by enabling the commissioner to take multiple action from complaints and split complaints with multiple issues or multiple respondents.

As I have said before, the Bill ensures that professional standards issues arising out of complaints are not overlooked by requiring the most significant statutory decisions under the Bill and the Health Rights Commission Act to be informed by the view of both the boards and the commissioner. This is achieved by requiring the boards and the commission to give each other copies of all complaints, enabling boards to make submissions on complaints being assessed by the commission, requiring consultation between the commission and the boards at the conclusion of assessment and preventing the rejection of a complaint where a board considers that it should be investigated. It is also achieved by requiring boards to provide the commissioner with a report at the conclusion of all investigations and to have regard to any comments, information or recommendations provided by the commissioner in determining the action to be taken. It is also achieved by requiring the commissioner to be notified when a matter is

referred for disciplinary proceedings as the commissioner retains the power to intervene in disciplinary proceedings and be advised of the decision of the disciplinary body and the reasons for the decision.

This Bill ensures that priority will be given to professional standards issues, that is, the public interest issues, because of the consultation and decision-making processes that I have described already. In addition, where the commissioner and a board cannot agree on the action to be taken at the conclusion of the assessment of a complaint about a registrant, the Minister will determine if a matter should be referred to a board for investigation or other action. The key considerations for the Minister will be the statutory purposes of the disciplinary proceedings and disciplinary action, and the grounds for disciplinary action under the Bill.

To those who are critical of the changes proposed by this legislation or to those who are uncertain that the provisions of this Bill are an improvement on the current system, I would like to make the following points. The provisions are an improvement, because they increase public protection; they provide a fairer process than the one we have at present; they make the complaint process and the disciplinary process more accountable than it is at the moment; they make the system much more flexible; and they make the process an integrated process, which is sorely missing and is currently causing many problems.

In conclusion, for all of these reasons, I once again endorse the view that this is the most significant health consumer protection law ever introduced into the Queensland Parliament. I commend the Minister for her hard work in bringing together six years of consultation into what I believe will give greater public protection and enhance consumer confidence in our health system.

Mrs SHELDON (Caloundra—LP) (3.43 p.m.): In the discussions that I have had with various practitioners under the various health disciplines, a couple of familiar themes have arisen. Those themes reflect the fact that Queensland Health had been undertaking a very lengthy program of review and consultation that led eventually to the preparation of a draft Bill. The exposure draft was the culmination of input from a considerable number of individuals over a six-year period. However, when the exposure draft was made available to the various boards for a further period of consultation, only two members of each board were invited to attend a workshop at which the key features of the Bill were explained.

The procedure at the workshop was that the two members were provided with copies of the draft Bill and advised that their consultations with their fellow board members were limited. Such was the paranoia surrounding the draft Bill that board members were not allowed to copy the draft nor show other persons without the prior approval of the Health Department. Workshop participants found that discussions with fellow members of their boards could be conducted only on a strictly confidential basis.

Although I acknowledge that Government business requires tight restrictions and that various board members as well as various health practitioners provided invaluable input over that six-year period, it was inappropriate to treat those professionals in such a patronising and condescending manner. One would have thought that the consultation process with board members was to conduct some finetuning. Unfortunately, that was not the case.

In true Labor Government spirit, board members were informed that the overall policy of the Bill was not negotiable, resulting in the reality that the workshop was not a consultative process but merely a presentation process. It was most unfortunate that the six-year review process was accelerated when the draft Bill was finally in hand, particularly when the final product was this complex legislation. The boards are aware of the administrative deficiencies within their current legislation and they did not wish to see similar problems arising with the new legislation. However, that consideration was denied.

It is very interesting to note that the overall legislation deals in the main with registrant discipline. In dealing with disciplinary action, the various boards are very concerned that costs will outstrip the respective board fund reserves. Although it is understood that the Health Practitioner Tribunal and the professional conduct review panel will be financially supported by Queensland Health—and one must ask how long this is going to continue or whether there is a finite time on it—the health assessment committee will be the financial responsibility of the board.

On the subject of finances, the livelihood and/or practice of a health practitioner could be seriously jeopardised if that practitioner is suspended by the board to face the Health Practitioner Tribunal. As is often the case, long waiting times are prevalent in the District Court awaiting judges to hear the tribunal. Should the case be dismissed, the unnecessary delay could prove costly to the practitioner and subsequently to the board.

In relation to legal matters, I note that legal representation for a health practitioner may be sought and permitted during the hearings of a Health Practitioner Tribunal. However, legal representation is not permitted for the hearings of a professional conduct review panel, nor a health assessment committee. Similarly, I am aware that the various board members are concerned that a practitioner facing discipline would seek a Health Practitioner Tribunal hearing rather than one of the lesser hearings due to a legal representative being made available to them automatically. Legal representation not being available in the lesser jurisdictions could cause unnecessary use and/or a backlog in the Health Practitioner Tribunal.

In these few examples, the underlying theme is the looming cost and obstacles that are awaiting the boards and practitioners alike. The Bill is very broad in several sections whilst being very explicit and extreme in its descriptive powers and inordinately prescriptive, almost to the point of producing unintentional loopholes. If loopholes become evident, the efficiency and effectiveness of the legislation will be put in jeopardy.

As I stated previously, this is complex legislation, and I believe that a simpler model could have achieved the stated objectives, particularly when the deficiencies in the current legislative arrangements tend to be more administrative than legislative in nature. Consequently, the success of this piece of legislation will reside in its practical application and its implementation. The Government heralds this legislation as a great step forward in consumer protection. However, the consumer protection sought in this legislation can be achieved only with the appropriate level of resources being provided to enable the boards to carry out their redesigned responsibilities. Of course, I refer to the role of the investigators. It is expected that the level of skill to be exercised by the investigators will be of the highest professional standard. However, on behalf of the various members of the health industry, I express a concern about the number of investigators that will be employed by the boards. It may well be minimal. It is quite obvious that an inappropriate level of resources in this area will result in another obstacle being created.

We have seen many examples where the Minister for Health has completely overlooked the need to provide the appropriate staff levels and to provide the appropriate level of funding. While the Minister engages in some tight-fisted economies to pay the Labor Government's 6% tax on everything that is stationary in the health precinct, not meeting the expectation that could be created by this new legislative disciplinary structure will leave the community disillusioned once again. At this juncture I must reiterate that this model will be costly and one that appears to be unnecessary.

I agree with the shadow Minister for Health: this complex system of various grievance tiers could have been more streamlined. Added to that complexity is the fact that additional complementary legislation is currently being drafted which deals with the specific issues such as scope of practice, title protection, licensing, health and safety issues and marketing. I hope I have not presumed too much here and that that complementary legislation is actually being drafted, for this Bill deals in its entirety with professional misconduct which, in the main, is not a problem for many of the boards. The Bill does not deal with the other matters mentioned, which I presume will be dealt with in more specific Bills.

With regard to the Health Practitioner Registration Boards (Administration) Bill 1999, I am most concerned that the boards do not have input into the selection process nor the termination process of the executive officer. While the boards are the employing body, they will not choose their senior manager. This process is most inappropriate, particularly as we have seen list upon list of Labor cronies appointed to highly paid executive positions in this Government.

While I can applaud the objective of the Bill to provide the best protection for the public and to ensure that health care is provided in a safe, competent and up-to-date manner, it is obvious that this Bill is the result of being in the pipeline too long. The original concept seems to have been lost in the drafting and, instead of being a landmark in consumer protection, it appears that we have been provided with a relic of the past.

Not so long ago, the President of the Medical Assessment Tribunal, the Honourable Justice Fryberg, described the medical Act as "ill-drafted, outdated, and in many respects just plain bad." Unfortunately, I believe that Justice Fryberg's description of the Medical Act could be aptly applied to this legislation.

Mr REEVES (Mansfield—ALP) (3.52 p.m.): It gives me great pleasure to support the Health Practitioner Registration Boards (Administration) Bill. The policy objective of the Bill is to provide responsive administrative and operational support to the health practitioner registration boards. The Bill achieves this objective by establishing an

independent statutory body known as the Office of Health Practitioner Registration Boards. The core business of the office will be to provide support services to the registration boards, such as general administrative support including secretarial services, maintaining the boards' registers, and providing and maintaining accommodation and equipment for the use of the boards. Those services will be detailed in the service agreement negotiated with each board.

Currently, administrative and operational support is provided to the boards by a collective secretariat within Queensland Health. The secretariat comprises the registrar of the boards and other staff. All staff are Queensland Health employees. There are no formal service agreements between the boards in Queensland Health that set out the nature and level of support to be provided to the boards through the secretariat. The salaries of the registrar and the secretariat staff are paid by the department and then reimbursed by the boards. The boards share other administrative expenses associated with the secretariat. Those cost sharing and reimbursement arrangements are based on the formula prescribed by the Medical Act and Other Acts (Regulation) 1994.

The new administrative model established by the Bill is a long-overdue response to the concern expressed by many stakeholders, particularly the boards, that the current administrative arrangements are inappropriate and inadequate. Under the current arrangement, the reporting and accountability relationships for the staff servicing the boards are unclear. Although the secretariat staff are department employees, their salaries are ultimately paid for by the boards that they report to on a day-to-day basis.

The boards are locked into an inefficient cost-sharing model based on an inflexible formula that is enshrined in legislation. The formula cannot be varied administratively, which makes it difficult to adjust for administrative arrangements to respond to fluctuations in the level of support required by the individual boards. Most significantly, the current arrangements are inflexible and unresponsive to the boards' needs. Boards lack autonomy in the administrative and staffing decision-making processes. This has compromised the boards' ability to perform their statutory functions.

The new administrative model established by the Bill is designed to address the deficiencies of the current administrative arrangements and to promote the efficient service delivery to the boards. Firstly, the new model facilitates an arm's length relationship between the administration of the boards and Queensland Health. The Bill does this by establishing the Office of Health Practitioner Registration Boards as a Public Service office under the Public Service Act 1996. As such, the office will operate independently of Queensland Health. Secondly, the new administrative model clarifies the reporting and accountability relationship for staff servicing the boards. Under these arrangements, the staff will report directly to the executive officer who, in turn, will report to the boards under the service arrangements negotiated with each board. As with all senior Public Service executives, the executive officer will ultimately be accountable to the Minister for Health.

More importantly, the new administrative arrangements will provide autonomy and flexibility for the boards in staffing and other organisational decision-making processes. Through the mechanism of service agreements, the boards will have a greater ability to negotiate flexible and appropriate staffing and administrative arrangements to meet their particular needs. A board will have the capacity to negotiate the employment of staff to provide professional advice and support to it exclusively, rather than having to rely on shared staff.

Under the new arrangements—and I am sure that the member for Springwood knows this - the executive officer will have the ability to develop and implement appropriate policies and protocols, and to expedite the creation of positions and appointments of staff to service the boards' needs as stipulated under the service agreement. For example, as head of the office, the executive officer will be responsible for deciding organisational and staffing structures and for recruiting staff as and when required by the boards.

The office will comprise an executive officer and staff of the office. The office will be controlled by an executive officer who will be responsible and accountable for ensuring that the office functions efficiently and effectively. The executive officer will have all the powers necessary to ensure that the office delivers its core business, including the power to enter into service agreements with the boards. The position of executive officer will be a Governor in Council appointment under the Bill. The executive officer will not be a Public Service employee. The appointment of the executive officer in this capacity is appropriate, having regard to the breadth and significance of the executive officer's role and responsibilities. The staff of the office will be employed under the

Public Service Act 1996 and, therefore, will have status as Public Service employees.

The new administrative arrangements are based on a service agreement model. The function of the office is to provide the administrative and operational support necessary or convenient to help the boards perform their statutory functions. The support services that the office will provide to the boards include: providing general administrative support to the boards; maintaining the boards' registers; collecting moneys payable to the boards; providing and maintaining accommodation and equipment for the boards; providing and arranging the provision of advice, including legal advice, to the boards; helping the boards to meet their statutory financial obligations; and performing other functions conferred on the executive officer or staff or delegated by the boards under the health practitioner registration Acts—for example, inspectorial functions under the Medical Act and Other Acts (Administration) Act or investigating complaints against registrants.

The office will be self-funded by amounts paid by the boards under the service agreements, as the member for Bulimba knows. In practice, the amount paid by the boards will be calculated to take into account the boards' share of office operating costs, salaries and so on of staff who service the boards. As the member for Springwood and the Minister for Environment will agree, it gives me great pleasure to support this Bill. I hope that all members of this House will support it. I congratulate the Minister on bringing it forward.

Dr PRENZLER (Lockyer—ONP) (3.59 p.m.): I rise to support the objectives of the Health Practitioners (Professional Standards) Bill 1999 and the Health Practitioner Registration Boards (Administration) Bill 1999 introduced into the House by the Minister for Health. I will be supporting this legislation. The current system of complaints and disciplinary action against health practitioners is completely inadequate and is regarded with low esteem by the public. Because I support this Bill, I will just make a few general observations concerning the Bill and some research we conducted.

The growing dissatisfaction with the health system in general is a disgrace. The Health Practitioner Registration Board (Administration) Bill and Health Practitioners (Professional Standards) Bill are a good start to repairing the credibility of Queensland Health and restoring some public confidence in the current system. One Nation supports the establishment of a regime to investigate misconduct by members of the medical profession and to administer any disciplinary action if it is appropriate. Any change to the current practice can only be an improvement.

Stories of patients and members of the public suffering or dying as a result of negligence or poor medical treatment are unfortunately far too common in our community, just as stories of disciplinary action against these professionals seem far too few. It appears that the practice of some political parties looking after and protecting their mates is also followed by health professionals when complaints are made against their mates. These Bills at least make such practices less likely.

The investigative and restitution process is not uniform across the professions. It is not transparent and, in many cases, the complainant is left dissatisfied with the process. A recent report in the Sydney Morning Herald of 21 June stated that patients' complaints about doctors can take years to resolve and almost two-thirds remain unhappy with the results of those investigations. Many believe negligent practitioners escape sufficient punishment.

A number of constituents have expressed to me their displeasure and frustration at the Queensland system concerning both the length of time to complete investigations and the investigative procedures used. In one case involving a male patient, investigations have been ongoing for a decade and there are clear signs of professionals covering up mistakes made by other professionals, rather than seeking justice and restitution for the gentleman involved—a gentleman who in good faith allowed his doctor to treat him and through that doctor's negligence has suffered every day for the past 10 years. Through no fault of his own, this man's health and quality of life have been jeopardised, yet after 10 years of fighting for justice through all of the proper channels, he has achieved absolutely nothing. This says that the current system probably does more to protect medical practitioners at the expense of patients than the other way around. I repeat that this an unacceptable situation in our society today.

Most patients are not after fame and fortune, they are merely after justice. Generally, the patient only wants the practitioner concerned to be disciplined in some way that reduces the chances of the same thing happening to somebody else. With up to 18,000 Australians reportedly dying each year as a result of inadequate or inappropriate

treatment in our hospital systems, complaints against medical professionals can only increase. The member for Kurwongbah has already mentioned the number of complaints in Queensland per year—about 650—thus legislation of this type is badly needed in Queensland to provide justice to both the complainants and the registrants. Unfortunately, in many cases, particularly those involving nursing staff, I believe a lack of sufficient funding to hospitals has led to a reduction in the quality of care of patients, not because the nurses do not care but simply because there are not enough of them to handle the workloads involved.

I support these Bills, as they impose greater accountability upon health practitioners and professional health boards, although I believe the issue needs to be dealt with also from the front end through increased funding for facilities, equipment, nursing staff and public hospitals in general. The increased accountability that these Bills provide is positive and hopefully will help. Improved transparency protects the public from medical malpractice or unfair treatment by medical professionals and their representative boards. The Bills go a long way towards increasing the accountability of health practitioners, and I am sure they will act as a deterrent to negligent behaviour.

Public protection is the issue here and members of the public deserve to know that, if they go to the doctor to seek medical treatment or advice, they can trust that medical treatment or advice. That is what doctors are for. Similar to other professionals, if they fail to do their job or if they act negligently, they should be brought to task so that these mistakes can be dealt with in some way, especially considering that they are dealing with people's lives.

The Bill allows the complainants to attend disciplinary proceedings triggered by their complaints. It provides an increase in sanctions and the ability to impose conditions on those who are negligent. Other positive aspects of these Bills include the flexible three-tiered disciplinary structure that allows minor complaints to be dealt with in a minor way by the Health Practitioners Tribunal, and serious incidents to be dealt with by a District Court judge. This last tier is an extremely important one, as in respect of issues of a serious nature an independent judge is less likely to ensure that mates look after mates.

Open misconduct hearings encourage additional complainants to come forward and give the public more faith and confidence in the health system, as everything is more transparent and accountable and they can see that they can have a say and receive appropriate justice. The New South Wales Health Care Complaints Commissioner, Ms Merrilyn Walton, in a report in the Sydney Morning Herald on 21 June 1999, rightly stated—

> "I think that we need to expand the definition of professional conduct to include a community standard as well as a peer standard."

The increased openness to the public and the increased ability for restitution for negligence or malpractice afforded by these Bills will impose that community standard.

In conclusion, I agree with the need for the transparency and accountability that these Bills introduce into the health system and into other professional areas. I commend those who worked to make these Bills a reality. I reiterate my support for the Health Practitioners (Professional Standards) Bill and the Health Practitioner Registration Board (Administration) Bill and my belief that they will result in a fairer, more just system in which the public can have confidence. I commend the Minister for bringing these Bills into the House. I assure the member for Bulimba, who has my walking stick at the moment, that the surgeon who looked after me did a good job and I have no complaints.

Mr SULLIVAN (Chermside—ALP) (4.06 p.m.): I rise to support the health practitioners legislation before the House. This legislation has been six years in the making and, as a member of the Labor caucus health committee during that period, I have some understanding of the work that has gone into the development of these Bills. I congratulate the staff of Queensland Health, the various practitioner boards, former ministerial officers and in particular those of our current Minister for Health for their efforts in bringing greater professionalism to the health industry in this State.

These Bills will enhance the rights of the community and provide health users with greater consumer protection. It was to those two topics that I wished to address my comments today. However, since this is the end of a long parliamentary sitting week and considering that a number of members, particularly country members, wish to head home to their families, I seek leave to incorporate my speech into Hansard. I support the Bills.

Leave granted.

As noted in the Policy Report of the Consumers' Association of the U.K., entitled Leave it to the professionals? Professional regulation in the 21st century, "The consumer, not being an expert, is often unable to judge the quality of what is on offer from the professional—their competence and/or the quality or suitability of the product they offer, where that product is complex or novel." (p. 37)

Arguably, the product of health care is complex and the consumer, not an expert. Accordingly, it is appropriate for government to regulate the delivery of health care in order to control the competence of the registered health professional, ensure a high standard of health care services and protect the public. The best method to ensure that registered health practitioners deliver their product in a safe and competent manner is via an effective complaints and discipline system.

The Health Practitioner (Professional Standards) Bill is the most significant health consumer protection law ever introduced into the Queensland Parliament and, consequently, is of great benefit to the public of Queensland

Health consumers, in particular, will benefit from the Bill. The Minister, in her Second Reading Speech, said "Overall, the Bills have a strong emphasis on public interest and this has been applauded by health consumer groups in particular". She concluded "The Bills enhance the regulation of the professions for the benefit of the community as a whole".

However, the Bill will not only benefit consumers of health care but, registrants, registration boards, the registered health professions as a whole and the Queensland community as well.

The Bill confers significant benefits on the community (through the creation of an effective disciplinary system) while also protecting the interests of the registrants, complainants and other individuals who are directly affected by it.

The Bill carefully balances protection of the public with the rights of registrants, complainants and other individuals (eg witnesses). However, the principal object of the legislation is the protection of the public. To the extent that the Bill impacts adversely on the rights of registrants (for example, with respect to a registrant's privacy), it is justified on the basis of this higher goal.

In its report on this Bill, the Scrutiny of Legislation Committee said "Whilst the bill contains many provisions which impinge on the rights of individuals, the committee recognises the significant efforts which have been made in drafting many of these provisions to take account of fundamental legislative principles".

Enhancing rights

The Bill enhances the rights on registrants, complainants and witnesses.

Registrants

The major reforms advantaging registrants are the introduction of comprehensive provisions detailing the procedures to be followed in the investigation and adjudication of unsatisfactory professional conduct. These provisions are consistent with fundamental legislative principles, particularly natural justice and protection from self-incrimination.

The Bill also has significant regard to the privacy of registrants within the context of the objectives of the legislation. For example, there is a 100 penalty unit fine under the Bill for the unlawful disclosure of confidential information and the Bill contains various discretions in respect of public access to disciplinary proceedings and decisions. The Bill also allows the tribunal to suppress the identity of a registrant who is the subject of disciplinary proceedings. Where the Bill authorises the disclosure of information about a registrant to other entities, this may only occur if the board is satisfied the entity needs to know the information and the disclosure will assist in achieving the objects of the legislation. These protections generally do not exist in equivalent legislation elsewhere in the country.

Ultimately, the Bill will improve professional standards and public confidence in the health professions and this will advantage all registrants and the community generally.

Complainants

The Government is committed to conferring new rights upon persons who make health complaints. The Health Rights Commission and the registration boards receive between 400 and 500 complaints about registrants each year. In most cases, these complaints are made selflessly and with hope that the health system will be improved for the benefit of others. Consumers who make such complaints need to be encouraged and supported.

Under the Bill, complainants are, for the first time, provided with statutory rights to:

- be given notice of disciplinary proceedings arising out of their complaints
- to attend those proceedings
- to be accompanied by a support person during those proceedings
- to have their identity suppressed during any public hearings and
- to be advised of the outcome of disciplinary proceedings.

Also, where the complainant or another witness has "special needs", the Bill provides the Health Practitioner Tribunal with the power to take these into account in the conduct of disciplinary proceedings. This is an important equity strategy, based on section 21A of the Evidence Act 1977, which recognises that the adjudicative process may be especially traumatic for certain classes of people (for example, children and people with disabilities)

and that it is appropriate for the procedures of the tribunal to support them to give evidence. This provision will ensure, for example, that patients who are sexually abused by their doctors are not re-abused by the disciplinary process.

The Bill employs a number of mechanisms to ensure that public confidence in the professions and the disciplinary process is maintained. For example, a District Court Judge hears the most serious disciplinary matters, the proceedings of the tribunal are open to the public and complainants may attend disciplinary hearings.

The Bill supports complainants by ensuring the involvement of laypersons on all the adjudicative bodies (ie. registration boards, professional conduct review panels, the tribunal) and through the incorporation of a significant number of other accountability mechanisms (eg. oversight of board investigation activities by the Health Rights Commission, the tribunal conducting public hearings of the most serious disciplinary matters, recording of disciplinary sanctions and any conditions imposed in a publicly accessible register; specific annual reporting requirements; the creation of a publicly accessible collection of disciplinary decisions).

This Bill contains a range of strategies to ensure the public, the profession and other relevant entities are informed about the outcome of disciplinary proceedings. This will ensure that registrants are informed and educated about professional conduct issues in order to promote high standards of practice and deter unsatisfactory professional conduct. It will assist in maintaining public confidence in the disciplinary processes and the health professions. The strategies will also enable the public to make informed choices regarding registrants.

Problems with the current approach

The Bill implements a new model for the discipline of registrants which significantly reforms the current outmoded disciplinary model under the health practitioner registration Acts.

Currently, the discipline of health practitioners is controlled by eleven separate health practitioner registration Acts. These Acts were drafted over a 50 year period and are not uniform in respect of the grounds for disciplinary action, the adjudicative processes or the sanctions which may be imposed where a registrant is found guilty of misconduct.

Also, the current legislation does not provide any statutory rights for complainants and the rights of registrants are not sufficiently protected. The current disciplinary provisions are not very detailed and, consequently, the rights of registrants during investigative and disciplinary processes are not comprehensively set out.

The existing disciplinary processes are, arguably, unfair to registrants in that the 10 non-medical boards both prosecute and adjudicate disciplinary matters and it has been suggested that disciplinary decisions of these bodies could be challenged on the basis of apprehension of bias.

The disciplinary provisions of the current Acts are also deficient in respect of inadequate external accountabilities (eg proceedings are not required to be open to the public and disciplinary decisions and reasons for the decisions are not publicly accessible or otherwise reported).

The current provisions do not fully conform with fundamental legislative principles or contemporary drafting practice (for example, the powers available to boards under the Commissions of Inquiry Act 1950 are draconian and totally inappropriate). The President of the Medical Assessment Tribunal, Hon Justice Fryberg, has described the Medical Act 1939 as "ill-drafted, outdated and, in many respects, just plain bad".

Conclusion

The disciplinary process and the information dissemination strategies implemented by the Bill, will uphold standards within the professions, deter misconduct and maintain public confidence in the professions.

The Bill will advantage many different groups within the community.

A person who makes a complaint about a health service will benefit from greater involvement in the complaints process, the improved accountability of the disciplinary process and the increased flexibility in the complaint handling processes adopted by the boards and the Health Rights Commission.

Registrants will benefit from the Bill because the increased reporting requirements and clearly stated disciplinary procedures make the disciplinary process fairer and more accountable.

The Bill will bring with it, benefits for the registration boards. One piece of legislation will be easier for the boards to administer. All procedures in relation to disciplinary matters will be clearly stipulated, negating the need for the boards to devise procedural and administrative rules in relation to disciplinary matters and eliminating any uncertainty in relation to disciplinary powers.

Each of the health professions will benefit from the Bill because it will ensure that the standard of health care services delivered by the professions is high. This in turn will ensure that public confidence in the health professions is maintained.

Finally the Bill will benefit the community as a whole by ensuring a high standard of health service delivery. A higher standard of health service delivery will result in less adverse outcomes within the community and, ultimately, savings of health dollars,

Hon. W. M EDMOND (Mount Coot-tha) (Minister for Health) (4.07 p.m.), in reply: I thank members opposite for their support for this legislation. Many of their queries in terms of why the legislation is needed and how it will work have already been answered by backbench members and members of my legislative committee.

A couple of concerns were raised by the Opposition that I wish to address. Firstly, this Bill has been under discussion, consultation and production since 1993. It was expected to be introduced into this House in late 1996 or early 1997. The suggestion that this model is not the preferred model is rather strange, because the Opposition did have the opportunity to change it and put in its own model during the time it was in Government. The model that we now have is the one that was started by the Labor Party back in the early nineties and has progressed through. Also somewhat amusing were the comments regarding the Health Rights Commission—the HRC. I remind members opposite of the comments by the Health spokesperson and other members of the National Party at the time that the Health Rights Commission Bill was debated. They gave a guarantee that they would oppose it and that they would repeal the legislation when they got back into Government. It is a little rich to say now that the HRC is not getting everything it wants and that we should be doing more for it.

I remind members that about 90% of what the Health Rights Commission has indicated it would like to see in this Bill has been included in the Bill. I have a letter from the Health Rights Commissioner saying that he supports me. He has assured me of his support and that of the commission for the implementation and the administration of the legislation in the most efficient and effective way possible. I think any concerns that the Health Rights Commission may have had earlier on have been well dealt with.

In relation to the concerns that the Health Rights Commission is not resourced adequately, I have to express my absolute confidence in the fact that it is doing its job—and a very good job. Indeed, I think it is probably fair to say that every organisation lobbies regularly for increased funding. I understand that the Health Rights Commission is intending to put on extra PR staff to spread its knowledge and to make more people aware of how and when they can lodge complaints. Clearly, it is very confident that it is coping with the workload it has and the way it is working through that.

Another issue that was raised repeatedly was the concern about the cost of the legislation and the cost to the boards. I understand that a review of what would be needed in terms of extra resources or extra investigators showed that there would only be a need for one additional investigator to be engaged by the office of health practitioner registration boards, which across all of the boards would not be a huge impost. So I think we can rest assured that that is not the reason for the pressures on them.

I should inform members that Cabinet recently improved a fee increase for all of the health practitioner registration boards, excluding the Queensland Nursing Council, which had only been established recently. This includes a CPI adjustment as well as recognition of the increasing requirements of the boards to respond to matters of professional conduct and discipline. There has been a significant increase in litigation and complaints to the boards and, indeed, I have been lobbied for all of the time that I have been Minister—long before this legislation was introduced—for an increase in funding of the boards to enable them to deal with the increasing costs that they were facing.

This week's Courier-Mail provided clear evidence of the expanding role of the Medical Board, for example, in monitoring medical practitioners recognised as impaired by virtue of illness or drug and alcohol dependency. Clearly, the role of the boards has changed. The previous Minister sought an audit of the board's responsibilities and expenses and relative fees, and these fees have now been agreed to by Government at the request of the respective boards and are in line with the recommendations of that audit. All of the boards have members from relevant professional associations. The fees are still very competitive compared with those in other States. I should also note that the registration fees may also be affected by the GST when it comes in next year.

As to the concerns of the member for Caloundra that these increased registration fees will mean a huge impost on these professional people—an increase of, say, $50—I point out that if that is divided by 1,000 or so patients, the amount that is going to be passed on will be minute indeed.

Specific mention was made of an increase in the osteopaths' registration fee. Of course, that is still tax deductible, so most of them will only be paying, in real terms, half of that increased fee. When I was the Opposition spokesperson, I was subjected to enormous

lobbying from the osteopaths—as I am sure the member has been—regarding their wish to be separated from the osteopaths and chiropractors board and to stand alone as a profession. It was explained to them—and they acknowledged and accepted and, indeed, welcomed—that doing so would lead to an increase in their fee structure because of their small number of participants. However, they have continued to lobby strongly and, I would have to say, unanimously for that separation, including the increase in fees.

The member for Caloundra raised concerns about the fact that the exposure draft was limited in consultation. Yes, the consultation was curtailed. It had been going on for six years. We put the exposure draft out only to those people who had been involved closely so that no-one's time, including that of the professionals concerned, was wasted by going over old arguments and restarting debates about policy.

With regard to the selection of the executive officer, I can inform the House—and I think honourable members would be aware of this already—that the position has been advertised. The selection panel is intended to include representation from the boards. It is highly likely that the panel will include the chair of the Medical Board and someone from the other medical registration boards as nominated by them. In this way, the boards do have direct involvement in the selection of a suitable executive officer, and it is really difficult to imagine circumstances in which the decision to terminate the appointment of the executive officer would not involve consultation with the boards.

I have circulated a list of amendments, which are largely of a minor machinery nature and which I understand the Opposition has no problem with.

Motion agreed to.

Committee

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health) in charge of the Bills.

Health Practitioner Registration Boards (Administration) Bill

Clauses 1 to 47 and Schedule, as read, agreed to.

Health Practitioners (Professional Standards) Bill

Clauses 1 to 15, as read, agreed to.

Clause 16—

Miss SIMPSON (4.17 p.m.): I just have a quick question with regard to clause 16 and the panel. The panel is not permanent, so seeing that one of the objectives of the Bill is to have uniformity in decision making, how will consistency of decision making be maintained when panels are of a temporary nature?

Mrs EDMOND: One of the issues is that the panels are made up of professionals, including registrants, etc. They will be dealing with minor matters. The secretary and the registrant will be able to give them guidance so that they can constitute continuity. I would expect that, where a panel is hearing a matter, that panel would be consistent during the hearing of that matter.

Clause 16, as read, agreed to.

Clause 17—

Miss SIMPSON (4.19 p.m.): Clause 17 defines the composition of a panel. In a diverse profession such as the medical profession—but certainly this issue has been raised with me in relation to psychologists—members of the same profession may have a specialty within that profession which may not be recognised necessarily. For example, there might be rural GPs who are undertaking certain procedures. The question that has been raised is: how will registrants have their varying needs within their profession recognised in the composition of the panel?

Mrs EDMOND: If the member looks at clause 19, she will find a better description of that. It discusses selecting the members for the panel. I know that I am discussing another clause, but it explains the circumstances. In referring a disciplinary matter regarding a specialist, a board will recommend a panel that comprises at least one member of that registrant's specialties. We are trying to get a wide spread of panellists that can take into account the spread of specialties, and, at the particular time, include members with that speciality on the panel.

Miss SIMPSON: I thank the Minister for the answer. I note that clause and how it is written. One of the concerns raised by people is that some fields are not yet recognised as specific specialities of the colleges, but they are fields in which people are involved in their professions. They have not yet been defined as colleges of specialisation. It is necessary to recognise that some of the registrants might have a need to request a certain field that is not yet recognised as a specialist field. The psychology profession is an example that has been raised.

Mrs EDMOND: I think the member is mixing up the areas of their scope of practice, which will be more defined in the next series of Bills on the particular professions. In this clause we are dealing with hearings about misconduct. Certainly, if people are operating outside of their recognised scope of practice, that could form misconduct. In general terms, misconduct will be understood, recognised and acknowledged by people across a profession, even within the various speciality areas. I think a lot of what the member is discussing will be involved in the next series of legislation, which deals with, for example, the psychology profession, and we will be defining those fields.

Clause 17, as read, agreed to.

Clauses 18 to 52, as read, agreed to.

Clause 53—

Mrs EDMOND (4.22 p.m.): I move the following amendment—

"At page 50, line 1, ', section 67, 71A or 72A'—

omit."

This amendment is one of a series that corrects minor drafting errors that involve cross-references in the Health Rights Commission Act and which are being moved for consistency.

Amendment agreed to.

Clause 53, as amended, agreed to.

Clauses 54 to 58, as read, agreed to.

Clause 59—

Miss SIMPSON (4.23 p.m.): Under clause 59, the board can impose an immediate suspension or imposition of conditions on registration without reference to the registrant. Under this provision, the conditions of suspension can be imposed and then the registrant must be given written notice. This seems to be a denial of natural justice, as the process of notification and the opportunity to respond is denied until after the possible suspension. I would like the Minister's explanation. In theory, a person could be suspended and not even know that they have been suspended because of the fact that they get notified after the event. In theory, if a person cannot be contacted, the potential exists that that person will continue to practice.

Mrs EDMOND: Clause 58 specifies that the purpose of this part is to give boards the power to effectively respond to imminent threats posed by registrants to the life, health, safety or welfare of a person or a class of persons. Clause 59 elaborates on that. It is not something that would be used lightly. However, there must be times when conditions are such that a person's life is threatened. The example is a drunken surgeon who is about to operate and people may take steps at that time to stop that immediately and withdraw his rights to practise, without the powers of appeal at that particular time. Of course, he would have to be notified and would have the rights of appeal, etc., that would normally pass on. It is not something that is taken lightly. It is important that the purpose of that part is only to be taken where there is a concern for the life, health, safety or welfare of a person.

Clause 59, as read, agreed to.

Clauses 60 to 62, as read, agreed to.

Clause 63—

Mrs EDMOND (4.25 p.m.): I move the following amendment—

"At page 57, line 19, 'provides'—

omit, insert—

'may provide'."

This amendment provides a board with the capacity to commence an investigation where it reasonably believes that a registrant's conduct, practice or another matter may provide grounds for disciplinary action. It is totally consistent with the policy of the Bill. I think it is more machinery than anything else.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clauses 64 and 65, as read, agreed to.

Clause 66—

Mrs EDMOND (4.26 p.m.): I move the following amendments—

"At page 59, line 18, 'board'—

omit, insert—

'committee or investigator'.

At page 59, line 21, 'of a complaint'—

omit."

These amendments correct a minor drafting error and provide for consistency with clause 67.

Amendments agreed to.

Clause 66, as amended, agreed to.

Clauses 67 to 106, as read, agreed to.

Clause 107—

Mrs EDMOND (4.27 p.m.): I move the following amendment—

"At page 76, line 25, 'is'—

omit, insert—

'may be'."

This amendment is again for the purposes of consistency.

Amendment agreed to.

Clause 107, as amended, agreed to.

Clauses 108 to 117, as read, agreed to.

Clause 118—

Mrs EDMOND (4.27 p.m.): I move the following amendment—

"At page 84, line 1, after 'itself'—

insert—

', or establishing a disciplinary committee to conduct disciplinary proceedings,'."

Amendment agreed to.

Clause 118, as amended, agreed to.

Clause 119, as read, agreed to.

Clause 120—

Mrs EDMOND (4.28 p.m.): I move the following amendments—

"At page 85, line 23, after 'board'—

insert—

'or a disciplinary committee'.

At page 85, line 24, after 'board's'—

insert—

'or committee's'."

Amendments agreed to.

Clause 120, as amended, agreed to.

Clauses 121 to 262, as read, agreed to.

Part 6, Division 7, subdivision 3, heading—

Mrs EDMOND (4.28 p.m.): I move the following amendment—

"At page 162, line 23, 'action'—

omit, insert—

'proceedings'."

Amendment agreed to.

Heading, as amended, agreed to.

Clause 263—

Mrs EDMOND (4.29 p.m.): I move the following amendment—

"At page 162, line 25, 'action'—

omit, insert—

'proceedings'."

Amendment agreed to.

Clause 263, as amended, agreed to.

Clauses 264 to 296, as read, agreed to.

Clause 297—

Mrs EDMOND (4.29 p.m.): I move the following amendment—

"At page 182, lines 24 and 25, from 'report' to 'summary'—

omit, insert—

'report or a summary under section 296 may, within 14 days after receiving the copy or summary'."

Amendment agreed to.

Clause 297, as amended, agreed to.

Clauses 298 to 303, as read, agreed to.

Clause 304—

Mrs EDMOND (4.30 p.m.): I move the following amendment—

"At page 187, line 31, 'that details'—

omit, insert—

'the details'."

Amendment agreed to.

Clause 304, as amended, agreed to.

Clauses 305 to 310, as read, agreed to.

Clause 311—

Mrs EDMOND (4.30 p.m.): I move the following amendment—

"At page 190, line 14, 'registrar's'—

omit, insert—

'registrant's'."

Amendment agreed to.

Clause 311, as amended, agreed to.

Clause 312, as read, agreed to.

Clause 313—

Mrs EDMOND (4.31 p.m.): I move the following amendment—

"At page 193, lines 4 to 6—

omit."

Amendment agreed to.

Clause 313, as amended, agreed to.

Clauses 314 to 399, as read, agreed to.

Clause 400—

Mrs EDMOND (4.31 p.m.): I move the following amendment—

"At page 231, line 8, after 'not'—

insert—

'finally'."

Amendment agreed to.

Clause 400, as amended, agreed to.

Clause 401—

Mrs EDMOND (4.31 p.m.): I move the following amendment—

"At page 232, line 9, 'started proceedings for disciplining the registrant'—

omit, insert—

'taken action'."

Amendment agreed to.

Clause 401, as amended, agreed to.

Clauses 402 to 440, as read, agreed to.

Clause 441—

Mrs EDMOND (4.32 p.m.): I move the following amendment—

"At page 253, line 20, 'has admitted liability in relation to the complaint and'—

omit."

Amendment agreed to.

Clause 441, as amended, agreed to.

Clauses 442 to 544 and Schedule, as read, agreed to.

Health Practitioner Registration Boards (Administration) Bill reported, without amendment.

Health Practitioners (Professional Standards) Bill reported, with amendments.

Third Reading

Bills, on motion of Mrs Edmond, by leave, read a third time.

SPECIAL ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (4.34 p.m.): I move—

"That the House, at its rising, do adjourn until 9.30 a.m. on Tuesday, 23 November 1999."

Motion agreed to.

The House adjourned at 4.35 p.m.

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