TUESDAY, 7 OCTOBER 2003

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

ASSENT TO BILLS

15 September 2003

The Honourable R.K. Hollis, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the dates shown:

	Date of Assent
"A Bill for an Act to amend the Marine Parks Act 1982"	11 September 2003
"A Bill for an Act to repeal the Irvinebank State Treatment Works (Sale and Operation) Act 1990, and for related matters	11 September 2003
"A Bill for an Act to amend the Building Act 1975"	15 September 2003
"A Bill for an Act about the provision of housing and related matters".	15 September 2003

The Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

(sgd)

Governor

18 September 2003

The Honourable R.K. Hollis, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on 18 September 2003:

"A Bill for an Act to provide for the approval of the establishment or recognition of universities, approval of the operation of overseas higher education institutions or interstate universities, accreditation of courses offered by non-university providers, and for other purposes"

"A Bill for an Act to provide for Queensland's involvement in relation to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, and for other purposes"

"A Bill for an Act to amend the criminal law, and for other purposes"

"A Bill for an Act to amend the Transport Infrastructure Act 1994, and for other purposes"

"A Bill for an Act to amend the Pastoral Workers' Accommodation Act 1980"

"A Bill for an Act to amend the Mineral Resources Act 1989 and the Petroleum Act 1923".

The Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

(sgd)

Governor

PRIVILEGE

Comments by Premier

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (9.31 a.m.): I rise on a matter of privilege. On 11 September in this place, in a personal smear on me, the Premier said—

Every Queenslander knows about it! Do members know what Queenslanders know as a result of this? They know that the Leader of the Opposition and all of his mates are a mob of crooks. They know that they will get back into bed with every corrupt organisation possible.

A number of people raised this issue with me and as a consequence I wrote to both the chairman of the Crime and Misconduct Commission and also the Commissioner of Police in Queensland asking if there had been any references about me to either of their organisations insofar as criminal activity was concerned. The chairman of the Crime and Misconduct Commission responded as such—

... the CMC ordinarily does not give clearances to persons without good reason being shown. To generally adopt such a practice would allow persons under suspicion to learn if they are or might be the subject of investigation, and thereby possibly compromise an investigation or an ongoing intelligence probe.

Nevertheless, in the circumstances of this particular request it has been decided to provide the information.

I can advise that the CMC is not now investigating you and has not investigated you in the past for any criminal activity.

The Commissioner of Police responded as follows—

I can confirm that a search of records available to the Queensland Police Service... Police Information Centre has revealed that no person by your name and date of birth is recorded as committing any criminal offences within Queensland or elsewhere in Australia.

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Ambulance Station, Birkdale

Mr Choi from 179 petitioners requesting the House to not build the proposed Ambulance Station on the corner of Randall Road and Old Cleveland Road East Birkdale.

The following honourable member has sponsored an e-petitions which is now closed and presented—

Regional Race Meetings

Mr Johnson from 150 petitioners requesting the House to reassess the discriminatory cut backs of regional race meetings throughout regional Queensland and reinstate all race meetings and ensure prize money, as race meetings are an essential part of the social fabric in rural, regional and remote areas.

PAPERS

PAPERS TABLED DURING THE RECESS

The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

12 September 2003—

- Response from the Minister for Local Government and Planning (Mrs J Cunningham) to a paper petition presented by Mrs Pratt from 115 petitioners in total regarding laws in relation to dangerous dogs

  Mr Neil Laurie
  Clerk of the Parliament
  Queensland Parliamentary Service
  CENTRAL DOCUMENT EXCHANGE M29

  Dear Mr Laurie

  Thank you for forwarding a copy of a petition lodged in the Legislative Assembly on 23 October 2002 concerning new laws regarding dangerous dogs.

  The primary purpose of the legislation is to provide for the regulation of those breeds of dog prohibited from importation by the Commonwealth. The legislation targets those breeds of dog which have been bred for their aggressive characteristics. Other states (South Australia, New South Wales and Victoria) have recognised the increased risk to public health and safety of these dogs, and have enacted similar legislation.

  The legislation does not impose an automatic prohibition on the keeping of all restricted dogs in Queensland, but rather provides minimum standards for the regulation of these dogs. In Queensland, local governments are primarily responsible for animal control and management issues. It is intended that the legislation will contribute to the management of dog attacks by complementing existing local government local laws on dangerous dogs.

The legislation sets minimum standards for the keeping of restricted dogs across the State. A Council may impose a higher standard by local law, including an outright prohibition on the keeping of restricted dogs in their area, or a partial prohibition on the keeping of restricted dogs in their area, for example, after a specified date. It is a matter for each Council to determine whether they will seek to impose a higher standard in their area, such as the non-issue of permits after a specified date. Further, it is anticipated that the ban in the State legislation on breeding will eventually lead to a reduction in the population of restricted dogs in Queensland.

The State legislation places the obligation on owners of restricted dogs to apply to the Council for a permit to keep the dog at a specified place. It is a matter for each Council to determine the extent to which it intends to use the discretionary powers for declaring a dog to be restricted.

As I believe the rationale for the legislation has been clearly stated and as the arguments against the legislation were fully considered during its preparation, no amendments to the legislation are being considered at this stage.

I trust this information is of assistance.

Yours sincerely

(Original signed by Minister)

Nita Cunningham MP
Minister for Local Government and Planning
22 August 2003

- Response from the Minister for Innovation and Information Economy (Mr P Lucas) to a paper petition presented by Mr Pitt from 559 petitioners in total regarding the performance of the electricity distribution network in the Innisfail area

Mr N Laurie
Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Re: Petition Received by the Legislative Assembly

Thank you for your letter of 21 August 2003 forwarding a copy of the petition lodged by Mr Warren Pitt MP, Member for Mulgrave regarding the performance of the electricity distribution network in the Innisfail area.

I am very concerned about the frequency and number of power supply interruptions in the Innisfail area. The Queensland Government recognises the importance of a reliable electricity supply for consumers.

The Innisfail Central Business District (CBD) is normally serviced by three 22,000 volt distribution lines (Innisfail Number 1, Number 2 and Number 3 feeders). I am advised approximately 5,000 of the area's 9,500 customers are normally supplied via the three Innisfail feeders with the larger commercial CBD customers supplied by the Innisfail Number 3 feeder (approximately 259 customers). This underground feeder is sourced from the East Palmerston substation and is approximately 7 km from the CBD.

During the past 12 to 18 months there have been an increasing number of failures on the Innisfail Number 3 feeder. After several failures in a short space of time early this year, Ergon Energy (Ergon) took this feeder out of service. Load from the CBD and surrounding suburbs was shared between the remaining two feeders. This resulted in customers normally supplied by the Number 1 and 2 feeders being transferred to the Mourilyan and Babinda Number 1 feeders. The time taken to restore supply after an interruption has been affected on these feeders due to the Innisfail Number 3 feeder being out of service.

Ergon has advised the Innisfail Number 3 feeder was installed about 20 years ago as a high reliability fully underground supply to the Innisfail CBD. Underground cables are normally very reliable and have an average life span of about 40 years. I am advised the cable failures on this feeder have been unpredictable, and Ergon's past practice has been to identify the fault site and undertake a localised repair.

To identify the cause of the continuing cable failures, Ergon brought in specialised testing equipment from Switzerland. This investigation determined that the failures were caused by the cable manufacturing processes combined with high local rainfall levels and installation methods at the time. Tests also indicated a 1.5 km section of cable needed to be replaced. Whilst the balance of the length of the original cable displayed some degradation, it was considered to be serviceable into the foreseeable future.

I am advised in June 2003 Ergon replaced the faulty section of cable at a cost of $300,000 and commenced to recommission the cable. Unfortunately after 36 hours of the line being energised without load it failed and Ergon immediately took the cable out of service.

Ergon has now decided to replace the remaining 4.5 km of underground cable. The work is expected to be completed by the end of 2003 subject to cable deliveries. This will reinstate the Innisfail Number 3 feeder as a high reliability feeder and will significantly improve the reliability of the electricity network in the area.

Ergon will also be targeting supply reliability in the Innisfail area with just over $2 M to be spent on capital improvement works during the 2003-04 financial year. The budget has been allocated as follows:

(1) $650,000 for the replacement of the Innisfail Number 3 feeder;
(2) $143,000 for augmentation of the Innisfail Number 1 feeder;
(3) $300,000 for a 1 km underground cable to the Warrina Nursing Home;
(4) $820,000 for repairs;
(5) $240,000 for specified reliability improvement projects; and
(6) $ 41,000 for upgrades at the Babinda Switching Station.

These works will be undertaken over the next 12 months, however, the reinstatement of the Innisfail Number 3 feeder is the highest priority.

In addition to the capital works program, Ergon has in place a thorough asset inspection and maintenance program. This program will see every pole, cross-arm and conductor span inspected at least once every three years whereas the industry standard is a five year inspection cycle. In 2002-03 approximately 2,600 poles were inspected and a further 6,900 poles are scheduled for inspection in Innisfail in 2003-04. I note asset inspectors are currently working in the area. Any urgent repairs identified by these inspectors will be carried out immediately by Ergon staff and contractors who are currently working in the Innisfail area replacing cross-arms on poles identified from previous inspections. Any non urgent defects will be scheduled for repair and will be carried out within the six month repair time frame.

Ergon also has a $1.024 M vegetation program in the Innisfail/Tully area in 2003-04 as part of its $5.431 M program for the Far North region. I am advised feedback from the community in relation to the vegetation management program in the area has been positive and vegetation related interruptions have significantly reduced in recent years. Over the past six years Ergon and its predecessor Far North Queensland Electricity Board have recorded a 70% reduction in vegetation related interruptions.

It is expected residents and business operators in the Innisfail area will see a significant improvement in the reliability and performance of the electricity network as a result of these works. Ergon has also advised it will provide regular status reports via media releases and meetings with key community leaders, such as Mr Warren Pitt MP, Member for Mulgrave, to ensure residents are informed of the progress of these works.

Unfortunately, no matter what preventative measures are implemented, neither Ergon nor any other electricity distributor can guarantee an electricity supply 100% of the time, as there will always be events such as vehicle accidents, wildlife, vegetation and natural events such as storms, which have the potential to impact on power supply reliability and quality and are beyond the control of Ergon.

However, following completion of the works identified above, I expect to see an improvement to the reliability of supply in Innisfail.

Thank you for bringing this matter to my attention. It would be appreciated if you could table my response on the Parliamentary website. An electronic version will be emailed to your office for this purpose. If you have any further queries, please contact Mr Lucien Whitten from my office on telephone number (07) 3235 4286.

Yours sincerely

(Original signed by Minister)

PAUL LUCAS MP
Minister for Innovation
and Information Economy
Minister with responsibility for Energy

16 September 2003—

- Response from the Minister for Local Government and Planning (Mrs J Cunningham) to a paper petition presented by Mr Pearce from 175 petitioners in total regarding a development application in relation to a feedlot at Alton Downs

Mr Neil Laurie
The Clerk of the Parliament (Acting)
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 28 November 2002, wherein you provide the wording of a petition relating to a development application currently before the Fitzroy Shire Council seeking approval to establish a feedlot at Alton Downs.

In regulations attached to the Integrated Planning Act 1997 (IPA), numerous State agencies are nominated as "referral agencies" for various types of development. Referral agencies are then categorised as either a "concurrence agency" or an "advice agency". For a relevant application, a concurrence agency has the power to advise a council to either impose a condition on an approval or require the application to be refused. In this situation, the Department of Primary Industries (DPI) is the concurrence agency for feedlots. Should the relevant officers of the DPI consider the technical merits of the proposed feedlot to be insufficient to warrant the support of DPI, I am confident advice requiring refusal will be issued. Conversely, if the technical merits of the proposal are acceptable, advice supporting an approval will be issued by the DPI. Should this eventuate, it will fall to the Fitzroy Shire Council to consider the wider planning merits of the proposal.

The IPA establishes the council as the assessment manager and provides for a process of public notification, lodging of submissions from the community, and the right of appeal to the Planning and Environment Court to challenge decisions. Only in the most exceptional circumstances, ie involving significant economic, social or environmental issues with implications for the State, would I intervene in the assessment and decision-making process.

The IPA empowers me to "call in" an application where I consider there are aspects of the proposal which will affect the social, economic or environmental interest of the State or a region. If I call in an application, I become the assessment manager. This is a significant departure from the principle of councils determining applications within their own jurisdictions and, consequently, is a decision which is not taken lightly. Many applications involve matters of State or regional interest, and I am inclined to call in only those applications which may have a significant impact.

I am satisfied the Fitzroy Shire Council has considered the application through the integrated development assessment system of the IPA in an appropriate and proper manner.

Yours sincerely

(Original signed by Minister)

Nita Cunningham MP
Minister for Local Government and Planning

- Queensland Treasury Corporation—Annual Report 2002-03

17 September 2003—

- Report under Section 56A(4) of the Statutory Instruments Act 1992 by the Minister for Environment (Mr Wells)

19 September 2003—

- Government response from the Premier and Minister for Trade (Mr Beattie) to the Legal, Constitutional and Administrative Review Committee's Report No. 39, The Role of the Queensland Parliament in Treaty Making—Review of Tabling Procedure

24 September 2003—

- Letter, dated 22 September 2003, from the Premier and Minister for Trade (Mr Beattie) to the Clerk of the Parliament referring to correspondence received by the Premier from the Commonwealth Parliament's Joint Standing Committee on Treaties regarding proposed international treaty actions tabled in both Houses of the Commonwealth Parliament on 9 September 2003 including National Interest Analyses for each of the proposed treaty actions listed in the correspondence.
- Response from the Minister for Natural Resources and Minister for Mines (Mr Robertson) to two paper petitions presented by Mr Seeney from a total of 660 petitioners regarding amendments to the Vegetation Management Act 1999 and the Land Act 1994 to commission an open and independent review of the State's vegetation management laws

24 SEP 2003

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 21 August 2003 forwarding a copy of two Petitions (5655 and 5779) lodged in the Queensland Legislative Assembly on 19 and 20 August 2003, requesting the House to rescind the amendments to the Vegetation Management Act 1999 and the Land Act 1994 that were passed by Parliament on 27 March 2003 and commission an open and independent review of the State's vegetation management laws.

The Beattie Government is committed to the protection of the health of our landscapes to promote sustainable economic development, maintain biodiversity and prevent land degradation. Illegal clearing undermines the regulatory framework designed to achieve those objectives and threatens the use and enjoyment of our natural resources by future generations.

In determining how best to deter illegal clearing the Government has weighed the rights of individuals against the need to protect the interests of the community as a whole. In this case, that balance has been preserved by the inclusion in the recent legislation of safeguards to ensure that individuals are appropriately protected. The new laws will only affect those that engage in illegal clearing.

The Petitions raise a number of issues, which I will deal with in turn.

Entry to private property

The amendments make only a limited change to the pre-existing powers of entry. Warrantless entry has always been available with respect to State land. Section 400A of the Land Act 1994 now enables an authorised person to apply for a warrant to enter a place where evidence of a tree clearing offence is suspected to exist, for example, in an office within a dwelling house. This provision brings the Land Act 1994 into line with the existing arrangements under the Vegetation Management Act 1999.

Prior to the amendments, entry to freehold land was either by consent or by warrant. Section 30 now permits warrantless entry to check compliance with a development approval, compliance notice or enforcement notice. The provision is justified for two reasons. Firstly, illegal clearing can result in land degradation and serious and potentially irreversible impacts on biodiversity. Secondly, it can be impossible to verify compliance with the conditions of an approval via remotely sensed imagery, making a physical inspection essential.

Reversal of the onus of proof

The amendments do not remove the presumption of innocence. The effect of sections 431F of the Land Act 1994 and section 67A of the Vegetation Management Act 1999 is to create a rebuttable presumption of law that an occupier is responsible for clearing that occurs on the land they occupy unless there is evidence to the contrary. The sections do not remove the need for the prosecution to prove each element of the offence and in particular to establish that the person or entity charged is in fact an occupier of the land in question.

The amendments do not in any way prevent an occupier from raising issues to rebut the presumption concerning an occupier's responsibility for clearing. If credible issues are raised the presumption is rebutted and the prosecution must prove beyond reasonable doubt that the occupier was in fact responsible for the clearing. This is no different to the operation of Criminal Code defences, where the defendant must raise the specific defence, such that the prosecution is then called upon to negate the defence. There must be some basis for the defence.

The sections above are modelled on the legislation dealing with camera detected traffic offences. It is important to understand the context in which the sections operate. Illegal clearing often occurs in remote areas. Apart from remotely sensed imagery, there is often little additional evidence, for example witnesses tend to be rare. In addition, clearing is a costly exercise often involving heavy machinery and large quantities of fuel. It is extremely unlikely that an unknown third party would deliberately conduct unauthorised clearing operations on an unsuspecting landholders property.

Removal of the defence of mistake of fact

My Department applies the guidelines of the Director of Public Prosecutions in determining whether any particular breach of vegetation clearing laws should be prosecuted. In every case the circumstances of both the breach and the defendant are closely examined. Prosecution is reserved for the more serious clearing offences and does not occur unless all evidentiary and public interest guidelines have been met. Other enforcement options include warning notices, infringement notices and remediation orders.

The removal of the defence of honest and reasonable mistaken belief is designed to promote a duty to take reasonable care when undertaking activity which impacts on native vegetation to ensure that the activity is conducted strictly in accordance with the regulatory framework.

Removal of the right to remain silent

The recent amendments preserve the balance between the rights of the individual and the protection of the community's wider interests by providing safeguards for individuals whilst still enabling information to be obtained to facilitate effective investigation of alleged illegal vegetation clearing.

Often the subject of a vegetation clearing investigation is a corporate entity. The High Court has determined that corporate entities are not entitled to protect themselves against the self-incrimination. The amendment is designed to overcome the situation where employees refuse to give information in relation to an investigation into their employer, thus making it extremely difficult to obtain evidence regarding an alleged offence. Whilst the privilege against self-incrimination has been removed, individuals have been safeguarded because the information they provide cannot be used against them in either criminal or civil proceedings.

I note the concerns expressed by the Petitioners, however they can be reassured that the full impact of Queensland's vegetation management laws will only be felt by those who engage in unlawful clearing.

Thank you for bringing this matter to my attention.

Yours sincerely

(Original signed by Minister)

STEPHEN ROBERTSON MP

- Discussion paper entitled Review of the Retail Shop Leases Act 1994
- Response from the Minister for Natural Resources and Minister for Mines (Mr Robertson) to a paper petition presented by Mrs C Scott from 95 petitioners regarding the stock route/road leading from Cusack Road to the Burdekin River, near Charters Towers

24 SEP 2003

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 21 August 2003 forwarding a copy of a Petition lodged in the Queensland Legislative Assembly, requesting the House to request the Minister for Natural Resources and Minister for Mines and all other relevant Ministers, to take the appropriate steps necessary to ensure the stock route/road leading from Cusack Road to the Burdekin River, near Charters Towers, is reopened and access to the river restored.

This issue has been going on for several years with the Dalrymple Shire Council taking action to remove, on several occasions, the lock from the gate that is restricting access along the dedicated road.

Following representations from Ms Christine Scott, MLA, Member for Charters Towers, my Department has determined that the only way to resolve this issue is to remove the fencing and gate from the road.

Accordingly the matter has been referred to my Department's Compliance Unit, North Region for appropriate action. The case has been allocated high priority and is currently under investigation.

Thank you for bringing this matter to my attention.

Yours sincerely

(Original signed by Minister)

STEPHEN ROBERTSON MP

25 September 2003—

- Report under section 56A(4) of the Statutory Instruments Act 1992 by the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond)
- Auditor-General of Queensland Audit Report No. 1 2003-04—Results of Audits Performed for 2001-02 as at 31 July 2003, including an erratum to the report
- Queensland Audit Office Auditing Standards, September 2003
- Response from Minister for Natural Resources and Minister for Mines (Mr Robertson) to a paper petition presented by Mr Mulherin from 3051 petitioners regarding leasehold land at East Point, Mackay

25 SEP 2003

Mr N J Laurie
The Clerk of the Parliament
Parliament House
Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 25 August 2003 forwarding a copy of a Petition lodged in the Queensland Legislative Assembly, requesting the House to ensure the "most appropriate" use of an area of leasehold land, as open space, is obtained and that East Point be set aside as a public recreation reserve for the benefit of all residents of Mackay.

My Department of Natural Resources and Mines (NR&M) has granted the developer Eastpoint Mackay Pty Ltd a Permit to Occupy for investigation purposes over State land, which is the subject of this Petition. The developer has lodged an application under the Integrated Planning Act 1997 with the Mackay City Council for a "Material change of Use (preliminary approval) for an Integrated Tourist/Residential Development and associated uses".

The Mackay City Council, as assessment manager, is currently considering the application. The Council is required to consider all matters, including those raised in the petition, before reaching a decision to approve, approve with conditions or refuse the application.

NR&M's vegetation management interests are protected through current legislation and the developer has been advised of the departments' requirements and conditions that would be expected prior to the consideration of any tree clearing application from the developer. It is also envisaged that these interests will be further protected via conditions included in any proposed term lease.

Thank you for bringing this matter to my attention.

Yours sincerely

(Original signed by Minister)

STEPHEN ROBERTSON MP

26 September 2003—

- Response from Minister for Emergency Services and Minister Assisting the Premier in North Queensland (Mr Reynolds) to three paper petitions presented by Mr Malone from a total of 1196 petitioners regarding ambulance response times to the areas situated west of Mackay along the Peak Downs Highway and the Pioneer Valley

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter of 21 August 2003 concerning petitions received by the Queensland Legislative Assembly in relation to ambulance response times to the areas situated west of Mackay along the Peak Downs Highway and the Pioneer Valley.

Firstly, I would like to assure you that this Government is committed to providing the best possible ambulance service to the people of Queensland.

Advice was sought from the Commissioner, Queensland Ambulance Service (QAS) on the issues raised.

The Commissioner has advised that Queensland is one of Australia's most decentralised states, with high population densities and growth rates along the Coast and in the South East of the State. Geographically isolated communities, an ageing population and a large mobile population all create service delivery challenges. Managing and maintaining appropriate levels of resources to provide services that reflect demographic and demand profiles within communities, will continue to be a key priority of the Beattie Government.

The petitioners' concerns relate to the timely response of the ambulance service to the townships of Walkerston, Marian and Eton, and for areas along the Peak Downs Highway and the Pioneer Valley.

The Mackay Ambulance Station is the primary response station for all cases in the Walkerston, Marian and Eton areas. To provide improved response times to these areas the QAS is relocating its Mackay City Station to South Mackay. This will be part of a $5.5M investment in the Mackay-Whitsunday area.

Nebo Ambulance Station and Finch Hatton Ambulance Station service the Peak Downs Highway and the Pioneer Valley. These stations primarily treat cases past the Eton range as well as the townships of Mirani Finch Hatton and Eungella. A secondary response is provided from Mackay and the community based helicopter.

Some of these townships are more than 10 minutes from the nearest ambulance station but there are many good reasons why the best care for any patient is to call Triple Zero and wait on scene for the ambulance to attend. The ambulance does not just provide transport but expert care for the condition.

Ambulance officers are health professionals and can usually provide all immediately required treatment on scene. Simply rushing a patient to hospital may in fact delay important care. The ambulance will usually be dispatched while the caller is still on the telephone providing information to the Communication Centre and a Communications Officer can provide expert first aid advice to bystanders. It is much easier to provide appropriate first aid at the scene rather than in a moving vehicle. Moving a patient, whether severely ill or injured, is commonly harmful.

With the stress of an ill or injured relative, someone may drive too fast or inappropriately and injure themselves, the patient, or other road users. Meeting halfway is a particularly problematic method as it entails all the problems of untrained movement of a casualty together with the risk of the ambulance and patient passing each other on the road.

I trust this information is of assistance to you. However, should further information be required, please contact Mr Russell Bowles, Assistant Commissioner, QAS Central Region on telephone number (07) 4938 4896.

Yours sincerely

(Original signed by Minister)

HON MIKE REYNOLDS AM MP
Minister for Emergency Services
Minister Assisting the Premier in North Queensland

- Report under section 56A(4) of the Statutory Instruments Act 1992 by the Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady)

29 September 2003—

- Administrative Arrangements Order (No. 2) 2003
- Response from the Minister for Local Government and Planning (Mrs J Cunningham) to a paper petition presented by Mr Lawlor from 139 petitioners regarding the Gold Coast Harbour Vision 2020 Project—Report No. 1, prepared by the Gold Coast City Council

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
CENTRAL DOCUMENT EXCHANGE M29

Dear Mr Laurie

I refer to Petition No. 5901 of 9 September, 2003 from Ms Sharyn Masters, 24 Musgrave Avenue, Chirn Park (the principal petitioner) regarding the Gold Coast Harbour Vision 2020 Project—Report No. 1, prepared by the Gold Coast City Council.

Details of identical petitions previously received are as follows:

Petition No.	Date Tabled in the Legislative Assembly
2199	6 March 2002
2297	9 April 2002
2465	17 April 2002
2753	18 June 2002
3195	20 August 2002
3697	22 October 2002
4138	26 November 2002
4641	11 March 2003
4987	29 April 2003
5212	15 May 2003

Please find enclosed a copy of my reply to Ms Masters dated 17 April 2002 in response to this matter.

My response to Ms Masters has not changed and I would appreciate it if you would arrange for my letter of 17 April 2002 to be tabled in the Legislative Assembly as my response to Petition No. 5901.

Yours sincerely

(sgd)

Nita Cunningham MP
Minister for Local Government and Planning

17 April 2002

Ms S Masters
24 Musgrave Avenue
CHIRN PARK QLD 4215

Dear Ms Masters

I refer to your petition to the Honourable the Speaker and Members of the Legislative Assembly of Queensland regarding the Gold Coast Harbour Vision 2020 Project—Report No. 1 (Harbour Vision Report) prepared by the Gold Coast City Council, which outlines your opposition to any commercial development and any further reclamation in the Broadwater including Wavebreak Island and the western foreshore. The petition has been referred to me for consideration and reply.

Officers of my Department have contacted the Gold Coast City Council in relation to this matter. Council officers have advised the Harbour Vision Report was prepared as a discussion paper for preliminary consultation purposes and does not reflect a policy position of Council. I am advised an extensive preliminary community consultation program in relation to the preparation of the Gold Coast Harbour Study was undertaken by Council between December 1998 and February 1999. It is understood a number of consistent themes emerged from this consultation. The consultation also identified a lack of baseline environmental data and accordingly Council undertook an environmental baseline study. I am advised as a result of the complex nature of issues identified in relation to the Harbour, the Council subsequently widened the scope of its Harbour Study resulting in the preparation of the Harbour Vision Report.

I understand Council has not adopted the recommendations of the Harbour Vision Study, however, intends to establish a committee for the Gold Coast Harbour Vision project, with membership from a broad range of community and industry stakeholders, to progress the broad range of issues and options identified in the Report. The Harbour Vision project is intended to address all aspects of planning and management for the Gold Coast Harbour. Council anticipates further community consultation will be undertaken during the development and finalisation of a vision for the Harbour.

Council officers have advised the development of a vision for the Harbour is likely to result in the initiation of an amendment to Council's planning scheme in accordance with the requirements of the Integrated Planning Act 1997 (IPA). An amendment to Council's planning scheme must be processed in accordance with Schedule 1 of the IPA, which initially involves the preparation and public notification of a Statement of Proposals (the preliminary consultation phase). After receiving and considering community feedback on a Statement of Proposals, Council may proceed with preparation of a planning scheme amendment. A proposed planning scheme amendment must be forwarded to the State Government for consideration of State interests and my authorisation to commence public notification. Subsequent to approval, the amendment must be publicly notified in accordance with the statutory requirements of the IPA, which provides a further opportunity for community input. Prior to adoption of an amendment, Council must again forward it to the Government for final consideration of State interests and approval to proceed to adoption.

In addition to the preliminary consultation currently being initiated by Council, as outlined above there will be a number of formal opportunities for the community to be involved in planning the future of the Gold Coast Harbour. It is also highlighted a number of State and Commonwealth approvals will be required before any future development proceeds in the Harbour.

Whilst I appreciate the concerns you have raised, the Government does not have any decision making powers in relation to this matter at this preliminary stage. I encourage you to contact the Council directly to discuss your concerns in relation to this matter and determine if there are opportunities to be involved in the planning process.

I trust this information is of assistance. If you have any further queries please do not hesitate to contact my office.

Yours sincerely

(sgd)

Nita Cunningham MP
Minister for Local Government and Planning

30 September 2003—

- Report on visit to Brazil and Chile 16-30 July 2003 by the Honourable Tom Barton, MP Minister for State Development
- Response from the Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors (Ms Spence) to a paper petition presented by Mrs Miller from 1692 petitioners regarding current legislation in relation to permanency planning for children and young people in long-term care of the Department of Families

Mr Neil Laurie
Clerk of the Parliament
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 21 August 2003 forwarding a copy of a petition tabled in Parliament on 19 August 2003 concerning current legislation in relation to permanency planning for children and young people in long-term care of the Department of Families.

In July 2002, the Queensland Government announced its cornerstone policy statement for the State's most vulnerable children and families, titled Queensland Families: Future Directions. Through this initiative, an additional $188 million over four years was made available to the Department of Families for a range of strategies designed to improve outcomes for children, young people and families. The recent 2003-2004 budget delivered the second instalment of funding of $42 million to the department to implement strategies from Future Directions.

In May this year, a discussion paper titled Stopping the Drift: improving the lives of Queensland's children and young people in long-term care was publicly released. I consider this paper the first step in encouraging the public discussion about the rights of children and young people to long-term, stable and secure care. This paper tackles the difficult issues connected with making decisions to place children and young people in the long-term care of someone other than their parents. Departmental staff have conducted a statewide consultation in association with the release of the discussion paper. Feedback provided from the consultations by individuals and key stakeholders is currently being collated and analysed. The Queensland Cabinet will consider the finding of the consultation later this year.

I trust this information is of assistance.

Yours sincerely

Judy Spence MP
Minister for Families and Minister for Seniors

- Response from the Minister for Primary Industries and Rural Communities (Mr Palaszczuk) to an e-petition sponsored by Ms Male from 439 petitioners and a paper petition presented by Ms Male from 39 petitioners both regarding raw milk sales

Mr L Archer
2 Ash Street
MALENY QLD 4552

Dear Mr Archer

I refer to a Paper Petition and an E-Petition tabled in the Queensland Legislative Assembly, with you nominated as principal petitioner, concerning raw milk sales.

Advice has been sought from Safe Food Queensland, the authority responsible for the regulation of dairy produce under the Food Production (Safety) Act 2000 and Food Production (Safety) Regulation 2002.

Recent announcements proposing legislative amendments regarding sale and consumption of unpasteurised cows milk are aimed at better achieving the food safety and public health outcomes intended by the joint Australia New Zealand Food Standards Code (the Code) which forms the basis for the Safe Food Queensland legislation.

Under the Code, milk is required to be processed unless provided for elsewhere in the Code or unless a State law specifically provides otherwise. No Australian State permits the general sale of unpasteurised cows milk for drinking purposes or other unpasteurised dairy products. In Queensland limited exemption exists only for personal consumption from own animals (proposed to be restricted to consumption on the property on which the animal is located) and for controlled production of unpasteurised goats milk (this exemption is currently subject to review).

Food standards were initially established on a national basis in 1987 after an extensive development process, following States and the Commonwealth acknowledgement of the need for a nationally consistent approach. Further review occurred from the mid 1990s, culminating in the current joint Code, which commenced on 20 December 2002. The current Code now includes New Zealand and is administered by a joint body, Food Standards of Australia and New Zealand (FSANZ).

Participating Governments prefer to maintain a nationally consistent approach to food standards and FSANZ has the important role of protecting community health and safety through administering and maintaining these standards.

Part of this process enables individuals to seek changes to the Code and there is a legislative requirement for the FSANZ Board to consider the need for review of properly presented applications. The process for such applications is detailed on the FSANZ website at www.foodstandards.gov.au.

In these circumstances, you may wish to consider making such an application, including such evidence and supporting information as you have available to allow consideration by the body established for this purpose.

I trust that this information is of assistance to the petitioners. Should you require any further assistance or information in relation to this matter, please do not hesitate to contact Mr Peter Merrell, Executive Director, Safe Food Queensland, on telephone 07 3253 9803.

Yours sincerely

(Original signed by Minister)

Henry Palaszczuk MP
Minister for Primary Industries
and Rural Communities

- Response from the Minister for Primary Industries and Rural Communities (Mr Palaszczuk) to a paper petition presented by Mr Strong from 93 petitioners regarding a request to close the Burnett Heads Harbour to commercial fishing

Mr Michael Thompson
58 Zunker Street
BURNETT HEADS QLD 4670

Dear Mr Thompson

I refer to the Petition tabled in the Queensland Legislative Assembly, with you nominated as principal petitioner, concerning a request to close the Burnett Heads Harbour to commercial fishing.

The Queensland Government is committed to managing fisheries resources on a sustainable basis for the benefit of the whole community. To ensure this occurs a wide variety of controls are applied through the Fisheries Regulation 1995 and various fishery management plans. These controls include gear and apparatus restrictions, seasonal and spatial closures and output controls such as size and in-possession limits.

In managing fisheries resources consideration must be given to the role commercial fishing plays in providing people who do not fish with the opportunity to enjoy and eat seafood. Allowing continued access to the commercial sector is based on the principle of fairness and an equal opportunity for all members of the community to share access to our natural resources. The commercial fishing sector in particular have experienced a number of restrictions over the past twelve months and there should be a reasonable time period for them to adjust before further restrictions on access.

There are a number of areas along the Queensland coast where members of local communities are calling for increased restrictions on commercial fishing. The potential relocation of fishing effort is a major consideration when changes to management arrangements for commercial fisheries are being contemplated. There is always the danger that closing one area will simply move the fishing effort to another place, and all such proposals must be considered in relation to the entire fishery and not just the area of immediate concern.

Resource allocation is traditionally one of the most complex and challenging issues faced by fisheries resource managers. In light of these access issues, the Queensland Fisheries Service (QFS) has developed a Fisheries Resource Allocation Policy, which sets out principles and a process to be used when considering proposals for changes to fisheries allocation arrangements. It is within the scope of this Policy that fisheries resource allocation issues, including fishing closures, will be considered. The process is intended to operate in parallel to the fisheries management planning process. For further information on the Policy process, please contact Mr Terry Healy from the Department of Primary Industries on (07) 3405 6805.

While the Government is taking a more strategic approach to fisheries resource allocation, there may be circumstances in which it would be more appropriate to explore other solutions to "one off" allocation issues or disputes. This could involve the QFS facilitating discussions amongst the local community, recreational fishers and other interested bodies such as the local council, community groups and business and tourism interests. Such issues could then proceed through the QFS Management Advisory Committee (MAC) process that provides management advice on the sustainable use of fisheries resources.

The Inshore Finfish MAC provides advice on inshore finfish species on the east coast and Trawl MAC provides advice on east coast trawl species. It is expected that a draft Inshore Finfish Management Plan, including management arrangements impacting on the Burnett River area, will be distributed for public comment in 2005. I would encourage you to provide a response on the proposals at that time.

If you require any further information regarding this matter, please do not hesitate to contact Ms Fran Trippett of the Department of Primary Industries on telephone (07) 3239 0436.

Yours sincerely

(Original signed by Minister)

Henry Palaszczuk MP
Minister for Primary Industries
and Rural Communities

- Apprenticeship and Traineeship Ombudsman—Annual Report 2002-03
- Training and Employment Board—Annual Report 2002-03
- Training Recognition Council—Annual Report 2002-03
- Supreme Court Library Committee—Annual Report 2002-03
- Addendum to the Queensland Treasury Corporation Annual Report 2002-03 tabled on 16 September 2003

1 October 2003—

- Report under section 56A(4) of the Statutory Instruments Act 1992 by the Minister for Emergency Services and Minister Assisting the Premier in North Queensland (Mr Reynolds)

2 October 2003—

- Response from the Premier and Minister for Trade (Mr Beattie) to an e-petition sponsored by Mr Fouras from 442 petitioners regarding the General Agreement on Trade in Services

Ms Terrie Templeton
14 Cecil Road
BARDON Q 4066

Dear Terrie

I refer to your e-petition lodged with the Clerk of the Parliament on 9 September 2003 regarding the General Agreement on Trade in Services (GATS). My Government is aware of the community concern about the GATS and its perceived impact on the delivery of public services. However, it must be noted that trade negotiations are a Commonwealth responsibility.

The Commonwealth has consulted directly with the Queensland Government regarding the GATS. The Senate Foreign Affairs, Defence and Trade References Committee called for public submissions on the GATS and held a public enquiry in Brisbane on 24 July 2003.

The Commonwealth has publicly released details of its initial offer on the GATS on the Department of Foreign Affairs and Trade's website (www.dfat.gov.au). This information includes details of Australia's initial requests, along with World Trade Organisation member requests to Australia.

I have previously stated in Parliament that the Queensland Government will not support any proposal during the current negotiations that is not good for trade and the delivery of public services. The Queensland Government has provided the Commonwealth with comments on its proposed negotiating position and has sought to ensure that Australia's proposals are consistent with Queensland business and community interests. The Commonwealth has publicly reiterated that essential public services are not under negotiation.

The report on the Senate inquiry into the GATS will be released on 27 November 2003. I do not anticipate that I will be asked to make further commitments under the GATS before this date.

Yours sincerely

(Original signed by Premier)

PETER BEATTIE MP
PREMIER AND MINISTER FOR TRADE

- Response from the Minister for Emergency Services and Minister Assisting the Premier in North Queensland (Mr Reynolds) to a paper petition presented by Mr Malone from 153 petitioners regarding ambulance response times to the areas situated west of Mackay along the Peak Downs Highway and the Pioneer Valley

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner of Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter of 11 September 2003 concerning petitions received by the Queensland Legislative Assembly in relation to ambulance response times to the areas situated west of Mackay along the Peak Downs Highway and the Pioneer Valley.

Firstly, I would like to assure the petitioners that this Government is committed to providing the best possible ambulance service to the people of Queensland.

Advice was sought from the Commissioner, Queensland Ambulance Service (QAS) on the issues raised.

Queensland is one of Australia's most decentralised states, with high population densities and growth rates along the Coast and in the South East of the State. Geographically isolated communities, an ageing population and a large mobile population all create service delivery challenges. Managing and maintaining appropriate levels of resources to provide services that reflect demographic and demand profiles within communities, will continue to be a key priority of the Beattie Government.

The petitioners' concerns relate to the timely response of the ambulance service to the townships of Walkerston, Marian and Eton, and for areas along the Peak Downs Highway and the Pioneer Valley.

The Mackay Ambulance Station is the primary response station for all cases in the Walkerston, Marian and Eton areas. To provide improved response times to these areas the QAS is relocating its Mackay City Station to South Mackay. This will be part of a $5.5M investment in the Mackay-Whitsunday area.

Nebo Ambulance Station and Finch Hatton Ambulance Station service the Peak Downs Highway and the Pioneer Valley. These stations primarily respond to cases past the Eton range as well as the townships of Mirani, Finch Hatton and Eungella. A secondary response is provided from Mackay and the community based helicopter.

Ambulance officers are health professionals trained to commence definitive medical care at the scene and stabilise the patient prior to transportation to a medical facility. The QAS discourages people from transporting patients to hospital before an ambulance arrives. To do so may compromise the patient's condition or result in panic or confusion in the driver increasing the potential for the driver to become involved in an accident.

The ambulance will usually be dispatched while the caller is still on the telephone providing information to the Communications Centre and a Communications Officer can provide expert first aid advice to bystanders. It is much easier to provide appropriate first aid at the scene rather than in a moving vehicle. Meeting halfway is particularly problematic as it involves all the problems of untrained movement of a casualty together with the risk of the ambulance and patient passing each other on the road.

I trust this information is of assistance. However, should further information be required, please contact Mr Russell Bowles, Assistant Commissioner, QAS Central Region on telephone number (07) 4938 4896.

Yours sincerely

(Original signed by Minister)

HON MIKE REYNOLDS AM MP
Minister for Emergency Services
Minister Assisting the Premier in North Queensland

6 October 2003—

- Report of the Queensland Ombudsman—An investigation into the adequacy of the actions of certain government agencies in relation to the safety, well being and care of the late baby Kate, who died aged 10 weeks
- Mt Gravatt Showgrounds Trust—Annual Report for the period 1 May 2002 to 30 April 2003
- Late tabling statement regarding the Mt Gravatt Showgrounds Trust Annual Report for the period 1 May 2002 to 30 April 2003

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Liquor Act 1992—

- Liquor Amendment Regulation (No. 2) 2003, No. 167 and Explanatory Note for No. 167

Financial Administration and Audit Act 1977—

- Financial Administration and Audit Amendment Regulation (No. 1) 2003, No. 207

Police Powers and Responsibilities Act 2000—

- Police Powers and Responsibilities Amendment Regulation (No. 4) 2003, No. 208

Corrective Services Act 2000

- Corrective Services Amendment Regulation (No. 2) 2003, No. 209

Forestry Act 1959—

- Forestry (State Forests) Amendment Regulation (No. 1) 2003, No. 210

Plant Protection Act 1989—

- Plant Protection Amendment Regulation (No. 3) 2003, No. 211

Fisheries Act 1994—

- Fisheries (Coral Reef Fin Fish) Management Plan 2003, No. 212 and Explanatory Notes and Regulatory Impact Statement for No. 212

Fisheries Act 1994—

- Fisheries Amendment Regulation (No. 2) 2003, No. 213 and Explanatory Notes for No. 213

Fisheries Act 1994—

- Fisheries Amendment Regulation (No. 3) 2003 No. 214 and Explanatory Notes and Regulatory Impact Statement for No. 214

Fisheries Act 1994—

- Fisheries Management Plans Amendment Management Plan (No. 2) 2003 No. 215 and Explanatory Notes and Regulatory Impact Statement for No. 215

Fair Trading and Another Act Amendment Act 2002—

- Proclamation commencing remaining provisions, No. 216

Business Names Act 1962—

- Business Names Amendment Regulation (No. 1) 2003, No. 217

Aboriginal Land Act 1991—

- Aboriginal Land Amendment Regulation (No. 1) 2003, No. 218

Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Lotteries Act 1997, Wagering Act 1998—

- Gambling Legislation Amendment Regulation (No. 1) 2003, No. 219

Duties Act 2001, Taxation Administration Act 2001—

- Revenue Legislation Amendment Regulation (No. 1) 2003, No. 220

Duties Act 2001—

- Duties (Transitional) Regulation 2003, No. 221

Health Services Act 1991—

- Health Services Amendment Regulation (No. 2) 2003, No. 222

Guardianship and Administration Act 2000—

- Guardianship and Administration Amendment Regulation (No. 2) 2003, No. 223

Aboriginal Land Act 1991—

- Aboriginal Land Amendment Regulation (No. 2) 2003, No. 224

Integrated Planning Act 1997—

- Integrated Planning Amendment Regulation (No. 3) 2003, No. 225

Petroleum Act 1923—

- Petroleum (Entry Permission—Chevron Services Australia Pty Ltd) Notice 2003, No. 226

Police Powers and Responsibilities Act 2000—

- Police Powers and Responsibilities (Rugby World Cup) Regulation 2003, No. 227

Corrective Services Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 228

Civil Liability Act 2003—

- Civil Liability Regulation 2003, No. 229 and Explanatory Notes for No. 229

Liquor Act 1992—

- Liquor Amendment Regulation (No. 4) 2003, No. 231

Building Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 232

Building Act 1975—

- Standard Building Amendment Regulation (No. 1) 2003, No. 233

Local Government Act 1993—

- Local Government (Implementation of Reviewable Local Government Matters) Regulation 2003, No. 234

Workplace Health and Safety Act 1995—

- Workplace Health and Safety Amendment Regulation (No. 4) 2003 and Regulatory Impact Statement for No. 235

Transport Operations (Marine Pollution) Act 1995—

- Transport Operations (Marine Pollution) Amendment Regulation (No. 2) 2003, No. 236

Appeal Costs Fund Act 1973, Electoral Act 1992, Evidence Act 1977, Freedom of Information Act 1992, Justices Act 1886, Small Claims Tribunals Act 1973, Supreme Court of Queensland Act 1991—

- Justice Legislation (Variation of Costs and Fees) Regulation (No. 1) 2003, No. 237

Nature Conservation Act 1992—

- Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2003, No. 238

Agricultural Chemicals Distribution Control Act 1966, Brands Act 1915, Chemical Usage (Agricultural and Veterinary) Control Act 1988, Stock Act 1915, Veterinary Surgeons Act 1936—

- Primary Industries Legislation Amendment Regulation (No. 1) 2003, No. 239

Water Act 2000—

- Water Amendment Regulation (No. 4) 2003, No. 241

Pastoral Workers' Accommodation Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 242

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by The Clerk—

Minister for Education (Ms Bligh)

- Non-conforming paper petition regarding Booroobin Sudbury State School

Attorney-General and Minister for Justice (Mr Welford)

- Response from the Attorney-General and Minister for Justice (Mr Welford) to a paper petition presented by Mr Quinn from 29686 petitioners regarding double jeopardy laws in Queensland

1 OCT 2003

Mr N Laurie
Clerk of the Parliament
Parliament House
CDE M29
BRISBANE

Dear Mr Laurie

Thank you for your letter of 21 August 2003 forwarding a copy of a petition, tabled paper number 5647, seeking a review of the double jeopardy laws in Queensland.

As the petition notes, the issue of double jeopardy has come to public attention because of the murder of Deirdre Kennedy, the subsequent prosecution of Raymond John Carroll, firstly for murder, and secondly, for perjury, and the outcome of a High Court appeal in that case.

I understand that this case has aroused significant public concern due to the perception that an apparently guilty person has escaped punishment. I also understand the profound effect this heinous crime has had on the Kennedy family.

The term "double jeopardy" refers to the principle that a person cannot be charged with an offence for which he has already been convicted or acquitted. Contradicting an earlier verdict by preferring a different charge is also part of the double jeopardy principle, and perjury is not an exception to the rule. In the case of Carroll, the effect of trying him for perjury was to try again the issue which was central to his trial for murder and to contradict the verdict of acquittal for the murder.

As the petition demonstrates, there is considerable public concern over the prospect that a person may escape conviction due to an earlier acquittal, despite the emergence of new evidence that may show their guilt. At the heart of the criminal justice system is the principle that those who are guilty of criminal offences should be prosecuted and punished for those crimes.

At the same time, the importance of the principles underpinning the double jeopardy rules should not be underestimated. These principles include that a person should not be harassed by multiple prosecutions about the same issue; the need for finality in proceedings; and the need to encourage efficient investigations.

I agree that the double jeopardy rules have the potential to lead to injustices, particularly when new and reliable evidence becomes available (such as DNA evidence or a confession) that strongly suggests an acquitted person is in fact guilty, or where it can be shown an acquitted person has interfered with the administration of justice to obtain that acquittal.

In my view, because of the importance and significance of these principles to our criminal justice system, any reforms should be carefully and thoroughly considered and should result in uniform legislation throughout all Australian jurisdictions. For this reason, I have referred the issue of double jeopardy to the Standing Committee of Attorneys-General (SCAG) for review.

Thank you for referring this petition to me.

Yours sincerely

(Original signed by Attorney-General)

Rod Welford MP

MINISTERIAL STATEMENT

beyondblue

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.33 a.m.): Depression and anxiety are debilitating conditions which affect alarming numbers of young people. The national depression initiative, beyondblue, estimates in any one year 20 per cent of adolescents suffer from depression and anxiety. Worryingly, depression in adolescence increases the risk of depression in adulthood. That is why my government is determined to do whatever it can to fight depression and anxiety.

I am delighted to commit $100,000 to an important project I will launch later today at Mitchelton High School. The research project involves beyondblue and 18 Queensland schools. Jeff Kennett, the former Victorian Premier who is now chairman of beyondblue, will also attend the launch, as will the member for Ferny Grove, Geoff Wilson.

Mr Speaker, because of its importance, I seek to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

The project aims to improve our understanding of how schools, health professionals and the community can work together to help prevent depression and anxiety in young people.

I am delighted that the Queensland Government is supporting this worthwhile project with $100,000 in funding.

I want to thank the students, teachers and the beyondblue team who are taking part in this project.

The research initiative has four key objectives

To reduce levels of depression experienced by young people

To engage whole school communities in promoting emotional well-being and social connections

To increase awareness and understanding of adolescent depression and its impact

To increase the capacity of school communities to adapt, implement and evaluate interventions relevant to the prevention of depression.

The schools taking part in the research project are;

Alexandra Hills State High School
Bray Park State High School
Caboolture State High School
Carmel College
Clairvaux Mackillop College
Deception Bay State High School
Flagstone State Community College
Ipswich State High School
Lockyer District State High School
Mitchelton State High School
Morayfield State High School
Rosewood State High School
St Aidan's Anglican Girls School
St Columban's College
Southern Cross Catholic College
Southport State High School
Stuartholme School
Woodridge State High School

It makes sense to try and tackle depression and anxiety in our schools because of the profound influence they have on students, their families and the community.

They play a crucial role in building or under-mining self esteem and a sense of confidence, factors which come into play with depression.

It is appropriate that the venue for today's launch is the Mitchelton State High School, which has had to overcome the impacts of two devastating fires.

The Mitchelton school community has learnt that working together is the way to overcome problems and I hope this research project will encourage further team work.

It will build on several other beyondblue initiatives successfully operating in Queensland including the Every Family Program and the Y B BLUE website which were both developed here in the Smart State.

I wish the beyondblue schools project every success.

MINISTERIAL STATEMENT

Transport

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 a.m.): Queensland's rapid population growth is outstripping the rest of the country and placing unprecedented pressure on our infrastructure, including transport. Over the next 25 years, three-quarters of that growth is expected to occur in the south-east corner of the state. Our development as the Smart State and the growth of associated new industries will stall if existing transport links are not enhanced and new networks and modes of transport are not opened up.

What we need is smart growth, and my government has a strategy for smart growth. My government is actively planning for the future to ensure that our road, rail and air networks cater for current growth and future demand. The $180 million port of Brisbane motorway was opened earlier this year, ensuring the capacity for rapid movement of freight between the port and the north and south coast road networks. Planning for the $1 billion plus duplication of the Gateway Motorway and bridge is well under way ahead of this important road-reaching capacity at the end of the decade. By duplicating the gateway we can make sure that traffic that would otherwise come through the city centre is directed elsewhere.

The soon-to-be completed $135 million Inner Northern Busway and the introduction of integrated ticketing will improve public transport across the greater Brisbane region. Integrated ticketing in particular is expected to encourage a five to eight per cent increase in public transport patronage, equating to more than 20,000 extra trips per day. The 80 percent increase in patronage on the South-East Busway has clearly shown that people are willing to give up their cars in favour of public transport.

Mr Reeves: Hear, hear!

Mr BEATTIE: I hear it's No. 1 supporter. We have only to look to recent games at the Suncorp Stadium, where 86 percent of all ticket holders caught public transport, to see that where public transport is available, affordable and user friendly people will catch it.

Encouraging public transport use for events at Suncorp Stadium is playing a key role in the absolutely essential task of changing public attitudes to public transport. That is one of the reasons why the cost of a ticket to Rugby World Cup matches includes the cost of transport.

The tunnel under the Brisbane River also has the clear capacity to keep traffic out of the centre of Brisbane and improve the ease of movement from north to south. That is why my government has recently given support to the Brisbane City Council to move to the next stage of development of this landmark project. This next stage will also consider the flow-on impacts of the tunnel for other areas of the city. By working with the council on this issue, we are moving towards an outcome which will benefit commuters and taxpayers.

We are also working with the council on the development of a cross-river strategy so that we can make sure that, as the population grows, so too will the capacity of our network. Upgrades to the Bruce Highway and the construction of the Tugun bypass will help ease traffic problems to the north and south of Brisbane.

However, government cannot and should not be expected to drive all the initiatives. Developers and industry who are deriving economic benefit from population growth should be contributing to infrastructure improvements. That is why my government is actively encouraging public-private partnerships for projects such as the planned Gateway Bridge duplication. I would like to see the private sector play a bigger role in building and maintaining the transport infrastructure needed to keep the economy ticking over.

The Integrated Regional Transport Plan and Transport 2007 spell out a strategy for meeting future transport needs. Not only do we have a vision, which is a vision for smart growth, for meeting Queensland's future transport needs but we are working to make sure that the vision becomes a reality.

MINISTERIAL STATEMENT

Ombudsman: Baby Kate Report; Child Abuse

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): The Crime and Misconduct Commission is due to start its in-depth public inquiry into the foster care system and child abuse allegations next week. The independent commission has all the powers of a royal commission in dealing with this crucial inquiry and has the full support of my government. Indeed, my government has made a detailed submission to the CMC inquiry, and the Minister for Families, Judy Spence, will appear next week. I have every faith that it will not hesitate to do whatever it considers necessary to safeguard our children.

Growing community awareness and changes to legislation have led to an increase in reported abuse of children who are in care. The number of cases of substantiated physical abuse of children who are in care increased fivefold from 31 in 1998-99 to 156 in 2001-02. Substantiated cases of sexual abuse of children who are in care more than doubled—from 22 to 53—in the same period. The abuse did not necessarily occur while the children were in care, but this has placed a vast amount of added pressure on the Families Department.

Nationwide in the past decade there has been a 42 per cent increase in reporting of child neglect and physical and sexual abuse. This has also been the experience in Queensland, with a 25 per cent increase in notifications from 2000-01 to 2001-02. Teachers are amongst those who have increasingly reported child abuse, and I thank them for their awareness and their caring.

My government is committed to fighting abuse and safeguarding children. In 2002-03 my government committed an extra $188 million over four years for prevention and early intervention. Since the last sitting of parliament the Families Minister, Judy Spence, and I announced we would employ an extra 40 permanent child protection workers as the state government continues to reform and improve Queensland's child protection system. The $2.4 million a year measure will ensure that all notifications of child abuse and neglect are dealt with more thoroughly. The extra staff will increase the strength of the child protection work force by about 10 per cent, bringing total staff numbers to more than 400.

The main aim of our continuing improvements to the child protection system is to shield children from harm. The Department of Families recruited 30 additional temporary child protection workers in April to help clear the backlog of cases and investigate the increasing number of child abuse notifications. This initiative means that those temporary positions will be filled permanently to help ease workload pressures. The additional 10 staff will be hired to help create alternative care teams in central Queensland, Mackay/Whitsunday, Toowoomba/south-west Queensland and Wide Bay/Burnett.

Yesterday the Ombudsman delivered his extensive report on the tragic death of a young baby. Of the 29 recommendations in the report, the majority have already been acted upon or are being implemented. The government will also consider the remaining recommendations which require changes to the law, and submissions will be taken to cabinet by the minister and other supporting ministers as soon as possible. They include provisions that allow child protection notifications for unborn babies and the establishment of an external body to review child deaths.

Also yesterday Judy Spence and I announced new and better training and mandatory professional development for child protection workers as part of the drive to bolster the protection of Queensland children. We will invest an extra $700,000 during this financial year, and then an extra $1 million each year, in training and development. This will improve the quality of service by child protection workers and enhance their status as true professionals. It comes on top of the $3.8 million set aside for staff training this financial year, which the minister argued vigorously for during the budgetary process. These workers are at the front line in child protection and carry a great deal of responsibility. We must ensure that they are well equipped to handle complex cases and make the right decisions. This measure meets a number of recommendations in the Ombudsman's baby Kate report, as the training will target skills including record keeping, risk assessment and decision making.

The additional training will also help child protection workers build a career path, stay in their jobs longer and apply their experience to child protection. Recruiting and keeping experienced child protection workers is a continuing challenge. One-quarter of front-line child protection workers have been with the Department of Families for less than a year, and 60 per cent have been in their jobs for less than three years. The key to a Smart State child protection system is not just more workers; it is workers who are better trained and more experienced. This is the strategy being pursued by the minister with the full support of the government. The 40 new permanent child protection workers announced last month and the latest annual intake of family services officers will be the first to receive six weeks concentrated training before they start work. Existing staff will progressively receive six weeks of practical training.

Queensland leads the way in safeguarding children from perverts who try to find jobs working with children. Since our blue card checks began in 2001, more than 143,000 blue cards have been issued to people deemed suitable to work or volunteer with children. Now the Commissioner for Children and Young People, Robin Sullivan, and I have invited Queenslanders to respond to a discussion paper on the working with children check. We are doing this because there are no absolute guarantees in the area of child protection. As the message on the blue card reminds us, child protection is everybody's business. The discussion paper and response form is available at www.premiers.qld.gov.au or by phoning 1300 850 339 or by emailing wwcc.review.kit@premiers.qld.gov.au. Responses are due by close of business on Friday, 14 November 2003.

The government is distressed by these events in recent years. Obviously the Ombudsman's report yesterday was a matter of great concern to Judy Spence and me. It related to a case two years ago. We have made significant changes in the life of my government—over the last five years. We will continue to do so. This is an area that needs urgent attention, and my government is giving it that attention. If the CMC comes down with further recommendations to improve this area, those recommendations will be fully considered and implemented.

MINISTERIAL STATEMENT

Fitzgerald Inquiry, Ex Gratia Payment

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 a.m.): On 4 August I received a letter from a Mr Geoffrey Moss, saying that he acted on behalf of former Queensland Premier Sir Joh Bjelke-Petersen. He attached a submission seeking an ex gratia payment for losses and costs that Sir Joh claims he and his family suffered as a result of the Fitzgerald inquiry into corruption in Queensland. The claim was based on the premise that the Fitzgerald inquiry was never properly authorised by the Governor in Council in 1987.

On 7 August I wrote to the Crown Solicitor seeking Crown Law advice on the claim. On 12 August Mr Moss was advised that legal advice on the submission was being sought and that a response would be provided after the legal advice had been considered and a decision made. I will now summarise the 44 pages of advice from the Crown Solicitor.

The Executive Council meetings on 26 May and 24 June 1987 and the orders in council flowing from them to establish the Fitzgerald inquiry were arguably validly conducted. Unless and until a court of competent jurisdiction—that is, the Supreme Court—decides otherwise, the government should treat the orders in council as valid. That is the advice. In any event, the Constitution (Executive Actions Validity) Act 1988 and the Commission of Inquiry Continuation Act 1989 had the effect of validating the orders in council by which the inquiry was established to the extent that there might have been a procedural irregularity in the way the orders in council were made. In the unlikely event that a court did declare the two orders in council to be invalid, the state has the option of legislating now to validate the orders in council.

Claims of compensation totalling $353,274,117 based on the alleged invalidity of the Fitzgerald inquiry cannot be sustained. In addition, the Crown Solicitor is sceptical of the validity of many of the claims, and particularly the methods of calculation, and does not believe that the claims have been satisfactorily justified. Finally, the Crown Solicitor does not consider that the submission has established that such exceptional circumstances exist in this case as to justify the making of any ex gratia payment. On the basis of these conclusions from the Crown Solicitor, which I have just paraphrased, the Crown Solicitor's advice is that Sir Joh's claim should be dismissed. The government has accepted this advice and will not be making any ex gratia payment to Sir Joh or his family. A letter has been sent to Mr Moss with an explanation of the decision.

Today I want to make a special exception to the convention that we do not table or release Crown Law advice. I intend to seek leave to have it incorporated in *Hansard*. I am seeking to do this because I believe that the Fitzgerald inquiry was a significant turning point in the history of this state. I believe that the community has a right to have a full explanation as to the validity of that inquiry and the surrounding circumstances. I seek leave to have the Crown Solicitor's advice incorporated in *Hansard*.

Leave granted.

2 October 2003

The Honourable Peter Beattie MP
Premier and Minister for Trade
PO Box 185
BRISBANE ALBERT STREET QLD 4002

Your reference: DT06/Law and Justice

Dear Premier

Sir Joh Bjelke-Petersen—request for ex gratia payment

You have requested my advice in relation to a submission made to you on behalf of Sir Joh Bjelke-Petersen seeking an ex gratia payment of an amount of $338,742,899 to Sir Joh, a further sum of $583,507 on behalf of Lady Florence Bjelke-Petersen, and the sum of $13,947,711 on behalf of John Bjelke-Petersen and Karen Bjelke-Petersen. These figures are taken from a document called a "Calculation and Quantification of Losses asserted to have arisen from The Fitzgerald Commission of Inquiry . . ." prepared by Mr Stan Bates of Narioka Investments Pty Ltd, consulting actuaries and corporate consultants.

The submission was provided to you with a covering letter signed by a Mr Geoffrey Moss in which the following paragraphs appear:

> I reiterate that Sir Joh is not seeking payment from the Queensland Government, or from the electors and/or taxpayers of the state of Queensland, but directly from the Crown.
>
> This submission has been forwarded to Her Majesty Queen Elizabeth II, and should be delivered to her Private secretary at Buckingham Palace today.

I must say at the outset that this suggestion, that the "Crown" should pay the amount claimed, and not the Government or taxpayers of Queensland, displays a fundamental lack of understanding of the constitution under which the State is governed. The Crown has no funds beyond those controlled by the Government of the State under the Financial Administration and Audit Act 1976, and I take it that it is not being suggested that the Queen should make any payment to Sir Joh and his family out of her personal fortune.

I have addressed the issues under the following headings:

1 Summary

In summary, my conclusions are:

1 that while there may be an element of doubt about whether the meetings of the Executive Council on 26 May 1987 and 24 June 1987 were conducted with the necessary quorum of Ministers present, the Constitution (Executive Actions Validity) Act 1988 and also the Commission of Inquiry Continuation Act 1989 were each sufficient to have cured any procedural invalidity in the establishment of the Inquiry;

2 that in any event, the various claims for compensation are not justified, and that the Government should not make any ex gratia payment to Sir Joh or the members of his family.

2 The submission on behalf of Sir Joh Bjelke-Petersen

The introductory section of the submission outlines what is claimed to be the "impact and cost to Sir Joh of the Fitzgerald Commission of Inquiry".

It is claimed that Sir Joh's professional career, reputation and livelihood have all been affected by the existence and process of the Fitzgerald Commission of Inquiry, and that it also had a significant detrimental effect on his financial position and health. However, despite there being no finding against him by the Inquiry, and no successful criminal prosecution, he received no assistance from the Queensland Government despite much of the conduct in respect of which he was under scrutiny having occurred while he was Premier.

It is asserted that it has now become apparent that the Fitzgerald Commission of Inquiry was invalidly constituted. The submission continues:

> The consequence of the Commission, and its aftermath, have been to cause Sir Joh significant loss and damage, ranging from the suspension of consultancy income, causing the requirement for him to sell Cattle, Property and Other Assets to pay legal bills, to the incurring of those legal bills in the first instance. . .
>
> It is clear that the circumstances surrounding the establishment of the Fitzgerald Commission of Inquiry, the subsequent unsuccessful pursuit of Sir Joh, and its consequent cost both in terms of expenses directly incurred, income forgone, and assets lost are eloquent testimony to the need to provide to Sir Joh an appropriate form of compensatory payment for the years of sustained stress and expense.

Attached to the introductory section of the submission are numerous documents, including in particular a joint memorandum of advice dated 21 July 2003 under the hand of Mr Gavan Griffiths QC and Mr P A Neskovcin of counsel in which the processes apparently used to establish the Inquiry are discussed. I shall refer to this advice as the Griffiths opinion.

There is also a legal opinion by Mr Robert Butler of counsel dealing with Sir Joh's criminal trial, in which Mr Butler expresses the opinion that the institution of proceedings against Sir Joh was "unjust, oppressive and not in the public interest". I have previously advised on the claim for reimbursement of the costs of the criminal proceedings, and shall not repeat the examination of that issue in this advice.

While it is not entirely clear from the introductory submissions, which I have quoted in part above, whether the alleged invalidity of the establishment of the Commission of Inquiry is to be considered as the basis for the claim that an ex gratia payment should be made to Sir Joh and the other members of his family, or whether those claims are being pressed even if it were apparent that the Commission of Inquiry was validly constituted, in the circumstances I think it necessary to deal with the issue of invalidity at the outset, before turning to other aspects of the submission, and the particulars of the claims for compensation being made.

However, before discussing the invalidity issue, I shall set out a chronology of what appear to me to be the significant events and documents related to the setting up of the Inquiry.

3 Chronology of events

As the introduction to the submission relates, on 11 May 1987 the ABC program Four Corners broadcast the documentary "Moonlight State", in response to which, on 12 May 1987, the late William Gunn, then Deputy Premier and Minister for Police announced an inquiry into the matters raised by Four Corners.

On 26 May 1987 Mr Gunn made a submission to Cabinet recommending the appointment of Mr G E Fitzgerald QC as Commissioner, and Cabinet resolved to recommend to the Governor in Council that a Commission of Inquiry be established and that Mr Fitzgerald be the chair.

Also on 26 May 1987, an Order in Council was signed by the Governor, Sir Walter Campbell, establishing the Commission of Inquiry. The Order in Council was published in a Government Gazette No 43A dated Tuesday 26 May 1987.

The record of the Executive Council of 26 May 1987 describes the proceeding as a "Flying Sitting". The cover sheet numbered 23 refers to a Flying Sitting at Government House Brisbane on Tuesday the 26th day of May 1987, and has His Excellency's signature over the word "Confirmed" and the signature of Mr B Pendrigh as acting Clerk of the Council. The minute of the decision includes the following:

> HIS EXCELLENCY THE GOVERNOR, at the instance of the Honourable the Deputy Premier, Minister assisting the Treasurer and Minister for Police, proposes to the Council that the following Minute be approved:-
>
> That an Order in Council in the accompanying form be made in pursuance of the provisions of "The Commissions of Inquiry Acts 1950 to 1954" appointing Gerald Edward Fitzgerald, Q.C., to inquire into and make a report into the allegations concerning the operating of premises in connection with prostitution, unlawful gambling or illegal drugs and the enforcement of the law in relation thereto. MINUTE ENDS

At the bottom of the page are the words "The Council advise as recommended. Immediate action."

In the margin to the left of the body of the text appear the words "APPROVED" and "GOVERNOR" with the date 26.5.87 below, and the Governor's initials WBC between the words.

Attached is the text of the Order in Council in the terms published that day in the Gazette. At the end of the document is the signature, apparently applies by a stamp, "E J Bigby", as Clerk of the Council.

Public announcements were made of the establishment of the Inquiry, and they were reported in the news media.

According to the Griffiths opinion, the Premier had left Australia on Monday 25 May 1987, and the attendance register for the Cabinet meeting of Tuesday 26 May 1987 shows the Premier as being overseas (os).

On Thursday 28 May 1987, a notice was published in the Gazette indicating that the Governor in Council had approved the appointment of Mr Gary Crooke QC as Counsel to assist the Commissioner appointed to inquire into the matters set out in Order in Council dated 26 May 1987, and that Mr John Sosso be appointed Secretary to the Commission. This evidently occurred at the regular meeting of the Executive Council, indicating that matters relating to the Inquiry were on the agenda, and making it the more likely that any action previously taken was, at least by inference, ratified that day.

On Monday 22 June 1987, Cabinet met and resolved that the terms of reference for the Inquiry should be extended to cover a period back to 1 January 1977.

On Wednesday 24 June 1987 there is a record of a Flying Sitting of the Executive Council at Government House. The cover sheet has His Excellency's signature below the word "Confirmed" and the signature E J Bigby as Clerk of the Council. The body of the document is in similar form to that of 26 May 1987, and again uses the words

> HIS EXCELLENCY THE GOVERNOR, at the instance of the Honourable the Deputy Premier, Minister assisting the Treasurer and Minister for Police, proposes to the Council that the following Minute be approved:-
>
> . . .

The Order in Council amended the terms of reference of the Inquiry by omitting all the provisions relating to the subject matter of the Inquiry, and substituting a new set of terms of reference which specified the period since 1 January 1977.

The signature E J Bigby is again attached to the document.

Although there is no mention of it in the chronology of events with the submission, I note that the Courier Mail of 11 August 2003 states that Sir Joh has a diary which reveals that the Premier was in Townsville on 24 June 1987, the day of the second Order in Council. The article suggested that Sir Joh's supporters, presumably including Mr Moss, were saying that this proves that the meeting of Executive Council that day was illegal because it had not been authorised by Sir Joh.

4 Legislation governing the establishment of the Inquiry

The Fitzgerald Inquiry was established under the Commissions of Inquiry Act 1950. The definitions section of the Act provides:

> "commission" means any commission of inquiry issued by the Governor, by and with the advice of the Executive Council of this State, under the Governor's hand and the public seal of the State, and includes the members of the commission, or a quorum thereof, or the sole commissioner in cases where the commission is constituted of a sole commissioner, sitting for the purposes of the inquiry and, where by an instrument other than a commission of inquiry as aforesaid the Governor in Council appoints a person or persons to make an inquiry into or with respect to any matter or matters and declares in that instrument of appointment or in a separate instrument that this Act or specified provisions of this Act shall be applicable for the purposes of that inquiry, then for the purposes of so applying this Act or, as the case may be, the provisions of this Act specified as aforesaid, includes that instrument of appointment and the person, or persons, or a quorum of the persons thereby appointed sitting for the purposes of the inquiry thereunder.
>
> (my underlining)

In this case, the Inquiry was established by an instrument other than a Commission of Inquiry, namely an Order in Council. The original Order in Council of 26 May 1987 applied all of the provisions of the Act to the Inquiry.

Section 4 of the Act provided for the application of the Act to a commission established under the Act:

> 4 Application of Act
>
> (1) Wherever a commission of inquiry is issued by the Governor, by and with the advice of the Executive Council of this State, under the Governor's hand and the public seal of the State, the provisions of this Act shall apply to and with respect to the inquiry.
>
> (2) Wherever this Act or specified provisions of this Act are declared by the Governor in Council to be applicable for the purposes of an inquiry under a commission, other than a commission of inquiry as referred to in subsection (1), then the provisions of this Act or, according as declared by the Governor in Council, those specified provisions of this Act shall apply to and with respect to the inquiry.

Before embarking on an analysis of the legal position, I shall discuss some of the issues raised in the opinion of Mr Griffiths QC and Mr Neskovcin.

4 The legal opinion by Griffiths QC

At paragraph 37 of the opinion, counsel set out their understanding of what a Flying Sitting actually was. It is suggested that a Flying Sitting was conducted entirely over the telephone, and that no Minister was present with the Governor at such a notional sitting. It is described as a "virtual meeting". It is also suggested that because there was no attendance register for the Executive Council meetings of 26 May and 24 June 1987, it may be taken that the meetings did not take place.

Several points may be made about these assertions:

first, the 1986 procedural document clearly indicates that a Flying Sitting was not a "virtual sitting", although it may have been the practice that only one Minister attended on the Governor on some occasions; and

secondly, it simply does not follow that because there may have been no attendance register that no meeting took place.

At para 38 it is suggested that the Executive Council Minutes for the meetings of 26 May and 24 June would have been presented to the Governor at the following Thursday meeting for the Governor's signature. There is no evidence to support that suggestion. All indications are that the meeting took place at Government House and that the Governor signed and initialled the ECMs on the same day. However, the possibility that the action taken by the Governor were ratified by the Executive Council at the following regular meeting certainly exists.

Paragraph 38 also suggests that the numbering of the Minute of 24 June as 2384(A) might indicate that a Minute passed at another Executive Council meeting was replaced with another Minute and renumbered before it was presented to the Governor for signature. I am not sure what is being suggested here, but as I understand the procedure, the usual practice was for the numbers to be assigned to particular matters to go to Executive Council before the event, and that occasionally it was found more convenient to include a new matter with a letter (A) attached so that it would not disturb the numbers already assigned.

It is apparent that something similar occurred on other occasions of Executive Council meeting from 1988, and indeed there is at least one occasion where a number with the suffix (A) is shown in the list for an ordinary sitting. If the opinion is suggesting that the use of the suffix (A) shows that something sinister occurred, that suggestion is simply not borne out by the available evidence.

The opinion then goes on to put forward three contentions.

The first contention is that no validly constituted Executive Council meeting took place on 26 May and 24 June 1987, and that it follows that the Orders in Council from those dates are of no legal effect; that the Fitzgerald Inquiry was not "lawfully commissioned" on those dates; and that the Fitzgerald Inquiry acted in excess of its powers in conducting the Inquiry.

The second contention is that even were validly constituted Executive Council meetings held on 26 May and 24 June, the later meeting did not give effect to a decision of Cabinet recommending that the Inquiry's terms of reference be expanded, and that it follows that the Order in Council of 24 June 1987 was of no force or effect, and that the Inquiry acted in excess of its powers in conducting its inquiries in reliance on the amended terms of reference.

The third contention is that the recommendations brought to the Executive Council meetings of 26 May and 24 June 1987 were an improper exercise of power by the Deputy Premier, Mr Gunn.

As to the first contention, the opinion asserts that Executive Council gives decisions of Cabinet official form. P Hanks, Australian Constitutional Law, 2nd ed is cited for this proposition. I do not have access to this particular text, but I note that in the 4th edition of Australian Constitutional Law—Materials and Commentary published 1990, the same author comments at para 5.044:

> The Executive Council is a purely formal institution and its regular meetings serve no function other than the formal ratification of decisions already taken by ministers, either individually or in Cabinet.
>
> (my underlining)

While it may be correct to say that it is a function of Executive Council to give official form to decisions of Cabinet, it does not follow that every decision of Cabinet must be approved by Executive Council, or that Executive Council has no function other than to give official form to decisions of Cabinet. Clearly there are many decisions of Cabinet which are implemented without any requirement for approval by Executive Council, and there are many matters which are placed before Executive Council for approval which have not been, and are not required to be, considered by Cabinet beforehand. The quote from Hanks confirms this.

I have already commented above on the assertion, which is repeated in para 47 of the Griffiths opinion, that if an attendance register did not exist for a particular meeting, particularly a Flying Sitting, the obvious inference is that the meeting did not take place. In my opinion that is not the obvious inference to be drawn. The most likely inference is that, as I am instructed was in fact the case, the practice was simply that no attendance register was kept for Flying Sittings.

In para 48 the opinion goes on to doubt that a later ratification of a decision made at a Flying Sitting could overcome an inherent defect in the constitution of the meeting. No authority is cited for that proposition, which in my opinion is simply not correct.

At para 50, it is suggested that the absence of records, particularly attendance records, gives rise to a strong inference that the asserted events did not take place. Paragraph 51 goes on:

> In the admittedly extraordinary fact situation advanced by our instructions (as summarised in this memorandum and verified by the detailed annexures), it appears that an affirmative case to demonstrate vitiating irregularity is established to the requisite standard of satisfaction. The fact that the Cabinet Secretary at the time regards the record keeping as having been strict to the result that if an attendance register does not exist, it may be taken that an assumed meeting did not take place, in itself enables the conclusion that the matters recorded by the minutes and other records were flawed as a reflection of the actual events.

Paragraph 52 goes on:

> Hence, it appears that those facts suffice to constitute a positive demonstration of a want of compliance with the absolute requirements of form. It must follow that the purported decisions and actions so recorded have been established to be vitiated in their assumed legal effect. Further, there is no indication that at any stage after the events the Governor purported to ratify any defect or nullity.

The opinion goes on to assert that on the materials it appears an inescapable conclusion that no Executive Council meetings in fact took place on 26 May or 24 June 1987, and at para 60 the consequences of these claimed deficiencies are said to be that the Fitzgerald Inquiry in fact had no lawful power to summon witnesses and compel answers, and that witnesses who gave evidence did so under a legal compulsion which did not exist.

It appears to me that when analysed, the assertions and conclusions upon which the first contention is founded are essentially the following:

- that a Flying Sitting consisted of a telephone conversation to which the Governor and participating Ministers were parties;
- that there is an absence of an attendance register or list of attendees for the claimed meetings of Executive Council on 26 May and 24 June;
- that the Cabinet Secretary at the time, Mr Hassed, has stated that if an attendance register does not exist, it may be taken that the meetings did not take place;
- that the above matters demonstrate that no meetings of Executive Council took place on the relevant dates; and
- that consequently the Fitzgerald Inquiry was not lawfully established, and witnesses who gave evidence in the belief that they were under compulsion to do so were not so compelled.

As to the first assumption, the practice for Flying Sittings which I discuss in more detail below and which was current in 1987 was that an actual meeting took place at Government House, although it may have been preceded by a telephone contact with Government House to arrange the meeting. It is possible that the requisite number of Ministers to form a quorum did not attend, but I do not consider that the absence of an attendance register can demonstrate that no meeting took place at all.

I do not therefore accept that the assumptions made can provide a satisfactory basis for the conclusions which have been sought to be drawn.

As to the second contention, that Executive Council and the Governor did not give effect to a Cabinet decision in amending the Inquiry's terms of reference, the opinion is based on instructions that on 22 June 1987 Cabinet resolved that the terms of reference of the Inquiry should be made retrospective to 1 January 1977, whereas the amendments to the terms of reference which were made on 24 June 1987 substituted other paragraphs of the original terms of reference.

At para 64, the opinion states:

> The function of the Executive Council is to advise the Governor to give effect to Cabinet decisions. Plainly, as a purely formal institution whose meetings serve no function other than the formal identification [sic] of decisions made by Cabinet (see Hanks, 374), the Executive Council cannot itself act in substitution for the executive policy decisions of Cabinet. For present purposes, it is the case that neither the Executive Council nor the Governor may lawfully give legal authority to a matter not brought before it by the Executive (see paras 42 to 45 above).

This paragraph seems to suggest that the Executive Council's only function is to advise the Governor to give effect to decisions of Cabinet. As I have discussed above, while that is certainly one of its functions, I know of no authority to suggest that that is its only function. The Governor is often advised by the Executive Council to approve matters which have not been considered or approved by Cabinet.

In this instance it is suggested that the Governor was advised to approve amendments to the Inquiry terms of reference which had not been approved by Cabinet. At para 65, the opinion puts forward the propositions that

> . . . the Executive Council and the Governor could not give legal effect to amendments in the absence of a cabinet decision to amend the Fitzgerald Inquiry's Terms of reference, and the Executive Council could not lawfully go beyond the Terms of reference actually approved by cabinet on 26 May 1987.

As I have pointed out above, the Governor in Council deals with many matters which have not been considered by Cabinet, and I can see no basis for the suggestion that the Governor could not have acted on the advice of a Minister or Ministers that the Inquiry terms of reference should be amended. That proposition is not supported by any authority cited in the opinion, or by any other authority of which I am aware. It is in my opinion wrong, and the second contention is consequently incorrect.

The third contention is that the recommendations to the Governor in Council in relation to the Fitzgerald Inquiry were an improper exercise of Ministerial power. The opinion mentions that the Premier was absent from Queensland on 26 May 1987, and that Mr Gunn had been appointed acting Premier from 26 May until the Premier returned to the State, which occurred on 30 May 1987.

The opinion says that Sir Joh's diary records that on 24 June 1987 he left by air for Townsville at about 11.30 am and was away from Brisbane until at least 4.00 pm that day. It is suggested that the Executive Council meeting that day, whatever form it took, was timed to occur during the Premier's absence from Brisbane, and that may well be the case.

The opinion refers to a number of statements and reports suggesting that the Premier may have attempted to terminate the Inquiry in some way.

At paras 80 and 81 the opinion makes the following assertions:

> 80 The Fitzgerald Inquiry inquired into a wide range of matters, including Bjelke-Petersen's personal and financial affairs, and made it possible for the Commission to recommend the laying of corruption and perjury charges against Bjelke-Petersen
>
> 81 At the least, there is a strongly arguable case that the apparently invalid inclusion of paragraph 4 on the amended Terms of Reference, on 24 June 1987 was made for the purposes of including political affect [sic] on Bjelke-Petersen's position as Premier and to force him to resign. Such an exercise of Ministerial power by Gunn would have been improper. If known at the time, judicial review may have been sought both to attach the formal validity and to impugn for improper purposes these actions and the Ministerial acts recommending the appointment of the Fitzgerald Inquiry and expansion of its terms of reference.
>
> 82 If these matters of apparent invalidity had been known and pursued at the time, the prejudice suffered by witnesses who were called to give evidence might have been avoided. The corruption charges against Bjelke-Petersen might never have been laid and the perjury charges that were wrongfully laid against him might have been avoided.

I should point out here that para 4 of the amended terms of reference which were approved on 26 June 1987 read:

> 4 And any other matter or thing appertaining to the aforesaid matters or any of them which to you shall seem meet and proper in the public interest.

I find it impossible to see how that paragraph could possibly be construed as being for the purpose of having some political effect on the then Premier, in particular by forcing him to resign. It is not even slightly arguable.

Paragraph 4 was on its face a perfectly reasonable inclusion given that it must have been ever more apparent, even at that early stage, that the Inquiry was likely to have to investigate other matters of concern beyond those already disclosed.

As to the suggestion that if the alleged matters of apparent invalidity had been known and pursued at the time, the prejudice suffered by witnesses, including Sir Joh, might not have occurred, I can only say that there can be not the slightest doubt that if there had been any suggestion at the time that the Fitzgerald Inquiry had been invalidly constituted, the Ahern government would have legislated immediately to cure any invalidity, as in my opinion actually occurred in 1988, as I shall discuss below. Apart from any other considerations, the political realities of the time would have made any other course of action impossible.

The opinion concludes by suggesting that a court might even now have the power to make a declaration that "vitiating irregularity and improper conduct exists". The opinion recognises, nevertheless, that given the lapse of time, the "course of curial application for redress is not particularly convenient or to be preferred". It is also suggested that the State should not object to any delay in making such a claim, and the opinion concludes that what it describes as "this matrix of apparent irregularity in proper process" supports Sir Joh's claims for compensation on an ex gratia basis.

I would have thought that, on the contrary, the State would be entitled to take every legitimate objection to proceedings which sought to challenge the validity of so important an inquiry after so many years.

6 Executive Council meetings

The Griffiths advice proceeds on the basis that there was no face to face meeting of Executive Council on 28 May 1987 or on 24 June 1987. At para 37, counsel indicate that they were instructed that a "flying sittings" refers to a meeting of the Executive Council constituted by a telephone conversation to which the Governor and the participating Ministers are parties, and that it was what might be described as a "virtual meeting".

Of the possible participants, Sir Walter Campbell has not been contacted, and I note that a report in the Courier Mail of 9 August 2003 stated that Lady Campbell had said that Sir Walter was too ill to comment. Mr Gunn has passed away, and there is no indication which other Ministers, other than the then Attorney-General, Mr Paul Clauson, might have been closely involved. However, both Mr Bigby and Mr Pendrigh have been contacted by Mr Patrick Vidgen, the present Clerk of the Executive Council, and Mr Vidgen has advised me that Mr Bigby could not recall details of the Flying Sittings practice at the time, but that he indicated that Sir Walter was a "stickler" for due process and proper procedure, and on that basis Mr Bigby was confident that any matter brought before Sir Walter would have been in order.

Mr Pendrigh said that the accepted process at the time for urgent matters which arose between the weekly Executive Council sittings was for the matter to be considered at a Flying Sittings. The relevant Minister or Ministers would discuss the matter with the Governor, and once the Governor accepted the need for consideration of the matter, the Clerk of the Council would take the documentation to Government House for the Governor to consider. It was the practice for the Executive Councillors not to be in attendance at the time the documentation was provided to the Governor for approval. Mr Pendrigh also advised that at the next ordinary sitting of Executive Council the Governor would advise Executive Councillors of the Flying Sittings and of his approval of the business.

This certainly suggests that there may have been a practice that Ministers did not attend personally on the Governor, at least in some cases, but that the "meeting" at which the advice to the Governor was tendered may have occurred by means of a telephone conversation.

However, although Sir Walter is not now available to be interviewed, on 22 March 1988 he delivered the 1988 Endowed Lecture of the Royal Australian Institute of Public Administration, Queensland Division, entitled The Role of a State Governor, in which he discussed the role of Governor with particular reference to Queensland. In discussing the role of the Executive Council, Sir Walter referred to special meetings:

> In cases of urgency a special meeting of the Executive Council is held, usually at Government House. If the Governor is satisfied of the urgency of the matter, he will approve of the minute, and at the next regular meeting of the Council the Governor will report to it on the business conducted at the special meeting. Prior to approving the minute or minutes placed before the special meeting, the Governor may well take the course of asking in some detail about the matter and why it is urgent.

Although it is not entirely clear from this description, I must say that there is no indication that Sir Walter was describing anything in the nature of a "virtual" meeting.

I understand also that, after a Flying Sitting, the Governor's report to the next regular meeting of the Executive Council, which was mentioned by Sir Walter in his lecture, was not included in the minutes of that regular meeting, which would account for the absence of any minutes dealing with the Flying Sittings of concern in this case. It may be that the Governor's report, and its acceptance by those in attendance at the next regular meeting, amounted to a ratification of the decision previously made, but in the circumstances, I do not think it necessary to reach any final conclusion about that issue.

I have also been provided with a number of documents of interest from the period. They include lists of Executive Council sittings from the beginning of 1987 to the end of 1988.

It is apparent from those lists that Flying Sittings were a regular occurrence during 1987. The two Flying Sittings of interest, 26 May and 24 June, are in the list. Flying Sittings continued into 1988, with the last one shown on 19 September 1988. From that date on, the list shows "Special Sittings", rather than Flying Sittings, which occur with similar frequency as the Flying Sittings. Clearly there was at that time a change of some kind.

I have not had any check made further back that the beginning of 1987, but I think there can be no doubt that Sir Joh must have been perfectly well aware of the procedures used at that time for Flying Sittings, and must have attended, or been involved in, many of them himself. There would have been nothing to prevent Sir Joh's legal advisers at the time of the Inquiry and at the later trial from exploring with him the procedures used.

Other documents of interest from the same period describe the procedures for Executive Council meetings. The first is dated 5 March 1986 under the hand of the then Clerk of the Executive Council, Mr S Schubert, as he then was, to which were attached guidelines for the preparation of Cabinet Minutes. The guidelines included a description of the procedure for "late minutes" and "flying minutes":

> 7 A Flying minutes must be presented to the Governor by the initiating Minister. The Minute must have the initials of at least two Ministers (one of whom should be the Minister concerned and the other the Premier, or in his absence, the Acting Premier.
>
> B the Minute should be forwarded to this department (Clerk (Executive Council) Room 3.25, Executive Building, Brisbane) for the correct preparation and the typing of an Executive Council Minute. Arrangements should then be made with the Official Secretary, Government House, for a convenient time for the presentation of both the Cabinet and Executive Council Minutes to His Excellency the Governor. (Please note that sufficient time should be allowed for the preparation of these Documents).
>
> C The Clerk (Executive Council) (Phone 2244819) should be notified of the arranged time and he will accompany the Minister to Government House. He will retain the Minutes until procedures are finalized and make the necessary arrangements for the return of the Cabinet Minute.

The second document of interest is a letter dated 30 May 1989 from the then Clerk of the Executive Council, Mr Bigby, to the Chief Executive of the Department of the Premier in Perth. The letter was in response to a request for information about the operation of Queensland's Executive Council. In the letter, Mr Bigby escribed the procedure for special sittings:

(e) Special Sittings of the Executive Council occur on the average of once a fortnight and are usually conducted at Government House. A quorum of two members is still required.

A comparison between these two documents would indicate that there appears to have been a change in the practice. Whereas the 1986 document seems to suggest that only one Minister, presumably the Minister sponsoring the Minute, would usually go the Government House, accompanied by the Clerk of the Council, the later document clearly indicates that by 1989 the practice was that two Ministers, the required quorum, would attend on the Governor.

I think that, while we are left at this stage in some degree of uncertainty about what actually happened on 26 May 1987 and 24 June 1987, the arguments advanced in the submission have not excluded the possibility that two or more Ministers did travel to Government House on those dates to meet with the Governor as the Executive Council.

It is of some interest that television news broadcasts on the evening of 26 May 1987, which have been provided by the Parliamentary Library, showed a press conference that day attended by Mr Gunn and Mr Paul Clauson, the Attorney-General. I think the possibility cannot be excluded, without contact with Mr Clauson, that both Ministers went to Government House that day. Unfortunately, the broadcasts were not complete enough to show whether Mr Gunn may have made some statement about what had happened, particularly whether he or both may have called on the Governor. Newspaper reports from the following day also shed no light on the question.

However, in view of the description of the procedure in the 1986 document, the possibility that only one Minister went to Government House cannot be dismissed. If so, then it would seem most likely that the Minister who did so was Mr Gunn, who was acting Premier on the first occasion, and the senior Minister present in Brisbane on both occasions.

There is nevertheless a somewhat strange inconsistency in the documents. Taking 26 May 1987 as the example, the cover sheet of the documents for the Flying Sitting states:

At . . . Government House, Brisbane

Wednesday the 24th day of June 1987

The actual minute does not indicate a place of the Sitting, but the Order in Council itself has the following introduction:

ORDER IN COUNCIL

At the Executive Building, Brisbane, the

Twenty-sixth day of May, 1987

Present:

His Excellency the Governor in Council

The documents for 24 June 1987 are similarly worded.

If, as the cover sheet indicates, a meeting took place at Government House on each date, one might ask why the Order in Council itself refers to the Executive Building. It appears to me that the most likely explanation is that is was convention to do so, and that the reference to the Executive Building was not intended to have any particular significance. The other possible explanation is that the reference to the Executive Building was intended as a recognition that the decision made by Executive Council on the date of the Flying Sitting was to be ratified by the next regular sitting at the Executive Building.

However, for the purpose of dealing with the submission, I shall proceed on the assumption that it is possible that an initial contact was made with Government House by telephone, and that the Clerk of the Parliament went to Government House with one Minister, probably Mr Gunn, and had the Governor sign the documents.

I recognise that Mr Pendrigh has indicated his recollection that on occasions no Minister actually went to Government House, but I think there must be some doubt about when that practice existed. It is possible that there were variations in the practice at that time, perhaps for the reasons I will discuss in the next section of this advice.

7 The requirement for a quorum

The requirement, if it was a requirement, for the quorum for a meeting of the Executive Council has existed in some form for many years. In May 1987, the position was governed by the Letters Patent constituting the office of Governor dated 14 February 1986, which were proclaimed in Queensland on 6 March 1986 and published in the Gazette of 8 March 1986. Clause IV of those Letters Patent provided as follows:

> VI The Governor of the State shall attend and preside at all meetings of the Executive Council unless he is prevented by some good and sufficient cause and, in his absence, such member of the Executive Council as he may appoint in that behalf or, in the absence of that member, the senior member of the Executive Council present at a meeting shall preside.
>
> The Executive Council shall not proceed to dispatch business unless—
>
> It has been duly summoned by authority of the Governor of the State;
>
> and
>
> two members thereof, at the least, exclusive of the Governor or member thereof presiding, are present and assisting throughout the whole of the meeting at which the business is dispatched.

The requirement for a quorum was previously contained in the Royal Instructions to the Governor, and not in the Letters Patent themselves. The Royal Instructions which accompanied the Letters Patent of 1925, which were reproduced in vol 2 of the 1962 Reprint of the Queensland Statutes, contained the requirement in cl V.

The authority for the granting of letters patent to establish the Colony was found in the New South Wales Constitution Act 1855 (Imp), which provided in s. 7 that it was lawful for Her Majesty by letters patent to erect a separate colony by the alteration of the northern boundary of the Colony of New South Wales, and, in the letters patent, to make provision for the government of the new colony.

Section 40 of the Australian Constitutions Act 1842 (Imp) required that the Governor of New South Wales was to act in obedience to Royal Instructions about assenting to, or dissenting from, or reserving for royal assent, Bills of the Legislative Council of New South Wales, but there seems to have been no similar specific requirement to act in accordance with other Royal Instructions. This limited requirement to obey the Royal Instructions, which was contained in s. 40 of the Australian Constitutions Act 1842, was continued in force by s. 13 of the Constitution Act 1867 (Qld).

The Constitution (Office of Governor) Act 1987 suspended the operation of the 1986 Letters Patent, and the quorum requirement was included in s. 7 of the Act. That Act, however, came into operation on 1 December 1987.

In May 1987, therefore, there was requirement, which was contained in the Letters Patent of 1986, that the Executive Council was not to dispatch business unless, first, it had been duly summoned by the Governor, and secondly, that two members of the Council were present and assisting throughout the whole of the meeting.

The status of the Royal Instructions was a matter of concern in the 19th century. In Sharples v Arnison, Appeal No 2972 of 2001, Queensland Court of Appeal, McPherson JA discussed the office of Governor. His Honour made the following observations in respect of the Instructions to the Governor:

> [16] There is a remarkable degree of continuity in the history of the office over the centuries. Decisions of the Privy Council have settled that a colonial governor is not a viceroy having general sovereign power, but is the king's or queen's representative for or within a specified territory, whose authority derives from his commission and is limited to the powers expressly or impliedly entrusted to him. See Cameron v Kyte (1835) 3 Knapp 332, 343-344; 12 ER 678, 682-683; and Musgrave v Pulido (1879) 5 App Cas 102, 109-111. The early practice, which survived pretty well to the end of the imperial period, was to issue to a royal governor a commission, usually in the form of letters patent, accompanied by a set of instructions. The letters patent were granted under the Great Seal of England; the instructions, which issued under the royal sign manual, meaning the personal signature of the monarch, were usually authenticated by being countersigned by the Secretary of State and by the imprint of the royal signet. See L. W. Labaree, Royal Government in America, at 9-18. Professor Labaree, who knew more about these matters than others, explains that the commission was a formal document which conveyed or conferred powers of government, whereas the instructions were "expressions of the king's will as to the manner in which the powers granted in the commission were to be exercised" (Labaree, at 14). Commissions were granted only for the duration of the royal pleasure, and so could be revoked by instrument under seal. Until the Demise of the Crown Acts, they lapsed on the death of the sovereign. By contrast, instructions, which were informal and intended to be confidential (see Hennessy v Wright (1888) 21 QBD 509), could be varied or withdrawn at any time.
>
> [17] The purpose is to determine what is meant by the "office of Governor". This historical digression is intended to emphasise the distinction between, on one hand, the office of colonial governor and the powers associated with it, which were granted by the letters patent or commission; and, on the other hand, royal instructions about the way in which those powers were to be used. The last royal instructions to a Governor to have been published in Queensland are those dated 10 June 1925 (Queensland Statutes Reprints, vol 2, at 812-814); but, judging by their contents, alterations must have been made to them after that date. However that may be, it is the commission and not the instructions by which the office of governor is constituted. There is still, it seems, a difference of opinion whether royal instructions had the force of law; but, ever since the decision in Campbell v Hall (1774) Lofft 655; 98 ER 848, the view that they took effect as law cannot prevail in a colony or State with representative government over which the Crown had, by granting a constitution, lost its prerogative power of legislating. See D B Swinfen, Imperial Control, at 79-82, and [1968] Juridical Review 21, 32-33.
>
> [18] The impression that royal instructions to a governor had the effect of law was one of the matters that led Boothby J into error in South Australia in the unreported case of McEllister v Fenn in 1861. In that particular instance, his Honour's opinion was rejected in the advice given by the imperial Law Officers to the Colonial Secretary on 12 April 1862, which was that royal instructions were a matter "between the Crown and the Governor, and ... directory only". See O' Connor & Riordan, Opinions on Imperial Constitutional Law, at 60, 64. In reaching the opposite conclusion in McEllister v Fenn (1861), Boothby J was basing himself on s40 of the Australian Constitutions Act 1842; 5 & 6 Vict c 76 (Imperial), the terms of which were almost literally transcribed into s11B of the Queensland Constitution Act 1867 by the Act of 1977. The point at issue was shortly afterwards resolved by s4 and s7 of the Colonial Laws Validity Act 1865, of which s7 deemed colonial laws or legislation to be valid and effectual "for all purposes whatsoever" from the date of assent to the legislation, saving only the royal power of disallowance or repeal after their enactment. See Rediffusion (Hong Kong) Ltd v Attorney-General of Hong Kong [1970] AC 1136, 1157; and Winfat Enterprise (HK) Co Ltd v Attorney-General [1984] HKLR 32, 48-50; affirmed [1985] AC 733, holding that colonial legislation was not invalidated by the Governor's failure to conform to instructions requiring him to reserve it for royal assent.
>
> (my underlining)

The only exception to the generally accepted position that the Royal Instructions did not have the force of law was that part of the Instructions which was dealt with by s. 40 of the Australian Constitutions Act 1842, mentioned above.

It follows, I think, that up until the proclamation of the 1986 Letters Patent the Royal Instructions to the Governor concerning the quorum for meetings of Executive Council were not mandatory and a failure to comply with that requirement did not in any way affect the validity of any action taken by the Governor in Council in contravention of the Instructions about a quorum.

However, it appears that the position changed in 1986, and that from 6 March 1986 there may have been a mandatory requirement about the quorum for Executive Council meetings. The change was brought about by the inclusion of what were formerly Royal Instructions in the Letters Patent themselves. It may be that the change was not recognised at the time, or at least not until 1988 when the practice for Flying Sittings was changed. Presumably the general rule for ordinary meetings of Executive Council was that the usual quorum was present.

Why then did the inclusion of the requirement for a quorum in the Letters Patent of 1986 make a difference? The Letters Patent of 1986 were contained in a proclamation published in the Gazette on 8 March 1986. At that time, the Acts Interpretation Act 1954 defined the meaning of "Act" in s. 5:

> 5 (1) Act. In any Act, unless the contrary intention appears, the word 'Act" used in relation to a legislative enactment shall include any Act duly passed by the Parliament of Queensland, or by any authority heretofore empowered to pass laws in Queensland, and to which assent has been duly given by, or on behalf of, her Majesty.
>
> (2) Act to include regulations, etc., made thereunder. In any Act every reference to any other Act, where the context admits and unless the contrary intention appears, shall include a reference to all Proclamations, Orders in Council, regulations, rules, by-laws, and ordinances, if any made under that other Act.

The Parliament of the United Kingdom was, at least until the commencement of the Australia Acts in 1986, empowered to pass laws for Queensland, and the effect of s 5 was that the Letters Patent were considered to be legislative instruments, and had effect as laws of the State. Once the Letters Patent of 1986 were proclaimed, the requirement for a quorum for meetings of the Executive Council became mandatory.

8 Validating legislation

The Griffiths opinion makes no reference to two Acts of Parliament which, in my opinion, had the effect of validating the Orders in Council by which the Inquiry were established to the extent that there might have been a procedural irregularity in the way in which the Orders in Council were made.

The first of these Acts is the Constitution (Executive Actions Validity) Act 1988, which was introduced to the Parliament on 28 September 1988 by the then Minister for Local Government and Racing. In his second reading speech on the same day, the Minister informed the House that the Bill was designed to overcome part of the decision of the Supreme Court of Queensland in Brisbane City Council v Mainsel Investments Pty Ltd and the Commissioner for Railways, where the Supreme Court had held that an Order in Council purporting to amend the Brisbane Town Plan had been invalid because of a deficiency in the procedures of the Executive Council.

Section 3 of the Constitution (Executive Actions Validity) Act included the following definitions:

> 3 Interpretation.
>
> In this Part, except where a contrary intention appears—
>
> "executive action" means the performance by the Governor or the Governor in Council, purporting to act in pursuance of the provisions of an Act, of an action required or authorized by an Act to be performed by the Governor or the Governor in Council, including—
>
> (a) the making of any Proclamation or Order in Council;
>
> (b) the making or approval of any regulation, ordinance, by-law, statute, rule or other instrument;
>
> (c) the making of any declaration or appointment;
>
> (d) the granting of any approval;
>
> "the excluded instrument" means the Order in Council, bearing date 23 June 1988 and published in the Gazette of 25 June 1988 at page 2223, that purports to evidence the approval of the Governor in Council of an application by the Brisbane City Council to amend the Town Plan for the City of Brisbane.
>
> (my underlining)

Section 4 then provided:

> 4 Executive action not affected by breach of procedure.
>
> (2) An executive action shall not be taken—
>
> (a) to be invalid or to have ever been invalid; or
>
> (b) to fail to or have ever failed to have the effect in law intended for such action,
>
> by reason only that in connexion with the performance of that action any procedure prescribed by an Act for the performance of that action has been contravened or has not been observed.
>
> (3) Subject to section 5, subsection (1) relates to every executive action that occurs after or has occurred at any time before the commencement of this Act.
>
> (4) A procedure referred to in subsection (1)—
>
> (a) includes, in relation to an executive action taken before the commencement of this Act, a procedure consisting in a statutory requirement for the recommendation of a specified Minister of the Crown or other person;
>
> (b) does not include, in relation to an executive action taken after the commencement of this Act, a procedure such as is described in paragraph (a).
>
> (my underlining)

Section 5 went on to exclude the "excluded instrument", which had been invalidated in the Mainsel case, from the application of s. 4.

The Minister's second reading speech indicated that the concern of the Court in Mainsel was that material relevant to the decision by the Governor in Council had not been place before the Council, and the Minister concentrated on the effect of the legislation in relation to decisions where the particular procedural deficiency pointed out in Mainsel had occurred. The Minister did not refer to any other possible shortcomings in procedure.

However, it is of no small interest, although there was no reference in the Minister's second reading speech to any possible concerns about Flying Sittings, that the Bill was introduced between the date of the last Flying Sittings and the date of the first Special Sittings. It seems to me to be unlikely that this was mere coincidence.

The Constitution (Executive Actions Validity) Act was repealed by the Statute Law (Miscellaneous Provisions) (No 2) Act 1994, Schedule 8, because it had no ongoing effect.

Several points may be made about the application of the Constitution (Executive Actions Validity) Act 1988 to the matter under examination.

First, the making of an Order in Council by the Governor in Council was included in the term "executive action" as defined.

Secondly, s. 4(2) clearly applied the terms of s. 4(1) to every executive action which occurred before the commencement of the Act, thereby including both Orders in Council which are under scrutiny here.

Thirdly, s. 4(1) applied in a case where, in connection with the performance of the executive action under consideration, any procedure prescribed by an Act for the performance of that action had been contravened or had not been observed.

The question in this case is therefore, whether the requirement for a quorum of two Ministers was a procedure prescribed by an Act. This question may be reduced to two subsidiary questions:

- whether the requirement for a quorum is a matter of procedure, and
- whether that procedure was prescribed by an Act.

As to the first point, in my opinion a requirement for a quorum for the conduct of business at a meeting is a procedural requirement. A procedure is a mode of conducting business, or a mode of performing a task. The requirement for a quorum is, I have no doubt, an aspect of the mode of conducting a meeting, and is therefore a procedural matter.

As to the second point, as I have pointed out above, the authority for the letters patent appointing a Governor and prescribing the Governor's powers and functions was found in the New South Wales Constitution Act 1855. Section 7 of that Act, which remained in force in Queensland until repealed by the Constitution of Queensland 2001 provided:

> Portions so separated may be erected into separate colonies
>
> 7. It shall be lawful for Her Majesty, by letters patent to be from time to time issued under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect into a separate colony or colonies any territories which may be separated from New South Wales by such alteration as aforesaid of the northern boundary thereof; and in and by such letters patent, or by order in council, to make provision for the government of any such colony and for the establishment of a legislature therein, and full power shall be given in any by such letters patent or order in council to the Legislature of the said colony to make further provision in that behalf.

The Letters Patent of 1986 were contained in a proclamation published in the Gazette on 8 March 1986. At that time, the Acts Interpretation Act 1954 defined the meaning of "Act" in s. 5:

> 5 (1) Act. In any Act, unless the contrary intention appears, the word 'Act" used in relation to a legislative enactment shall include any Act duly passed by the Parliament of Queensland, or by any authority heretofore empowered to pass laws in Queensland, and to which assent has been duly given by, or on behalf of, her Majesty.
>
> (2) Act to include regulations, etc., made thereunder. In any Act every reference to any other Act, where the context admits and unless the contrary intention appears, shall include a reference to all Proclamations, Orders in Council, regulations, rules, by-laws, and ordinances, if any made under that other Act.

Consequently, the reference in s. 4(1) of the Constitution (Executive Actions Validity) Act to an Act in the phrase "prescribed by an Act" will include an Imperial Act having application in Queensland because the Imperial Parliament was empowered to pass laws in Queensland, and the proclamation of the Letters Patent of 1986 was included within the term 'Act".

Those Letters Patent prescribed the quorum for meeting of the Executive Council, and consequently, s. 4 of the Constitution (Executive Actions Validity) Act was effective to cure any invalidity in the making of Orders in Council by Executive Council which might otherwise have resulted from the absence of the required quorum at such a meeting.

It is also my opinion that even if the Constitution (Executive Actions Validity) Act had not been effective to validate retrospectively the two Orders in Council of concern here, the Commission of Inquiry Continuation Act 1989 was in itself sufficient to have cured any possible invalidity.

The latter Act, to which assent was given on 12 July 1989, was passed to continue the Fitzgerald Inquiry in existence even though the commissioner had reported. Section 3 of the Act provided a number of definitions:

> 3 Meaning of terms
>
> "amended instrument of appointment" means the Order in Council of 26 May 1987 published in the Gazette of that date at pages 758A and 758B, being an instrument of appointment of a Commission within the meaning of the Commissions of Inquiry Act 1950-1989, as amended by Order in Council of 26 June 1987 published in the Gazette of that date at pages 1841A and 1841B and as further amended by Order in Council of 25 August 1988 published in the Gazette of that date at page 3579A and as further amended by Order in Council of 29 June 1989 published in the Gazette of that date at page 1895;
>
> "proclaimed date" means a date appointed by Proclamation for the purposes of this Act;

> "the Commission" means the Commission within the meaning of the Commissions of Inquiry Act 1950-1989 constituted by the Order in Council of 26 May 1987 referred to in the definition "amended instrument of appointment".

The first two Orders in Council, the validity of which has been challenged, are included. Section 4 of the Act then provided:

> 4 Continuance of Order in Council
>
> The amended instrument of appointment has not ceased to be of force and effect upon the Commission's making its report and recommendations as required by that instrument.
>
> The amended instrument of appointment, or that instrument as hereafter further amended by Order in Council, continues to be of force and effect until the proclaimed date.
>
> (my underlining)

Section 5(1) provided:

> 5 Continuance of inquiry
>
> (1) The Commission continues in being as a Commission within the meaning of the Commissions of Inquiry Act 1950-1989 until the proclaimed date.

Section 4 referred to the "amended instrument of appointment", which included the Orders in Council of 26 May and 24 June 1987, as having "not ceased to be of force and effect", and provided that the amended instrument of appointment continued "to be of force and effect". Those provisions could not be given their intended effect if there remained some underlying invalidity in two of the Orders in Council which the Act purported to continue in force and effect. If there were any such latent invalidity, I think s. 4 must by necessary implication have cured the invalidity.

Consequently, there were in my opinion two Acts which cured the alleged invalidity of the two Orders in Council. Neither Act was referred to in the Griffiths opinion.

9 How should the State respond to the claimed invalidity?

A further question which arises in light of the Griffiths opinion is, even if it were accepted that the available information showed that there was some still existing flaw in the procedure by which the Orders in Council were promulgated, how should that possible invalidity be approached by the Government.

This issue is not addressed satisfactorily by the Griffiths opinion. It seems to be suggested that the State, in considering Sir Joh's claim for an ex gratia payment should simply accept the invalidity and consider the claim on that basis. While there is discussion about the possibility of an application to the Supreme Court for a declaration, it does not seem to be seriously contemplated that such an application will be made. I have to say that it appears to me that any application to the Supreme Court after so many years would face formidable obstacles.

One may ask, however, why the State should in effect make a unilateral concession that the Fitzgerald Inquiry was invalidly constituted, so long after the event? The answer is, in my opinion, that the State should make no such concession, and even if there were no validating legislation, should continue to treat the Inquiry as having been validly constituted unless and until a court of competent jurisdiction declared otherwise. In support of this approach are statements by Woolf LJ in Bugg v DPP [1993] 2 All ER 815.

Bugg v DPP was a case where a challenge had been made to the validity of certain by-laws made under legislation dealing with military lands in the UK. The basis of the challenge was that certain procedures for the making of by-laws had not been followed by the Ministry of Defence. In a judgment on appeal to the Court of Kings Bench, the Court recognised that there were two bases of challenge to the validity of subordinate legislation an instrument under legislation, which it called substantive invalidity and procedural invalidity.

Substantive invalidity included matters such as whether the subordinate legislation was beyond power, an invalidity which would appear on the face of the subordinate legislation or instrument which is under challenge, whereas procedural invalidity arose where there had been non-compliance with a procedural requirement with regard to the making of the subordinate legislation or instrument.

While the Court accepted that in the case of a substantive invalidity a person might be justified in refusing to obey the subordinate legislation because the alleged invalidity was apparent on the face of the legislation, that was not the case with procedural invalidity.

Woolf LJ observed at p 827:

> So far as procedural invalidity is concerned, the proper approach is to regard byelaws and other subordinate legislation as valid until they are set aside by the appropriate court with the jurisdiction to do so. A member of the public is required to comply with byelaws even if he believes they have a procedural defect unless and until the law is held to be invalid by a court of competent jurisdiction. If before this happens he contravenes the byelaw, he commits an offence and can be punished. Where the law is substantively bad, the position is different. No citizen is required to comply with a law which is bad on its face. If the citizen is satisfied that that is the situation, he is entitled to ignore the law.

While the suggestion that a person who is satisfied that a regulation is invalid because he is convinced that the regulation is beyond power can choose to ignore the regulation seems to be a high-risk approach to adopt, it appears to me that the Court's comments about what it describes as procedural invalidity are applicable in the present situation.

What is being asserted in this case is a procedural defect in the making of two Orders in Council. In my opinion, the correct approach to adopt is that the Government should treat the orders in Council as valid unless and until a court of competent jurisdiction, which in this case is clearly the Supreme Court, decides otherwise.

Consequently, the application for an ex gratia payment should be considered on the basis that the relevant Orders in Council were valid, not only for the reason that no court of competent jurisdiction has held otherwise, but also because in my opinion any possible procedural invalidity was cured by the legislation to which I have referred above.

In any event, in the unlikely event that a Court did declare the two orders in Council to be invalid, the State has the option of legislating even now. However, for the reasons I have discussed, I do not consider it necessary to take that course.

10 The claims for ex gratia payments

While the claims for ex gratia payments seem to be founded essentially on the claim that the Fitzgerald Inquiry was invalidly constituted, in the circumstances I think I should examine the various claims which have been made.

The various heads under which the claims are lodged seem to be those set out in the report prepared by Narioka Investments Pty Ltd, consulting actuaries and corporate consultants. However, I see no indication that Narioka Investments is an accounting firm, or that they have any particular expertise in assessing claims of the kind being put forward.

The report summarises the losses for which compensation is sought at p 3. In relation to Sir Joh himself, they are listed as follows:

1	Direct loss of income:	$13,600,900
2	Direct expenses	$2,075,153
3	Indirect loss of income (excluding kaolin leases)	$34,945,526
4	Losses due to sale of kaolin leases	$283,673,078
5	Parliamentary privileges	$1,200,300
6	Superannuation benefits	$3,247,942
7	Loss of health	no amount quantified
	Total	$338,742,899

So far as Lady Florence Bjelke-Petersen is concerned, the summary claims an amount of $583,507, and for John and Karyn Bjelke-Petersen, an amount of $13,947,711.

The total of losses claimed under the heading of direct loss of income in respect of Sir Joh is $13,600,900, which amounts to some $1.13m per annum for the period of just over 12 years from 2 May 1998 to 30 June 2001. I have to say that I find it very difficult to accept the Sir Joh could reasonably have expected to have earned that level of income for that period, even assuming that his health remained good.

One might also observe with justification that it would seem highly unlikely that Sir Joh could have been actively involved in the whole range of enterprises in respect of which claims are made. Even in the most favourable circumstances, one would have expected that he would have had to make a choice as to which opportunities he would have pursued. The submission takes no account of this.

In any case, for reasons which I shall discuss in relation to each head of claim, I am highly sceptical of the validity of many of the claims, and particularly the methods of calculation.

Sir Joh's losses

- Direct loss of income

There are three separate claims under this heading. First, it is asserted that Sir Joh started employment by contract with Hasting Deering (Qld) Pty Ltd on 2 December 1987. He had resigned as Premier, and from Parliament, on the previous day. According to the report, the contract remuneration figure was $150,000 pa. However, the Hastings Deering position required Sir Joh to travel in Australia and overseas to promote the company, and when the Fitzgerald Inquiry refused Sir Joh leave to travel overseas he was unable to continue with his contract after 2 May 1988.

The report states that the figure for direct loss is calculated by allowing for salary inflation of 3% pa and assumes the contract would have run until 30 June 1997. The loss is calculated net of tax, and as at 30 June 2003 is said to be $2,741,476. There is a table in Appendix 1 to the Narioka report which sets out the calculation. Although I do not pretend to understand the calculation in its entirety, it is clear that there has been no attempt to discount the amount claimed for any exigencies, for example, that the contract may have ended earlier for reasons having nothing to do with the Fitzgerald Inquiry. There is also no documentation supporting the claim that Sir Joh had a contract with Hastings Deering, but in the circumstances, I do not think it necessary to seek that documentation.

- Loss of consultancy fees for period 2 May 1988 to 30 June 2001

In addition to the role dealt with under the first heading, ie the contract with Hastings Deering (Qld), it is claimed that Sir Joh was employed on a contract basis by Hastings Deering Worldwide from 2 December 1987 to promote the sale of gold to buyers in Japan, and that he was very successful for the short time he was able to fulfil his contract.

Additionally, it is claimed that after his resignation, Sir Joh accepted the marketing role for Caterpillar products throughout the USA and the Pacific region. It is claimed that the agreed overseas consultancy fees were at least twice the net of tax income per annum payable under the contract with Hastings Deering Qld. It is claimed that Sir Joh did complete a round of gold sales from a mine in South America to buyers in Japan between 1 December 1987 and 2 May 1988.

The claimed loss of overseas consultancy fees is calculated as twice the net income under the previous head, making a total of $5,081,437.

Here again, there is no attempt to factor other contingencies, such as loss of health, or simple market factors, into the calculation. The amount seems to be pure speculation based on insupportable premises. I also think it is not unreasonable to ask what possible benefit Caterpillar, an extremely well-known American company, could have hoped to gain from Sir Joh in the US market.

- Loss of known and unknown business consultancy opportunities

Under this heading it is claimed that Sir Joh had to refuse at least one consultancy contract with a Singaporean environmental company, which would have paid US$50,000 per annum, with a seat on the board of directors. No supporting evidence is supplied: not even the name of the company. However, a loss of $1,343,439 is claimed in respect of this lost opportunity.

It is also claimed that other income would have been available to Sir Joh due to his popularity. An estimate of the loss under this head is $4,434,548.

The claims under this head appear to me to be highly speculative, and based on unsupportable premises.

Direct expenses

Under this heading are claimed Sir Joh's legal and other direct expenses in defending himself at his trial, and his representation before the Inquiry. The amount claimed is $1,393,920, which includes $960,372 in interest on the amounts owed.

I have previously advised on the question of payment of Sir Joh's legal expenses for his criminal trial, and this submission contains nothing new in that regard. In my opinion, there are no exceptional circumstances warranting reimbursement of legal costs in the criminal trial. Indeed one can say with some justification that Sir Joh was fortunate that the Special Prosecutor decided not to put Sir Joh on trial a second time.

As to the Fitzgerald Inquiry, the then Crown Solicitor, Mr Dunphy, made inquiries in March 1998 about the position of Ministers who might have been witnesses at the Inquiry, and was unable to find any information suggesting that any Ministers had their legal costs paid. I believe that Mr Dunphy actually wrote to Sir Joh at that time to inform him of this.

- Direct costs of settlement and legal representation for Crown matters

An amount of $31,233 is claimed under this head, but there is no indication of what this relates to. There is mention of an ABC Inquiry in Sydney, but the only case to which, in my recollection, this could relate is an inquiry by the Australian Broadcasting Tribunal into the suitability of Channel 9 to hold a broadcasting licence following disclosure that Mr Alan Bond had directed that Sir Joh be paid a substantial sum in settlement of a defamation action brought by Sir Joh against Channel 9 even though Mr Bond's lawyers had advised against settling.

If this is the case to which this claim refers, it is more than a little surprising that any expenses are being claimed from the State even though, as far as I am aware, Sir Joh did not pay the amount he received in settlement to the State.

- Cost of preparing this claim

The cost of preparing this claim for compensation is estimated at $650,000, including costs incurred from November 2000. There is no indication of the nature of the expenditure, to whom it has been paid, or to whom the amount is owed.

It appears on any view a remarkable amount for what is contained in the document.

Indirect loss of income

Under this general head is claimed expenses and losses incurred because the direct expenses associated with the Inquiry and the loss of income from other sources required Sir Joh to seek funds from other family assets. In particular, it is said that it became necessary to sell the property known as Ten Mile Creek, which was owned by the Bjelke-Petersen Family Trust, and operated jointly by John and Karen Bjelke-Petersen and the Family Trust. It is also claimed that a loss was incurred in respect of kaolin leases in Queensland, and a part of Bethany, Sir Joh's property, also had to be sold.

- Loss of business investment income derived from mining leases and shares in public companies

It appears to be claimed under this head that Sir Joh had an interest, described as an option, in a number of mining leases in respect of kaolin deposits near Kingaroy, and that he was forced to sell his interest in these leases at some time, although precisely when is not disclosed. It seems to be suggested that the leases are presently owned and worked by a company called Unimin Pty Ltd, which in recent times has extracted 15,000 to 17,000 tonnes of kaolin per annum.

However, it is also claimed that had Sir Joh been able to maintain his interest in the leases, he would have been able through his international expertise to increase the tonnages extracted. The table in the Appendix appears to be based on the assumption that the tonnage could have been increased from 10,000 tonnes pa to 360,000 tonnes pa, which on any view is an extraordinary increase. There is no analysis accompanying these claimed production figures, and it appears to me that they are pure speculation, particularly given that the company working the leases now appears to be able to sell no more than 17,000 tonnes pa.

The total claimed under this head is $283,673,078, which is said to be the present estimated value of the deposits. It is not clear just what this figure represents. It seems to be based on income foregone and future income lost. Even assuming it is a valid figure, I cannot see how that figure translates into an amount to which Sir Joh would be entitled. The calculations appear to be based on an assessment of the potential income which might have been generated from the kaolin deposits, and seems to assume that Sir Joh would have been entitled to the whole of that income.

It appears to me that Sir Joh was unlikely to have been able to raise the necessary capital to develop the leases commercially without involving others in the enterprise. It is pure speculation as to what interest he could have maintained in any large-scale development of the leases.

It seems to me that a more realistic assessment of value might be what Sir Joh's interest in the leases actually fetched when sold. Although the amount realised is not disclosed, I rather doubt that it was anything like the amount now claimed.

- Loss of capital improvements invested in Ten Mile Creek, and loss of primary production income from that property.

It is claimed that the estimated losses under this head from the "forced abandonment" of the farming activity on the property were, first, the present value of losses from cattle farming activities at $3,045,915, and secondly, the present value of lost agistment income at $15,432,763.

I have to say that I am unable to understand the tables used in the appendix in relation to these amounts. For example, I am unable to identify where the figure of $6,091,830 shown at p 410 as being the total losses from cattle breeding and farming comes from. Nor am I able to understand why the figures shown on that page in the columns headed "No of Cattle" and "Agistment and other cattle br[ee]ding costs" should be identical to the figures shown on p 411 in the table purporting to deal with loss of agistment income in the columns headed "No of Cattle" and "Agistment income lost".

The tables therefore seem to be unhelpful in supporting the claim in this regard.

- Capital loss sustained as a result of forced sale of Ten Mile Creek

Under this head it is claimed that Ten Mile Creek had to be sold at a time of depressed land values, and that as at 30 June 1994 the value of the property in thee annual accounts was $4,825,000. The sale price was $1,405,150, which it is said resulted in a loss at that date of $3,419,850. The accumulated loss as at 30 June 2003, taking interest into account, is said to be $6,555,168.

This alleged loss seems to be predicated on the accuracy of a property value of some $4.8m assigned to the property in about 1994. The basis for this value is not indicated. Whether it reflected a true market value which would have been achievable at about that time if the sale had not been a forced sale one cannot tell. The issue is not addressed.

However, one might comment that if land values were depressed at the time, something which certainly had nothing to do with the Fitzgerald Inquiry, the figure of $4,825,000 needs to be justified as being a fair value at the time before the claimed loss can be justified.

- Loss of primary produce income from peanuts etc at Bethany

It is suggested that these activities could not be continued at the home property, Bethany, because of the requirements to meet the direct expenses detailed earlier. The average income from these activities in the 6 years prior to 1988 was $18,175. The activities were not able to be reinstated after the Fitzgerald Inquiry and the sale of Ten Mile Creek.

On the assumption that these farming activities had been able to be maintained until 2001, the present value of the losses is calculated to be $590,297. It is difficult to see why those activities could not have been resumed in the interim period, but on the assumptions made elsewhere in the submission about Sir Joh's other business activities, one is entitled to ask how Sir Joh could have carried on those farming activities in any case.

- Loss of property assets and income derived from the part sell-off of Bethany to fund costs of Sir Joh's defence

It is claimed that in 1997 an aircraft had to be sold for $100,000 to refinance other loans, and that in 1999 parts of Bethany were sold for $224,500, and in 2001 another part of Bethany was sold for $265,000 to repay debt. The present value of these claimed "losses" is calculated to be $759,298.

I have to say that I am entirely unable to understand why the income from the sale of an aircraft and several parcels of land should be treated as a loss.

- Loss of accumulated tax deductions

This aspect of the claim asserts that the accumulated tax losses as at 30 June 1994 which were lost with the sale of Ten Mile Creek were $4,086,792, and that the accumulated present value of those losses as at 30 June 2003 was $8,562,085. Presumably these accumulated losses related to the operations of Ten Mile Creek.

I am not sure what to make of this claim, or why tax losses accumulated before the sale could not have been utilised. I have not thought it necessary to examine that issue. However, I have to say that one is entitled to query whether the Ten Mile Creek property was profitable, and whether the estimates for lost income from that property are consistent with the existence of these accumulated losses.

Parliamentary privileges lost

Under this head it is asserted that upon his retirement from the Parliament Sir Joh was stripped by the then Premier, Mr Ahern, of the privileges which had been provided to previous Premiers and to later Premiers. In addition, it is claimed that before his retirement Sir Joh determined to forgo his entitlement to parliamentary superannuation, which, had he been aware of what was to come, he would not have done.

- Loss of privileges

Under this head it is claimed that the usual entitlements which Sir Joh might have expected as a former Premier were denied to him by Mr Ahern. Those privileges included funding of travel, office and secretarial support. A calculation has apparently been done of the cost of providing an office, an assistant, a car and driver for a period of 5 years from 1989 to 1994. The present value of those lost entitlements is claimed to be $1,200,300.

I am unable to comment on this claim. No information is provided about why Mr Ahern refused to grant the privileges to Sir Joh.

- Entitlement to parliamentary superannuation

It is claimed that the value as at 30 June 2003 of parliamentary pension benefits forgone by Sir Joh is $3,247,942. The additional information in Appendix 2 suggests that Sir Joh was a member of the Parliamentary Contributory Superannuation Fund in 1987, but that he waived his entitlements to the benefits. However, it is suggested that if Sir Joh had known in advance of the expenses he would incur in eh Inquiry and the later trial, he would not have exercised the wavier.

The report proceeds on the assumption that Sir Joh did not elect to become a new member of the Fund, but was a continuing member. The report says that Sir Joh was a member of Parliament for 42 years, with 19 years as Premier.

The Parliamentary Contributory Superannuation Fund Act 1948 commenced operation from 1 January 1949. During the debates concerning the Bill, Mr Bjelke-Petersen, as he then was, made the following statements to the House:

> After giving full thought to the matter, I am still prepared to say that from first to last the measure is planned purely for the benefit of defeated Labour candidates at the next election or on any future occasions. I state here and now that I am wholly opposed to the measure.
>
> The Acting Premier said I was not opposed to the previous Bill on principle, but I assure him that I was, and I am opposed to this measure also on principle, not because I am against superannuation or anything of that kind, but because I believe that this becoming much too prevalent amongst men in public positions. We have our ordinary social service benefits pensions that are available to the general public. These are available to members of Parliament also.
>
> Superannuation is all right in principle. Indeed, I am prepared to say that from the working man's point of view it is of special benefit and worth while, but in my opinion too much of this sort of thing is going on in public life. It is becoming the fashion. The whole thing savours too much of feathering one's own nest, placing self-interest first.
>
> . . .
>
> I for one would not be in it. I would not touch it with the proverbial 40-foot barge pole. I am opposed to the measure from every angle.
>
> (my underlining)

The 1948 Act contained the following provision in s. 1:

> 1. (1) . . .
>
> (2) Application of Act. This Act shall apply only in cases where a member dies or ceases to a member of the Legislative Assembly on or after the first day of January, one thousand nine hundred and forty-nine.
>
> (3) A member holding office at the passing of this Act may, before the due date of the first periodical payment of salary to be made to him after the first day of January, one thousand nine hundred and forty-nine, notify the chairman of the trustees in writing that he does not desire to become a contributor for annuity benefit under this Act.
>
> This Act shall not apply in the case of any member holding office at the passing of this Act who gives to the chairman notice as prescribed by this subsection, and this Act shall continue not to apply in his case notwithstanding that he may be re-elected as a member at any time or from time to time after the passing of this Act.
>
> (my underlining)

A 'member' was defined to mean "a member of the Legislative Assembly of Queensland": s. 2(1). A Parliamentary Contributory Superannuation Fund was established: s. 4. Members had various sums deducted from their salaries: s. 6(1)-(2). The deductions and an additional sum from consolidated revenue were paid into the Parliamentary Contributory Superannuation Fund: s. 6(2). Members and their families received certain benefits from the fund on the occurrence of specified events.

As can be seen, a member of Parliament had the option of notifying the chairman of trustees that the member did not wish to become a contributor for annuity benefit under the Act, and the Act continued not to apply to a member who gave that notice.

The submission does not deal with this issue, but on 20 March 1970, when as Premier, Mr Bjelke-Petersen introduced the Bill for the Parliamentary Contributory Superannuation Act 1970, he told the House (Queensland Parliamentary Debates, vol. 253, page 2883-5):

> The proposed Bill is very unusual because it sets out terms and conditions of a superannuation scheme covering all members of this Assembly except myself. I never have been, and never will be, the recipient of any benefits under this or any past superannuation scheme. This, of course, is my own choice. I have previously outlined my reasons and these can be found in "Hansard".
>
> (my underlining)

This suggests that he had never been a member of the old fund, and that inference is supported by a passage from his memoirs, Don't You Worry About That!—The Joh Bjelke-Petersen Memoirs, Collins/Angus & Robertson Publishers, 1990, p. 53, where he stated:

> No other group of people had a superannuation scheme half as generous as the one we were voting for ourselves, and I just would not be in it. Years later, as Premier, I had another opportunity to join the scheme by paying a relatively small lump sum to make good all the payments I had not made in the past, and even one of the top Labor people urged me to do it. 'You're a fool, Joh,' he said. 'You're doing yourself and your family out of a lot of money.' But again I refused on principle. That decision probably cost me more than a million dollars, because when I resigned from Parliament in 1987 I left without a cent in superannuation money. As I have always said, though, I did not go into Parliament to make money.

Sir Joh's trial commenced on 24 September 1991.

Section 4 of the 1970 Act provided:

> 4. Application of Act. This Act applies to and in relation to-
>
> (a) any person who is a member at the commencement of this Act and to whom the Parliamentary Contributory Superannuation Fund Acts 1948 to 1967 applied immediately prior to that commencement;
>
> (b) any person who becomes a member on or after the commencement of this Act; and

(c) any widow, female dependant and child or children or any person referred to in paragraph (a) or (b) of this section.

"Member" is defined to mean a member of the Legislative Assembly, and it is apparent that, assuming that Sir Joh had elected not to join the Fund under the 1948 Act, the 1970 Act would not have applied to him either by virtue of para (a) of by virtue of para (b).

In the book The Hillbilly Dictator—Australia's Police State, ABC Enterprises, 1989, the author, Evan Whitton, says at p. 139 that Sir Joh was the only member of Parliament who did not contribute to the superannuation scheme, although it is not clear what the source for that information was.

I therefore question the assertion made in Appendix 2 that Sir Joh "waived" his entitlement to benefits at the time he retired. I think it is arguable that he had no entitlement at that time, and if there was any possibility of his joining the scheme before his retirement it would have been a matter for the Trustees to consider. However, even if the Trustees had been willing to consider letting Sir Joh into the scheme by a payment of the contributions which he had not made over the years, it is clearly too late now.

This aspect of the submission seems to be saying no more than that Sir Joh might have made a different decision about whether to participate in the scheme had he known what the future held. We might all make different decisions with the benefit of hindsight.

Personal and non-pecuniary loss

Under this head a report dated 26 June 2003 from Dr Isabelle Jonsson has been provided. I do not know what Dr Jonsson's speciality is. However, her report indicates Sir Joh has been a patient for about $2^{1}/_{2}$ years. She says that he had been diagnosed with Parkinson's disease, an possible post polio syndrome. His weakness was mainly in the legs, resulting in falls which caused bilateral rotator cuff trauma. He suffered a mild cerebrovascular accident in November 2001 which left him with an increased weakness in the left arm and leg. I take it this was what is commonly called a stroke.

Dr Jonsson says that during the past two years his mobility has decreased to the extent that he is now receiving 24 hour nursing care, and is wheelchair bound due to what the doctor calls a bradykinetic rigid state. He has bilateral Blepharospasm and has developed marked dystonia, more evident on the left side and in the upper limbs. Dr Peter Silburn, consultant neurologist, has diagnosed Sir Joh as suffering from a Stage V progressive supra nuclear palsy.

However, Dr Jonsson also says that during her treatment of Sir Joh it has become evident that he suffers considerable anxiety and stress due to past events which have left him in a precarious financial position, and an inability to look after himself in his old age. She refers to previous attempts on Sir Joh's life while he was Premier as having taken their toll, and says he still suffers nightmares and severe anxiety when his medical condition requires hospital admission, which takes him away from the perceived safety of his home environment.

Dr Jonsson says that in her opinion past experiences relating to the end of his carer have severely affected his general well-being and expedited the rapid decline in his general health. She says that the anxiety and nightmares are almost 100% attributable to events during and after his "reign" as Premier.

However, I do not understand Dr Jonsson to be suggesting that the serious ailments suffered by Sir Joh can be linked to his term of office or to the events which followed his leaving office.

The submission suggests that compensation for the loss of a large part of Sir Joh's good health from age 76, when he left the office of Premier, should be considered, although no amount has been attributed to that aspect of the claim.

I must say that it seems an extraordinary claim to make. Clearly Sir Joh's health has deteriorated. That is unfortunately one of the risks of increasing age. The submission almost seems to be suggesting that Sir Joh was entitled to good health because he was a member of Parliament for 42 years and Premier for 19 of those years, and that he should be compensated because his health is not what it could be.

Lady Florence Bjelke-Petersen

The claim on behalf of Lady Florence is on the basis that in 1993 she was obliged to convert half her pension entitlement as a Senator to a lump sum of $150,000 to reduce debt with the Commonwealth Bank resulting from a loan from the bank to fund Sir Joh's legal costs. In normal circumstances she would have been able to receive her full pension entitlement, which the submission values as at 30 June 2003 as $583,507.

I do not see the justification for this claim. Presumably, if Lady Florence had waited until she retired from the Senate, she would still have used part of her entitlement to assist in the reduction of Sir Joh's debts.

The whole submission, including this aspect, is predicated on the assertion at the Fitzgerald Inquiry was invalidly constituted, and that Sir Joh should not have been obliged to incur legal costs. As I have commented earlier, if the alleged invalidity had been identified at the time, it would have been cured, and indeed, was cured by the legislation which I have discussed above.

John and Karyn Bjelke-Petersen's losses

Under this head, four claims are discussed.

- Loss of income from disposal of Ten Mile Creek

The submission states that John and Karyn Bjelke-Petersen operated a cattle farm on Ten Mile Creek. The income from cattle farming was shared equally with the Bjelke-Petersen Family Trust, except for agistment income, which was paid entirely to the Trust.

It is claimed that the present value of the estimated losses from what is described as the forced abandonment of the farming activity is $3,045,915.

It is also claimed that the forced sale of Ten Mile Creek resulted in the loss of the entire herd. The selling expenses incurred in selling the herd as at 30 June 1994 were $237,118, which, as I understand the submission, resulted in a loss which has a value as at 30 June 2003 of $496,777.

As I commented above in connection with the same calculations, the tables of calculations in Appendix 1 are, to say the least, obscure. I do not understand, however, why the expenses of selling the herd should be calculated separately.

- Loss of investment into breeding cattle herd

Under this head it is claimed that the forced sale of Ten Mile Creek resulted in the stock having to be sold as well. It is claimed that the capital value lost as at 30 June 1994 was $4,911,447. The present value of that loss is claimed to be $10,289,790.

When one examines p 409 of the submission, which is p. 3 of Item H, the figure of $4,911,447 appears to have been arrived at by assessing the market value of the (theoretical) herd as at 30 May 2003, 7954 head, on 2003 cattle sale values, to reach a figure of $5,985,826. From that figure, which is clearly at the 2003 dollar value, is subtracted the figure of $1,074,379, which is said to be the sale price for the 2118 head of stock sold in 1994. The source for this figure is said to be the financial statements for the year ending 30 June 1994.

However, I can see no indication that the selling price of the herd in 1994 has been adjusted to a 2003 dollar value before being subtracted from the claimed value of the herd which, in theory, might have existed in 2003 had the whole herd not been sold in 1994. It seems to me that the figure of $4,911,447 is meaningless unless that calculation is done.

- Loss of marital residence

The sale of Ten Mile Creek resulted in the loss of the marital residence. It is said that the sale price was $45,000 as at 30 June 1994, and it is claimed that the present value of the "loss" is $94,278. The latter figure seems to be a conversion of the amount of $45,000 to a 2003 dollar value. The figure of $45,000 seems to be the sale price of the residence. If that is so, I am entirely unable to see how the price realised by the sale of the residence can be described as a loss, although I could understand it if it were suggested that the forced sale resulted in a sale price less than that which could have been realised in other circumstances. The difference could perhaps be described as a loss, but that is not what is being claimed.

- Relocation costs to Bethany

As a result of the sale of Ten Mile Creek, John and Karyn Bjelke-Petersen relocated to Bethany at the cost of $10,000. The value of this cost as at 30 June 2003 is said to be $20,951.

General comments concerning the Ten Mile Creek claims

It is of concern to me that the claims concerning the Ten Mile Creek property do not appear to take into account the variations in cattle herd numbers caused in most parts of Queensland by the recent years of drought. The tables in Appendix 1 show a consistent rise in stock numbers from 2118 in 1994 (which number were sold) to 8259 in 2002 and a small decrease to 7954 in 2003. One could have somewhat more confidence in these figures if there were some indication that the history of other similar properties in the area had been considered and that the stock increases were achieved elsewhere in the area.

Furthermore, there is an assumption that the property could have carried a total of 8000 head (including cattle on agistment) throughout the whole period. There is no indication that any account was taken of the carrying capacity of the property during the recent years of drought. Unless the property is in fact drought-proof, the calculations in respect of Ten Mile Creek seem extremely optimistic, to say the least.

11 Conclusion

The submission is based on the proposition that there was a defect in the procedure by which the Governor in Council established the Fitzgerald Inquiry and that it is asserted that all that followed should be treated, at least for the purposes of this claim for compensation, as having been of no effect, and as having forced Sir Joh to defend himself in the Inquiry and at the later criminal trial on charges for which there was in law no proper basis. It is submitted that the establishment of the Inquiry, and its impact on Sir Joh, and on his family, resulted in very substantial financial losses, and caused a deterioration in Sir Joh's health.

As I have indicated above, the premises upon which the claim for compensation are based are not correct. If there was a procedural defect in the making of the first two Orders in Council which established the Inquiry, it was in my opinion cured by the Constitution (Executive Actions Validity) Act 1988, reinforced by the Commission of Inquiry Continuation Act 1989.

In any event, had the alleged procedural deficiencies been raised at the time of the Inquiry, I have no doubt that remedial retrospective legislation would have been brought to the Parliament immediately.

In any event, even if it could be argued that the legislation to which I have referred did not validate the Orders in Council which established the Inquiry, in my opinion it is not for the State to make a unilateral decision that the Fitzgerald Inquiry was invalidly established, or that there was some flaw in the foundations of the Inquiry. That is a matter for the Supreme Court, and unless and until the Court makes a declaration to that effect, the State should continue to treat the Orders in Council as having been validly made.

As to the claims for compensation, in so far as they are based on the alleged invalidity of the establishment of the Inquiry, they cannot be sustained.

In so far as the claims are pressed on the basis that Sir Joh and his family should be compensated even if the Inquiry was in all respects validly established and conducted, I do not consider that the submission has established that such exceptional circumstances exist in this case as to justify the making of any ex gratia payment. Furthermore, in my opinion the amounts claimed have not been satisfactorily justified.

I have drafted a response to the submission, which I have addressed to Sir Joh.

Yours faithfully

CW Lohe
Crown Solicitor
PRE052/1231: 943891

DRAFT

The Honourable Sir Joh Bjelke-Petersen KCMG
"Bethany"
PO Box 141
KINGAROY QLD 4610

Dear Sir Joh

Submission for an ex gratia payment

Thank you for the submission dated 4 August 2003 seeking an ex gratia payment from the Crown arising from the Fitzgerald Inquiry, in which it was submitted that your professional career, reputation and livelihood were affected by the existence and processes of the Fitzgerald Inquiry, and that the Inquiry also had a detrimental effect on your financial position and health.

The submission is based, as I understand it, essentially on the assertion that the Fitzgerald Inquiry was invalidly constituted, and that, as a consequence, you, Lady Florence and other members of your family should be compensated for the losses which you suffered and the costs which you incurred because of the invalidly constituted Inquiry. The assertion of invalidity is based on the conclusions reached in a joint memorandum of advice dated 21 July 2003 provided by Mr Gavan Griffiths QC and Mr PA Neskovcin of counsel.

Having received advice on the matter, I do not accept that the Fitzgerald Inquiry should now be considered to have been invalidly constituted. I am advised that even if there were any procedural irregularities in the making of the Orders in Council of 26 May 1987 and 24 June 1987 which established the Fitzgerald Inquiry and its terms of reference, any such irregularities were overcome by the Constitution (Executive Actions Validity) Act 1988 and also by the Commission of Inquiry Continuation Act 1989.

The Act of 1988 had the effect of validating all past executive actions by the Governor in Council, including the making of all Proclamations and Orders in Council, which might otherwise have been susceptible to challenge because of the existence of some procedural irregularity. The Act applied to all such executive actions apart from several which were specifically excluded.

The Act of 1989 continued in force and effect the instruments which established the Fitzgerald Inquiry, including the two Orders in Council which I have mentioned above. I am advised that this Act also had the effect of validating all the Orders in Council dealing with the establishment of the Inquiry.

I should also say that I have no doubt that if any alleged irregularity in the establishment of the Fitzgerald Inquiry had been drawn to the attention of the Government at any time during the currency of the Inquiry, or at any later time, the Government of the day would have legislated immediately to cure any irregularity had there been any necessity to do so.

Although the submission made on your behalf appears to have been based essentially on the contention that the establishment of the Fitzgerald Inquiry was in some way tainted by invalidity, I have also taken advice as to the merits of the various claims for compensation made on your behalf and on behalf of Lady Florence Bjelke-Petersen and other members of your family.

I have previously advised you that I am unable to accede to your request that the legal costs incurred by you in defending the criminal charges be reimbursed, and I do not consider that the submission has disclosed any new circumstances which might change that position.

I am also advised that, in relation to the claim for reimbursement of legal costs in connection with the Fitzgerald Inquiry itself, you have previously been advised that no Ministers of the Crown were indemnified for costs incurred by them in that Inquiry.

The submission has also made a claim for payment of the parliamentary superannuation to which you would have become entitled had you been a member of the Parliamentary Contributory Superannuation Scheme. I can only say that the record shows that you chose at the time the scheme was first introduced in this State to remain outside the scheme, and that you restated your position unequivocally in 1970 at the time you introduced the Bill for the present Act, the Parliamentary Contributory Superannuation Act 1970.

The submission suggests that had you been aware of the costs and expenses you would subsequently incur, you would not have voluntarily forgone your entitlements. I can only say that the statements you made at various times concerning your unwillingness to participate in the Parliamentary Superannuation Scheme suggest to me that you had made a considered choice about your participation regardless of what the future might hold.

I do not intend to make specific comment about other aspects of the claims for compensation made in the submission beyond saying that I am far from being satisfied that the amounts claimed are realistic.

I regret that I am obliged to refuse your request for an ex gratia payment.

Peter Beattie
Premier

MINISTERIAL STATEMENT

Tennis Queensland

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (9.49 a.m.): On Friday the Premier and I unveiled the state government's vision for a major new sporting centre in Queensland. In response to Tennis Queensland identifying the former Tennyson power station site as its preferred location for a state tennis centre, we have sought expressions of interest from the private sector for the development of a tennis centre and other associated developments such as community facilities, residential accommodation and commercial outlets.

While exact details will not be finalised until proposals are put forward by developers, we would expect the facilities at the state tennis centre to include a Davis Cup standard centre court with a seating arena capable of accommodating 3,000 permanent seats, 4,000 temporary seats and corporate facilities; 22 international tennis federation standard match and training courts; an administrative centre to accommodate Tennis Queensland; an administrative centre for the state tennis centre; and support facilities, including medical rooms, change rooms, a pro shop, cafe and function rooms.

Tennis is one of Queensland's most popular sports. Whether it is having a social hit with friends, playing competitively or watching our top players serve it up on the world stage, our love affair with the game shows no signs of waning. However, unfortunately, the sport has lacked a home in Queensland since the closure of the Milton Tennis Centre in 1999. The Tennyson riverside development will provide that home and offers Queensland some real win-win advantages. By making this land available for development by the private sector, the government will facilitate the delivery of a state tennis centre and the associated developments without providing up-front public funding. Secondly, this valuable but currently derelict site will be opened up to the local community and made people friendly through the provision of new facilities and access to the riverfront. Thirdly, by involving the private sector to the greatest degree possible, the government is continuing to honour its commitment to deliver jobs and economic growth for Queensland.

The preferred developer will be identified through a two-stage competitive bid process that began last week with our invitation for expressions of interest. After receiving and reviewing the private sector proposals, the government will invite short-listed developers to submit more detailed development proposals. The government will ensure important issues such as noise, traffic and security are addressed when considering proposals to develop the site.

We have distributed information to residents and businesses in Tennyson and surrounding suburbs, and the preferred developer will be required to undertake an extensive community consultation process. By making this land available for development by the private sector, our government will facilitate the delivery of another world-class sporting facility in Queensland. We want to ensure that all Queenslanders have access to facilities that can help get them up and be active, and the state tennis centre will ensure that thousands of people have the opportunity to achieve that goal.

MINISTERIAL STATEMENT

Poetry on the Move

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (9.53 a.m.): No doubt members will recall the enthusiastic words of my colleague the Minister for Arts, the Hon. Matt Foley, about the inaugural Poetry on the Move competition. Indeed, at the last sittings he announced the seven talented young Queenslanders who have won this first ever competition. This was a joint initiative between our two departments to promote poetry writing in Queensland schools and to showcase the work of Queensland's aspiring young writers.

Part of the prize for these young winners who are chosen out of a group of 800 entries is to see their poems emblazoned on buses and billboards in train stations and libraries across the state. I am delighted today to inform members that the rubber is about to hit the road on this project. This afternoon the Minister for Arts and I will unveil the first bus to feature the poems of this year's inaugural Poetry on the Move competition winners. It is not just any bus; it is a superbus covered from back to front and top to bottom in the thought-provoking and insightful words of this state's young people.

The bus will join the Brisbane City Council fleet for the next five weeks entertaining commuters across the city. The superbus will be supported by up to another 190 buses in Brisbane and 20 others spread across Rockhampton, Townsville and the Sunshine Coast. Each of these will feature interior and exterior panels of winning students' poetry.

This competition is about taking poetry to the people. We want to promote the talents of this state's aspiring young poets and give them the widest audience possible. I encourage members, particularly those who are keen bus travellers—like the member for Mansfield—to keep an eye out for these buses and to take the time to read the work of Queensland's budding young poets. For those for whom too much poetry is barely enough, I invite them to come down to the QUT entrance of Parliament House in Alice Street at 1.30 today to get their first look at the superbus.

MINISTERIAL STATEMENT

Hospital Rebuilding Program, Rockhampton Hospital

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (9.55 a.m.): It was with great pleasure that last month the Premier, the Minister for Public Works and Housing and member for Rockhampton, Robert Schwarten, and I officially opened the new $28 million redeveloped Rockhampton Hospital. The Rockhampton Hospital redevelopment is the last major project in Labor's ambitious $2.8 billion 10-year Hospital Rebuilding Program. The program was conceived by the Goss Labor government in 1992 and commenced in 1993. It is the biggest health rebuilding program of its type ever undertaken in the world.

I am proud to say that its completion means Queenslanders now have access to world-class, modern, well-equipped hospitals and health facilities right throughout the state. Over 150 hospitals and health services from the Torres Strait to the Gold Coast and west to Cunnamulla have been rebuilt through this program. It now does not matter whether Queenslanders live in our capital city, our major regional centres or our remote rural communities; there are modern health facilities available close by.

I would like to take this opportunity to thank everybody who has been involved in progressing this program. Through their hard work and dedication, we have completed a wide range of projects. While I cannot list all of them, just a few include the $14.4 million redevelopment of Caloundra Hospital; the $18 million Maryborough Hospital redevelopment; the $6.25 million Acute Mental Health Unit in Toowoomba; the $182 million new Townsville Hospital at Douglas; the $29 million redevelopment of Mackay Base Hospital; the $510 million flagship Herston hospitals complex; the $130 million Cairns Base Hospital redevelopment; the new $50 million Wolston Park Hospital Complex, 'The Park'; the $20 million rehabilitation, endoscopy and orthopaedic outpatients building at the Gold Coast Hospital, which completes the $55 million redevelopment of the hospital; and the $3.7 million purpose-built MRI building and equipment at the Prince Charles Hospital. Mr Speaker, that is not a conclusive list, as you know, because Redcliffe was also included in that.

It is also not the end of the capital investment in health. There are numerous projects in progress and work will continue, but it does mean that this government has delivered on Labor's commitment to provide world-class facilities for the people of Queensland. I note and applaud the New South Wales Labor government's recent commitment to follow Queensland's lead and rebuild their hospitals.

MINISTERIAL STATEMENT

Police Beats and Shopfronts

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (9.57 a.m.): During Crime Prevention Week, I think it is timely that I inform members about the progress of the government's commitment to providing 20 police beats and shopfronts during this term. This commitment is rapidly nearing completion. In fact, during the last fortnight I officially opened new police beats at Pioneer, in Mount Isa, Beachmere and a new police beat shopfront at Deception Bay.

I have to say, though, members in that part of the world just north of Brisbane must be doing something right because they are doing very, very well in terms of police beats and shopfronts.

In the last couple of years we have opened police beats at Mango Hill, Narangba, Tullawong and Beachmere, along with shopfronts at Morayfield and Deception Bay. So this area is certainly getting its fair share of policing resources. It is a fast growing area, too, which we recognise, and that is why these improvements are being made.

Police beats play a valuable role in allowing officers to become part of the community and build valuable links with residents. It is part of a broader strategy to encourage greater cooperation between police and the community in tackling crime. Police beats also create an increased and highly visible police presence in the community, which acts as a deterrent to crime. This is community policing at its best.

Recently the Crime and Misconduct Commission reported that the introduction of police beats had helped reduce crime levels by as much as 43 per cent. This is an excellent result and indicates the kind of success the police are having with the program.

Not only that, the Caboolture area and surrounds is also enjoying increases to police numbers and will soon have a new tactical crime squad. This squad is based at Redcliffe—and I am sure, Mr Speaker, you will be delighted with that—which will work throughout that whole area just south of the Sunshine Coast: the electorates of Murrumba, Kallangur, Glass House, Pumicestone and Mr Speaker's electorate of Redcliffe will also benefit. In addition to this, we have boosted police numbers at Caboolture station by more than 20 officers since our election. This is an increase of more than 70 per cent from the number of police serving Caboolture and surrounding areas when the coalition held government.

The increases to police numbers at Caboolture station have been made possible due to the Beattie government's ongoing campaign to increase police numbers by about 30 officers each year. We will continue to support policing in this area and right across the state of Queensland.

MINISTERIAL STATEMENT

Transport Growth in South-east Queensland

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (10.00 a.m.): South-east Queensland is growing at more than twice the national average and by 2020 Queensland will have overtaken Victoria as the nation's second most populous state. As the Premier said earlier, we have delivered close to $750 million worth of public transport infrastructure since elected in 1998. In addition, we have spent in excess of $1,000 million on major road projects. While we have delivered transport infrastructure, our most significant effort has been in pressing forward with transport planning. The Integrated Regional Transport Plan for south-east Queensland, launched in 1998, painted an alarming picture of what was likely to happen in south-east Queensland without intervention.

The Integrated Regional Transport Plan contained long-term targets to reduce private car use and increase public transport patronage for the south-east Queensland region. Transport 2007, released in 2001, detailed $3 billion worth of infrastructure projects and specific measures to achieve these aims and a range of very specific short-term targets. The irony of the current debate, much of which is focused on the need for planning, is that when the IRTP and Transport 2007 were released nobody, especially in the media, seemed interested. Now those same people claim the work has not been done. New planning guidelines I released at the Cairns local government conference last month met with the same level of disinterest. The Integrated Transport Planning Framework will underpin the efforts of state government to integrate transport planning and land use planning. The framework, a joint initiative of state and local government, will ensure that transport needs are taken into account when planning decisions are made at a local level.

With the IRTP, Transport 2007 and the new state/local government planning framework, all developed over the past five years, we are dealing with congestion and growth. No longer do we want to see development occurring in isolation of the needs of residential communities. Integrated ticketing and TransLink will play a real role in addressing the balance between private car and public transport use. Not only will most public transport cost less and be easier to use and understand, but network planning currently under way will deliver the truly integrated and seamless public transport system that governments of all political persuasions have attempted for decades but failed to provide until now.

The actions of the Beattie government to implement practical measures to deal with congestion and growth stand in stark contrast to the coalition's actions. The transport policies of the Liberal Party at a state and local government level are regarded by transport planners, industry and the community as not serious. To claim that $5 billion worth of infrastructure—that is the five tunnels they have promised to build under the Brisbane River—can be paid for by a $2 toll is a joke. To suggest the federal and state governments will contribute $1 billion to help pay for Liberal election promises is dishonest. The federal government has said it is not interested in urban congestion and this government will not be paying for wild Liberal Party election promises.

I welcome a serious debate about the transport needs of south-east Queensland. The Beattie government has, and will, play its part in infrastructure, in services, in planning and in integration. We will continue to implement the kind of visionary policies that ease the challenges of rapid population growth in south-east Queensland.

MINISTERIAL STATEMENT

Federal Housing Minister

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.04 a.m.): Recently there has been increased media attention on the hardship many families and individuals face trying to survive in the private rental market. Just yesterday the *Courier-Mail* reported that a Bribie Island man, Ron Marshall, was concerned for his daughter and her family of six children who could not afford their rental property in Ipswich. Although the family is receiving Centrelink payments, every week they struggle to scrape together $175 to keep a roof over their heads. I have stood in this House for five years warning that we are facing a housing affordability crisis and that more Queenslanders like Mr Marshall's family will be doing it tough.

I have also stood in this House calling for all levels of government to work together, to engage with the private sector and pursue new policies to deliver a greater supply of affordable housing. Despite my strong lobbying for greater commitment by the federal government, my demands have consistently fallen on deaf ears. Over the last eight years the Howard government has continued to short-change Queensland through the Commonwealth-State Housing Agreement.

While the former federal Community Services Minister, Amanda Vanstone, sat there poker faced during funding agreement negotiations, maintaining she had to make cuts because the Commonwealth did not have the funds, it has been revealed that Peter Costello was hoarding billions of taxpayers dollars the whole time. The Howard government prefers to have up its sleeves a $7.5 billion war chest to fund re-election tax cuts than helping the most vulnerable people in our country. It has chosen to turn its back on the real battlers and to date has been focused only on housing affordability for those who cannot afford to buy homes—even giving a helping hand for some to buy million-dollar houses.

The reality is that a booming property market escalates rents. My concerns are not just for those struggling to purchase a home but also extends to the people in our community who cannot even afford to rent a house in the current market.

Last week the former federal Health Minister, Ms Patterson, was assigned the Community Services portfolio in the new-look federal cabinet. I will be writing to Ms Patterson welcoming her to the job and expressing my genuine desire that she will bring a fresh opportunity for the state to work with the Commonwealth government to deliver real outcomes.

Mrs Edmond interjected.

Mr SCHWARTEN: She might do better with us than she did with the minister. I live in hope that the tories down there will find some sort of a heart.

From the outset I want to caution Ms Patterson that the cost to the community is too high for her to run the same old lines that her predecessor did. Ms Patterson cannot continue to turn a blind eye to the failures of the federal government's rent assistance. Over the last eight years more than $1.7 billion—I say it again, $1.7 billion—of taxpayers dollars have been pumped into Queensland through this policy yet housing affordability continues to soar. Rental assistance has simply lined the pockets of landlords and developers. It has no checks and balances in delivering housing quality and its effect in improving the daily lives of thousands of Queenslanders is debatable.

The Commonwealth has to take housing seriously. Never again should a federal Treasurer get through a budget speech without mentioning housing once. Housing is the cornerstone of people's lives and there are too many stories of people doing it tough for the Commonwealth to ignore their plight any longer. Ms Patterson must stand up to her federal colleagues. She should demand that more funding be provided through the CSHA to boost the supply at the affordable end of the housing market. That means more capital dollars to build public housing to help house people where the market has failed. Ms Patterson must also look at the effectiveness of rental assistance and instead of being blinded by ideology she should examine the facts. Ms Patterson has an opportunity to make a real difference in her new portfolio and we will wait and see if she does.

MINISTERIAL STATEMENT

Ombudsman: Baby Kate Report

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors) (10.09 a.m.): On Saturday I announced that the audit process I established in the Department of

Families has uncovered a foster family who appear to be misusing the authority and trust the state has placed in them. A senior public servant has now been stood aside while a CMC investigation takes place.

Child abuse in all its forms is repugnant and let there be no doubt about my personal commitment and determination to see Queensland children better protected. I say again today that I will leave no stone unturned. As distressing as these cases are to confront, the hotline and the audit that I established have again revealed faults in the system. Similarly, yesterday's Ombudsman's report, while clearly stating that the actions of family services officers were not responsible for the death of a baby, signalled shortcomings in decision making and practices that need to be improved.

2003 is the watershed in the history of child protection in this state. Never before has a government shown the commitment to tackling the systematic issues surrounding this area and backed the overhaul with funding. We know what the problems are and we have the plan to fix them. Major reform is not just about resourcing; it is about changing a culture, introducing new levels of professionalism, new levels of accountability and new work practices. Our staff and their decisions are under extraordinary scrutiny—the Ombudsman recognises this—and they are facing a continuing program of reform. The Ombudsman's report into baby Kate endorsed the general direction of our reform agenda. Many of the issues raised in the report are being implemented. There are a number of areas that can and will be improved.

This government is committed to rebuilding the system—not playing politics—and we will not walk away from the tough challenges. The initiatives that I have put in place to improve this department have already revealed the faults that have existed in the child protection system in this state for decades. There is no doubt that a lot of mistakes have been made in the past when it comes to child protection. The Forde report gave us a good idea about the seriousness of them. Now we have a Children's Commissioner, the Ombudsman, a Children's Tribunal, the CMC, the Coroner, and the internal mechanisms of a hotline and an audit to ensure that the most vulnerable children in this state have greater protection than they have ever had before. They deserve that protection; it is their right and our responsibility.

At the end of the day, while I do not condone some of the recent examples of inappropriate decision making, we should not broad brush child protection workers. They have a very unenviable task which requires great dedication and we need to acknowledge the difficulty of the work they do and the fact that every day they work to improve the lives of some of Queensland's most vulnerable children.

MINISTERIAL STATEMENT

Primary Industries

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities) (10.12 a.m.): Queensland's primary industries remain an important contributor to the state's economy. However, the drought continues and the trading environment has got tougher. The Australian dollar is now in the high US60c range compared to the mid-50s of 12 months ago. Amongst other developments, the Japanese have applied an increased tariff on all beef imports and the world oversupply of sugar is set to increase. Despite these challenges, Queensland's food and agriculture industries are showing great resilience.

Today I am launching the Department of Primary Industries' *Prospects* publication which details the projections for this financial year. After posting a record $9.4 billion result in 2001-02, the gross value of Queensland's primary industries fell by an estimated seven per cent to $8.7 billion in 2002-03. For the current financial year, 2003-04, the DPI is projecting no overall change with the total value of production to remain at $8.7 billion, assuming the return of normal seasonal conditions. This projection does not mean stability across the commodities; indeed the DPI anticipates pain and gain.

Amongst those sectors to gain are horticulture, grain, fishery, forestry, poultry and egg industries. Pork is expected to remain stable. Those to endure pain are cattle, sugar cane, cotton, wool, sheep and lambs, and dairy industries. I intend to circulate copies of the report for the information and interest of all honourable members.

One of the most concerning results, and the largest write-downs in terms of value, is in the sugar industry. The DPI has projected the gross value of sugar cane to fall 15 per cent to $790 million. That is a reduction of $135 million.

Over the last 12 to 18 months many people have spoken a lot about the sugar industry. Our government proposed a reform agenda, backed up by an assistance package, and we intended to rescue the sugar industry. However, the opponents of the plan—the wreckers who say stopping the reforms is good news for growers—still have much explaining to do. They must explain to growers why the same status quo that will let $135 million be taken out of their industry and out of their pockets this year should be preserved. These are projections. They are not written in stone. They do not explain what is happening in every region or around the kitchen table of every farming family in Queensland. It does, however, show the resilience in the food and fibre sectors.

A special feature article, 'Future drivers of Queensland's food and fibre sector', is also included in *Prospects*. This article discusses the factors that influence the production and consumption of food and fibre products. The government will continue to work with producers throughout the drought and the difficult trading environment to secure the best results possible for the future of Queensland's food and fibre sectors.

MINISTERIAL STATEMENT

Mine Safety

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (10.16 a.m.): The Beattie government's ongoing commitment to improving safety in the Queensland mining industry continues to reap dividends. According to the latest *Queensland mines and quarries safety performance and health report 2002-03*, we continue to record measurable increases in the safety performance of our mines and quarries. The industry should be praised for its positive acceptance of key aspects of Queensland's new mining safety and health legislation which represent Australia's toughest mining laws. That our laws are tougher brings with it measurable rewards: Queensland's mines and quarries are now safer than ever before. For example, the lost time injury frequency rate for 2002-03 was at an all-time low of 6.2 lost time injuries per million hours worked—down 25 per cent from 8.3 the previous year. There were 324 lost time injuries in the Queensland mining industry in 2000-03—that is 79 fewer injuries than the 403 recorded during the preceding year. The injury severity rate also showed significant improvements over the year with just 98 days per million hours worked lost, compared with 118 days in 2001-02. However, tragically, there were three fatalities during the year. No fatalities are ever acceptable. However, it should be remembered that the mining industry is, by nature, a hazardous one. These deaths spur us to aim for even greater safety in our mines with a target for both industry and government of no fatalities or serious injuries. This sustained improvement in safety performance in 2002-03 has been achieved against a challenging backdrop of mine expansion and increased production and correspondingly higher employment levels.

During the last financial year, 21,841 people were employed by the mining and quarrying industry compared with 18,957 the previous year, representing job creation for an extra 2,884 Queenslanders. The 2002-03 safety figures I have outlined represent the best safety performance ever achieved in this or any other state and they provide proof positive that the mining health and safety reforms undertaken by the Beattie government are working.

MINISTERIAL STATEMENT

Bush Fires

Hon. M. F. REYNOLDS (Townsville—ALP) (Minister for Emergency Services and Minister Assisting the Premier in North Queensland) (10.18 a.m.): I am pleased to advise the House of some significant achievements which are already making their mark with the start of the new bushfire season. As I mentioned previously to the House, firefighters in this state have taken a major focus of the threat faced to property in the urban/rural interface, or the 'iZone', as it has been dubbed by the Queensland Fire and Rescue Service. I am sure all members would have watched as fires threatened property and burnt out some 3,500 hectares of bushland over some 10 days on North Stradbroke Island. I had the chance to visit the island at the height of the emergency to see first-hand the excellent effort of the crews involved. The member for Cleveland would agree that their response was first class.

I also had the chance to see the first operations of the Fire and Rescue Service's new statewide incident management team. These new teams can be rapidly deployed to ensure command and control is established and appropriate organisational structures are implemented to manage a high-impact incident. The teams consist of urban and rural officers with extensive

knowledge and experience in urban-rural interface fires. Staff will bring a range of skills and knowledge in incident control, planning, operations, logistics, safety, resource management, situation assessment, air operations and technical support. Likewise, the regional incident management teams established at various fires already this season are a sign of better coordination happening on the ground. I know the feedback received regarding the coordinated rural-urban approach has been extremely positive.

New purpose-built water tankers were also used for the first time at the North Stradbroke fires. In fact, one of three new purpose-built four-wheel-drive fire vehicles was driven straight from the assembly line to North Stradbroke Island. The type 2 water tankers, worth more than $250,000 each, are destined to be based at the Beaudesert—I know the member for Beaudesert will applaud that—Caloundra and Highfields fire stations. I know the member for Toowoomba North has been actively campaigning for this as well. But they will be deployed anywhere in the state as required during fire seasons.

A key feature of the new vehicles is that they have additional water carrying capacity with 4000 litre tanks, plus a 12,000 litre, $4400 portable water dam. A state-of-the-art mobile communications trailer was also deployed on its maiden mission to assist in the fight against fires on North Stradbroke Island. Finishing touches to the tactical response trailer were made only shortly before it was transported to the island. This is the new technology we are using. Once again, I would like to congratulate all of the Emergency Services personnel and volunteers who did such a fantastic job at the fires on Stradbroke Island.

SITTING HOURS; ORDER OF BUSINESS

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.21 a.m.): I advise honourable members that the House can continue to meet past 7.30 p.m. this day. The House will break for dinner at 7p.m. and resume its sitting at 8.30 p.m. The order of business shall then be government business, followed by a 30-minute adjournment debate.

PERSONAL EXPLANATION

Federal Member for Ryan

Mr MICKEL (Logan—ALP) (10.22 a.m.): I wish to correct a statement I made to this House in a debate on Tuesday, 9 September this year. In that speech I alleged that I had been informed that money had been laundered to the Ryan FEC of the Liberal Party through a registered business called the Golden Moon Restaurant. I have since become aware, through the online political commentary Crikey.com.au and an article in the *Australian* by Greg Roberts, that I was in error.

I now wish to correct the record and confirm that I am more reliably informed that the money was laundered through Ling Dynasty, whose trading name was Ling Enterprises, that began trading recently as Jindalee Oriental—a restaurant in Jindalee. An advertisement in the *South West News* of 27 August 2003 shows this restaurant being opened by none other than the Federal member for Ryan, Michael Johnson. I seek leave to table the advertisement in the interests of accuracy.

Leave granted.

PUBLIC ACCOUNTS COMMITTEE

Report

Dr WATSON (Moggill—Lib) (10.23 a.m.): I table report No. 64 of the Public Accounts Committee which examines whether the Financial Administration and Audit Act 1977 should be amended to permit the Queensland Audit Office to undertake other services not currently specified in the act. I also table the submissions received.

I am tabling this report in my capacity as acting chair of the committee. As members of this House would be aware, the member for Kallangur, Ken Hayward, stepped aside as chair on 16 July. I advise the House that, while the member for Kallangur was involved in the initial planning stages of this inquiry, he has had no involvement in the preparation of this report or the formulation of the recommendations.

This inquiry was initiated following the advice from the Auditor-General about activities that the Audit Office was pursuing. These activities appeared to the committee to be outside the legislative audit mandate. In particular, the committee was concerned about the proposed commercial activities that involved a partnership arrangement between the Audit Office and a private sector accounting firm.

The committee's overriding concern is to ensure that both the actual and perceived independence of the statutory office of Auditor-General is preserved. While there are constitutional powers that address commercial activities of the state, the committee does not believe these should override the legislative audit mandate. If the Auditor-General's role is to extend beyond auditing public sector entities of the state, that should be a decision for the parliament on a case-by-case basis. Finally, I thank the other members of the committee for their support and assistance throughout this inquiry. I would particularly like to thank the member for Mackay, Tim Mulherin, for his considered advice. I commend the report to the House.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mr PITT (Mulgrave—ALP) (10.24 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 10, 2003*.

PUBLIC WORKS COMMITTEE

Report

Mr LIVINGSTONE (Ipswich West—ALP) (10.24 a.m.): I lay upon the table of the House the Public Works Committee report No. 82 on the upgrade of the Queensland Police Service district headquarters at Mount Isa. The committee is satisfied that the work was necessary and advisable. The facilities are suitable for its purpose and the quality of the work is of a high standard. The project has delivered value for money for Queensland. I commend the report to the House.

PRIVATE MEMBERS' STATEMENTS

Labor Party

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.25 a.m.): In recent days we have seen the Queensland Labor Party continue to exact revenge on those responsible for bringing about the Shepherdson inquiry in Queensland. We saw the expulsion from the party of the person who blew the whistle on the Labor Party machinations in Townsville. This is an issue which has dogged the Labor Party for the last three or four years. It is an issue which they have been considering acting on.

They finally got their revenge when they moved recently for the expulsion of Mr Petria, the person who blew the whistle on Karen Ehrman and all of the sordid arrangements in the Townsville branch of the Labor Party which caused so many problems for the government in its previous term. This action resulted in a number of members of this parliament resigning.

Is it not somewhat ironic that the whistleblower has been expelled yet a self-confessed rorter, one of the people who was the subject of those allegations and confessed to being involved in certain activities which were outside the law, has been promoted to the second most senior position in the Australian Labor Party, that is, assistant campaign director in Canberra? Why is it that Mr Petria has been sacked or expelled for being the whistleblower and the self-confessed rorter Mr Kaiser has been promoted?

Is it true that this Premier's commitment to principle and this government's commitment to principle is related to the size of its parliamentary majority? It is also somewhat ironic that we had a phone call from Mr Crean to the Premier saying, 'We want Mike Kaiser to be the Assistant Secretary to the Labor Party federally,' and the Premier buckled. Simon says and Peter does. If the Premier is unable to stand up to Simon Crean, who is he prepared to stand up to?

Gold Coast Water Management

Ms KEECH (Albert—ALP) (10.27 a.m.): Despite this morning's welcome showers, the Gold Coast city remains in drought. The city's worst drought in history has helped to change the way residents think about our most precious resource. For this reason I was delighted to recently

represent Minister Dean Wells at the launch of the Pimpama-Coomera water future options report. This is a report to gain community input into developing new ways to plan, manage and use water in large developing communities.

This project is the first in Australia to consider integrating sustainable urban water management on a large scale. The advisory committee has worked closely with the Gold Coast City Council, the EPA and the Department of Natural Resources to develop a range of water initiatives. The five options that have been short-listed include a range of new and not-so-new water initiatives such as rainwater tanks, recycled water delivered through a dual reticulation system, water sensitive urban design, water saving devices, smart sewers and lots more.

The importance of this project for the Gold Coast cannot be underestimated given that the Coomera-Pimpama area is expected to grow from a current population of 5,000 to an estimated 150,000 over the next few decades. New arrivals flock to the Gold Coast every year because they want to be close to the water and the lifestyle it offers. Water systems in their new homes and suburbs need to be designed to be efficient, to reuse water as much as we can and to maintain the environment.

The smart use of water is the Beattie government's vision. This project is an excellent example of strong cooperation between the Gold Coast City Council and the state government. I congratulate in particular Councillor Daphne McDonald, director Shaun Cox and the Queensland government departments on their commitment to this exciting project.

Weed and Pest Management

Mrs PRATT (Nanango—Ind) (10.29 a.m.): I rise to address the House about the increasing concerns by many councils and the Local Government Association of Queensland in regard to the decline in funding by the government for the control of weed and pest management. It appears that the government thinks that by introducing harsh laws and penalties for the non-compliance of state-imposed legislation, it will clear many weed, tree and pest problems by shifting the onus onto land-holders or councils without any increased funding.

The Premier's recent visit to Mitchell should have brought the problems home very clearly. I refer the House to the LGAQ and Department of Natural Resources and Mines co-sponsored report released in October last year. The report analysis examined five core components. The report acknowledged significant expenditure increases over the past 10 years, but it concluded that, despite the high level of benefits, the Department of Natural Resources and Mines needs to extend its expenditure over the next few years, mainly due to the fact that it is closing up forests, which has added considerably to the shires' problems as these closed areas are harbouring many weeds and pests. The report concluded by recommending that funding be increased in view of the high level of public benefit. If that is the case, a far more extensive and therefore effective eradication program through increased state funding will in the long term be more economical to the state.

The small rate base councils are being overwhelmed by the problem of lack of funds. The LGAQ made the following comment—

> It is considered that the partnership between state and local government has proved to be effective in the past, yet both parties need to maintain contributions to the base funding to ensure that adequate control is carried out.

Unfortunately, that is not being seen as being done by the government. If the government is serious about eradicating weeds and pests, then it has to listen, not just legislate. I call on the Minister for Natural Resources to listen to the councils and to act by helping them to achieve this increased funding.

Mr SPEAKER: The time for private members' statements has expired.

QUESTIONS WITHOUT NOTICE

Department of Families; Child Abuse

Mr SPRINGBORG (10.30 a.m.): I direct a question to the Minister for Families. Earlier this year her government demanded that the then Governor-General stand aside while investigations were carried out into the handling of allegations of child abuse within the Anglican Church. Given that there is now an inquiry into the handling of allegations of child abuse within the Families Department, I ask the minister: is she prepared to abide by the same standards that she demanded of the former Governor-General? Given the consistent revelations of maladministration and incompetence during her administration of this portfolio, will the minister stand aside while the CMC conducts its investigation?

Ms SPENCE: I will make a number of comments to that question. Firstly, this government has been prepared to open the lid on the child protection system in this state like no previous government has. The systemic issues relating to problems with Queensland's child protection system have gone on for decades. While the opposition was in government, it hid them under the carpet.

Now that we have independent mechanisms such as hotlines, an audit to look at our existing foster care system and a CMC inquiry, it is only understandable that bad practices, poor decision making and some systemic problems in the department are going to be revealed. That is what those mechanisms were set up to do. I am very pleased that last week the processes that I introduced revealed the very sad case of a foster family in central Queensland who were not doing the right thing by our foster-children. But that means that the system is working. Unlike the situation during the days of the National Party government, we do not cover up our bad practices anymore.

With respect to the Ombudsman's report which was handed down yesterday, I think that it is a very valuable report and its recommendations will be very valuable to the government. The Ombudsman did not find that any of the poor decision making or practices in this particular case—and I acknowledge that there were—led to the death of this baby. He did not find any case for our officers to be charged with official misconduct. The Ombudsman has referred certain matters to the director-general for his attention.

So let us not dwell on who was at fault here; let us dwell on how we can improve the system for the future. I am very proud of the fact that in the past five years the Beattie government has tackled the problem of reforming Queensland's child protection system. We have doubled the amount of money that we put into this system. We have doubled the number of child protection officers. But we have also gone about systematically reforming the system.

In the absence of any policy assessment by the opposition, it has only two conclusions: a royal commission or sack the minister. I think that Queensland deserves better from its opposition.

Mr Springborg interjected.

Ms SPENCE: On the news last night the Leader of the Opposition was standing there smirking and laughing with Hetty Johnston about an Ombudsman's report into the death of a baby. He should be ashamed of himself. Once again, he is using this issue to play politics. While daily we are doing the hard yards in reforming this system, all he can do is stand and smirk.

Department of Families; Privacy of Foster-Children

Mr SPRINGBORG: I refer the Minister for Families to a letter dated 23 September 2003 threatening a foster carer, who was named Australia's biggest hero by *TV Week* and who was a finalist in Queensland's Mother of the Year, with prosecution under the Child Protection Act because she put photos of her family group on her personal web site so that other family members could access them. I ask the minister: why has her director-general sought to threaten and intimidate this woman under the same act of parliament when he cleared the minister and the Premier in a matter of hours after she and the Premier publicly and repeatedly named the family at the centre of the current CMC inquiry?

Ms SPENCE: I do not know of the letter that the Leader of the Opposition is referring to, but in the case of the Premier and I naming a foster family, we have both been cleared by the CMC on that particular matter.

An opposition member interjected.

Ms SPENCE: We did not name the children. The Child Protection Act makes it very clear that we should be wary of identifying the names or even publishing the photos of children in care. They deserve privacy and we should respect their privacy.

Mr Schwarten: Ask Mike Horan.

Ms SPENCE: Mike Horan realised that after he made the mistake in parliament of naming certain foster-children in care. He did the right thing and apologised. The Premier and I did not reveal the identity of any children in care. Nevertheless, we apologised in that particular case.

I do not know the letter that the member is referring to, but I have to say that our foster-parents know that they have to take particular care when identifying the children they are looking after. These children deserve some privacy. They do not necessarily want the world to know that they are in foster care; they do not necessarily want the children they go to school with knowing that they are in foster care; and they do not want to be labelled by the world as kids in care. So we ask our foster carers to respect their privacy.

Medical Indemnity Insurance

Mr LAWLOR: I direct a question to the Premier. I note that Mr Howard's new ministry will be sworn in today, and I ask: does the Premier have any advice for the incoming Health Minister, Tony Abbott, on how he should respond to doctors' concerns about medical indemnity and keeping our public hospital system intact?

Mr BEATTIE: In one sentence it is simply: fix the medical indemnity saga. That is my advice. A new chapter in this medical indemnity saga is now unravelling. I welcome Mr Abbott's action on Friday when he met with the Australian Medical Association to discuss the new doctors' tax—the incurred but not reported levy, known as the IBNR. However, I am very concerned that four days after this meeting Queensland specialists are still threatening to abandon public hospitals because of the federal doctors' tax. The situation is escalating with the Australian Salaried Medical Officers Federation saying today that its 600 full-time public hospital specialists have received a bill, even though they are covered by Queensland Health.

The federal government's mishandling of this issue contrasts sharply with the way in which the Queensland government has addressed the doctors' concerns. Queensland has neutralised insurers' excuses for steep increases in specialist premiums. Since the collapse of United Medical Protection, we have worked closely with doctors to ensure that they continue giving Queenslanders vital services in our excellent public hospitals.

Most recently, we were the first Australian government to introduce legislation to overturn the effects of a High Court case which cast doubt on the future of medical sterilisations. Queensland's raft of reforms includes a $250,000 cap on general damages; limits on the time periods for doctors to be notified of potential claims; requirements for early notification of claims following an injury or the appearance of symptoms; a ban on advertising no-win, no-fee legal work; a ban on advertising personal injury legal work in the electronic media; limits on payouts for claims; and fundamental changes to the law of negligence. We have also given rural doctors protection from liability, indemnified the consent process for private practitioners who refer patients for treatment as public patients in public hospitals, and clarified and strengthened indemnity arrangements for doctors in public hospitals. In addition, we have guaranteed reimbursement of reasonable legal costs if a doctor working in the public system is charged with a criminal offence then acquitted.

I understand that Mr Abbott and the doctors are holding more meetings this week. I hope that the federal government can break this deadlock so Queensland patients are spared the consequences of coalition ineptitude. The last thing I and my government want is for Queensland patients to be casualties in a brawl between the federal government and the Australian Medical Association. The federal government has not resolved doctors' concerns. We face the spectre of medical specialists deserting their public patients all because of federal policy. It is not good enough simply to make grandiose statements to look good. The reality is that he should fix it. Mr Abbott was brought in as a Mr Fix-It. He should fix it.

Department of Families; Child Abuse

Mr QUINN: My question is directed to the Minister for Families. I refer the minister to the latest example of the systemic failure of her department in handling allegations of sexual abuse of children in foster care. I ask the Minister: was the department aware of the concerns regarding this family prior to the hotline notification that was received in July 2003? Can the minister explain why it has taken almost four months for any action to be taken to protect these children? Now that a departmental officer has been stood aside, when will the minister accept some responsibility herself and stand aside while this whole matter is sorted out?

Ms SPENCE: The issue concerning a foster family in central Queensland was uncovered because I set up a hotline. I set up an audit of our foster carers. Never before have we had these mechanisms in place in Queensland. An independent audit team, including representatives of the Children's Commission, are examining the files of every single one of our existing foster carers to make sure that any substantiations that have been made about them over a very long history have been acted on appropriately. They did reveal this one case of a family in central Queensland in relation to which I and senior officers in my department believe that certain actions should have been taken and were not taken over a long period of time. These things were revealed because I put in place mechanisms to find them. Having set up these mechanisms, let us not be surprised that we are finding another case that causes us concern. I am very pleased that this family has been exposed.

Why has an officer been stood aside? In this case—the member cannot read the details of this case; they will go directly to the CMC for its investigation—this officer prima facie failed to make correct decisions on a number of occasions. This officer has been stood aside and given administrative duties—this officer will not be making decisions—pending the results of a CMC investigation.

What all of this reveals is that, for the first time, Queenslanders can start having confidence in their child protection system. At the end of this audit process—I am told by the independent team that the report will be brought down next month—Queenslanders can have confidence that every single one of our existing foster-parents is a good foster-parent and that we do not have any concerns about them. That is good for the foster-parents, because they are sick of being under a cloud. It is also good for the children in care and the children we will place into care today and tomorrow that we have a system that is clean, that is checked and that is regularly audited.

This has never happened in the past. That is why I said in my ministerial statement earlier that 2003 can be regarded as a watershed year in Queensland's child protection history because we are for the first time setting in motion checks and balances, not just to look at foster care but also to look at the decision making of our family services officers. It is something I am proud of.

Mr SPEAKER: Order! Before calling the member for Burleigh I welcome to the public gallery students and teachers from Wallumbilla State School in the electorate of Warrego.

Public Liability Insurance

Mrs SMITH: My question is directed to the Premier. Major insurer Suncorp has cast a vote of confidence in this government's public liability reforms, declaring that third party premiums have fallen by five per cent because of the Civil Liability Act. I ask: can the Premier explain how these reforms are benefiting community organisations such as Surf Life Saving Queensland?

Mr BEATTIE: I thank the member for Burleigh for this question. Queensland is in the vanguard of reforms to buffer volunteer groups and medical professionals from the rising cost of public liability insurance. The newest in our series of reforms is the Civil Liability Act 2003, the final elements of which took effect last week and which carries particular benefits for volunteer groups.

The government has persistently reminded the insurance industry of its own responsibility to pass on the benefits of our reforms, which should be reducing the upward pressure on premiums. Sections of the industry have responded well. I was pleased to hear on ABC Radio on 1 October that Suncorp reported a five per cent decrease in third party premiums due to the Civil Liability Act. I congratulate the Attorney-General and the Treasurer on the excellent work they have done to bring this about. The government would argue that the reductions should be larger than five per cent, but at least this is movement in the right direction.

Mr Mackenroth interjected,

Mr BEATTIE: I take the interjection of the Treasurer. Unfortunately, not all organisations have been able to maintain coverage and some have had to pay inflated premiums. I was disappointed to learn that Surf Life Saving Australia has again been forced to go offshore for an insurer and to pay a radically increased premium. This occurred despite my call to Australian insurers to give surf-lifesavers a go.

Surf Life Saving Australia acknowledged that Queensland reforms had protected surf-lifesaving in Queensland. Because of our actions, Surf Life Saving Queensland is exempt from any liability for acts performed during rescue activities done to enhance public safety, individual lifesavers are exempt from any liability for acts performed during rescue activities done to enhance public safety and any volunteers doing work for Surf Life Saving Queensland are exempt from liability for acts performed in good faith.

Also, we have codified and strengthened the doctrine of voluntary assumption of risk so that there is no liability for injuries caused due to the inherent risks involved in any activity, there is no duty to warn of an obvious risk associated with an activity and in relation to dangerous recreational activities there is no duty to take any action to prevent injuries arising from obvious risks.

However, because Surf Life Saving Australia is insured nationally the benefits of Queensland's reforms are diluted. That is why it is imperative that the federal government give the Australian Competition and Consumer Commission the power to act as a watchdog over insurance companies on behalf of ordinary Queenslanders.

It is also worth noting that Queensland officials have held discussions with the Community Care Underwriting Agency and more talks are scheduled in coming weeks. The aim of this is to encourage it to look at offering insurance to Queensland's not-for-profit groups. This would be additional to the product Suncorp offered last year. The CCUA's product would not be a panacea, but it would make the marketplace more competitive, and more competition can only be good for insurance customers.

Department of Families; Mr K. Smith

Mr SEENEY: My question is directed to the Premier. I refer to the ongoing revelations of maladministration in the Department of Families and his government's attempts to blame the woes of the department on the bureaucracy. I ask: given the culture of failure that thrived under the previous minister, Anna Bligh, and Mr Ken Smith as Director-General of the Department of Families, and given that it is a matter of record that he promoted the minister within his cabinet and named her as his heir apparent, can the Premier now inform the parliament what performance bonuses he paid to Mr Smith while he was Director-General of the Department of Families?

Mr BEATTIE: I thank the Deputy Leader of the National Party for his question. Let me deal with the issue of Families and our record. We have made sweeping reforms to the Families portfolio.

Mr SEENEY: Mr Speaker, I rise to a point of order. The question was about performance bonuses.

Mr SPEAKER: Order! You have not heard the answer. Resume your seat.

Mr SEENEY: I am entitled to have a question I asked answered. I was talking about performance bonuses—

Mr SPEAKER: Order! You have not heard the answer. Resume your seat.

Mr Seeney interjected.

Mr SPEAKER: Order! I warn the member under standing order 123A.

Mr BEATTIE: As I say, we have made sweeping reforms to the Families portfolio, including committing an additional $188 million over four years to help children and families in crisis in 2002. We are now spending more than $167 million a year on child protection. We are switching the focus of child protection to prevention and early intervention. We are more than doubling the budget for child protection. We are nearly doubling the number of child protection workers. We are increasing foster carers allowances and support. There was a six per cent increase in the standard foster carers allowance for children aged 11 years and over from January 2003. We have also provided support such as short-term respite and the foster carer card, which gives carers access to a range of government concessions and business discounts. We are investing $12 million over four years in IT to improve reporting and assessment processes.

Let me be very clear: I have full confidence in Anna Bligh and I have full confidence in Judy Spence. I also have full confidence in Ken Smith, whom I regard as one of my best DGs. As members know, I have put in place a process where bonuses for directors-general have been removed. I have just renewed Ken Smith's contract without a bonus in it. There will be no more bonuses for directors-general. Bonuses were paid to directors-general and, with the approval of the Auditor-General, there is a reporting process to this parliament. Let me make this clear: there are problems. There have been problems for the last 40, 50, 60 years in child protection in this state.

Mr Speaker, I was a child in care. I was, in fact, supported by the state.

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

Mr SPEAKER: Order! What is your point of order?

Mr SEENEY: I asked whether or not the Director-General—

Mr SPEAKER: Order! That is not a point of order. Resume your seat.

Mr Seeney interjected.

Mr SPEAKER: Order! Resume your seat!

Mr BEATTIE: I want to make this point and I want to make it very clearly: I am probably the only person in this House who has been a child in care. I understand what it means being supported by the Families Department. When I was a kid, I had to go to the headmaster to get

my books. Let me make this clear: my government will fix this problem. As a former child supported by the state, I will accept nothing less. But my ministers have worked very, very hard to fix a huge problem that has been around for many years, and it is about time we got the politics out of this and put children first.

Burnett River Dam

Mr STRONG: My question is directed to the Minister for State Development. With the selection of the construction consortium to build the Burnett River dam, this project now has a clear timetable. I ask: can the minister outline what this huge project means for the future of Bundaberg and the Burnett region?

Mr BARTON: I thank the member for Burnett for the question. He and my ministerial colleague the Minister for Local Government and Planning were with me on Friday morning when we announced who the successful tendering consortium for this project was and the start of construction of this project. I want to thank both of those members for their championing of this project before this term of government began, when the member for Burnett was a candidate and the minister was the member for Bundaberg, because their championing of this project was a key part about why the Beattie government gave this very clear election commitment about constructing the Burnett River dam and also the raising of weirs and the building of the new Eidsvold weir.

It is one of the most important regional projects in Queensland that this government has initiated. I am very pleased to say that the Walter Construction Group's consortium was the successful bidder. It will start construction on this facility very early next month and it is scheduled to be completed by the end of 2005. It is a $200 million project, it represents a stronger, sustainable, long-term future for the region that has been crying out for additional water for decades, and this government is delivering. The Walter consortium brings world-class expertise to this project. It includes MacMahon Holdings, Hydro Tasmania, Snowy Mountains Electricity Corporation and Wagners of Toowoomba, which also thrills the member for Toowoomba North.

In announcing this construction project, I spelt out its exciting potential that we have looked at all the way through. We expect it has the potential to ultimately generate 7,000 jobs and to help to create $800 million per annum in economic activity to the Burnett region. Already the project has delivered 143 new jobs and contributed $28.6 million in gross output to the Queensland economy. Construction of the dam will create up to 250 direct jobs, and development of the dam and related projects will generate up to 1,200 full-time jobs and retain 1,700 full-time jobs that have been at risk.

The Department of State Development has coordinated the preconstruction work undertaken by the Queensland government funded Burnett Water Pty Ltd. It was established by the department to manage the construction tendering process, land recovery, final design and road upgrades, and Burnett Water deserves high praise for the efficiency and thoroughness in which it has conducted its work to date. I should also stress the rigorous steps that the government undertook, including rigorous assessments of the project's environmental sustainability and economic viability in keeping with the COAG requirements.

Department of Families; Child Abuse

Mr LINGARD: My question is directed to the Minister for Families. The minister has spoken about systemic problems facing workers within her department and the need to fix these problems. I ask: why does she not have workers leaving her department complete an exit statement so that her department can use these opinions to improve the system?

Ms SPENCE: They do have a name for the former minister in the Department of Families, I understand.

Mr Lingard interjected.

Ms SPENCE: They call the member for Beaudesert the Rip Van Winkle of the Department of Families because he was asleep on the issue of child protection when he had the opportunity to improve Queensland's child protection system.

Mr Lingard interjected.

Mr SPEAKER: Order! The member for Beaudesert.

Ms Bligh interjected.

Ms SPENCE: He did wake up to go to lunch occasionally. The member for Beaudesert inherited new child protection legislation that had been written by the Goss government and was ready for introduction. What did he do? He did nothing; he put it on the back bench. It was not until Anna Bligh became the minister that this state got new child protection legislation. The Goss government—

Mr Lingard interjected.

Mr SPEAKER: Order! The member for Beaudesert will cease interjecting. This is my final warning.

Ms SPENCE: The Goss government put aside $8 million to help introduce and enact the new child protection legislation that it had ready. That is what the member for Beaudesert inherited.

Mr Lingard interjected.

Mr SPEAKER: Order! I warn the member for Beaudesert under standing order 123A(3).

Ms SPENCE: What did he do with the $8 million? He did not put it into child protection; he gave it back to the then Treasurer, Joan Sheldon, for an efficiency dividend. He did not put it into child protection. In one year what did he do for child protection?

Mr SPEAKER: Order! I have warned the member.

Ms SPENCE: He increased the number of workers by three in one year in a time when we saw notifications increasing. The member for Beaudesert, understandably, is embarrassed to stand up and ask me questions in this parliament. He should be, because he knows that his record in child protection is dismal. He knows that his record as the Minister for Families is dismal.

Mr Springborg: So is yours.

Ms SPENCE: Everyone in this state knows how poorly the member for Beaudesert performed in this portfolio. Everyone in this state knows that he did nothing about child protection. This is following through now with the member as the shadow minister. Where are his child protection policies?

Mr Lingard: Where is your carers act?

Ms SPENCE: What is the member for Beaudesert taking to the next election—

Mr Lingard: Where is your carers act?

Mr SPEAKER: Order! I have warned the member for Beaudesert. I have warned you.

Ms SPENCE:—in terms of child protection policy? All that he has put on the table—

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

Ms SPENCE:—is 30 new child protection workers under the term of the Springborg government.

Mr SPEAKER: Order! We have a point of order.

Mr LINGARD: The minister has no need to ask me questions during her answer.

Mr SPEAKER: Resume your seat. I call the minister.

Mr Johnson: Two sets of rules.

Mr SPEAKER: That is a reflection on the chair. You will withdraw that.

Mr Johnson: What is a reflection?

Mr SPEAKER: The comment 'Two sets of rules'. You will withdraw that statement.

Mr JOHNSON: If you felt that it was aimed at you, Mr Speaker, I withdraw it.

Mr SPEAKER: I call the minister.

Ms SPENCE: Clearly, Queenslanders are being very poorly served by this opposition, which has no policies, no directions and no ideas.

Chancellor College

Mr CUMMINS: My question is to the Minister for Education. In June this year we turned the first sod to signal the start of construction on Queensland's newest preschool to year 12 school, Chancellor College. Work is well under way on the school's infrastructure, but what about the human capital that goes into a new school? I ask: could the minister inform members whether a principal has yet been appointed to Chancellor College within the electorate of Kawana on the Sunshine Coast?

Ms BLIGH: I thank the honourable member for his question and for his very keen interest in all of the schools in his electorate and this new school in particular. Chancellor College and the development that is happening there is great news for the families of Kawana, and the good news just keeps getting better. I am delighted to announce today the next step in the development of Chancellor College with the appointment of the new principal for this new P-12 school. Mr John Lockhart has been appointed as the new principal. He is currently the principal at Merrimac State High School on the Gold Coast. Mr Lockhart comes highly recommended. He has more than 20 years of teaching experience and leadership experience in schools across south-east Queensland.

Mrs Reilly: A great principal.

Ms BLIGH: I take the interjection. He has a reputation at Merrimac of being a great principal. In the past four years that he has been there he has introduced many innovations which have seen a very substantial increase in enrolments at Merrimac. Mr Lockhart also has a great passion for the P-12 concept, which I think will be a great asset to the development of Chancellor College. He has worked to create a seamless transition from primary schools to secondary schools in the Merrimac school, which is no mean feat given that Merrimac State High School has 21 feeder primary schools.

Prior to heading up Merrimac State High School he had seven years experience in Sunshine Coast schools, being deputy at Maroochy State High School and at Coolum State High School. I understand that all three of his children were born on the Sunshine Coast, so he has a great attachment to that area. Mr Lockhart will now continue the community consultation that is part of the development of a new school, including issues such as the new school uniform.

I am also pleased to report that construction of stage 1 of Chancellor College is well on track. The school is expected to open with about 300 students from year 7 and year 8 next year and will take its first intake of year 12 students in 2008. I look forward to seeing this new school take shape over the coming months. It will be one that builds on the traditions already established at Chancellor State School. The Minister for Arts just reminded me that Sarah Mahoney from Chancellor State School was one of the winners of the Poetry on the Move competition.

A government member: A very fine high haiku, too.

Ms BLIGH: A very fine high haiku, and I think it gives members a taste of the excellence that that school is already well renowned for.

The new college will provide not only much-needed secondary services in this rapidly growing area but will also pioneer a new partnership with the University of the Sunshine Coast. The college is co-located with that university, and I am very pleased to see that students from this area will benefit from that proximity to a university from day one next year. I look forward to working with the member for Kawana after his election next year and seeing the development of this new school and watching it take shape over coming years.

Sex Offenders; Rehabilitation Programs

Mrs PRATT: My question is to the Minister for Police and Corrective Services. I refer to recent articles in the media concerning Robert John Fardon and Dennis Raymond Ferguson and others who have been or will be released from prison after being convicted of serious sexual offences without completing a rehabilitation program and the general public's lack of confidence that they will not reoffend.

I ask: what steps has the minister taken to ensure that those convicted of serious sexual offences and similar offences will not be released until they have completed the rehabilitation course? Why is it that only 11 of 72 serious sexual offenders released last financial year took part in a rehabilitation program? Will the minister guarantee that in the future 100 per cent of these offenders will successfully complete this course before release?

Mr McGRADY: I thank the member for the question. One of these matters is still before the courts, so I am not prepared to speak specifically on the issue. But let me say that this government has a proud record in this area. As the minister for prisons I had to stand by and allow people who had been sentenced by the courts to walk out of prison having served the time which the courts had imposed upon them.

What this government has done is to bring in legislation which now allows me, as the prisons minister, based on information I receive from the Department of Corrective Services, to refer matters to the Attorney-General. If the Attorney-General agrees with my summation of the

likelihood of a prisoner reoffending, the Attorney-General refers the matter to the court. The court can then take whatever actions it deems appropriate. Let me say that wherever I travel around the state people welcome this legislation, because for the first time we now have the powers to prevent people who have not shown any signs of changing their lifestyle from being released from prison.

I hear what the member opposite has asked. When this legislation was introduced into the parliament I spoke on it. The point I made then, and I will reiterate now, is that you can lead a horse to water, but you cannot make it drink. Inside the prison system we have a number of sex offender programs; some prisoners take advantage of them and others do not. Obviously, this is all part of the report which I receive six months prior to one of these prisoners being recommended for release or being eligible for release.

Let me reiterate what we have done. I am proud of the legislation which the Attorney-General brought into this parliament. Previously, once that prisoner had done his time, nobody but nobody could prevent him leaving the prison system. Now, if there is a view amongst officials inside the prison that that person would reoffend again, I can then refer that to the Attorney-General. The Attorney-General refers it to the court and the court makes the decision. This is excellent legislation which I am proud of.

Mr SPEAKER: Before calling the member for Mudgeeraba, could I welcome to the public gallery students and teachers from Waterford State School in the electorate of Waterford.

Pneumococcal Vaccine

Mrs REILLY: My question is to the Health Minister. I refer to recent comments and some pathetic explanations from the federal member for Ryan, Michael Johnson—

Mr Mickel: Leave him alone.

Mrs REILLY: I know he is a great friend of the member for Logan! I refer to his pathetic explanations regarding the Howard government's refusal to fund the pneumococcal vaccine for all children. I am deeply concerned about this, which I see as yet another example of the federal government's refusal to manage the Health portfolio, another example of the Howard government's neglect of the health of Australians. I am wondering if the minister can explain the impact of this disease and this decision on Queensland's children.

Mrs EDMOND: This is a particularly serious health concern for parents of children and particularly young children, such as those of the member for Mudgeeraba. I believe that every parent with a child under five years of age should be outraged by the priorities of the Howard coalition government. On the one hand, we have Senator Patterson and the federal government announcing the recommendation of the National Health and Medical Research Council that all children—all children—should be immunised against pneumococcal disease and chickenpox, but it is saying that parents will have to pay for it as the federal government could not afford to provide this care. That was the excuse it gave. It said, 'You have to prioritise; the federal government cannot afford to provide it.' On the other hand, we have the Federal Treasurer and Prime Minister hopeful, Peter Costello, boasting about an underlying cash surplus of $7.5 billion in 2002-03 and including an underspend in the Health portfolio of $335 million in budgeted Health funding in 2002-03.

Clearly the federal government can afford to pick up the cost of the recommended vaccine program that may save children's lives; clearly the federal government should pick up the cost. I have written to Senator Patterson asking her to reconsider her government's penny-pinching decision not to fund the universal pneumococcal vaccination program for all Australian children or the recommended chickenpox vaccine. Whilst pneumococcal disease affects people across the lifespan, and more commonly those who have chronic health problems, the Queensland Health report shows clearly that 38 per cent of notifications of invasive pneumococcal disease in Queensland in 2002 involved children aged under five years. Overall, there were 437 notifications of invasive pneumococcal disease in Queensland and of these 166 were in children under the age of five. Further, 71 per cent of the cases under the age of five were children under the age of two—the people most vulnerable to this dreadful disease.

The report also states that 86 per cent of pneumococcal disease in children under five years of age in Queensland may have been prevented through a universal vaccination program. There are significant evidence based reasons for, and benefits from, a universal pneumococcal vaccination program.

What condemns the federal government is that this is the first time a federal government has refused to fund the recommended immunisation program put to it by the experts. It is not a wish list. These are the recommendations of the experts, and this is the first time that the biggest taxing federal government has refused to fund it.

Hand Guns

Ms LEE LONG: I ask the Minister for Police and Corrective Services: what percentage of hand guns in Queensland that were previously legal does he expect will have to be handed in by the innocent public under the dimensions limitations and other limitations imposed by his new legislation?

Mr McGRADY: I would like to give the member a little history lesson about the gun buyback. The reality is that at the conclusion of the Commonwealth Heads of Government Meeting in Canberra, which I attended with the Premier, the Prime Minister handed us all a list of 17 conditions that he told us to go away and implement. This has been debated in this parliament. The reality is that whilst there was general support and agreement on most of the issues, there were a number of issues that some of the states and territories were not happy with. As we pointed out, unless we participated in the buyback scheme, we would lose the financial assistance for the buyback. But the most important point was that if Queensland was not part of the buyback system we would become the dumping ground for all the illegal weapons in this nation. Quite honestly, we were not prepared to go down that path.

We have set up a buyback scheme where initially people could go to Clayfield and hand in their weapons and they would be paid at the same time. We also have three groups of police officers travelling around Queensland in mobile units to which people could present their weapons and ammunition, and the police would give them a cheque on the spot. I have been to a couple of these centres just to observe how well it is going. I do not have a crystal ball. I do not know what percentage of people will bring in their weapons or, indeed, their ammunition, but what I will say is that the police are pleased with the number of people who are bringing in their guns.

In fact, the federal Attorney-General will be introducing further legislation into the national parliament asking for an extension of time because some of the other states have not yet met the standards that Queensland has. So, it is anybody's guess: you might say 70 per cent; I may say 60 per cent. We do not know what the figures will be until the scheme has been completed.

Mr SPEAKER: Order! Before calling member for Hervey Bay, I welcome to the public gallery students and teachers of Cannon Hill Anglican College in the electorate of Bulimba.

Employment

Mr McNAMARA: I refer the Minister for Employment, Training and Youth to the Beattie government's commitment to jobs, jobs, jobs, and I ask: can he say what role the Breaking the Unemployment Cycle initiatives have had in meeting this commitment?

Mr MATT FOLEY: That program is about helping the battlers, it is about helping young people at risk, it is about helping mature-age unemployed, it is about helping people with a disability. It is a very important program because it reaches out to the people most disadvantaged in the labour market. Mr Speaker, you have to understand it in this context: we have now the lowest rate of unemployment in Queensland in over 13 and a half years. However, at 6.7 per cent it is still too high, and we need to reach out, particularly to the battlers, to give them a hand. It is no use saying, 'Well, it was 9.5 per cent under the coalition.' We know that when Mr Springborg was in government the last time things were disastrous, but we do not set our standards by their standards.

It is important to note that we promised in the 2001 election a target of 56,000 jobs. In June of this year we reached that target well ahead of schedule. Now, at the beginning of the sixth year of Breaking the Unemployment Cycle, that total has passed 61,000 jobs across Queensland and it is still going strong.

One of the significant features of the initiative is the partnership it provides between government and the community. I know the member for Hervey Bay has a very keen and active interest. I observed with him a couple of years ago a Community Jobs Plan project that was helping people with a disability build facilities to enable them to go horse riding, and that project also provided jobs to a range of other persons who were in need of assistance. Things like, for example, the Youth Care Hervey Bay group were approved funding of over $100,000 under the

Community Jobs Plan to help 10 young unemployed participants to undertake activities such as installing water irrigation systems, landscaping, paving, constructing ropes courses and pipe laying in various local community locations including at the Nikenbah school hall, the Glendyne farm, Hervey Bay youth space skate bowl and youth care housing units.

This is about helping the disadvantaged; it is about working with the Hervey Bay City Council through the Hervey Bay disability recruitment project. It is in stark contrast to the policies of the opposition, because the moment they get into government they slash all these employment programs. They did not even have an employment minister. Mr Springborg attacks us in Hervey Bay, despite the earnest efforts of the member for Hervey Bay, despite the actions of the government. The truth is this: Mr Springborg will not tell us his policies on employment programs and the reason he lies so silent is that he has no policies other than to slash the employment programs.

Queensland Transport Central Booking Unit

Mr BELL: I refer the Minister for Transport to the fact that on 8 September 2003 Queensland Transport implemented a new central booking unit to book driver licence tests and motor vehicle inspections for the whole state of Queensland. I ask: is the minister aware that it can now take up to an hour of waiting on the telephone to book a simple driving test or vehicle inspection while, at the same time, bulk bookings by driving schools have been reduced by 50 per cent?

Mr BREDHAUER: I thank the honourable member for the question. Yes, I am aware that when the new driver licence booking program went live approximately a month of ago, as the member said, we experienced some teething problems with the system, particularly with the IT program being used for the system. My departmental officers have been working very hard over the last couple of weeks to try to correct those problems.

I appreciate that the public has been inconvenienced due to the teething problems with the system. We are working very hard to correct the problems and reduce the waiting times that people have been experiencing. The latest report, which I received early last week, indicated that we were starting to address those issues and bring down the waiting times. We believe that when the system is hassle free, if I can put it that way, it will deliver a better service to the public.

I apologise to the people who have been inconvenienced. I apologise to the member's constituents on the Gold Coast or anywhere else in Queensland who might have been inconvenienced by the teething problems we have had with the new system. This does happen from time to time when rolling out new networks and operations. I apologise to the people who have been inconvenienced. I ask them to be patient and bear with us. When we have the system operating properly we believe the public will receive a much better service than they have done previously.

I thank the honourable member for raising the matter with me. I know he is genuine about representing the interests of his constituents in this regard. The problems we have experienced were unavoidable. My departmental officers have been working very hard to correct those and minimise the inconvenience. We will get it back operating normally as quickly as possible.

Mr SPEAKER: Order! Before calling the member for Whitsunday, I welcome to the public gallery students and teachers from St Anthony's in the electorate of Keppel.

Queensland Tourism

Ms JARRATT: I refer the Minister for Tourism and Racing and Minister for Fair Trading to the fact that the opposition has recently suggested that Queensland Tourism's marketing campaigns are tired and that we are lagging behind other states in innovative marketing practices. I ask: could the minister advise the House of the real facts and not the fiction that we have heard from the opposition?

Ms ROSE: I thank the honourable member for the question. She is a fantastic advocate for the tourism industry in the Whitsundays. I know that the operators in that area as well as the member for Whitsunday have been very concerned about the statements made by the opposition in the last couple of weeks. They have completely ignored the facts. Quite frankly, they have made themselves a laughing-stock across the tourism industry. When one is on a good thing it is best to stick to it.

That is exactly what we have done with the 'Make time for your family and friends' campaign. We launched 'Make time' in October 2001 to boost domestic tourism following the Ansett collapse and the events of September 11. The campaign was so successful that 'Make time mark II' took off in May 2003 following the outbreak of SARS and the Iraq war. 'Make time mark II' attracted strong support and more than 80 per cent of operators involved in the campaign reported an increase in bookings. 'Make time for your family and friends in Queensland' is the third generation of the 'Make time' campaign. It will build on the high levels of awareness and desire for a Queensland holiday.

A Roy Morgan survey in May this year which assessed domestic intention to travel found that one-third of respondents intended to holiday in Queensland in the next 12 months. This is much higher than for New South Wales, which was 24 per cent, and Victoria, which was 16 per cent. The survey confirmed that converting this heightened interest in Queensland to travel, through stepped up domestic marketing campaigns, was the right approach.

This is backed up by the results of the latest domestic tourism statistics for Queensland. They confirmed that Queensland experienced the highest growth in domestic visitor numbers of any state for the year ended June 2003 with an average annual increase of 2.2 per cent. Between the year ended March 2002 and March 2003, Queensland experienced the highest room occupancy, 63.6 per cent, and the largest increase in yield per room night, 4.8 per cent, of any Australian state. That was a survey of tourist accommodation.

Queensland's awareness and preference levels remain steady in 2002-03 at 49 per cent and 37 per cent respectively—the highest levels of any state or territory. Victoria was the closest competitor in terms of awareness on 18 per cent and New South Wales for preference on 26 per cent. A multimillion-dollar campaign, including the television advertisement 'Make time for your family and friends in Queensland' is running nationally until June 2004. The 30-second television ads include Queensland beach, reef, rainforests and river scenes.

Department of Families; Mr K. Smith

Mr COPELAND: I ask the Minister for Education: did the minister recommend to the Premier that Ken Smith, in his position as Director-General of the Department of Families, should receive a performance bonus?

Ms BLIGH: The question of bonuses paid to directors-general has been the subject of extensive discussion both in this chamber as part of question time and as part of successive estimates committees. It has been abundantly clear during all of those discussions and debates that the responsibility for DG bonuses rests solely with the Premier. Judgments about them are made solely by the Premier, and ministers do not make recommendations to the Premier in that regard.

Genetically Modified Crops

Mr SHINE: I ask the Minister for Innovation and Information Economy: what is the state government's position on genetically modified crops and, in particular, the research that is being done on the Darling Downs to produce new varieties of cotton?

Mr LUCAS: I thank the honourable member for the question. Mr Toowoomba strikes again. He is a wonderful advocate for Toowoomba, the Darling Downs and his electorate.

An opposition member interjected.

Mr LUCAS: I know that members opposite are envious of someone who is an enormous advocate for his electorate at all levels. That is the sort of achievement we get from him. One of the things that the Darling Downs can be proud of in terms of being a university town is the application of the science that is done on the Darling Towns to agriculture and the industries that it supports. We have spoken about fibre composites before. Another example is the way that the University of Southern Queensland, other research institutions and DPI work with the agricultural community.

In relation to genetic modification, government policy is that we do not tell farmers what they should grow on their land. That is also the policy of the National Farmers Federation. The National Farmers Federation supports the government's position on taking all gene technology applications on a case-by-case basis and rigorously assessing them against the science involved to ensure that we have consumer safety.

We have had GM cotton grown in Queensland since 1996. It is about one-third of our crop of some 550,000 hectares. I am told anecdotally that in the South Burnett farmers have saved $200,000 per annum using GM varieties, importantly resulting in a 50 per cent reduction in the use of pesticides and herbicides. This is a very significant concern to people in those communities.

Last week I was privileged to go to Toowoomba to welcome Monsanto's Biotechnology Research Centre and the six staff who have relocated from New South Wales. Cotton is particularly heavy user of water. It is a major crop in Queensland. There are tremendous opportunities that can be offered to us in developing new varieties that use less water. That is a wonderful opportunity in a country like Australia and a state like Queensland that has scarce water resources. The Queensland government is not antiscience, but we are pro-rigorous science. That is why we support the Commonwealth-state regime of regulating through the gene technology regulator. That is why we are the only state with a biotechnology code of conduct. We do not just require the legislation to be complied with; we also require best practice.

I lay on the table of the House a document titled *Gene Technology and Agriculture* prepared by the Queensland government in cooperation with the Commonwealth government, which answers questions and addresses issues about gene technology. Because we want to show all sides of the story so that readers can make their own informed decisions, on the back of the document there are a number of web sites and URLs, including those of organisations that one would say would not be in favour of gene technology.

As well, we should not forget that gene technology has brought wonderful benefits in the area of medical health. Millions of people around the world suffer from diabetes. In the past, they had to use pig insulin to treat themselves and that made them sick. GM technology provides a great advantage for the treatment of such diseases, as well as hepatitis B and leukemia.

Time expired.

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

MATTERS OF PUBLIC INTEREST

Department of Families; Child Abuse

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.30 a.m.): Yet again, today we have seen why in Queensland we need to have a royal commission into the endemic and systemic problems that exist in the Department of Families and the mismanagement of that department by this government. The Labor Party has been in power in Queensland for all bar two of the past 14 years. It cannot wash its hands of the ultimate responsibility for the problems that we are seeing in the Department of Families in this state.

The government seeks to take credit for what is happening in terms of the current inquiry. It seeks to take credit for the revelations that are coming out as a consequence of people contacting hotlines. Last week, the Premier sought to take credit for standing up and exposing the fact that there is an increasing number of substantiated reports of child abuse in foster relationships in Queensland. The Premier did that only because the opposition had asked a question in this parliament and he had to come clean.

The information that is being made available to this place and also to the media and the community at large is being made available only as a consequence of this government being pushed into providing it or through this government managing the issue to reduce the negative media or public impact that may come about as a consequence of those revelations. The government is claiming a virtue over something it has to disclose as a consequence of necessity. It can no longer cover up this issue in Queensland. There must be a royal commission. There has to be a royal commission.

It is interesting to note the change in the demeanour and the principles espoused by the Premier, the Minister for Families and other members of the government. When the former Governor-General was embroiled in problems within the Anglican Church, which were exposed at the time he was the Archbishop of the Brisbane diocese, this government said, 'He should stand down.' This government said, 'There should be a royal commission.' Why is it then that we now have a minister presiding over endemic maladministration of the Department of Families in this state that has resulted in the abuse of, or the failure to detect the abuse of, children in this state both in foster care and in the community who would usually rely upon the instruments of this state to protect them? The minister has for herself a set of standards totally different from that she

demanded of the Governor-General only a few months ago. Certainly, under this government what is good for the goose is not good for the gander—'We'll be hypocritical. You do this, but we won't.'

Quite clearly, the minister should stand down whilst the CMC investigates the matters that are before it. The opposition has very serious and grave concerns about that inquiry. When we made our submission, we were not able to ascertain from the CMC the absolute guarantees of indemnity that are necessary for people who put matters before a royal commission. Protections that are provided automatically as a consequence of a royal commission, such as having the capacity to give an indemnity, do not exist for this particular inquiry. I am not talking about giving an indemnity from prosecution to people who have been involved in criminal paedophilia or the abuse of children. I am talking about giving the indemnities that people need to be able to blow the whistle, because they may not necessarily be covered by the Whistleblowers Protection Act because of the way in which they have revealed this information. Some of them are employees of the government.

Mr Lucas: Table the legal advice that supports that ridiculous assertion.

Mr SPRINGBORG: I say to the honourable minister opposite, who should know better because he was a practising solicitor, that we have raised this issue with the chairman of the CMC. All we are doing is seeking indemnities for these people against provisions of the Whistleblowers Protection Act because of the way in which they have released this information. The other issue is that some material in the documentation that has been given by them may breach the provisions of the Child Protection Act insofar as identifying children. We have not been able to get those assurances. The best that we are able to get from the chairperson of the CMC is an assurance that if anyone seeks to prosecute those people who have provided that information, they will take action against them.

We would not have that complication if we were having a royal commission. Notwithstanding the best efforts of those officers who are going to be involved in the investigation, this CMC inquiry does not have the broad capacity or the standing of a royal commission. The government knows that. That is why the government is averse to having a royal commission. The government was happy to have a royal commission when the issues involved the Anglican Church. It was happy for the federal government to hold a royal commission, but it is not happy to hold a royal commission at a state level because it is scared that it might reveal the inaction and the maladministration of this government and this government's ministers. That is what it is about. This government wants to contain and sanitise the outcomes that would come from any inquiry, and that includes this CMC inquiry.

The government is also making a virtue of the fact that its members may have to appear before the CMC inquiry. One would expect that ministers or former ministers of the government should have to do that, anyway. The CMC has already said that it is going to go back some 20 years in investigating these issues.

As I have raised already in this place this morning, we have the situation of the Premier and the current Minister for Families identifying the children who are the subject of the current CMC inquiry, yet no action was taken against them, even though I have a letter from the director-general in which the director-general says that it was an unintentional breach. Nevertheless, it was a breach. Yet the department is pursuing a foster carer, who has the highest standing within that particular sector, because she posted information on a personal web site that might identify some children in care. The department holds up that person because of her standing as a foster carer. I say to the minister that that may very well be a breach, but the issue is that the standards that this department is applying in its pursuit of her actions are not the same standards that it is applying to the actions of the Premier and the minister. One could really ask: who should know better? One would have thought the Premier, who is a solicitor, and the minister, who is responsible for overseeing that act, should know better. So, once again, the government is applying standards to people in the community different from those that it applies to itself. That is just not right. That is what is turning people off this government. That is why there is an increasing perception of cockiness and that arrogance in this government—because it applies a standard to itself different from which it applies to the rest of the community.

In the history of the administration of the Department of Families we have never seen the sorts of problems that have come to bear in the past few months. At their base, they result from the maladministration of that department by this government. We all know that it is a difficult portfolio to manage. There is no doubt about that. But it is the culture of the administration of this

department by this government that has made it worse. As well, this government has this culture of blame. It is the bureaucracy's fault; it is never the minister. It is the individual public servants; it is never the minister.

It is the policies and the pursuit of that department's administration by the government ministers which cause the problem, because they are policies of lack of intervention and of keeping families together in situations where there are bona fide cases of abuse. This policy of intervening at the last moment, as a last resort, has led to a lot of these problems. There has been a change in the culture of the department in the last decade or more. That is what is leading to a lot of the problems. Now the government is fitting up the public servants in this state for these problems and is not prepared to accept responsibility for its own maladministration and policies which are causing this department to go wrong.

At the end of the day this is a process of finding a scapegoat. It is a scapegoating process against the individual officers of that department who are seeking to do the right thing in most cases. Some of them may have to be disciplined—there may be some problems with some of them—but the ministers and this government should not be allowed to get away scot-free. Quite frankly, that is what they are seeking to do by attempting to shift blame.

Unemployment, Hervey Bay

Mr McNAMARA (Hervey Bay—ALP) (11.40 a.m.): No issue should so unite this place as the desire to defeat the scourge of unemployment. No other issue arises as a social problem across the whole of Queensland, across the geographic, social and political landscape, as much as unemployment.

Mr Springborg interjected.

Mr McNAMARA: The Leader of the Opposition should listen, because he is leading at least half of his team into unemployment after the next election.

In my electorate of Hervey Bay unemployment is the one constant in an economy that has gone from good to bad to great over the last 10 years. Despite currently being in the midst of the best building and business boom of the last decade, Hervey Bay's unemployment rate remains stubbornly pegged at 16 per cent. It is a very high number, and not one that I resile from. Despite there being labour shortages in the areas of building, tourism and office administration, Job Network providers in my area continue to work very hard to fit those unemployed people with the 160-odd jobs which can be found in the vacancies lists on any given day.

Last week I discussed with a journalist from the *Fraser Coast Chronicle* the particularly acute shortages of what can genuinely be described as unskilled jobs and how the percentage of such jobs continues to shrink as compared to the skilled jobs in our work force. Nearly all jobs in our society now require reasonable literacy and numeracy skills. Jobs emptying bins in public parks come with selection criteria including report writing skills.

I suggest, as do the Job Network providers that I have spoken to, that without adequate speech and numeracy skills and without adequate literacy the task of finding work is enormously challenging. Estimates of functional illiteracy amongst the unemployed range from 15 per cent to 30 per cent. My heart goes out to those unemployed people who I know genuinely want to work and who are genuinely available for work but who are severely inhibited because of poor literacy.

I was distressed when my comments about the effect of poor literacy making genuine job seekers effectively unemployable were selectively and inaccurately misreported in my local daily newspaper, the *Fraser Coast Chronicle*, last Friday as applying to all unemployed people. I said nothing of the sort. To her credit, the editor of the *Fraser Coast Chronicle*, Mrs Nancy Bates, published an apology to me in her editorial the following day for the misleading story which suggested wrongly that I had suggested all unemployed people were unemployable. I had said nothing of the sort and she acknowledged that.

As am I, Mrs Bates is deeply concerned about the effect of low literacy skills, particularly among young men. I note that she has in fact published a book on the challenge of dealing with dyslexia in her own family. It is a serious issue, worthy of great concern by people who genuinely wish to confront the real causes of unemployment in our community.

I table a copy of the editorial and apology from Saturday's Chronicle for the benefit in particular of the Leader of the Opposition, who has attacked me on the National Party's web site and in a media release on the weekend on the basis of the inaccurate media report to which I

have just referred. I trust that, now he is aware that the Chronicle has published a written apology to me for its inaccurate report and, indeed, has in fact endorsed my actual remarks, the Leader of the Opposition will now correct his attack on me on the National Party web site. To allow that attack to stand on the basis of a newspaper article, which has been repudiated by the same paper that published it, would be dishonest and deliberately misleading on an issue which should be above political point scoring.

The Leader of the Opposition has also chosen to try to divide the people of Maryborough and Hervey Bay for political gain on the issue of Community Jobs Plan and Community Employment Assistance Program funding for our two electorates. I table for the benefit of the people of Maryborough and Hervey Bay statistics from the period October 1998 to August 2003 which show the funding for CJP and CEAP projects for the two electorates in this period to be virtually identical. The difference in total Department of Employment funding between the two electorates is as a result of the Public Sector Employment Program, which has always been higher due to the greater number of government departments and statutory authorities historically based in Maryborough.

The coalition when last in power scrapped jobs programs and has no policies for assisting the unemployed. It is the height of hypocrisy for the Leader of the Opposition to attack me for the $3.5 million in employment program spending in my electorate over the last five years when the National Party abolished these programs when it was last in government. The National Party policy is to abolish the Department of Employment. The Beattie government is responding to unemployment with targeted and effective programs. This Friday I will be launching the 45 Plus program, which will attack unemployment among over 45s, who make up about 30 per cent of Hervey Bay's unemployed.

Commonwealth-State Housing Agreement

Mr LIVINGSTONE (Ipswich West—ALP) (11.45 a.m.): While the Beattie government has lifted spending on housing assistance from around $330 million to $528 million a year, our efforts to expand the availability of affordable housing have been severely affected by a federal government that is short-sighted and miserable. This federal government, which has a $7.5 billion surplus, is an absolute disgrace in terms of the reductions it has made in the area of housing.

The major source of housing funds remains the Commonwealth-State Housing Agreement, yet through that agreement the Howard government is continuing to walk away from its responsibilities by cutting Commonwealth-State Housing Agreement funds. Since the end of World War II federal governments have played a major role in the social housing sector. That role, and the onus it puts on the federal government to provide adequate funds through the CSHA, was honoured for the last 50 years by both Labor and coalition governments, until the Howard government.

While demand is increasing, the ability of the state government and housing groups to respond is being severely limited by funding cuts instigated by the Howard government. Adequate and affordable housing influences a wide range of social outcomes, such as education, health and employment. It is vital that as many Queenslanders as possible are aware of the position we face and the callous approach being adopted by the federal government.

In recent years we have seen the loss of many affordable housing options for Queensland families, particularly in Brisbane, Ipswich and other regional centres. This has caused increased competition for the dwindling supply of low-cost rental housing. As a result, rents have soared to levels that are unaffordable to low income and very low income families. More than 160,000 Queensland families are now living in after-housing poverty or in housing stress. This means that they are paying more than 30 per cent of their household income in rent. In Brisbane and Ipswich alone, hundreds of bed rooms have been lost due to boarding house, caravan park and flatette closures. The loss of stock at the affordable end of the housing market is increasing competition in the next bracket of rental accommodation, which is also adding to increased rental prices.

Between the 1986 and 1996 censuses there was a considerable shrinkage in the affordable segment of the private rental market. Over that decade a total of 93,000 new dwellings were added to the private rental market in Queensland, yet 80,000 of these new dwellings were in the medium end of the market. The number of dwellings renting for less than $150 grew by only 12,000 in the entire state. One can understand that people who can afford to invest in the rental property market are entering a market in which they can be certain they will receive rent. They are

certainly not looking at spending money in the low income end where people are perhaps struggling to pay their rent.

The Department of Housing relies on funding from the Commonwealth government under the Commonwealth-State Housing Agreement for continued expansion of the public and community housing portfolio. These funds have been declining. While Commonwealth-State Housing Agreement funding has declined markedly in recent years, funding for rent assistance has increased significantly over the same period. However, without adequate support for capital programs, rent assistance will have limited effect. There is not much point in people receiving rent assistance if there are no houses to rent in their price bracket.

Just last week in Ipswich I contacted quite a few rental companies and found that there were not any houses—not one—in the under $150 bracket for families. Many families in our area are struggling. I heard the Minister for Housing, Robert Schwarten, say earlier this morning that something like $1.7 billion has been put into rent assistance by the federal government. While talking about the inadequacies of the federal government, there are real concerns over the Queensland opposition in relation to housing. It is a shame the shadow minister is not in the House at the moment, but I acknowledge that the Leader of the Liberal Party is.

The Borbidge government introduced a pilot program in housing with a group by the name of Chesterton. Basically, there were hundreds of houses given over to Chesterton for it to manage and it was a trial period looking at doing away with the Department of Housing. That is something which causes great concern to the people in my area. A lot of people remember only too well the neglect of the Bjelke-Petersen government, where people lived almost in hovels and very limited amounts of money were spent on maintenance. This issue concerns me greatly. I would like the opposition to let us know in advance that it is not looking at doing away with government housing.

Time expired.

Roads, Public Transport Infrastructure

Mr QUINN (Robina—Lib) (11.51 a.m.): This morning we saw the Premier and the Minister for Transport making ministerial statements about managing the growth in the south-east corner of the state under the umbrella of smart growth, particularly in terms of planning new roads, the integrated transport ticketing scheme and the various reports and planning documents that they have put out over the past couple of months.

It is all very well when we talk about planning for growth that we make sure the community is involved in consultation, that new roads are planned for the right places and that public transport infrastructure is correctly allocated. The point I think everyone needs to understand is that planning is necessary, the documentation is necessary, but the most important part of the whole process is making sure that that is backed up with funds so that planning documents can deliver outcomes for the people of Queensland. That is where this government has failed the test.

When we look at the funding arrangements over the past couple of years, particularly in comparison to those of the last coalition government, we see that the money allocated simply will not bear the fruit the government is out there publicising with great glee. I ask the members to go back to the last coalition budget. The amount of money allocated for capital works under that budget was in the order of $4.3 billion. The roads component of that was some $922 million, or 22 per cent of the capital works budget. I ask the members to go back to the last budget handed down here in July of this year. The capital works budget is $5.3 billion. The roads component is $778 million—only 14 per cent. Not only has there been a reduction in the number of dollars allocated to roads as a proportion of the capital works budget; it has fallen by somewhere in the order of 40 per cent.

That is the reason why, when looking at Queensland roads, trains, busways and transport infrastructure, the rhetoric is there, the planning is there, the document is there, but the results are not. The government is not delivering the money needed to get the results. It has not supplied enough buses on the South East Busway to make it run as efficiently as possible. The Gold Coast-Brisbane rail line is called the Bombay Express. Why? Because this government has not purchased any more rolling stock for Queensland Rail since the coalition left office. That is why within a short period of time it has doubled its passenger rate.

Mr Lucas interjected.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! The minister will cease interjecting.

Mr QUINN: I have not even named the Minister yet and already he is squealing about protection. As I said before, passenger numbers on the Gold Coast-Brisbane line have doubled in a short period of time, there has been no extra rolling stock and there is none in the pipeline. Only now is the government saying that it is thinking about purchasing extra rolling stock for the line.

As I said, all the planning and all the rhetoric count for nothing unless you add dollars to the mix to deliver the outcomes that people want in the south-east corner. As for the north coast, again we can have a look at the planning documents to see what is happening—for instance, the Roads Implementation Program. When we were in government we had the duplication of the Mooloolaba to Maroochydore road and the Sunshine Coast Motorway scheduled to be completed by 2002-03 in the Roads Implementation Program. Funding was allocated. What has happened under this government? Because of a shortage of funds and a lack of priority on roads, it has been pushed out further and further.

The members representing Sunshine Coast electorates can squeal, but they should look at the documentation. It shows that under the Labor Party it is now not due for completion until 2006-07. So it has been pushed out three years. Why? Because the government has not found the money for roads in the budget. All the rhetoric and all the planning count for nothing for this government because it cannot find the money to make sure it delivers on the priorities which it says it has for transport in Queensland.

Why has the funding not been allocated? We had a curious situation last week when the federal Treasurer announced a budget surplus in the previous financial year of $7.5 billion.

Time expired.

Medicare

Mrs ATTWOOD (Mount Ommaney—ALP) (11.56 a.m.): About three weeks ago at a stall I held in Oxley, over 70 people called in to sign a petition against the federal government's intention to stop Medicare. That is a fairly strong statement for the residents in the electorate of Mount Ommaney to make. They do not want to see their basic right to affordable health care eroded away by the Howard government. They are living in a country where everyone has equal access to decent health care.

In 1972 and again in 1983 battlers voted for universal public health coverage, leading to the creation of Medibank under Gough Whitlam and Medicare under Bob Hawke. Between the betrayal of Whitlam in 1975 and Hawke's rise in 1983, Liberal Prime Minister Malcolm Fraser partially dismantled Medibank and he paid dearly. Whatever taxpayers think about war, they will have to meet the continuing costs of the war in Iraq. The federal government will have no money for a rescue mission for bulk-billing. Howard sees private health insurance as the real answer and has spent public money subsidising this industry.

The decline in bulk-billing is not about some Howard-driven private sector crusade but about the fact that a universal health system costs a fortune. Health is important to Australians and their families. That is why Labor introduced Medicare and bulk-billing: to make sure that health care is affordable to all Australians. But under the Howard government the costs of health care are rising. I ask members to take a visit to the doctor as an example. It is getting harder to find a bulk-billing doctor and more expensive to see a doctor who does not bulk-bill. The average out-of-pocket costs of seeing a doctor who does not bulk-bill has gone up by more than 50 per cent—that is after receiving the Medicare rebate.

The federal government approved an average private health insurance premium increase of seven per cent at the beginning of this year, and so now families are paying $150 to $250 more for their premiums. We can expect more rises over the next 12 months, and this is what Howard meant when he said that his policies would make private health insurance more affordable! The cost of essential medicines is also on the increase. These increases have hit the sickest and the poorest Australians the hardest as the costs of health care are being shifted onto individual Australians and their families. The Liberal government has no commitment to Medicare and bulk-billing, and as John Howard said in 1987—

> We will be proposing changes to Medicare which amount to its de facto dismantling. We'll pull it right apart.

He also said—

> The second thing we'll do is get rid of the bulk-billing system. It's an absolute rort.

That is according to Radio 2GB on 1 June 1987. Now that more doctors are dropping out of bulk-billing, John Howard is beginning to achieve by stealth what he could not achieve directly—an end to Medicare and an end to bulk-billing. Finding a doctor who bulk-bills is now a difficult task.

A contributing reason for this is the federal government's process of allocating provider numbers. The federal government allocates GP provider numbers according to the population in a specific area. If there are too many doctors or specialists in the city centre then those doctors practising on the outer rims are more likely to miss out on attaining a GP provider number. This means fewer doctors practising where needed but also fewer who are able to bulk-bill in areas where bulk-billing is necessary—on the fringes. This is all because of the way the federal government limits the allocation of GP provider numbers. The federal government refuses to fund pneumococcal disease and chickenpox and says that parents need to do this. However, the federal government boasts of a great surplus and it seems ironic that this is the first time it has refused to fund something put to it by the experts. Why are they being so tight fisted over such an important universal health issue where almost half affected are children under five?

As the Minister for Health stated a few weeks ago, more than 250 people who care passionately about the future delivery of quality health care in Australia marched on federal parliament. Those doctors who represented health care professionals, such as doctors, nurses, allied health professionals, consumers, welfare and disability groups and others, had just attended the Australian Health Care Summit, where they spent three days discussing the problems facing the health care system and developing constructive policy options to address those problems. These experts are not endeavouring to score political points. They said that all governments should sign an interim Australian health care agreement for one year only so that governments and experts have time to consider a better way of arranging our health system. The federal government disregarded this great opportunity to make the system work better, but also allowed no opportunity to reform the system.

The summit developed a comprehensive nine-page communique containing a statement of principles, proposals for a way forward and a call on all governments to take action. Those principles include universal access underpinned by a strong primary care system in a timely fashion based on health needs, not ability to pay.

Audrey and Don Davey

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (12.01 p.m.): I rise to speak on behalf of two mature residents in my electorate and it relates to a matter that I have raised in this chamber before. Don and Audrey Davey operate a property in the Targinnie area which will be affected by stage 2 of the shale oil project. SPP have been negotiating with Audrey and Don over a protracted period of time in an endeavour to settle the purchase of their property. In the past the company has offered an option over the farm, but that does not bring finality to Don and Audrey in terms of their ability to resettle and to be settled in their future.

Don is 82 and Audrey is 73. They are operating their property still as a viable cattle property, actually mustering cattle on a regular basis to turn them off for sale. Don is doing this primarily on his own, sometimes with the help of his daughter and sometimes with the help of Audrey along with cattle dogs. At 82 years of age he should be relaxing and enjoying time with his family. They have a son, Graham, who has some health difficulties and therefore cannot help on the farm and, as I said, a daughter Cheryl, who relocated from Western Australia to give them assistance.

Don and Audrey have indicated to me that Rob Gibb, a representative of SPP, has been very helpful and compassionate in his dealings with them in relation to the property, but still no finality can be reached. The company has acknowledged that they do not have a lot of finances available for this issue. However, they continue to predicate negotiations in relation to the Davey property on the basis of stage 2 approvals. I believe that in many ways it can be argued that this condition of purchasing the Davey property is presumptuous at best. To my knowledge stage 2 has not been approved by the government. Indeed its approval should hinge on the appropriateness of that development and that processing industry to continue, and also on the company's ability to operate without affecting nearby residents. To date this has not been validated. It does not give any assurance or any certainty to Don and Audrey Davey.

On the basis of the inability of the company to reach some finality, I have written to the Minister for State Development who is currently considering a request put to him. The request was that the Department of State Development purchase the Davey property in the knowledge that at a later date, should the stage 2 approval go ahead, the government will be in a better position to negotiate with Stuart Oil Shale rather than Don and Audrey, who I believe are negotiating from a very disadvantaged position.

They cannot continue to wait. Don's health is deteriorating. In fact on 3 October Audrey contacted my office and said 'they', that is Audrey and Cheryl, are worried about Don. She said that he is fading away before their eyes. One would expect that his health would deteriorate at 82, having to do the heavy physical work associated with a cattle property.

I would again request that the minister seriously consider purchasing this property as soon as possible to allow Don and Audrey to relinquish themselves of the responsibilities and the heavy work involved and, as I said, for the State Development to do the negotiating with SPP. SPP have offered Don and Audrey an option. However, the small payments that are involved in options would be sufficient to impact on their pension but insufficient to compensate them for loss of other entitlements that the pension brings with it and therefore it places Don and Audrey in a worse financial position than currently.

There have been a number of other suggestions put forward by the company which have not been acceptable to Don and Audrey who, as I said, because of their advancing years and declining health need a decision sooner rather than later and one which frees them from all responsibility of the farming enterprise and allows them, in a retirement situation, to be able to enjoy life together.

I thank the Minister for State Development for his consideration of this request. I reinforce to him that the situation which Don and Audrey find themselves in is untenable. It is one that has been brought about not by their own doing but by the industrial development in our region. It is one that ensures that there is no third party interested in purchasing the property and I look forward to the minister's positive consideration.

Mr DEPUTY SPEAKER (Mr McNamara): Order! Before calling the honourable member for Clayfield, the chair wishes to recognise the presence in the gallery of students, parents and teachers from St Anthony's school in the electorate of Keppel.

Free Trade Agreement

Ms LIDDY CLARK (Clayfield—ALP) (12.06 p.m.): A current negotiation process is occurring that, if not addressed carefully, could have a major impact on our Australian and, in particular Queensland's, arts and cultural industry. Australia and the US are currently in the process of negotiating a free trade agreement. The main aim of this free trade agreement is to assist Australian exporters and strengthen the country's economic growth and employment in a variety of industries, including telecommunications, electronic commerce, manufacturing, investment and intellectual property rights.

However, there is much concern on the FTA's impact on the arts, cultural and entertainment sector. I want to clarify at this point that the notion of free trade may be good for industries such as manufacturing and information technology, but to have a blanket FTA will have a detrimental impact on our creative industries. Although a well-known Australian economist has suggested that the benefit of a free trade agreement would be greater in favour of the US given that the US GWT policy is primarily dominated by corporate business interests, he said we should be suspicious of the US motivation for offering an FTA to Australia at this point in time. As Australians we need to be vigilant.

Like most countries in the world, Australia has established a range of regulations, quotas and subsidies to ensure Australian stories, faces, voices and perspectives are seen and heard across the various media channels. Australia is already a very open market. Some 63 per cent of new programs on our TV screens in 2002 were foreign. Of the 250 feature films exhibited in Australia in 2002, 70 per cent emanated from the US, representing 83 per cent of box office receipts. The Australian share was only eight per cent. These statistics clearly show that if open and unregulated trade was approved then we may lose the vast majority of the great Australian shows and content that we, our children, our parents and our grandparents have enjoyed over past decades.

However, with current negotiations around open and unregulated trade, the industry is under threat and movement to protect the creative industry sector is gaining strong momentum across Australia. I believe that some form of protection for Australia's cultural trades and services is vital for the survival of Australian cultural institutions as they face constant competition from cheaper overseas material. For example, in television broadcasters are required to screen 55 per cent Australian content between the hours of 6 a.m. and 11 p.m. and approximately 200 hours of Australian drama programs annually.

Without this requirement, many of our much-loved Aussie dramas could not compete against high-budget overseas product that is available to Australian television stations at bargain basement prices. Most American TV shows and films return their costs of production in their massive home markets, meaning they can be sold to the world for a fraction of the cost of manufacturing local drama. In most sectors, this would be called dumping, and possibly incur a Senate inquiry.

The economic incentive for television broadcasters to show foreign product is huge, and without regulatory protection Australian shows would face extinction. What is not being said is that the United States would be prepared for Australia to introduce at any point in time in the future new or different measures to support Australian culture, which measures respond to the needs of the time. Without the addition of the second assurance, such provisions are known in the trade as 'standstill'. However, I still do not believe that this will address the core issues that the creative industries will succumb to. If a standstill is agreed to now, what we are left with is what we have got: that is, measures which are relevant to the late 20th and early 21st century technologies and methods of cultural dissemination, which then, of course, leaves no opportunities for the future development of our evolving industry.

In response to those challenges, the Free to be Australian campaign was launched in Melbourne at Federation Square in June 2003. It is a campaign to highlight how free trade agreements could put Australia's media and culture at risk. Many Australian creative industry identities are leading the way to raise this issue. We need only turn on our television in the evening to notice—and if we do not, we should—that most of the television commercials now are blatantly American. In days gone by we used to dub them with Australian voices; now they are blatantly American and our voice-over artists are rapidly losing work. I want to encourage all honourable members to lobby the federal government to exclude the media, entertainment and arts sectors from all free trade agreements.

Women's Health Services

Miss SIMPSON (Maroochydore—NPA) (12.12 p.m.): Women's health services are being compromised by dud decision making from the state Health Minister. The closure of the gynaecology unit at Princess Alexandra Hospital from 31 December is a dangerous downgrade in the hospital's services—a hospital which is a major teaching facility with one of the largest emergency departments in Australia. From the end of this year, that unit, which has been progressively and deliberately downgraded, with staff vacancies not advertised and filled, will close completely. The remaining specialists have bluntly been told to shift to QEII or resign—all this at a time when the state Labor government has a record receipt in stamp duty, land tax and a windfall of about $250 million in GST revenues alone over and above its anticipated GST receipts. We have to ask: where does Labor spend the money? It is good at spending it on the Premier's PR machine and not good at spending it on clinical services.

This closure is not a decision based on good care of women; it is a plan designed by bureaucrats with Health Minister Edmond's blessing. PA's service has been steadily downgraded from having continual specialist gynae coverage to an outsource service which ignores its role as not just a centre for elective work but, most importantly, emergency medicine. The lame and dangerous justification from the Beattie Labor government that these patients should not be presenting at this major tertiary hospital and that they should only go to the Mater and the QEII hospitals is a nice theory that does not work in practice.

In the real world, women with ectopic pregnancies and other gynae issues arrive by ambulance and car at the emergency department of the PA as one of Australia's largest emergency departments and also as a tertiary level hospital. In the real world, patients, even gynae patients, are frequently put on bypass from the QEII and the Mater and sent to the PA due to a lack of beds or, as they call it, 'access block'. The times that it takes to admit patients to a bed at the Mater and the QEII are some of the worst in the state. Senior medical staff at the Princess Alexandra Hospital have strongly criticised the government's moves to downgrade and then close their hospital's gynae unit. In a postal survey, 102 out of 104 responding senior medical staff wanted the gynaecological unit to stay. Their views as clinicians have been ignored. No doubt the Health Minister will try personal vilification of those who speak out against this closure.

It is the patients who pay the ultimate price of this downgrade. In the last couple of weeks a Mater patient who was 19 weeks pregnant and bleeding was turned away en route to the Mater. This is not a criticism of the staff in the system; it is a criticism of the funding under this government to the coalface of Health, despite the record GST receipts. Despite that, we see them making decisions which are detrimental to patients.

Staff speaking on behalf of those patients say they do not agree that the alternative system outsourced to the QEII Hospital—no longer part of PA staffing—will guarantee gynae patients the access they need. Furthermore, providing appropriate services at the QEII Hospital should not be achieved by destroying the services of a major teaching hospital such as the PA.

I table a petition of 1,570 concerned Queenslanders, mainly from north Queensland, who question the state government's threat to reject the extra $2.1 billion from the federal government in the latest Australian Health Care Agreement. They want the state government to fix the problems in our public hospitals and to address waiting lists and delays in the state public hospitals. The Federal Health Care Agreement delivers additional funds to Queensland, not less money. The previous Queensland agreement provided $5.9 billion, and this latest agreement adds $2.1 billion over and above the previous agreement. The Labor state government in Queensland now has a record windfall of $250 million in GST receipts over and above what it was expecting to receive, and yet Queenslanders are waiting longer to get access even to a specialist appointment.

Cairns, Public Drunkenness

Ms BOYLE (Cairns—ALP) (12.17 p.m.): Cairns has long had a problem with intoxication in public places, particularly in the CBD. In fact, some time ago, in amusing myself with old editions of the *Cairns Post*, I discovered mentions of the problem of drunkenness in public places in Cairns 100 years ago. However, I am pleased to say that over the past 10 years the problems associated with public drunkenness have definitely improved. We have had two sorts of problems. One is a daylight and early evening problem with mostly indigenous people who become drunk, some of whom offend against the public order. This results in offensive behaviour. To locals it is an eyesore, an intrusion and an assault on our city; it is also shameless behaviour in front of tourists.

There have long been calls for this government and previous governments to somehow solve this problem. The other problem that we have had with intoxication in the CBD has occurred, not so visibly to many of us, in the early hours of the morning—3, 4 and 5 a.m.—when, unfortunately, mostly males spill out of venues, many of them with too much alcohol under their belt, not enough sense and in an aggressive mood, which leads to serious assaults and occasionally even murder. Today I wish to address the first of these problems in terms of the wide range of actions that this government has taken and that have resulted in next to no complaints about public drunkenness in daylight hours in the CBD of Cairns for the past three months.

The first important plank in our program addressing this problem was the opening of a purpose-built and purpose-designed diversionary centre last year. Those who become intoxicated and are at risk of breaking the law can be taken by police or other service people to the diversionary centre where they can, under supervision, be given food and allowed to sleep until they are safe and in control of their behaviour again.

The next plank in solving this problem came when the Police Minister introduced into this parliament move-on powers for police and also the power for police to empty out alcohol which is being consumed in places where it is not permitted. This has provided a very quick and immediate lesson for numbers of people caught drinking in public places. Frequently these people are of limited financial means and to have their alcohol taken from them and disposed of down a drain instantly sends them a very clear and sharp message.

The police also deserve commendation for the establishment of a program whereby two police liaison officers are on duty at any time and are able to head off problems. They can be aware of groups forming around the CBD where early reports or indications are that alcohol is being imbibed and may result in problems later in the day. Accordingly, their early liaison work and coordination with other services has meant that these groups are broken up or moved on or encouraged to more productive activities.

Another plank that we are hoping will shortly be announced by ministers in this government is case management for these people. While it is right and proper that we move these people on out of the public gaze in order to prevent the occurrence of offences, it is does not solve the real

problem for these people, many of whom are serious alcoholics. Case management to assist them to access health services, to access proper housing, to establish a reasonable lifestyle with some hope for the future is an important plank in this network of services.

My compliments go to Rolf Stratemeier who, along with the magistrates of Cairns and other service providers, has led a program called the alcoholic offenders rehabilitation program. It is designed to divert people from the streets of Cairns. The leadership in all of these programs of Alan Butler from DATSIP and Brett Heyward and Pat Anderson from the Department of Families has been tremendous. They deserve public recognition for the hard work and commitment to establishing a more integrated and coordinated response. Nonetheless, it is the resources provided by the Beattie government, particularly through the Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Police, that have really made the difference.

Ms P. Hanson; Surf-Lifesavers

Mr FLYNN (Lockyer—ONP) (12.22 p.m.): Further to the ongoing issue of the Hanson affair, if I may call it that, during the last session in this House I asked the Premier whether he remained committed to his earlier statement of support for an inquiry into the circumstances leading up to the conviction of Ms Hanson and, further, whether he would continue to support such an inquiry if the terms of reference were expanded to include questions surrounding any possible wrongdoing by members of his government or departments. The House will recall that the Premier reiterated his support for an inquiry, but when moving on to the second part of my question he put it to me that any evidence should be placed before the Crime and Misconduct Commission for investigation.

Under normal circumstances I would agree with that recommendation. However, the Premier will be well aware, as is everybody else, that this issue goes much further than Queensland. We have admissions from key players that they administered a slush fund under very dubious circumstances with the intent of destabilising the electoral and political process in Queensland. What sweet irony that the behaviour ascribed to Pauline Hanson should be practised by this previously secret group.

I ask that this House and the Premier consider the unanswered questions arising from this affair. I challenge the Premier to support a call to the federal government to initiate a commission of inquiry on a national basis. I hear continual calls from both sides of this House for accountability and fair play. Public perception is that fair play never entered this equation and that they are suspect of the motives of players and consider that searching questions be asked to determine whether any conduct by any persons involved in the scheme was unlawful.

The issue will not disappear. Meanwhile, rather than be accountable, one of the lead characters has been promoted for his troubles. I ask the Premier to please display some statesmanship and support our call to the federal government to conduct an inquiry, or is there something to hide?

I move on to another topic that should be of interest to Queenslanders. I refer to the ongoing insurance issue facing surf-lifesavers. This state, in common with others, rolls from one insurance crisis to another, giving rise again I believe to the issue that perhaps we should place a statutory cap on compensation claims. Before we hear complaints about restraining people's rights at common law, we should remember that if we did not do something then common law would not help because the money would not be there to pay out in the first place.

We now see a crisis affecting our surf-lifesavers. They need another million dollars for public liability insurance. I have consulted with this government on this issue. I understand that the state already contributes a little over $3 million to the clubs. Tourism is vital to Queensland but also to Australia. On that basis, we cannot allow visitors to our coastlines to believe for one moment that we might have to withdraw our volunteer lifesavers. I ask the federal government to help cover this $1 million premium gap and move swiftly on insurance issues generally by introducing decisive legislation now and not after the horse has bolted.

Sunshine Coast Health Services Foundation

Mr CUMMINS (Kawana—ALP) (12.25 p.m.): Cancer is a word that can cause universal fear and in time impacts on all of us in some way. For some it is a personal struggle as they battle virtually invisible enemies inside their bodies. For many, cancer means caring for a friend or loved

one who needs love, support and assistance over an extended period as they undertake debilitating chemotherapy and radiation treatment.

The Sunshine Coast Health Services Foundation was established in 1998 under the Hospitals Foundation Act 1982. Its function is to provide support through fundraising for additional equipment, training, support programs and research funding to improve patient comfort at Nambour, Caloundra and Maleny hospitals and the numerous community health sites across the Sunshine Coast.

The Sunshine Coast Health Services Foundation committed to a major fundraising venture to financially assist in the establishment of a contemporary care centre for the Sunshine Coast based at Nambour General Hospital. The aim of this project is to bring all existing services into one convenient and aesthetically pleasing location. In this new centre there is a capacity for future expansion as demand increases.

The $1.5 million fundraising campaign to establish this centre is the largest community fundraising program ever undertaken on the Sunshine Coast. Community support has been unprecedented, drawing offers from people and businesses right across our region. The campaign has been extremely successful, exceeding the target of $1.5 million following the auction of the 'House the coast built' on 12 July 2003.

The engagement of the community on the Sunshine Coast has been exceptional and our community needs to be commended as they have been both generous and very supportive. Prestige builder Emerald Homes built the house for free, joined by many of their suppliers and volunteer tradespeople, building product suppliers and media supporters. The result has been a goodwill frenzy, with Sunshine Coast Health Services being the winner.

With every positive, sadly, in our somewhat pessimistic society, we do have a negative. I will briefly note the disappointment experienced by not only the good, hardworking people of the Sunshine Coast Health Services Foundation but also many others across the state concerning the comments of the acting opposition health spokesperson when she claimed—

I think this is a rort that is being perpetuated on the people of the Sunshine Coast, and I think it is absolutely appalling when referring to the community fundraising campaign.

I, like many others in the community, was in utter disbelief as cheap political point scoring should never be condoned when good people are trying to achieve positive results for the community in which we live. I believe that it is extremely sad, unfortunate, unfounded and totally unwarranted to be wrongly criticised by small-minded, insignificant, underachieving critics both in politics and in the press who clearly, purposely or perhaps through sheer ignorance simply misunderstood the issue. I will quote a letter to the editor which simply claimed—

The state opposition spokesperson feels that stirring the pot will win future votes. I do not recall any calls to the foundation office to clarify the facts—

Miss SIMPSON: I did not make those claims.

Mr CUMMINS: I think if the member reads the *Hansard* it says that the acting opposition health spokesperson—

Miss SIMPSON: I will make it clear for the record of *Hansard*: I have never made those claims and I want it clear and correct on the record.

Mr CUMMINS: I am quoting from a letter to the editor.

Miss SIMPSON: Yes, but I make it clear: I have never made those claims. I have supported it. In fact, I put a donation towards that fundraising and I did not make those claims.

Madam DEPUTY SPEAKER (Ms Liddy Clark): Order! There is no point of order.

Mr CUMMINS: The letter states further—

I do not recall any calls to the foundation office to clarify the facts before she fired her political guns.

Miss SIMPSON: I did not make those claims. I want that on the *Hansard* record. In fact, I put a donation towards that fundraising. That needs to be clear on the parliamentary record.

Madam DEPUTY SPEAKER (Ms Liddy Clark): Order! There is no point of order.

Mr CUMMINS: With hurtful, negative criticisms that we see too often in Australian society, I must commend, not criticise, these positive people after having a knife thrust into their hearts during the final days of this marvellous campaign. Just prior to the big auction, they continued in the most positive of ways and did not allow themselves to be dragged into the gutter. They

powered on showing true Australian spirit, ensuring that the fundraising effort not only achieved the goals but exceeded the amount they set.

Miss SIMPSON: I rise to a point of order. I want the record corrected. The member's claims are offensive and untrue. I ask that they be withdrawn. I make it quite clear: I did not make those claims. That needs to be on the *Hansard*. The member is misleading the parliament.

Madam DEPUTY SPEAKER (Ms Liddy Clark): Order! There is no point of order.

Mr CUMMINS: As I said clearly, I quoted from a letter to the editor. What is planned for the centre is a very important range of cancer support services. People such as Lisa Rowe, Mike Kelly and everyone else who has been involved in the Sunshine Coast Health Services Foundation should hold up their heads very high. Very well done! As for the small-minded, negative critics, many who have not had even the courage—

Time expired.

PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) BILL

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (12.31 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to minimise the risk of infection that may result from the provision of personal appearance services, and for other purposes.

Motion agreed to.

Madam DEPUTY SPEAKER read a message from Her Excellency the Governor recommending the necessary appropriation.

First Reading

Bill and explanatory notes presented and bill, on motion of Mrs Edmond, read a first time.

Second Reading

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (12.32 p.m.): I move—

That the bill be now read a second time.

In recent times, there has been considerable growth in the personal appearance services industry. The term 'personal appearance services' covers skin penetration services such as tattooing and body piercing. It also covers hairdressing and beauty therapy services such as facial treatments and manicures.

All personal appearance services involve a potential risk of infection to people receiving the services. For example, skin penetration services may result in blood-borne infections such as hepatitis C or HIV. This government is committed to ensuring adequate measures exist to minimise the infection risks to the public when they receive personal appearance services.

Personal appearance services are currently regulated under the Health Regulation 1996 by way of a licensing system for hairdressing and beauty therapy services and a premises registration system for skin penetration services. This legislation is out of date and does not have adequate regard to contemporary standards for minimising infection control risks. The legislation also does not conform with current drafting practice or fundamental legislative principles.

The Public Health (Infection Control for Personal Appearance Services) Bill 2003 establishes a new regulatory framework to minimise the infection risks associated with personal appearance services. Like the current legislation, the bill will be administered and enforced by local government. The bill results from a comprehensive review of the current legislation, including extensive consultation with local government, the personal appearance services industry and consumers.

A key feature of the bill is that it recognises that different types of personal appearance services involve different levels of infection risk, and that tighter regulatory controls need to apply for higher risk services. The loss of blood or other body fluid is an expected result from skin penetration services such as tattooing and body piercing. As I have already stated, this can lead to blood-borne infections such as hepatitis C and HIV. These infections have far more serious consequences for human health than other infections, such as skin infections, that may result from hairdressing or beauty therapy services.

The bill sets up a two-tiered framework under which skin penetration services where loss of blood or other body fluid is an expected result are defined as higher risk personal appearance services. Hairdressing, beauty therapy and some skin penetration procedures such as closed ear or nose piercing are defined as non-higher risk personal appearance services. Under the bill, providers of all personal appearance services must take all reasonable precautions and care to minimise infection risks to their clients. They can meet this obligation by complying with infection control guidelines made under the bill by the minister, or by adopting other measures to meet the obligation. The infection control guidelines will provide information and guidance to industry and local government about appropriate infection control practices.

In addition to the obligation to minimise infection risks, proprietors of businesses providing higher risk personal appearance services such as tattooing or body piercing will be required to be licensed. The criteria for licensing will be based on the applicant's suitability to hold a licence and the suitability of the premises at which they will provide services, having regard to whether the premises will enable safe infection control practices. Premises will need to comply with new building standards to be incorporated into the Queensland development code.

Unlike the current legislation, the bill recognises that higher risk personal appearance services may be provided from mobile premises located in a different local government area to that in which the licence was issued. In this situation, the bill requires licensees to notify the local government that they intend to provide services in its area. The bill also makes it clear that the local government where services are provided has the same enforcement and monitoring powers as the licensing local government, but cannot take action to suspend or cancel the licence or impose conditions on the licence. The bill also makes a number of other changes to the licensing system under the current legislation by allowing a single licence to be issued to cover multiple business premises and enabling licences to be granted for a term of up to three years instead of needing renewal every year.

An important feature of the bill is the new requirement that individuals who personally provide higher risk services must hold a prescribed infection control qualification. The proposed qualification will be based on a new training package being developed by Queensland Health dealing with basic competency standards in infection control. Existing providers who need to obtain the qualification will be given sufficient time to do so before the new requirement comes into force. The introduction of this requirement demonstrates this government's commitment to skilling the work force as well as protecting the population from serious health risks.

A key difference between the bill and the current legislation is that licensing requirements will no longer apply to non-higher risk personal appearance services such as hairdressing and beauty therapy. However, local governments will have power to require new proprietors of these services to tell the local government when they start providing services. This will benefit local governments that wish to monitor whether these services are complying with the obligation to minimise infection risks.

The bill encourages local governments to monitor industry compliance with the obligations under the bill by allowing them to charge fees on a cost-recovery basis for inspecting business premises. The general approach under the bill is that a local government may only charge one inspection fee per year for each business premises in its area. However, additional inspection fees may be charged for follow-up inspections made after a remedial notice has been issued under the bill requiring a proprietor to take specified action to remedy a breach of the legislation. This ensures that the cost of reinspecting premises falls on those businesses that do not meet their infection control obligations, and is a further incentive for businesses to maintain high infection control standards.

To ensure that providers of personal appearance services comply with their obligations, a comprehensive set of monitoring, investigative and enforcement powers has been included in the bill. In addition, the penalties for offences under the bill have been set at a level that reflects the serious health consequences that can result if appropriate infection control practices are not adopted.

Finally, the bill incorporates various accountability and review mechanisms, largely absent in the current legislation, which ensure the bill complies with fundamental legislative principles. For example, the bill provides for transparent decision making processes by the inclusion of clear criteria for decision making and requiring reasons for decisions to be given. The bill also gives a right of internal review and appeal to persons aggrieved by decisions made under the legislation. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

AUSTRALIAN CRIME COMMISSION (QUEENSLAND) BILL

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (12.40 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to make provision for the operation of the Australian Crime Commission Queensland, and for other purposes.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr McGrady, read a first time.

Second Reading

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (12.41 p.m.): I move—

That the bill be now read a second time.

I introduce a bill today that forms part of a national cooperative scheme to combat serious and organised crime in this country. This scheme is underpinned by Commonwealth legislation and is to be supported by complementary legislation in each state and territory to ensure the new Australian Crime Commission can operate seamlessly across all Australian jurisdictions.

This bill, and like legislation of each state and territory, will extend the jurisdiction of Australia's peak crime fighting body, the ACC, beyond its Commonwealth jurisdiction to include matters involving serious state and territory offences. This bill will ensure that Queenslanders benefit from the crime fighting efforts of the ACC to complement the already excellent policing service provided to the people of Queensland.

This is not a new concept for Australia. The predecessor of the ACC was the National Crime Authority. The NCA's jurisdiction extended to serious Queensland offences, as is proposed for the ACC. The NCA worked in close cooperation with the Queensland Police Service in investigating serious crimes in this state. The NCA was also based on a nationally cooperative scheme.

To help to understand the purpose of this bill, it is useful to understand the background of the National Crime Authority and its underpinning legislation. The National Crime Authority was established in 1984 as a law enforcement agency designed to effectively coordinate and lead on a national basis the attack against organised crime. The NCA was provided with powers similar to a royal commission. It was designed to overcome the barriers to effective law enforcement caused by jurisdictional boundaries in the Australian federal system. The scheme provided for extensive state participation in its operations.

The NCA did not deal with simple street-level crime but with the web of complex criminal activity engaged in by highly skilled and resourceful criminal syndicates that utilised expert advice and the latest technologies. This was regardless of which jurisdiction this activity fell within. The continuous support for the activities of the NCA since its inception from the Commonwealth, state and territory governments reflected the important role it played in fighting crime at a national, state and multi-jurisdictional level.

Shortly after the commencement of the National Crime Authority, each state and territory of Australia enacted complementary legislation to the Commonwealth National Crime Authority Act 1984. In Queensland, this is the National Crime Authority (State Provisions) Act 1985. The purpose of this complementary legislation was to extend the jurisdiction of the NCA to include state and territory matters in addition to its own Commonwealth scope. This was consistent with the objectives of the NCA and was specifically provided for in the NCA Act. The state and territory complementary legislation effectively meant that the NCA could conduct investigations into, and use its powers with respect to, all state and territory offences of a defined serious nature.

The Commonwealth and complementary NCA legislation was effective and appropriate for its time. Two decades later, the rapidly shrinking world has created a new range of challenges for law enforcement. The globalisation of markets has brought with it the globalisation of crime. There is a blurring of traditional distinctions. Modern criminal entrepreneurs pay no heed to national or international boundaries. Criminals are discovering new ways to gain illicit wealth at the expense of society in general.

Since the commencement of the NCA in 1984 the world has seen new narcotic drugs emerge, new technologies to exploit and new black markets emerge. Also, the events of 11 September 2001 and the Bali bombings have heightened in all of us awareness that society is constantly facing new and emerging threats. The achievements of a national body such as the ACC will be more important than ever, and it is up to government to ensure that it has the best possible framework and tools to combat such threats.

Recently this country's leaders considered this very issue and agreed, in order to strengthen the fight against serious and organised crime, to replace the NCA with an Australian Crime Commission. The ACC, which commenced operations on 1 January 2003, builds on the successes of the NCA in developing effective national law enforcement operations in partnerships with state and territory police services. The underpinning legislation for the NCA, the Commonwealth National Crime Authority Act, has been amended to reflect these enhancements and the new name of the body, which now operates under the Commonwealth Australian Crime Commission Act 2002. The commencement of the ACC Act made state and territory complementary NCA legislation redundant.

The purpose of this bill is to enact complementary legislation to the ACC Act so that the ACC is provided with the same extended jurisdiction in Queensland as was provided to the NCA. This bill is based on model legislation that is being used by all jurisdictions to develop their complementary legislation to the ACC Act.

It is important to understand that the essential differences between the National Crime Authority (State Provisions) Act and this bill are merely a reflection of the differences between the old and the new Commonwealth legislation. This bill essentially replicates a number of provisions of the ACC Act to ensure that members of the ACC have the same types of duties, functions and powers that they have under the Commonwealth act with respect to state offences. Additionally, this bill replicates the essential safeguards that apply to the operations of the ACC so that they also apply to ACC operations in Queensland.

While many aspects of the new scheme are identical to the former NCA scheme, there are some important differences. First, the ACC has absorbed the functions of the Office of Strategic Crime Assessments and the Australian Bureau of Criminal Intelligence. This provides the ACC with an improved criminal intelligence collection and analysis capability, as well as assists it to set clear national criminal intelligence priorities and conduct more effective intelligence driven investigations. The functions of the ACC have been expanded in recognition of its greater intelligence role to include the ability to conduct intelligence operations in addition to its investigative functions. Intelligence operations will enable the ACC to proactively collect information about organised crime networks and their key figures.

Another change relates to the ACC's intergovernmental committee. Whilst its constitution and membership remains essentially the same as that under the NCA scheme, some of the functions of the intergovernmental committee have changed. Significantly, the IGC is no longer involved in recommending or approving references to the ACC for investigation. A key feature of these references was that they enlivened the use of coercive powers, which the ACC has retained. The newly constituted ACC board now determines what matters the ACC will investigate and the matters for which coercive powers may be used.

The IGC has been given the responsibility of overseeing the strategic direction of the ACC and the board. Additionally, the IGC may revoke, where appropriate, any matters approved by the ACC board that involve the use of coercive powers. The ACC board is a new feature of the ACC. The board has been established to streamline the reference process that existed under the NCA Act.

The ACC board is comprised of the police commissioners of the eight states and territories in addition to the Australian Federal Police commissioner, who acts as the chair, and includes the following Commonwealth officers:

- the Secretary to the Attorney-General's Department;
- the Chief Executive Officer of the Australian Customs Service;
- the Chairperson of the Australian Securities and Investments Commission;
- the Director-General of Security holding office under the Australian Security Intelligence Organisation Act 1979; and
- the CEO of the ACC.

The functions of the ACC board are:

- determining national criminal intelligence priorities;
- providing strategic direction to the ACC and determining the priorities of the ACC;
- authorising the ACC to undertake intelligence operations or investigations;
- determining whether an intelligence operation or an investigation may have access to coercive powers;
- determining the class or classes of persons to participate in an intelligence operation or investigation; and
- establishing task forces.

I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

The functions of the board also include:

- disseminating to law enforcement agencies or foreign law enforcement agencies, or to any other agency or body of the Commonwealth, a State or a Territory prescribed by the regulations, strategic criminal intelligence assessments provided to the Board by the ACC;
- reporting to the Inter-Governmental Committee on the ACC's performance; and
- such other functions as are conferred on the Board by other provisions of the ACC Act.

Additionally, the Chair of the Board must, within 3 days of the Board making a determination authorising the use of coercive powers, give a copy of the determination to the Inter-Governmental Committee.

EXAMINERS

Investigative hearings conducted by the NCA are now called examinations, which are conducted by appointed examiners. An examiner may exercise coercive powers at an examination. Under the NCA legislation, hearings were conducted by a member of the NCA or a hearing officer at the direction of the Chair of the NCA.

Examiners are independent statutory officers, and are not members of the ACC. They may regulate the proceedings at an examination as they see fit. The independent status of examiners assists to ensure that the examination process is transparent, and is seen as untainted by the potential for abuse of the intrusive coercive powers.

COERCIVE POWERS

The coercive powers of the ACC are the same as those held by the NCA. A key difference is that the ACC may now use its coercive powers in support of an intelligence operation. Previously, the powers were limited to investigations. This increased scope in the application of coercive powers is consistent with and necessary to support the new intelligence role of the ACC.

Coercive powers include:

- the power to summons a witness to attend an examination, including requiring a person to produce things or documents at the examination;
- the power to require a person to answer questions asked by an examiner at an examination;
- the power to require a person, by notice, to produce specified documents or things to an examiner or a member of the Staff of the ACC; and
- the power to prohibit disclosure of information about a summons or notice given under the Act.

These powers are supported by a number of offence provisions that apply where a person does not comply with a summons, notice, requirement or prohibition served, given or made under the Act.

ACCOUNTABILITY

A number of safeguard and accountability measures contained within the ACC Act have been mentioned above. These include the roles of the IGC in overseeing the strategic direction of the ACC and the Board, and the power to revoke determinations of the Board involving the use of coercive powers. This latter role is facilitated by a requirement of the Board to notify the IGC within three days of making such a determination.

These oversight and accountability measures are further supported in the ACC Act by requirements for the Board to furnish information, upon request, to the relevant Commonwealth or State Minister and to the IGC relating to the conduct of the ACC, and to furnish a report to the IGC of the findings of any intelligence operation or investigation conducted by the ACC that involved the use of coercive powers.

Additionally, the Chair of the Board is responsible for ensuring a detailed annual report of the ACC's operations is provided to the IGC.

The IGC is responsible for ensuring that the annual report is provided to the relevant Commonwealth and State Ministers, and may include any comments by the IGC.

The Commonwealth Minister is to ensure that a copy of an annual report is tabled before each House of the federal Parliament within 15 days of receiving the report.

In the Bill now before the House, a similar requirement has been placed on myself to ensure that a copy of an annual report of the ACC is tabled before this House within 15 days of receiving it.

This bill repeals the now redundant National Crime Authority (State Provisions Act) and replaces it with legislation that achieves the same purpose as that Act, but also reflects the new and improved way in which the Commonwealth law enforcement body now operates.

It is important to note, Mr Speaker, that this Bill has been prepared because of changes to the NCA and its governing legislation after almost twenty years of operation. It is testimony to the purpose, conduct and oversight of the National Crime Authority that is has operated for such a long period of time and that the Australian Crime Commission is merely an improvement on the original concept.

All members of the this House will agree that this is essential legislation to ensure appropriate powers are brought to bear against the most serious criminal elements in our society.

This Bill will not adversely affect the law-abiding citizens of Queensland. It will target those in our society that deserve no place amongst us and whose unlawful actions prey on the innocent and affect us all in some way.

Mr Speaker, this Bill is clearly in the public interest. I seek bipartisan support from the House in the passage of this Bill. It is a very important piece of legislation drafted in the interests of the people of Queensland, both today and into the future.

I commend the Bill to the House.

Debate, on motion of Mr Johnson, adjourned.

ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (12.53 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an Act to amend the Environmental Protection Act 1994, and for other purposes.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Mr Wells, read a first time.

Second Reading

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (12.53 p.m.): I move—

That the bill be now read a second time.

I rise to speak to the Environmental Protection Legislation Amendment Bill 2003. The bill continues the significant environmental reforms by this government. The proposed amendments are an example of this government's ongoing commitment to working with stakeholders to develop an effective, streamlined regulatory framework for environmental activities.

These proposals have been developed by working with stakeholders, particularly local government and industry groups, with the aim of refining existing arrangements and establishing the framework for simplifying the assessment process for environmental activities using the integrated development assessment system, IDAS, under the Integrated Planning Act 1997. The bill refines the referral arrangements for contaminated land under IDAS. The bill also establishes greater linkages to the Integrated Planning Act 1997 for those activities that are made subject to a code of environmental compliance.

Environmental approvals for mining activities and petroleum activities, which are exempt from IDAS, will continue to be assessed separately under the Environmental Protection Act 1994. The refinements of IDAS and the Environmental Protection Act 1994 approval system will further reduce red tape by providing a one-stop shop approach for proponents and operators of environmentally relevant activities. Operators of an environmentally relevant activity will be able to apply for a development approval and registration certificate at the same time as they make an application for other approvals under IDAS.

The bill will provide that all existing environmental authorities issued under the Environmental Protection Act 1994 will now be dealt with as development approvals under the Integrated Planning Act 1997. This will result in removing the duplication of approval types and processes by ensuring all activities are operating under the same approval type. Mobile and temporary activities are not administered under the Integrated Planning Act 1997, resulting in different rights and responsibilities imposed on applicants. The bill will provide that mobile and temporary ERAs are administered using a modified IDAS for these environmentally relevant activities. This will result in a single approval process, as all environmentally relevant activities, other than mining or petroleum activities, will now be assessed and conditioned using IDAS.

Through the transitional arrangements in the bill, the rights of existing operators will be retained as the environmental authorities and conditions are now treated as development approvals. This will provide the benefits of the new system to existing operators, without the need for new applications or changes to operators' rights.

The bill will remove an application and approval process that currently duplicates some requirements of the development approval process and replace this with a system of operator registration. This will reduce the information requirements placed on applicants and result in shorter decision time frames benefiting operators of activities. The removal of this dual approval process will provide cost savings for both administering authorities and industry, and simplify the current system.

A transparent and accountable registration system will consistently apply to all activities and retain the administering authority's ability to make a decision regarding an operator's suitability to carry out an activity. The registration will provide administering authorities with information regarding the operator, location and activity being conducted without requiring additional unnecessary information or additional assessment processes.

The introduction of a code of environmental compliance removes the need for applications for development approval for the ERA. Activities that are subject to a code will require the operator to comply with the relevant standard environmental conditions. These conditions will be established for activities that are standard in their operations and have a relatively low environmental impact.

This initiative builds on the existing power to make standard environmental conditions and establishes an innovative framework to ensure environmentally sustainable outcomes are achieved while further reducing red tape for industry. It will facilitate business opportunities by reducing process delays whilst maintaining a consistent set of environmental requirements to ensure the ongoing protection of Queensland's environment. To ensure this system achieves clear, practical and enforceable environmental conditions, the codes will be developed with key stakeholders, including government, peak industry and community representatives.

The bill also includes refinements to the administrative framework associated with the management of contaminated land. These initiatives refine current arrangements when the Environmental Protection Agency assesses a development. With the benefit of experience, these changes will ensure that IDAS is used to assess those proposals that require site specific assessment where environmental management solutions are no longer in place or where remediation has already occurred.

The bill addresses an oversight in the transitional provisions for mining activities under the Environmental Protection and Other Legislation Amendment Act 2000. The act omitted to provide transitional provisions for licences that had been issued but had not taken effect prior to the commencement date of the act. The Environmental Protection Act 1994 will be amended to ensure that the small number of operators of activities with such licences can continue to conduct their activities with no effects on their existing rights. The amendment on this issue provides a quick resolution that reflects this government's initial commitment to these mining operators.

The EPA has undertaken a significant process of stakeholder consultation involving state and local government, industry and community representatives. The proposals contained in this bill are the result of this work and represent a stakeholder consensus on the development of an effective, streamlined regulatory framework for environmental activities. This bill completes the integration of approval processes for environmentally relevant activities into the integrated development approval system under the Integrated Planning Act 1997. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

TOURISM, RACING AND FAIR TRADING (MISCELLANEOUS PROVISIONS) BILL

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (2.30 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend legislation administered by the Minister for Tourism and Racing and the Minister for Fair Trading, and for other purposes.

Motion agreed to.

First Reading

Bill and explanatory notes presented and bill, on motion of Ms Rose, read a first time.

Second Reading

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (2.31 p.m.): I move—

That the bill be now read a second time.

The objective of this bill is to amend a number of acts administered by the Department of Tourism, Racing and Fair Trading. The bill affects 15 acts. The vast majority of the amendments are technical or consequential in nature. Many of the amendments are adjusting operational difficulties that have been identified since certain acts commenced operation.

The bill provides a new mechanism for vesting property in the Public Trustee upon cancellation of an association under the Associations Incorporation Act 1981. A power to obtain information from financial institutions to assist the vesting process is also created. This will provide an efficient system to minimise the period between cancellation of an association and revesting of property. This period represents a period of high risk and exposure to liability if assets are dealt with improperly.

A minor and technical amendment is made to a reference to the renewal period for registering a business name in section 12A(3) of the Business Names Act 1962. The bill amends censorship legislation comprising the Classification of Films Act 1991, Classification of Publications Act 1991 and the Classification of Computer Games and Images Act 1995.

A recent High Court decision, R v. Hughes (2000) 171 ALR 155, has cast doubt on the validity of the power conferred by state legislation on a Commonwealth officer unless the state has an identical power. It is therefore necessary to amend the censorship legislation to ensure the validity of existing provisions conferring powers on Commonwealth officers. These technical amendments have been prepared in response to advice received from the Australian Government Solicitor and the Crown Solicitor.

The bill also amends the Co-operative Schemes (Administrative Actions) Act 2001 to reference the censorship legislation in order to secure the legal status of existing Commonwealth-state arrangements for censorship classification. The Collections Act 1966 will be amended to enable the minister to delegate their powers under the act to the chief executive. This will promote greater administrative efficiency within the Office of Fair Trading.

The bill amends the Commercial and Consumer Tribunal Act 2003 to clarify that the general power to extend time for the making of claim applications does not apply to certain claims under the Property Agents and Motor Dealers Act 2000. This concerns proceedings arising out of a marketeering contravention or in relation to the purchase of a non-investment residential property. The Property Agents and Motor Dealers Act 2000 currently contains this limitation.

The bill also clarifies that the Commercial and Consumer Tribunal has the power to compel a person to answer any question put to them at a public examination for proceedings arising out of the Property Agents and Motor Dealers Act 2000. This power is reserved for the most serious breaches of this act, where the actions of a trader put consumers at high risk of significant financial detriment. It was not the intention of the Commercial and Consumer Tribunal Act 2003 to change the current policy in the Property Agents and Motor Dealers Act 2000. The amendments are sought in the interest of clarity and to restore the status quo, which was inadvertently changed.

As a result of a national review of negligence law, the bill amends the Fair Trading Act 1989. The amendments prohibit personal actions for damages or death resulting from a breach of those provisions of the act which parallel Part V, Division 1 of the Commonwealth's Trade Practices Act 1974. Similar amendments to the Trade Practices Act have recently been introduced into the Commonwealth parliament. It is necessary to amend the mirror provisions in the Fair Trading Act 1989 to prevent actions that would have occurred under the Trade Practices Act 1974 from now falling under the state's jurisdiction.

Various amendments are proposed for the Introduction Agents Act 2001. The amendments will provide more certainty in the interpretation of those sections by making sections consistent, specifying how certain information should appear on an agreement, clarifying when time limits start to run and by providing a definition of 'signed'. Licensees are also given three months from

the date of expiry of the licence in which to renew a licence. This will obviate much administrative work for the Office of Fair Trading should a licensee be late in applying for renewal of their licence.

There is also a need to provide additional requirements for introduction agents to uphold the purpose of the legislation. Amendments require that the introduction agent's licence number be prominently displayed at every place where the licensee deals with or makes representations to existing and potential clients. This requirement will help in the overall enforcement process and will give the public more confidence when dealing with introduction agents. It will enable clients to verify that an introduction agent is in fact licensed.

The bill amends the Partnership Act 1891 to include a presumption against liability. This would have the effect of excluding partnerships from legal liability as a result of the activities of one partner acting as a director of a corporation outside of the ordinary course of business of the partnership.

The Property Agents and Motor Dealers Act 2000 will be amended to allow the Office of Fair Trading to accept a greater range of enforceable undertakings from traders who breach the act. Undertakings could then be made to provide for remedies such as corrective advertising and compliance training to be undertaken.

The bill amends the definition of a 'used motor vehicle'. It is proposed to adopt those definitions included in the Commonwealth's Motor Vehicle Standards Act 1989 in relation to imported vehicles. This will make it easier for inspectors to determine whether an imported vehicle is classified as new or used for the purpose of the act.

Amendment is made to the Property Agents and Motor Dealers Act 2000 to allow a real estate agent or salesperson who has an interest in a property prior to sale to act for a vendor in the contract. As there is no conflict of interest in these cases, the prohibition is unnecessary. A conflict of interest arises where an agent or a salesperson obtains a beneficial interest because of the sale.

The bill amends the Racing Act 2002 to allow a member of a race club committee to be a member of an appeal committee. This will allow those persons who have the necessary skills and experience to be a member of an appeal committee.

Amendments to the Security Providers Act 1993 include a power of deferral when deciding whether to grant a licence in cases where the applicant has been charged with a disqualifying offence. The chief executive would have to give reasons for the deferral and an appeal would be available to the Magistrates Court.

The bill amends the definition of a 'disqualifying offence' to include any breach of the prohibition against pretending to be a police officer contained in the Police Service Administration Act 1990. Licensees in some areas of the security provider industry wear uniforms which may be mistaken by the public for police uniforms. This measure would act as a deterrent to the possibility of a licensee exploiting any such confusion and abusing an individual's rights or liberties. Amendments also expand the grounds for disciplinary action under the Security Providers Act 1993 to include a breach of the Industrial Relations Act 1999. The specified breaches relate to the underpayment of award wages or an order of the Queensland Industrial Relations Commission or Magistrate's Court to pay wages owing. This will ensure that the quality of security services is not compromised at the expense of public safety.

The bill amends the Travel Agents Act 1988 to provide a prosecutable offence to cover applicants for travel agents' licences who provide false information. This will remedy a gap in the legislation which was revealed during a recent prosecution. An amendment is also made to allow the chief executive to delegate his or her powers under the act to the commissioner. This will promote greater administrative efficiency within the Office of Fair Trading. The bill amends both the Security Providers Act 1993 and the Travel Agents Act 1988 to provide the option of either a one- or three-year licence term in place of the existing one-year period. This will afford licensees greater flexibility when renewing their licence and will reduce the administrative impact on the Office of Fair Trading's resources.

In summary, these amendments in this bill will adjust operational difficulties that have been identified since acts commenced operation. The bill also strengthens consumer protection as the amendments not only provide more certainty in the interpretation of sections but also provide additional requirements, where required, to uphold the purpose of the legislation. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

LIQUOR AMENDMENT BILL
Second Reading

Resumed from 27 May 2003 (see p. 2075).

Miss SIMPSON (Maroochydore—NPA) (2.41 p.m.): I rise to support the Liquor Amendment Act in its thrust to raise the standard of service in the industry by making it mandatory for new licensees to undertake training. Done properly, this is only a positive initiative. I welcome this move and look forward to the roll-out and extension of these programs in consultation with industry and would hope that additional resources are also provided for existing licensees to receive improved training. Selling alcohol is not like selling a loaf of bread. Liquor retail as an industry continues to be regulated due to the complex social issues that arise from the abuse of alcohol by individuals and the impact on the wider community. We recognise that it is not only an issue of individual choice to drink but also one of good public policy that requires controlled access through licensed premises with the responsible serving of alcohol.

Most people do not abuse their consumption and it is an enjoyable and sensibly used product in their lives. But, unfortunately, that is not the case for others. The rise in public drunkenness is a social phenomenon increasingly with younger and younger binge drinkers, but it is not restricted only to the young. Certainly anecdotally we are seeing older age brackets also involved in public drunkenness. This is not an issue simply with those who are homeless or in fact only with those who have a mental illness. Rather, there are complex social issues even though those are factors in some circumstances. This is an issue that, beyond the scope of this legislation we are debating today, requires far more research and insight with appropriate local action plans.

How the serving of alcohol is regulated and the interaction with other agencies such as police and local government is a matter of public interest and one that has undergone significant changes in the last few years. Further amendments are likely to come forward with regard to the Liquor Act in the not-too-distant future, and I look forward with interest to their exact content. I support a vibrant tourism industry that has access to appropriate liquor licences, but I note that there are still significant problems with consumption of alcohol in public places and under the current law with regard to policing of some of the newer outlets, particularly some of the smaller bars-cum-cafes. When it is done properly, it really adds to the ambience and experience of our tourism industry and those who live in these areas—and certainly we have appreciated some of the changes in hospitality and delivery of services—but a real issue has arisen in terms of a lack of liquor licensing officers.

There simply are not enough liquor licensing officers in Queensland. According to government figures previously provided to the National-Liberal opposition during the budget estimates, there are a total of 25 such officers for Queensland. I would ask the minister to advise the House of the number of officers in each of the regions and the size of the regions that they have to cover in distance terms as well as geography. The Sunshine Coast region has only been served by about two licensing officers at times who also have to travel far further to the north, with potentially hundreds of licensed premises in their catchment. This is certainly relevant in terms of the roll-out of training and also with regard to the ongoing implementation of existing laws, let alone new laws.

When there are so many existing licensees in the marketplace who have been in the business for some time, there is a very real issue as to how the laws are appropriately policed. I have a concern about the sheer lack of liquor licensing officers to match the significant increase in licensed outlets. I would also welcome the minister's advice as to the estimated number of trainers under this legislation who are to come online this year and the total cost of this initiative and whether it is to be met from within the department's budget and what the estimated fee is per course.

With regard to the other issue in the discussion paper that has only recently been consulted upon from Liquor Licensing, I welcome the fact that the issue of water in nightclubs has been raised. That was an issue that the National-Liberal opposition first put on the public agenda because we believed it was a significant public health issue and an issue that many young people raised with us because of those few unscrupulous licensees who were only providing hot water in the toilets and who made the purchase of water extremely expensive or discouraged it. We believe that it is important that there be access to drinking water in nightclubs as part of the responsible serving of alcohol.

The issue of public drunkenness is something that requires far more intensive local solutions and appropriate legislative change. I did note with some interest the fact that during a matters of public interest debate the member for Cairns raised the issue of case management. While this is not something that strictly falls within the terms of the Liquor Act, it is really about having a lateral approach to the issues of addictive behaviour and, in this case, the abuse of alcohol consumption and making sure that we do have real and proper collaborative working relationships with other agencies, particularly the police but also local government.

Within my own electorate is beautiful Mooloolaba and the many fantastic outdoor dining cafes. There has been an increase in licensed premises and unfortunately there is an issue beneath the surface—sometimes not that far beneath—with public drunkenness. The Mooloolaba Safe Committee, which was initially funded with assistance from the Health Department, has achieved many good things. However, these days local government has a lot of onus put on it in how it seeks to interact and to deal with these issues. In fact, there are rangers who assist police in this area. They have also been very active in trying to address these issues, but time and again we find that there simply has not been a good strategic approach across government to ensure that we start to look at these issues very openly and very honestly. Earlier I mentioned the comments of the member for Cairns in terms of case management, because that looks at people who have not just a one-off issue but perhaps have more extensive issues beneath the surface which end up not only being destructive for the individual but also having quite a severe impact upon the community through their behaviour in a public place.

We need to be open, where appropriate, to changing the legislation and making sure that the duty of care in respect of the responsible service of alcohol to individuals extends past the front door. It might not only be the licensee's responsibility but also the government's responsibility, which provides the licences and the legislative framework, to make sure that repeat or problem drinkers are able to access alcohol and drug services. Tragically, in recent years, dedicated detoxification beds in our public hospitals have been closed. Although I recognise that this is not strictly within the licensing act, it is an issue related to it.

Mr DEPUTY SPEAKER (Mr Mickel): Order! I would ask the House to recognise in the gallery students from Stanford University, California, who are studying at the University of Queensland.

Honourable members: Hear, hear!

Miss SIMPSON: Interestingly, when talking about health issues and how they stem from other legislation, the issue of the lack of detoxification beds is often explained by the Health Minister as being good practice. However, it is actually economic rationalisation. If we as a community are to fulfil our responsibilities in terms of the responsible service of alcohol and the provision of services to those with drinking problems, we need to look at these issues as well; otherwise, these people will end up homeless and on the streets time and again. Members of the public often complain about being bothered by people in parks. Alcohol problems often have a high co-morbidity with mental health problems. The issue goes around in circles.

I encourage the Minister for Tourism, who is responsible for Liquor Licensing, in consultation with her other colleagues, to highlight the need for dedicated research into public drunkenness in order to find local solutions for those with repeat problem drinkers. There needs to be a continuity of care and an assessment of whether the existing services are adequate.

I repeat that we believe this legislation is heading in the right direction. I would like to ensure that the existing licensees also have access to training courses so that we can ensure the responsible service of alcohol. I acknowledge that the industry has been consulted widely on this legislation. On the whole, most people are responsible when it comes to the consumption of alcohol. However, patterns are changing. For example, some people drink heavily before going out to socialise and before they even hit licensed premises and public spaces. That trend has changed our response to these difficult issues. We cannot ignore the social impacts. Although this behaviour is not from the majority, these people are having a significant impact on our community.

We need to find better ways of addressing this issue, because there has been a significant increase in public drunkenness. We cannot simply say that it is not the responsibility of this act or that it is the responsibility of another minister. It is about having a cohesive policy across ministers to ensure a better outcome. I commend this legislation and welcome its implementation. I trust the minister will be able to answer some of the questions I have asked about implementation and costs. I reiterate that we need to see an increase in the number of Liquor Licensing officers to assist in that process. They are very important in the implementation of the legislation.

Mr LAWLOR (Southport—ALP) (2.54 p.m.): I support this amendment to the Liquor Act 1992, which introduces mandatory training for prospective licensees and nominees in Queensland. The amendments that form the basis of this piece of legislation were formulated in consultation with the Queensland Hoteliers Association, Clubs Queensland and also the Restaurant and Caterers Association of Queensland. Those organisations have a vested interest in maintaining the highest standards possible in the liquor and hospitality industry.

The requirement for training will be triggered by lodging an application for either a new liquor licence, a transfer of licence or a change of nominee—that is, the manager. In the previous three years, if the applicant has not held a liquor licence or attended a licensee's course, training will be required. In other words, operators who leave the industry for three years or more and then wish to re-enter it will have to attend a refresher course. The training course will not affect company directors or board members of clubs, although they will be encouraged to attend given their strategic and directional roles and to extend their knowledge of required business practices. Only individuals who apply to become a licensee or a person nominated to run the business as manager on behalf of the board or company will be required under the act to attend the course.

Exemptions from training may be approved in certain circumstances. The chief executive for Liquor Licensing may waive training if the size, nature and primary purpose of the business under the licence does not warrant training to the extent of the required two-day course. An example would be the operation of a gift basket business that allows the sale of a single bottle of wine with gift baskets. Additionally, if any applicant can prove that they are not able to access a course prior to the application being finalised, the chief executive for Liquor Licensing may grant them a period of not more than 12 months to undertake the course.

Training will be conducted by private providers who obtain approval from the Liquor Licensing Division. In addition, the division may appoint a staff member to conduct the training. It is envisaged that the division's trainer will more than likely provide training in rural and remote areas of Queensland to ensure that the course is accessible. As the minister mentioned in her second reading speech, this bill responds to the need for the highest of standards to be maintained by licensees when supplying liquor within the community. I commend the bill to the House.

Mr BRISKEY (Cleveland—ALP) (2.56 p.m.): I rise to speak in support of the Liquor Amendment Bill 2003. Firstly, I acknowledge the work of the Minister for Tourism, Racing and Fair Trading, Merri Rose, and her department. I would also like to acknowledge the peak bodies that were part of the consultation process—Restaurant and Catering Queensland, the Queensland Hotels Association and Clubs Queensland—in particular for their work and support of these important amendments. As many on the south side would be aware, I worked in the industry for a decade.

Mr Reeves: Where did you work?

Mr BRISKEY: I worked at the Colmslie Hotel many years ago, and at a number of other hotels owned by that family. This bill gives me an opportunity to commend many of the Queensland families who have been involved in the industry for many years. As the member for Mansfield mentioned, the McGuire family is one. The Fitzgibbons are another family that has been involved in the industry for many years. These families and many like them have run establishments that have trained staff and provided only the best quality of service to patrons. I know that these families are very supportive of the amendments that the minister is bringing before the House in this bill today. I believe, and they believe, that the introduction of training and advancement in any industry should be applauded.

Already in the liquor industry we see training in the responsible service of alcohol. This type of training ensures that people serving alcohol to patrons are aware of problems associated with excessive consumption, facts about alcohol and also an issue that I had to deal with on an almost daily basis—that is, handling difficult customers. The culture of an organisation or any business comes from management. In the case of the liquor industry, of course, that comes down from the licensee and/or the nominee. The way in which a business approaches the service of alcohol and the way in which it manages its staff and patrons is intrinsically linked to management from the top down and its attitudes and understanding.

It is this culture which can influence and shape an establishment and its staff and their relationship with customers. When culture and management come together it is often the case of setting an example—in other words, what monkey see monkey do. Therefore, mandatory training under this amendment to the Liquor Act will ensure a safer environment and help reduce and eradicate irresponsible practices starting with management and trickling down to the staff behind the bar.

I might mention the training that I received almost 24 years ago at the Colmslie Hotel. That is exactly what was happening there in those days. John Jeffs, who I know is still with the McGuire group of hotels, trained me and all other staff in these important areas of customer service, of dealing with intoxicated patrons and of ensuring that the patrons of the establishment were served well and, most importantly, that when they had had enough they were moved on their way.

This bill to introduce mandatory training for prospective licensees and nominees of Queensland's liquor industry is indeed a significant step forward. The bill, which seeks to enhance professionalism within the liquor and hospitality industry through mandatory training, will consider the law, best practice, risk management and harm minimisation. The benefits are many and varied. It will increase not only professionalism but also a greater awareness of the legal liabilities associated with an industry that is no doubt worth tens of millions of dollars annually.

While many people, and I am sure that on occasion Mr Deputy Speaker and many members of this House have done so, enjoy having a quiet drink—in moderation of course—there are many people whose lives have been adversely affected by it. In this way mandatory training will ensure a continuing commitment among those in the industry to the objectives of the Liquor Act and, very importantly, the principles of harm minimisation.

A liquor licence is a privilege, not a right. There is no need to enter into a moral debate on the service and consumption of alcohol. Suffice to say that any proposal to address community and industry concerns about irresponsible operators whose business operations result in substandard training, practices and non-compliance with the act should be supported. Improving the professional operation of liquor outlets throughout Queensland will improve the image of the industry and increase professionalism and accountability amongst licensees and nominees. The introduction of this bill will fill a gap in the industry, ensuring newcomers are formally recognised for their awareness and training, most notably in the responsible service of alcohol but also in a general awareness of the Liquor Act. Through this training, I believe new licensees and nominees should have a full and thorough understanding of their duty of care and very important responsibility under the Queensland Liquor Act.

I join with the minister and the Liquor Licensing Division in thanking the industry for their support of the bill. This type of training will improve Queensland's liquor industry. It will ensure and maintain the reputation of the liquor industry and increase professionalism in the hospitality sector. Before I take my place in the chamber, I would like to congratulate the Fitzgibbon group and Brian in particular on the opening of their refurbished bar down in the Valley that the honourable minister—

Mr Reeves: The old Rat and Parrot.

Mr BRISKEY: The old Rat and Parrot. What was it called before that? The old Osbourne?

Ms Rose: No, the Dead Rat.

Mr BRISKEY: The Osbourne and then the Dead Rat and then the Rat and Parrot and now the Fringe Bar—a very nice venue indeed. I say congratulations to Brian Fitzgibbon and his family on another major hotel redevelopment in Queensland.

Ms BOYLE (Cairns—ALP) (3.03 p.m.): I am pleased to join other members of the House in supporting the Liquor Amendment Bill 2003, which in its substance is about mandatory training for liquor licensees. I wish I was able to tell honourable members that this training would be superfluous for licensees in Cairns, but I cannot. Unfortunately, we have some licensees who can improve their act, who can learn a lot more than they apparently already know about the responsible service of alcohol.

As members would expect in a tourist city such as Cairns, with its fine pioneering private sector history, we have a large sector in terms of restaurants, bars and venues. Many of these are up to date and offer the latest kind of entertainment for their segment of the market and most are well and responsibly run. As is commonly said, there are cowboys in every industry and, unfortunately, there are certainly some in the liquor industry in Cairns. In fairness to them, it is probably made harder in the present climate by tremendous competition amongst the large number of venues for what is relatively a small resident population, even allowing for the tourists who come to town and their particular needs. Those one or two venues run by licensees who are either themselves irresponsible or, alternatively, not in control of their staff give the industry a bad name. Our contribution through this bill towards encouraging them in the strongest terms to improve their understanding of the responsible service of alcohol will be welcomed in Cairns.

Unfortunately, as recently as last week we saw news in our local paper about a dreadful scuffle that occurred between two fellows in the early hours of the morning after they left a venue. As I understand it, both were under the influence of a large amount of alcohol and a death was the consequence of that scuffle. Such incidents should not occur in Cairns or anywhere else. We also know that, unfortunately, relative to other centres in Queensland, Cairns has a high proportion of complaints of domestic violence reported to police. We know from the complainants that alcohol consumed to excess is frequently involved and that these incidents that are reported to the police too frequently occur after a man comes home drunk from a venue. It is not responsible service of alcohol when people are served to the point where they are staggering and out of control of their faculties. Our society is clearly saying that we do not want this anymore. We will not have it anymore.

I, therefore, support this bill with its main objective of improving responsible service and of providing that applicants for a new liquor licence or those who wish to transfer their licence must undergo suitable training. Other members who have spoken before me have expressed the importance of the quality of that training and I, too, support their comments in that regard. I am hoping that those who are first to be trained will recognise for themselves the tremendous benefits but thereafter seek to perpetuate that training down the line and amongst all of their staff and at, quite appropriately, the cost of the licensees.

In a good number of venues—and this is so in Cairns—many of the employees are casual employees. Sometimes they are young people on holidays passing through. It would therefore be a considerable impost for the licensee to provide training for all employees, yet that is what we are coming to. We will start, however, with the licensees. I note that the legislation does allow the department and senior officers to require licensees to undergo training as part of a disciplinary mechanism. I hope that that provision is not often required, but nonetheless I applaud that it is there for those licensees who are recalcitrant in recognising that they have a responsibility to serve alcohol wisely.

Although it may not seem so to those licensees concerned about the amount of money going through their tills this week or next, I do believe that the competition between venues in a place like Cairns is good. It will mean that those venues where patrons feel safe, where they feel that they can have a few drinks without being harassed by others, will prosper. If people know that other patrons of that venue will not be served when they are drunk or aggressive or behaving badly and that they can look forward to returning to such venues, those venues—the good ones where there is responsible service of alcohol—will be the profitable venues over the long term.

I am pleased to support the bill. I am sure that many others in Cairns would join me, were they here today, in applauding the minister and her department, as well as, I must say, all of those members of the industry who have through their representatives cooperated with us on the development of the provisions. The alcohol industry is a very large one, of course. Many of the outlets are diverse in their style. Therefore, the implementation of training that is appropriate to the diversity of alcohol outlets has required the considerable input of industry. I recognise that and commend the leaders of the industry for their good efforts in this regard.

There is no doubt that we in Queensland, and I am sure parliamentarians in other states, need to do more about alcohol. It has unfortunately been out of control in its use by too many people. We have seen in this parliament the tremendous initiatives that have been undertaken on Aboriginal communities in the north and west of our state. The alcohol management plans are now in place for most of those communities. Though it is early days yet, we have already seen indications of the benefits.

Previously I have spoken in this House about the actions taken to address the public drunkenness problems we have had in the past in the CBD of Cairns during daylight hours. This bill will contribute, along with other efforts, towards ensuring responsible service of alcohol, which means of course that, while those patrons may enjoy a reasonable amount of alcohol, people are less likely to be turned out of the venues in a drunken and aggressive state and less likely to cause harm to others.

A sobering statistic is that it is estimated that 70,000 patients are admitted to Australian hospitals every year with alcohol related problems. The average length of stay for these patients is seven days. That means that there are indeed serious problems caused by alcohol or related to alcohol. There is no doubt that we need to ensure its use is proper, sensible and under reasonable control. I do indeed support this bill.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (3.11 p.m.): I rise to support the Liquor Amendment Bill and to reinforce some of the comments made by other members. Alcohol consumption in our community is something that has been accepted for many generations. In fact, in a lot of situations it has been a positive addition to social occasions, whether they be family get-togethers or social get-togethers within the community. It is also documented that it can be very destructive and has been the source of incidents within community activities and family activities, the result of which has included hospitalisation and quite severe assaults. Appropriate and responsible management of the sale of alcohol to the community is essential. I commend the minister for her continuing review of the availability of alcohol in appropriate places to appropriate people and served by appropriate people.

In relation to the training that will be required, I again speak in terms of my representing a rural and regional community. I do not have any objection to the requirement for training, as would the majority of people in the community. They would accept that it is very appropriate to have the information made available not only to nominees and licensees but also to their staff to ensure that they understand responsible sale of and access to alcohol. The only comment I make to the minister is that a close eye should be kept on the accessibility of those courses to rural and regional Queensland and also on the cost of those courses to be undertaken.

In many instances courses, not just in this area but also in the traineeship area, require travel on the part of those who want to access the course. That involves not only the cost of travel but also the cost of accommodation and meals while the person requiring the training has to be away from the area. I would really encourage the minister—I am sure that she has addressed it—to make those courses available in the centres up and down the coast and inland to avoid licensees and their employees having to travel to access the training. If that is done, the amount of objection to the training will be minimised, if there is any objection at all.

More and more younger people are being employed in the hospitality industry. In fact, the growth of tourism in Queensland indicates that there is significant employment opportunity particularly for young people. That intrinsically involves the young person's access to alcohol and their responsibility to sell alcohol to patrons at the various venues, so they do require training.

The changed attitude to alcohol consumption has been pleasing and very well accepted by the community over time. It is not that many years ago that venues used to have drinking competitions—the more people could drink in an hour the better they were. Hotels were actually encouraging that. Venues would also minimise the cost of alcohol for a certain period of time, which encouraged people, particularly those with minimal money available to them, to drink as much as they could in that period of time when the alcohol was at a reduced price. I know that the minister has come down on that practice and she has done it very well. Certainly it has been done well by the minister's department also.

There are a number of issues that are not restricted to my electorate but which certainly have been raised with me. They are related to liquor licensing, the sale of liquor and the impact of behaviour brought about by that liquor. One hotel in my electorate has applied for an adult licence, which is a little more expansive than many in my community understood it to be in terms of what the employees are allowed to wear—or not wear, more specifically—and the behaviour that is expected of employees within that licensed premises.

Concerns have been raised by neighbours around this adult establishment. The licence allows for full nudity (of the girls) who are employed at the licensed premises. Surrounding residents—it is surrounded by residences—have expressed concerns about the patrons who enter that premises and who partake of alcohol and also the voyeurism that is involved in the adult entertainment industry. Concerns have been expressed about the safety of young children in the vicinity of that premises. Concerns have also been raised in relation to appropriate parking and appropriate signage.

It is my understanding that the initial approval has been given for that adult licence, although there is still an appeal period. It raises again the spectre of the ability of alcohol to temper people's behaviour—to change behaviour, to reduce inhibitions and to allow for behaviour that in a sober condition a patron would not demonstrate but who would be more likely to exhibit in an inebriated condition. I put on the record the concerns of those neighbours to that premises because I believe they are genuine. I am personally disappointed that a licence has been granted. Their concerns in relation to alcohol affected behaviour are very real and very genuine.

Another issue in relation to liquor and liquor licensing is one that a committee in my electorate has responded to, as have particularly the police. We have had an increased prevalence of assaults generated by alcohol induced behaviour. Those assaults were specifically

identified in the main street of Gladstone—that is Goondoon Street—and the increase was particularly in the area in close proximity to several clubs which had late licences.

I have to commend our local police for their response to that problem. They formed a task force. Obviously it was easy to identify the problem, but they also developed a strategy to combat the problem, and it has worked. Part of that strategy was increased uniformed police presence in proximity to the clubs, right through to the closing hours of those licensed premises, to ensure not only that active policing occurred but also that the presence of the uniformed police would be a deterrent to patrons who perhaps had had a couple of beers too many and who might behave in a way that was antisocial.

The statistics, I am given to understand, are improving in that the number of assaults has been decreasing. That is certainly welcome. The police transferred that strategy to a recent event in my electorate—the Calliope rodeo. I had the opportunity to attend a meeting between the Gladstone police, the rodeo president and another executive member only last week. The rodeo committee had expressed some concern at the number of uniformed police who turned up at the rodeo event, saying that patrons felt intimidated by the number of uniformed police.

In the course of the conversation, it became evident that, whilst the police acknowledged there were times throughout the night where there was an excess of uniformed police at the function, it was more a coincidence than a planned irritation. Neighbouring police officers had said, 'If I get a chance, I will drop in on the rodeo and see if the local police need any assistance.' Also, it was seen as a training opportunity for three new trainees at the Gladstone station—for which I am very thankful—to go out to the rodeo and have some training in crowd control and in ensuring that patrons stayed within the parameters of the licensed area and just generally getting a feel for a community event. The irony was that most of the uniformed officers turned up at approximately the same time. So for a short period there was quite a significant police presence.

Next year that can be used as a positive. The meeting ended positively, and the police presence was particularly concentrated on the licensed area of the function and the recognition by police that alcohol can have a negative but serious impact on people's ability to enjoy functions. The rodeo is advertised as a family opportunity—an opportunity for families to get together and enjoy a time-out. It is a fundraiser for charities in the Calliope area. Whilst there was this small misunderstanding, I believe in the long run the effect will be positive for the Calliope community. Families can be assured that police do respond to public safety, particularly public safety in relation to alcohol consumption. I think next year the committee can turn that incident around to assure prospective patrons of the Calliope Rodeo 2004 that they will have a safe and enjoyable time.

Police do recognise very clearly the link between intoxication and inappropriate or antisocial behaviour, and I commend them for their response to the situation in my electorate and for the improvement that they have been able to elicit because of their diligence. We have trouble, as do many electorates, in accessing detoxification facilities not only for young alcoholics but also for middle and older aged alcoholics. Not all of the people who have problems with alcohol do so because they are mindless drop-outs. Many of them have endured events that are very disturbing and, rightly or wrongly, have used alcohol as a means of dealing with those circumstances. It is very easy to dismiss people with an alcohol problem as being down-and-outs. The reality is that they are often people of standing. The majority, I would say, have contributed very positively to our community over the years. However, circumstances have been such that they have found their lot difficult to cope with and have resorted to alcohol to assist them through the day-to-day demands of life.

Access to detoxification beds, both short term and long term—the long-term ones particularly for young people who need to alter their peer group and their ability to deal with day-to-day living pressures—is essential, and I would certainly urge the Minister for Health and others who may contribute in the area of access to counselling and detoxification to give country Queensland consideration for the easy availability of facilities.

We recognise in the responsible distribution and sale of liquor that some of our most vulnerable people are our young people—those who are developing their behavioural models for their adult life. There are now very strict conditions governing proof of age and the purchase of alcohol. It is incumbent on owners and licensees of licensed premises to serve young people responsibly and to set a good example. This bill goes a step further in ensuring that that occurs.

For those people who are continual offenders in the area of the laws and regulations regarding responsible liquor sales, I trust that the department will come down on them very hard to show that the government will not tolerate young people being used as revenue generators rather than responsible people who need to be dealt with and taught, with the older community as mentors. I support this legislation and look forward to its positive impact on our community.

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (3.26 p.m.): Previous speakers have highlighted the need for compulsory training of liquor licensees, so I will concentrate my remarks on access to training—an issue which is paramount to the success of this bill and one which the member for Gladstone has just raised some concerns about.

In Queensland there are an estimated 1,600 potential training participants per year. Whilst this number is expected to drop after the first few years as more industry operators receive training, access is of primary concern, particularly given the geographic spread of Queensland's licensed premises. Early consultation with industry canvassed views on delivery methods including online delivery via the Internet or through CD-ROM, but overwhelmingly face-to-face delivery was demanded. The division has previously developed a responsible service of alcohol course which may be undertaken by distance learning. However, it is not utilised in this fashion. Operators demand classroom style sessions where they have a chance to interact and share information. Additionally, low literacy rates throughout the industry deter reading based study.

Whilst online delivery may be a cheaper method and may remove accessibility issues, the liquor industry has indicated that the proposed pricing structure is reasonable and that some travel is accepted by the remote operators who will need to participate. It is recognised that private training providers will not deliver courses in areas where lower attendances may be experienced, such as rural and more remote districts. In this regard, the Liquor Licensing Division's trainer will fill the breach. Training courses will be advertised for specific locations at set times throughout the year when courses will be conducted and, whilst some travel may still be involved, this will improve overall access to participants.

As a member of the Scrutiny of Legislation Committee, we considered this bill in detail and raised no issues within its terms of reference. I thank the minister and her staff for taking positive steps towards continually reviewing how alcohol is served and where and by whom. I was concerned to read recently of an application for a liquor licence in Morayfield at the swimming pool complex. I have concerns about this as it is a family oriented recreational facility. I think we need to look closely at where liquor licences are granted. Alcohol is a huge social problem, as everyone here would attest to, and I think we have to be very mindful of families and associated recreational areas in this regard. I commend the bill to the House.

Ms STONE (Springwood—ALP) (3.30 p.m.): It gives me pleasure to rise to speak on the bill before the House. The Liquor Act 1992 requires the chief executive of Liquor Licensing to determine whether a person is fit and proper to hold a liquor licence having regard to a number of matters, including the person's knowledge and understanding of the legislation.

Concerns have been raised with me, and I know that it has also been spoken about in the industry for some time, that there is a general lack of knowledge of the obligations placed on licensees under the Liquor Act and an insufficient means of testing that knowledge prior to granting the licence. It is considered that this lack of knowledge of industry operators results in poor management practices which in many cases have an adverse impact on the community and the tourism and hospitality industries. Major industry associations have agreed with this assessment and consultation has been undertaken for the introduction of a mandatory training course for prospective licensees and nominees. I know that those stakeholders agreed with that. I also know that licensees and nominees who have spoken with me are all professional and want their industry to be run by professionals with a reputation for high standards. Mandatory training for licensees and nominees in Queensland will go a long way to enhancing professionalism in the industry.

New provisions will ensure that the chief executive cannot grant an application for a new licence, transfer of licence or change of nominee unless the responsible person has completed a licensee's course. That course will focus on the legislation, industry issues, and best practices regarding responsible hospitality and risk management.

The chief executive is provided with the discretion not to require training in certain circumstances, for example—if the size and nature of the business does not warrant that training be undertaken, and that could be the local florist shop that sells gift baskets. I think anyone would agree that that is a sensible exemption. Another instance would be if the person has held a

similar liquor licence in Queensland within the previous three years or if the applicant could not possibly access a course before or during the application process as a result of the locality within which they did live or are living now. In these cases the chief executive may grant the licence on the condition that the new manager undertakes the course within 12 months. That is important for a state like Queensland. Having travelled up to the cape and out west and having seen the great country hotels that we have and the great reputation that they have, it is important that we should be supporting them. I am pleased to note that where delivery gaps occurs across the state the division will either contract an approved trainer or utilise an appropriately qualified staff member for this purpose. This means that it is accessible throughout the state.

I want to take this opportunity to update honourable members on the Liquor Industry Action Group Logan corridor. Over the past couple of months the group has been addressed by the Logan City Council, Health officers, the Liquor Licensing Division and police. Only last week Sergeant Ted Dale briefed the group on armed hold-up procedures. This group of liquor industry stakeholders is very proactive in the stand for responsible drinking. This month I will be joining them in going around to high school students to explain that becoming 18 and being legally allowed to purchase alcohol in a pub or club does not give them the right to go to the pub or club and get smashed. Sergeant Ted Dale and Patti White—and we are going to invite the local hotel or club manager to come along to our high schools—are going to explain the role of the hotel and club staff, talk about responsible drinking laws and what the penalties are if they choose not to drink responsibly, and what the penalties for licensees are if they do the wrong thing.

Another message that we will be getting across to Logan school leavers is about drink spiking and the dangers that are associated with this dreadful crime and giving practical tips to school leavers on how to protect their drinks when they do go to hotels. This year we will also be emphasising to parents that it is not alright to load your kids up with alcohol and send them off to schoolies. To start with, it is illegal to supply minors with alcohol. It must be remembered that not all school leavers are 18.

Hotel and club managers and police have informed me that young people who access a lot of alcohol outside venues are often not encouraged to drink responsibly and then they turn up at licensed venues and public places intoxicated, where unfortunate and unpleasant incidents may occur. That is what our licensees and nominees then have to go and manage. Parents, hotel and club staff and community leaders all need to be playing a role in supporting responsible attitudes to drinking alcohol for all of the community.

I want to congratulate staff throughout the state in hotels, clubs and restaurants on the role that they play. I think it would be very hard to decide when enough is enough. I think that would be a very tough thing to do. This legislation gives them a bit more support, which I am pleased to see. This bill will ensure that high standards will be maintained by licensees. It will improve the operation of our hotel, club and liquor outlets and ensure that the professional reputation of this very important industry is enhanced. I congratulate the minister for bringing the bill to the House. It is certainly well received in the industry. I commend the bill to the House.

Mr JOHNSON (Gregory—NPA) (3.34 p.m.): I have pleasure in rising to support the Liquor Amendment Bill 2003. I have to say from the outset that this is a very responsible piece of legislation in that it makes the people in charge of these licensed premises more responsible for the way they go about their daily duties and the operation of the business in question.

I think one of the most serious issues confronting our society today is the excessive consumption of alcohol. I have listened with interest to many of the contributions made in the House this afternoon by members on both sides of the House. I believe that disciplinary action of some kind has to be taken against those licensees who do not uphold the traditions of what a licence is all about and allow irresponsible trading and irresponsible trading practices. I just heard the member for Springwood make mention of drink spiking and binge drinking. The member for Gladstone made reference in the House earlier to our young people who are the most vulnerable section of our society. As we are all well aware in this House, there are many young people out there today who can dress themselves up to look 19, 20, 21 or 22 when they are only 16 or 17. This is a matter that causes great angst and great concern to many licensees. Quite often licensees are in a vulnerable position, because if there is crowding at the premises they cannot check the identity of every person there. Then, of course, people who have gone undetected can find themselves in a situation where they are harmed or something drastic or unfortunate happens to them.

I say again that, whilst it is the responsibility of the licensee to uphold the rules and regulations set down in the licence by the Licensing Commission, a great deal of responsibility is also placed on the patrons to make certain that they observe and uphold the rules and regulations set down in that licence.

I think that having a proper and professional licensee is very important to a proper and responsible social and business environment. If we are going to have the proper people to hold these licences, they have to make absolutely certain that the social and business environment which their patrons enter into is a good environment. It is all very well to say that the licensee has to be of impeccable character; as I have just said, we have to make certain that the patrons realise that they also have responsibilities.

Does this mean that, after the proclamation of this legislation, some people who look after a licensed premises—and I say this to the minister here today—will have to go through the training course to be a registered person to be the caretaker of that licence for maybe a fortnight, three week or two months while the licensee is away on holidays or away on business or has some other reason to be away from the licensed premises? I would ask the minister to make a ruling on that when she sums up on this legislation.

The objectives of the bill state that the licensees and nominees have to provide evidence of having attended licence courses as part of their application process. When I look at the meaning of 'nominee' in the dictionary, it means the representative of that person. Maybe the question is answered there, but I would like the minister to elaborate further in her summary. When a hotel or a licensed premises is looked after by somebody other than the licensed nominee, does that person have to go through that training process too?

One good thing about this legislation is that it will make absolutely certain that suitable and proper people hold a liquor licence. Licensing inspectors are also paramount in terms of upholding the law insofar as the venue is operated within the confines of the law. When prospective licensee operators go under scrutiny, the inspectors have to determine at that point in time whether those people are fit and proper to uphold this very important operation.

This is about alcohol, licensed premises and all the different types of people who come and go to licensed premises. The member for Gladstone made reference to young children in the care of a parent, relative or friend at licensed premises. These people have a responsibility for the due care and protection of those children so that they do not venture into areas which are out of bounds at the licensed premises such as the public bar or where gambling is conducted. As each and every one of us in this House knows, from time to time undesirable people frequent licensed premises. As the member for Gladstone rightly said earlier, our children are very vulnerable and if their movements are not closely scrutinised and monitored we could find ourselves in a situation that could become very severe indeed. Therefore, this is a great move. Some patrons of licensed premises are of an unknown quality, and this is another reason for making certain that the disciplinary action I mentioned earlier is fully upheld by the department's officers.

Earlier in the debate the shadow minister, the member for Maroochydore, raised the issue of ensuring that there is an adequate number of licensing inspectors so that the surveillance and the upholding of the law by licensees is carried out in full light of the law. The minister might elaborate on this issue when she sums up the debate, but the real issue here is the training methodology. In terms of rural and remote areas of the state, will prospective licensees acquiring a licence have to go to designated centres for that training or do they have to attend courses in the larger centres? Will those inspectors go to those centres, or what will the situation be? I would ask the minister to elaborate on that when she sums up the debate. The member for Pumicestone mentioned the geographic dislocation of the state of Queensland, and the minister is well aware of that. I would be very pleased if she would give us those details in her summary.

In recent times the Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy has introduced legislation into this chamber trying to control the out-of-hand binge drinking and irresponsible drinking in Aboriginal communities. Much of that legislation has gone a long way towards making that work and getting responsibility into those communities. That is an issue in not only those Aboriginal and Torres Strait Islander communities but also every community around the state, because there are people out there who cannot control themselves after a fair old go on the turps. As a result, we see domestic violence or some other behavioural problems. Whilst we are trying to help our Aboriginal brothers and sisters embark on a better life path by creating a better environment in those communities, we also have to be responsible in other communities around this state, not just in those indigenous communities.

This issue is the responsibility of all of us. At the same time, this legislation will go a long way towards ensuring that the surveillance of licensed premises and the laws and regulations placed on licensees to uphold the licence applicable to their premises will make these premises a lot better. However, I do have concerns about young children who are around licensed premises and who are in the custody of their parents, a relative or a friend. We have to ensure that they are under the surveillance of their loved ones so that they do not become prey to some undesirables who could be hovering around those premises at whatever hour of the day or night. We all have to be observant of that issue. This legislation is going to create an environment in which we have more defined responsibilities in the licensing of premises and the people who hold those licences.

Mr REEVES (Mansfield—ALP) (3.45 p.m.): It gives me great pleasure to rise in support of the Liquor Amendment Bill 2003. The proposed licensee's course will be approximately two days in length. Training will encompass the liquor laws in Queensland, best practices, risk management and harm minimisation. While private providers may set their own fees to recover costs, particularly travel costs, the two-day training provided by the Liquor Licensing Division will be approximately $300 to $400. Consultation with industry has revealed an overwhelming preference for face-to-face delivery rather than online methods. Continuing industry support for the scheme is predicated on this delivery method given the poor literacy rates within the industry and the reluctance to use technology for such an in-depth course.

Completion of the course will not only enhance the knowledge of new licensees and nominees; it will also provide the opportunities for networking with other local operators to discuss local area problems and consider strategies that may be put in place to address problems. New licensees will be alerted to issues and given practical measures that they and their colleagues can implement. The course will also provide the opportunity to review the measures taken in other communities and examine successes and failures and the issues affecting both. Participants will receive resource materials from the course and where to obtain further information and assistance. The course will only apply to people who lodge their applications with the Liquor Licensing Division after 1 January 2004.

Two types of trainers may be approved under the act—that is, a private trainer or an officer of the Liquor Licensing Division. Private trainers may apply to the chief executive for approval to deliver the course. They will have to demonstrate their knowledge of the Liquor Act and regulations and also their experience in the liquor industry. It is essential that in approving trainers the Liquor Licensing Division ensures that they have credibility amongst their peers. Therefore, if the trainer has held a liquor licence in the past, their previous behaviour and conduct will be examined to assist in determining their suitability.

Private trainers may be approved for a period of up to three years. They may apply for renewal of their approval prior to its expiration. The chief executive for Liquor Licensing will also be able to cancel an approval if the trainer obtained the approval using false documentation, if he or she is not conducting the course in an appropriate way or if the trainer no longer has the expertise to conduct the course. The Liquor Licensing Division will closely monitor the delivery and contents of the course to ensure that it continually meets the standards specified in agreements with trainers and that trainers continue to improve and refresh their knowledge.

I applaud the minister and the department for bringing this legislation to the House. The liquor industry is a huge industry. In the last couple of years in my electorate alone the liquor industry has grown greatly. Taking Garden City Shopping Centre as an example, since I was elected, Dicey Reilly's Irish Bar and Restaurant has opened up there. Anyone who has been there will say that it has become the entertainment hub of the south side with John Dodrill managing the whole Dicey Reilly company with Mitch Dodrill, his father, being one of the major shareholders. Last Friday it opened its new Gecko Bar, which is diagonally opposite Dicey Reilly's in the town square at Garden City. In fact, the minister is going there in early November to officially open the Gecko Bar. This makes Garden City, the location of the South East Busway station, the entertainment capital of the south side.

It is great that young people—and some older people as well—do not have to go into the city for the sorts of facilities and entertainment on offer at Dicey Reilly's and the Gecko Bar. One of the major problems in the city, particularly early in the mornings, is the long waits for taxis. Obviously, that is not a problem in suburbia, for example, with taxis coming and going from Garden City to Wishart and other southern suburbs. There are not long queues at taxi ranks of people who have had to leave establishments after 2 a.m. Dicey Reilly's closes at 2 o'clock and my understanding is that the Gecko Bar has a licence until 4 a.m. However, there will be no entry after 1 a.m. Liquor Licensing's decision was good, because it means that not everyone will be

leaving at the same time and, for example, travelling from one establishment to another. This provides for a smoother operation.

I endorse the comments by the member for Cleveland in relation to family run establishments such as the McGuire hotels. The McGuires run great pubs such as the Colmslie, Calamvale and Paddington hotels. The Colmslie is such a great hotel that I chose it as the venue for our wedding reception. Also, for years the Fitzgibbons have run the great Glen Hotel, which has recently been improved through the addition of a deck. That hotel is now in the electorate of the Minister for Natural Resources. Unfortunately, I was unable to attend its opening last night because I have a head cold. I am sure it would have been a great event at another of the Fitzgibbon's great hotels. I refer also to a couple of other great hotels—the Newnham Hotel and the Mansfield Hotel—within the electorate of Mansfield.

Clubs also play a vital role in the liquor industry. On Saturday, along with the member for Springwood, I attended the Queensland Lions Soccer Club race day at Doomben. The Queensland Lions Soccer Club runs the Southern Cross Sports Club and also Club Rochedale, at both corners of my electorate. Importantly, they look after the community. The Southern Cross Sports Club is a major sponsor of the Southside Careers Expo to be held on Thursday, as is Group Training Australia Brisbane. They are only too willing to put money back into the community through community events. Events such as the Junior Sports Expo have been held at the Southern Cross Sports Club. It also supports the Mount Gravatt Aussie Rules team, which unfortunately lost the grand final to Pat Purcell's Morningside Australian Rules Football Club recently. The Southern Cross Sports Club also supports the Mount Gravatt Soccer Club. It is extremely well managed by Michael Cochrane, who is an excellent hands-on manager. He is not a bad part-time entertainer, either, when he is enjoying the more social aspects of his job.

Other clubs in my electorate include the Southside Sports and Community Club, which is run in connection with Southside Bingo and is operated by a number of bodies—the Mansfield State School P&C, the Mansfield High School P&C, Sunnybank Rugby and the YMCA, just to name a few. It runs a great club. Importantly, all of the money goes back into the community—into the schools, sporting and community groups that it supports.

East Mount Gravatt Junior Rugby League Club is a small club that does a great job. Over the past few years, it has worked very hard. Earlier this year, it finally became debt free. For a small junior Rugby League club run by volunteers, that is a great achievement. I have mentioned Club Rochedale, which has been managed by the Queensland Lions Soccer Club. Club Rochedale is the home of the Rochedale Rovers Soccer Club. I will have the pleasure of sponsoring an upcoming bowls day at the Mount Gravatt Bowls Club. It runs an excellent club. It recently received a grant to install an indoor covered green, which will be revolutionary for bowls in Brisbane. I think the next closest one might be in Hervey Bay. It will revolutionise bowling, particularly on the south side of Brisbane.

Mr Reynolds interjected.

Mr REEVES: Townsville is a bit far away for people from Brisbane to travel to on a regular basis. One club in the electorate of the member for Woodridge is the Logan Diggers Services Club. I wish to commend it for its scholarship awards. The member for Woodridge was on the selection committee. That was an initiative of Joe Kelly, the marketing manager, who is an excellent manager and does a great job.

An honourable member: Don't forget to mention Pam.

Mr REEVES: I will not forget to mention Pam Sheldon, who is an excellent manager. I have known Pam for a number of years, even prior to my coming into this place. She runs a great operation. They are willing to put their money back into the community. The scholarship scheme is unique for Queensland.

Mr Mickel: She is a good lady.

Dr Watson: I know her well, too.

Mr REEVES: The member for Moggill knows her well from his white paper days.

Mr Mickel: He was the federal member.

Mr REEVES: Not that I agreed with him. I had the pleasure of attending that ceremony. I wish to acknowledge the dedication of Joe Kelly, the marketing manager. The presentation was held at 6 p.m. He flew down to the Rugby League grand final, which his side won, and got back an hour and a half before the ceremony. He got changed straight after the football game and came back to present the trophies. He then went back to celebrating. Importantly, they are willing to put money back into the community.

I congratulate the minister on another great piece of legislation. The minister is the consumer's friend. This legislation will help the consumers who use these facilities. I commend the bill to the House.

Ms MALE (Glass House—ALP) (3.57 p.m.): I rise in support of the bill because it is commonsense, balanced legislation. This legislation will improve professionalism within the liquor industry and service delivery for hotel patrons. Recent surveys in the hospitality industry, including hotels, have highlighted problems, and this is also true for the industry on the Sunshine Coast. Anything that improves management within this industry will be welcomed by the public. I believe the legislation will deliver on this particular aspect.

I am sure there are many MPs who have horror stories that have been passed on to them by their constituents about poor service at licensed premises. The issue of the responsibility of licensees who provide alcohol at licensed premises to patrons who are underage or who have already had too much to drink is one that many of my constituents have spoken to me about. When a licence application became available in Caboolture for a new hotel, one of the few issues to have galvanised the community was the problems people faced when drunken patrons leave hotels early in the morning and create havoc in residential streets, at railway stations, businesses and so on. Some of those problems stem back to the irresponsible serving of alcohol to patrons. Mandatory training can only be a good thing for our constituents.

Whether we are talking about our local watering hole, a boutique establishment servicing the tourist industry, or the hotel down the street, ensuring that our licensees and nominees are fully trained is vital. They will need to know all of the relevant laws and have training in risk management and harm minimisation. Certainly, the information they obtain will be passed on to the people who work for them to make sure that processes are in place throughout the organisation to ensure that the Liquor Act is upheld and that their responsibilities to themselves, their staff, their patrons and the wider community are upheld.

We all have very responsible licensed premises in our electorate. I attended the Glass House Country Business Awards on Saturday night and was pleased to see that both the Beerwah and the Landsborough hotels were prominently represented throughout and received a lot of good feedback from the people of the area.

The Beerwah RSL is a prime example of a fantastic licensed premises which supports the community through various sponsorship which provides a quality family place to attend but also is very much involved in the education and employment opportunities for young people in the area. It has always been supportive of the high school students in terms of dealing with the catering students as well as traineeships and apprenticeships. We have responsible hotels and liquor outlets. This legislation is not particularly aimed at them because they are already doing the good work. It is to ensure that everyone reaches the same standards that they are already setting.

As we talk about education prospects, I think we should also make a note of the fact that the Labor government has ensured there has been an education process for the patrons of clubs when we are talking about watching out for drink spiking. We have also been very much involved in preventing drink-driving and educating people about how much is a standard drink, how much should they be having to drink and also looking after their mates to ensure that they do not drive home. We have been applying those education standards throughout the community already. This is just another aspect of that particular area to ensure that anyone who is out there enjoying the restaurant trade or the hotels can do so safely and can get home safely as well. This legislation, as I said, is aimed at ensuring that all licensees know their responsibilities. My constituents feel that this is certainly going to be good value for them as well.

The legislation is also balanced because it allows a window of 12 months for licensees to complete the training course. As a government we realise that we have many remote and rural areas in which people can have more difficulty in accessing particular courses that they need to undertake so that they can comply with this particular legislation. So we have allowed that 12-month window of opportunity. I think that will give everyone the opportunity to access the course. The member for Pumicestone certainly covered all those aspects in her speech earlier this afternoon.

When I was reading through the explanatory notes, I was pleased to see the high level of consultation with relevant stakeholders and to see that their viewpoints were very well considered. We have certainly received their support for the amendments that we are debating today. This legislation will improve the standards within the liquor and hospitality industries and deserves the full support of the House. I commend the bill to the House.

Mrs PRATT (Nanango—Ind) (4.02 p.m.): I rise to speak to the Liquor Amendment Bill 2003, which requires new licensees and nominees to provide evidence of attending a licensee's course as part of their liquor licence application process, to introduce a course for the approval of trainers to deliver the licensee course and to clarify that areas under a special facility licence may be subleased by the licensee to another person.

In doing so, I recognise the reasons behind this bill in that poor practices in the past have seriously impacted upon communities in a very adverse manner through the many flow-on effects that liquor has on law and order, businesses, families and welfare services in their community. Although the majority of licensees are very responsible people, there can never be any dispute that some licensees put the sale of liquor far above the importance of the welfare of the individual, their family or the community. Such behaviour can only be described as irresponsible trading and needs curtailing.

Although I have always been an advocate and always will continue to push for people as individuals to take responsibility for their actions, it has been proven time and time again that some people when confronted with alcohol are not capable of self-control and do not have the willpower to stop consumption when most other people in the community recognise the signals and can and do stop. The very consumption of alcohol inhibits recognition of these triggers or removes any element of caring. Therefore, it is necessary in these times to have some outside control.

For people so afflicted it is not until the next day when the wallet is empty and the bills need to be paid but there are no funds to meet those bills; mum or dad is in despair because the power, phone or other services are about to be cut off; and the kids are reduced to eating bread and Vegemite three times a day that they even think about their actions. It is only then that they feel enormous remorse and make the endless promises which are inevitably broken as they repeat the same action time after time. It is at this time that responsible licensees need to be able to assess the situation and step in to act responsibly. They need to feel that they have the necessary and relevant training to confidently assess when they should actually step in.

Social consumption of alcohol always has and always will have the greatest impact on our society. The greatest impact of course is upon the families of those who consume the alcohol who are unable to control that consumption to a reasonable and acceptable level as dictated by the community. One of the greatest impacts is on our health system, whether it be mental or physical. There exists a greater problem when it comes to dual diagnosis. It is almost impossible to access beds for people suffering from this condition. If they front up to a drug and alcohol rehabilitation facility to obtain treatment they are told to go to a mental health facility. When they go to the mental health facility they are told to go to the alcohol and drug facility because they have an alcohol and drug problem. Each of these conditions feeds off the other and these people end up on a treadmill going in and out of the public health system. That needs to be addressed.

Alcohol is well known for its mind altering capabilities and cases are continually reported of the placid person being transformed into a brutal or insensitive oath. I know of a very controlled, hardworking, highly respected businessman who drinks very, very rarely. But after two stubbies he is literally anybody's—all inhibitions, all self-control goes out the window and all women quickly do up their top button as he becomes an octopus much to his own and everyone else's embarrassment. Others become very violent and many a crime is performed under the influence of this and other substances.

Recently violence erupted in an establishment at home where an innocent victim stepped in to break up a fight. One of the aggressors in the fight picked up a pool cue and, with one mighty blow, struck him across the head, moving his cranium about a quarter of an inch. He was then airlifted to hospital in Brisbane. He remained in hospital for several weeks in a critical condition, no-one knowing whether or not he would live or die. It is now months and months later and he is still learning to walk and talk again—all because of one alcohol-induced violent attack by one individual who had no ability to judge whether or not he had had enough.

Unfortunately, there are some adults who are so irresponsible that they are prepared to buy liquor and supply it to underage drinkers. Many licensees are responsible and require proof of age in the form of an identity pass, but no matter how vigilant a licensee may be, fake ID cards and many times the way young people dress is often no help when they try to curtail underage drinking. The accident statistics stand as testimony to the ever increasing problem of underage drinking. Many liquor licensees in my area are trying to stagger closing hours so that all drinkers

do not land on the street at the same time and this has had some measure of success in limiting conflict.

With regards to this particular issue, I believe that licensee training is essential. But, more importantly, the obligation of the licensee to act must be supported so that they cannot be accused of unduly pressuring clientele to not drink when refusing service—if it gets to that point—is the only thing they can do.

On the other side of the coin, however, there will be many who will cry that this is an infringement on a person's individual freedoms. Unfortunately, this individual's freedom infringes on the right of many others to live a comfortable existence and their freedoms. Knowing that the roof over their head is secured, that services are connected and maintained and that food is on the table regularly is everybody's right. When the person does not have the self-control to ensure all this—providing the basic necessities of life—then accredited licensees must be worth more than just a consideration.

I believe that there should also be a time when families confronted with this repetitive behaviour should be able to apply to have the essential service accounts, including food, legally taken from pay packets before it is accessed by the member of the family who is, in fact, abusing alcohol or drugs. This would alleviate a certain amount of demand on community welfare bodies which are constantly called upon by families subjected to a member's squandering of limited funds not only on alcohol but in other avenues as well.

This particular industry is not one which aspires to reach the highest levels at all times, although there are many in the communities who would like to. Unfortunately, those who do try often find that they are reduced to the lowest common denominator. As one licensee lowers his standards, so do others in order to be able to claw in their percentage of the market.

Although this bill is specifically targeting clubs and other licensed premises' licensees, what occurs in the event that a local service club, such as the Lions, Apex et cetera, seeks to hold a licensed function such as a rodeo or ball? Do they have to undertake that their nominated person undertake this course as well?

I personally do not believe there will be many who object to this training being undertaken, but this training must be affordable and easily obtainable. I ask the minister: where was it envisaged that these courses would be undertaken? Has she given consideration to these courses being held in rural and remote areas? Often the necessity of travel and accommodation can be a deterrent for many who would undertake such courses and who in fact would actually embrace them. I believe that this bill will be of benefit to drinkers and non-drinkers throughout the entire community. Therefore, I commend the bill to the House.

Mr CUMMINS (Kawana—ALP) (4.10 p.m.): I rise to speak to the Liquor Amendment Bill 2003. I acknowledge that the liquor industry does support this training initiative. This is very much a positive. Liquor industry associations raised the issue of training for liquor licensees in March 2001 and requested that our government consider the development of a mandatory course. The proposal highlighted industry concerns with uninformed and irresponsible operators whose business practices negatively impact upon other licensees and the community. It was suggested that mandatory training was necessary for the responsible development of the industry.

Industry associations have provided further assistance to the department in terms of course development, providing representatives for working groups and identifying other licensees with appropriate expertise to assist. Some industry associations may eventually seek approval for an association trainer to deliver the course and will no doubt link the licensees course to other courses they provide for a complete package and to encourage association membership. It is considered that the course will also be promoted within the industry as necessary for career development and therefore participants will include people other than prospective licensees and nominees.

Many people realise that there are some fine family owned and run licensed hotels right across Queensland. My family has for many generations been proud to call the Flannerys of Ipswich both close friends and relatives. Norma, I am proud to say, is my godmother. This Saturday night she will celebrate with Dennis 50 years of marriage. My mum and dad will join them on this special occasion but, sadly, another electorate commitment prohibits me from travelling to Ipswich. Norma and Dennis have run one such fine establishment in the very well-known Ulster Hotel in Ipswich. Prior to the Flannerys running it, Dan Dempsey, Norma's father, ran the pub for many years.

I am encouraged by the positive attitude of many licensees who take a proactive approach to the responsibilities within our community. Harry Reed, Margaret Reed and Ken Reed of the Sunshine Coast are about to construct a hotel in my electorate—in fact, in my neighbourhood at Chancellor Park. I have no doubt that licensee Ashley Robinson, a former publican of both Mooloolaba and Kawana pubs, will do a fine job of ensuring that the families are well catered for.

In the past I have raised issues with the minister relating to obtaining licences for community groups who work at raising funds, sometimes by facilitating events at which alcohol is sold and consumed. One such group that has raised concerns with me is the Sunshine Coast Health Services Foundation. This is a positive, community-minded, big-hearted group. Mike Kelly, a leading Sunshine Coast businessman, is chairman of the Sunshine Coast Health Services Foundation. He has worked tirelessly and hard along with manager Lisa Rowe, and their work has been supported by Dr William Rodgers OBE, OA; Cathy Johnson; Graham Colley OAM; Ian McDonald from Noosa Heads; and Caroline Hutchinson, a talented writer and the most positive and proactive breakfast announcer, I believe, currently in the media today. Caroline Hutchinson and Peter Lange on 92.7 Mix FM are always the greatest way to start the day, instead of listening to or reading about so much negativity in our society. I am happy to say that I start my day in the very positive way of listening to Peter and Caroline.

Ms Male: As do I. They are excellent breakfast announcers—always positive.

Mr CUMMINS: Hear, hear. This group on the Sunshine Coast is a very positive group. Natasha Reid is also part of the board. Natasha works as a human resources specialist and is now working with the well-respected Juniper Development Group. The group also consists of Mark Tolley, from Down to Business; John Miller; Greg Veigh; Martin Jarman, who is the district manager of Nambour Hospital; Noel Werrim; and Peter Connelly.

On behalf of the people I represent on the Sunshine Coast I commend the Sunshine Coast Health Services Foundation and say well done. The Sunshine Coast is a far better place for the efforts that people like you put in. I hope that you never allow negative criticism to stop what you know in your heart is right—working for the people within our society, within our great community on the Sunshine Coast. Tonight I say 'bon appetit' as they join Queensland Health Minister Wendy Edmond and me for dinner. May God bless them. I commend the bill to the House.

Mr COPELAND (Cunningham—NPA) (4.15 p.m.): I rise to participate in the debate on the Liquor Amendment Bill 2003. The objectives of this bill are to require new licensees and nominees to provide evidence of having attended a licensees course as part of their liquor application process, to introduce a scheme for the approval of trainers to deliver the licensees course and to clarify that areas under a special facility licence may be subleased by the licensee to another person.

I thought this might be an opportune time to raise in this House an issue that was brought to me very recently by a constituent. I have written to the minister about it, but she may not have received that correspondence yet. I know that she will attend to it when it arrives. Nonetheless, I thought this debate provided an appropriate opportunity for me to discuss the matter that this particular constituent raised with me, given that this is legislation regarding liquor licensing.

The constituent came to see me because he is actually in the process of trying to establish a new small business. It is a new small business that would hold some attraction, I would suspect, to members of the community. It is a proposal for a business to be owned in Queensland by Queenslanders. It includes a request to be considered as a suitable business to hold a limited liquor licence. I will not actually name either the person who is proposing this business or a competitor who is going to set up in Queensland, because I want to establish the situation and establish the potential loophole that exists in the liquor licensing legislation.

The operator has for many years been involved in the hospitality industry as a hotel licensee, a manager and also the holder of a limited licence to allow the provision of alcohol as an added service to a function catering business that he and his wife operated. Over the past few years he has thought more and more about this idea and now is moving quickly to establish a business. It is his intention to set up pilot businesses that, once established and hopefully operating successfully, he may be able to franchise. The urgency for this proposal to be pursued arises from the recent introduction into Queensland from Victoria of a very similar beverage catering franchise.

The business itself would be for the professional supply of bar and beverage equipment and services for parties and functions. The proponent states that the primary purpose is to hire all of the equipment and services necessary to provide a full or partial bar service to party and function

guests. Mr Deputy Speaker, that means that if you or I wanted to run a party at home and we did not want the hassle of setting up a bar or worrying about the alcohol, he would come along with a fully functional bar—in a van, with a marquee—serve the alcohol and provide the full service so that there would be one less thing to worry about. As I said, I think that would hold some attraction for people. The request he puts is—

Would this qualify as business that would complement a Limited Liquor License?

The operator ... wishes to offer the added service of purchasing the alcohol on behalf of the organizer and believes a Limited Liquor License would permit this service.

As the primary purpose of the business is the hire of the marquee, mobile bar, equipment and service staff, the purchase of liquor for the organizer is secondary to the main purpose, therefore, it would be considered that a Limited Liquor License would fit within the guidelines of the Department?

As I said, the urgency for this request is the fact that there is an interstate operator running a very similar business now selling franchises in Queensland, so that people can operate under his banner here in Queensland. Part of the material that particular business sends out to potential franchisees states—

Through my past experience as a hotelier, and with a strong background in event management, I recognised that there was an increasing demand for a business whose primary purpose was the professional supply of alcoholic beverages; to any location and at any time.

This particular constituent of mine has been in contact with the Liquor Licensing Division and has received some correspondence stating—

The Division has examined your submission and considers the primary purpose of your business as the sale/supply of liquor. There is no provision under the Queensland Liquor Act 1992 that allows for liquor catering as the main focus of a business.

I note your comments that you consider the primary purpose of the business to be the hire of the marquee, mobile bar, equipment and service staff and that with this primary purpose, a limited licence may be appropriate. The primary purpose of a limited licence is the provision of an activity, matter or service to which the sale of liquor is a subsidiary aspect.

The sale/supply of liquor in this instance is a major part of the services being provided and whilst it may be argued that it is not the primary purpose of your business, it is not considered to be a subsidiary aspect.

I also note the information provided in relation to the business ...

And I will delete the name of that business—

Please note that this business is not licensed under the Queensland legislation and is authorised to sell/supply liquor under another State's Act.

That is where my concern lies. I have no problem at all with an interstate business coming into Queensland and establishing itself. As I said, I think this particular type of business does have some attraction, and I am sure people organising events, functions or private parties would be more than happy to take advantage of it. However, I do have a concern that an interstate operator can establish a business in Queensland but a Queenslander wanting to establish a very similar business is not able to obtain a licence under our Liquor Act, and therein lies the problem.

I would urge the minister to look at this loophole. I suspect it is one that has not been foreseen until it has been tested. With this particular person wanting to go into the business, it has now arisen. I hope the minister will look at this issue. As I said, I have put it in writing to her. I am aware that she has not yet received that correspondence, but I am sure it will soon be placed on the minister's desk. As I said, there is a demand for this particular business in Victoria, and that is why the operator wants to expand and expand into Queensland. I have no problem at all with that. We are talking about responsible people serving alcohol, responsible people becoming licensees and the training of those licensees to ensure that the people doing the job are doing it properly. This sort of business will assist in that aim.

Hopefully, we can look at this particular case and let someone who is a Queenslander wanting to establish and run a business here in Queensland be given the opportunity to do so, especially when we are letting someone from interstate come in and do exactly the same thing. I thought it was an opportune moment to raise this issue. I know the minister will look at the circumstances surrounding this particular case and I am sure the minister will get back to me in due course.

Mr LEE (Indooroopilly—ALP) (4.22 p.m.): I rise to put on record my support for the Liquor Amendment Bill 2003. This is a bill which will require new licensees and nominees to provide evidence of having attended a licensee's course as part of their liquor application process. This bill will introduce a scheme for the approval of trainers to deliver these licensee courses and will also clarify that areas under a special facility licence may be subleased by the licensee to another

person. The need for this bill has emerged as a result of concerns within the industry and also within the government that compliance issues and local disturbances stem from poorly trained licensees and nominees, and I am delighted to be able to support this bill today. I think it will go a good way towards solving some of the problems in that area.

I would be remiss in speaking to this bill today if I did not mention that the suburb of Indooroopilly has not been immune from its own problems associated with public drunkenness. I have spoken of Station Road in the parliament on a number of previous occasions. There are often problems with people drinking too much and carrying on like buffoons along Station Road, knocking over wheelie bins and generally getting up to mischief.

I am pleased to report that the two local pubs in that area—the Indooroopilly Hotel and the Pig 'n' Whistle—have cooperatively worked on a process of security street patrols. I understand they are working cooperatively with the local police. The idea of the patrols is simply to be able to identify people who might be getting up to mischief and to make sure that they do not get back into the pub so they will not be able to drink any more and carry on. I am pleased that the city council has come to the party too, changing the bin collection night along Station Road so there are not any bins for people to knock over. I have circulated problem forms that people can fill in and send off to Liquor Licensing and to the police every time that there is an individual incident that they feel affects them, and I understand that local businesses are doing similar things.

Recently a group of local business people formed themselves into the Station Road business watch, which meets regularly. I think at this stage it is meeting once every month, and they are looking at developing a process whereby people keep an eye on their own businesses and other people's businesses. I think in the future they will be quick to jump on issues of local graffiti. They are also playing a role this week in Crime Prevention Week.

I would like to mention some changes that have occurred in Indooroopilly. Recently the Indooroopilly Hotel underwent a major refurbishment. Some people in the House who may have studied at the University of Queensland will be able to remember the days when it was not uncommon for people to be barefoot in the Indooroopilly Hotel. I can see a couple of members having a chuckle. It was not unusual for the proprietor to dim the lights or switch them off to save on electricity. That is something that he used to do quite regularly. The new proprietor, John Radovich, is not quite the same, and he has invested quite an amount of money into the Indooroopilly Hotel. I think for the first time the hotel is making use of the Indooroopilly Railway Station and it has built a deck overlooking the Indooroopilly Railway Station appropriately named Platform 1, which was opened officially last week.

I think it is a wonderful tribute which the pub has paid to the railway station. This is a railway station that will benefit from the state government's after dark program with increased security after dark. It was announced late last week that it will also benefit from significant funding to provide disability access to that railway station for the very first time. I know a lot of local business owners and, in particular, some hoteliers would be pleased as well to see a park 'n' ride facility at Indooroopilly Railway Station. I know commuters often face parking problems on the street.

The only available land in that area happens to belong to the federal government. It is a block of army land right next to the station. I will be writing to the federal member for Ryan, Mr Michael Johnson, encouraging him to provide that land to the state government so we can provide a park 'n' ride without the need for anyone's home to be resumed. It would be terrible when there is vacant land in that area to have people suggesting that homes should be resumed to provide a park 'n' ride facility.

In conclusion, I would like to acknowledge that the Pig 'n' Whistle in my electorate sponsors the local Taringa Rovers Soccer Club, of which I am patron. The soccer club at Taringa last year was a premier league finalist. It did not do quite so well this year but it did very well nonetheless. It has a very strong premier league club, an exceptionally strong junior club, and a number of weeks ago I attended the trophy day at the junior club and there were literally hundreds of people there.

I would like to conclude by congratulating the club executive of Taringa Rovers and all the club sponsors. The club executive does a wonderful job. Rob Kirby is president, Gary Banks is vice president, Allan Eddy is secretary and Neil Brown is Treasurer. The junior representatives in the committee are Darren Browne and David Mitchell, and the other committee representatives are Katy Charlton, Mark Jones and Greg Tucker. They are also very pleased when a local business provides some financial support for them. With those words, I am delighted to support this bill.

Hon. J. FOURAS (Ashgrove—ALP) (4.28 p.m.): All previous speakers who have taken part in the debate on the Liquor Amendment Bill have spoken in support of the bill and have addressed and canvassed in depth the training issues. I do not intend to repeat that. The purpose of my taking part in this debate is to address the phenomenon of binge drinking by those in their early teens. I had a mother who came to see me in tears about her 14-year-old daughter who had been sneaking out of her bedroom window for a long time. She found out about it only when the police found her in a nearby park half-dressed and drunk. The mother was very distressed about that. She felt helpless in knowing how to deal with this particular problem.

I think it is a dilemma for parents now. Prohibition is certainly not on the agenda because most parents—like myself, I guess—enjoy a beer or a glass of wine. So it would be quite hypocritical for them to be talking about prohibition. A lot of schools that are aware of this issue are attempting an educational program, but it appears that peer pressure is just too strong to overcome. It appears the problem is that spirits are being marketed in soft drinks, and I think young people drink an enormous amount of alcohol and do not really know it.

Where are they getting this from? This legislation attempts to make sure that the licensees understand that they should not be getting it from licensed premises. They are getting it from older friends possibly and maybe from their homes, but most of these canned spirits are not available in many homes.

There are very serious problems with regard to binge drinking by early teens. On a survey I saw some 20 per cent of young girls involved in binge drinking end up partaking in unwanted sex. Many young people become addicted to alcohol and the schooling suffers. It is a very serious social problem.

We find cigarettes a difficult social problem and we have really taxed them to make it difficult for young people to smoke a lot of cigarettes. I think we should tax prohibitively these cans of bourbon and coke, and vodka and orange that they are buying. I think we should increase the taxes by 300 per cent or 400 per cent. That is one of the answers because I do not see many others with regard to this. The answer is to make it very difficult for them to drink 10 cans of bourbon and coke and become paralytic. It is important that the licensees understand their responsibility in curbing the sale of these drinks through licensed outlets. It is important that is understood. A problem such as this is ravaging . It is a serious problem.

Members from all sides understand the need to mandate the training of licensees and nominees in Queensland. I noted that the member for Maroochydore in her speech suggested that it should be mandatory for all—

Miss Simpson: I didn't say that.

Mr FOURAS: You didn't say that?

Miss Simpson: No, I said they should have access to training.

Mr FOURAS: That is fine. I can agree with that. Providing access to training is fair enough. I think there are many staff members who would benefit from training, and management has a responsibility to provide that training. This is such a serious problem that I believe it ought to be taken up with federal members. I think we ought to put a very large tax on this. It is not good enough to wash our hands of it and continue to let these young people get very reasonably priced soft drinks, which is what they think they are drinking, that have heavy levels of alcohol. It is having horrific social costs. I am seriously concerned about the issue of binge drinking by early teens. I commend the minister for bringing this legislation before the House.

Mrs ATTWOOD (Mount Ommaney—ALP) (4.32 p.m.): The need for the compulsory training of liquor licensees has emerged from concerns with the liquor and hospitality industry and government sectors that compliance issues and local disturbances stem from poorly trained licensees and liquor licence nominees. Lack of knowledge regarding license compliance issues appears to be the nub of the problem. This lack of knowledge has resulted in management practises which, in many cases, have a direct adverse impact on the immediate and surrounding community.

This bill will require new licensees and nominees to provide evidence of having attended a licensees course as part of their liquor application process, introduce a scheme for the approval of trainers to deliver the licensees course and clarify that areas under a special facility licence may be subleased by the licensee to another person. The flow-on effect of poor management practises often compels other licensees to drop their standards down to the same level to compete and exacerbates the already high incidence of business closures across the industry.

It is considered that a mandatory training system for prospective licensees will provide the capacity within the industry to improve business practises and reduce local area disturbances. A recent decision of the Supreme Court of Queensland has raised questions regarding the validity of subleases for special facility licences. The bill includes an amendment relating to these facility licences. The proposed amendment seeks to confirm that subleasing arrangements may be approved for this category of licence.

Industry bodies including Clubs Queensland, Queensland Cabarets Association, Queensland Hotels Association, Restaurant and Catering Queensland and local authorities through the Local Government Association of Queensland have been consulted and are generally supportive of these proposals. Any expenditure associated with the implementation of these legislative amendments will be met through existing departmental budget allocations and should not impose a financial burden on licensees. Fees will naturally be charged for course delivery and materials where officers of the department will be involved in delivery. I commend the bill to the House.

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (4.34 p.m.), in reply: I would like to thank all members who participated in the debate. Before I address specific issues I would like to sum up the main points and objectives of this bill. The main objective of the legislation is to improve responsible serving practises to enhance the image and the professionalism of the industry as a whole and the operation of licensed premises within accepted community standards.

The new legislation will apply to applicants for a new liquor licence, transfer of licence or change of nominee lodged with the Liquor Licensing Division after 1 January 2004. Training courses currently under development and training opportunities will be provided at several locations across the state prior to the go-live date to ease the passage of the new laws. Certain exemptions from undertaking the course will be available for small businesses—for example, florists or gift basket businesses that sell single bottles of liquor. Extensions of time to complete the course may be granted if it is demonstrated that course access is a problem. A period of time of up to 12 months may be approved. This new scheme has been prompted by industry for industry. A partnership has been undertaken between the industry and the Liquor Licensing Division with the development of the course to ensure that it will be relevant for the great variety of businesses licensed under the Queensland Liquor Act.

The member for Maroochydore raised some issues relating to facilities for public drunkenness. She acknowledged that a number of the support services are a matter for my colleague the Minister for Health. Officers of my department focus on educating licensees on their responsibility not to sell liquor to intoxicated patrons and then conduct compliance investigations to ensure this does not occur.

The proposed training course will impress on licensees their responsibilities and the important role they play in minimising harm from alcohol abuse and misuse. The training course is anticipated to attract around 1,600 participants per annum. The number of potential trainers who may apply for approval is estimated at around eight statewide. This number may fluctuate from time to time. It is not envisaged that this course would form a full-time business for trainers. The cost of developing the course is approximately $200,000, which is being met within the current budget allocation for my department. I do not have on hand the ratio of venue numbers to Liquor Licensing staff but I can provide that to the member for Maroochydore.

I would point out that, contrary to this course placing a further burden on regional resources, it is anticipated that the course will allow regional officers to focus on their core duties rather than assisting in educating licensees. The course will also encourage new licensees to get involved in local community consultative groups and work in partnership with other licensees and agencies to resolve problems.

The member for Gladstone made some comments about adult entertainment and the potential for the associated consumption of liquor to allow activities to degenerate to an unacceptable level. In September I introduced new responsible hospitality regulations. One of the specified unacceptable practises is encouraging the rapid and excessive consumption of liquor while not monitoring and supervising patron and entertainer contact or behaviour. If the licensee creates an unsafe environment, action may be taken. That was the binge drinking.

I have been advised that an application has been processed for an adult entertainment permit for the Port Curtis Hotel. The application was received by the division on 13 June this year. The hotel is in Yarroon Street, Gladstone, and it has a general licence. Advertising signs were put up and notices were placed. There were some objections. There was an objections conference

held on 3 September. There was a number of issues raised but the application was approved by the chief executive on 30 September after a careful consideration of all the factors in the application, including the concerns of objectors.

The member for Gladstone and the member for Gregory raised the issue of additional costs for rural business operators. The licensees training course will be an additional expense for prospective licensees and nominees. While the estimated 1,600 potential training participants per year is expected to drop after the first few years, access and cost were primary concerns in developing this course and the legislation. Early consultation with the industry canvassed views on delivery methods, including online delivery via the Internet. Overwhelmingly, of course, face-to-face delivery was demanded and this comes at a higher cost. Operators indicated their preference for classroom style sessions where they have a chance to interact and share information. Additionally, low literacy rates throughout the industry are a significant deterrent to reading based study.

It is recognised that private training providers will not deliver courses in areas where lower attendances may be expected such as rural or more remote districts as they may not cover their costs. That is why an officer of the Liquor Licensing Division is also proposed for appointment as a trainer for the course. In this way, the course may be advertised for specific locations, an issue the member for Gregory raised, at set times throughout the year to ensure broader coverage and reduce costs for business operators. In other words, there will be an officer of the Liquor Licensing Division who will go out there and make it easier for those places where there are no training providers. Also, the bill proposes to enable the chief executive for Liquor Licensing to grant a period of up to 12 months for the course to be undertaken where access is a problem. While private providers may set their own fees to recover costs, particularly travel costs, the proposed two-day training course provided by the Liquor Licensing Division will be approximately $300 to $400 regardless of where it is delivered. Applicants for licences will have the option of a private provider, the division's trainer or travelling to a larger centre for other options.

While the course is an additional cost to business, I have been advised that some insurance companies are currently reducing premiums where there is evidence that staff have received responsible service of alcohol training. The licensees course will have significant potential to lower a licensee's overall exposure to risk, particularly from civil claims if responsible practices are adopted. Reduced premiums may be an additional benefit offsetting the initial cost.

The member for Gregory also raised the issue with regard to when licensees take annual recreation or other leave. They must nominate a responsible person to supervise the business in their absence. They would be pretty silly if they did not because they do not actually want to lose business while they are away. The course will not be mandatory for those managers, but if somebody is in there for an extended period of time over the 12 months then obviously it is going to be necessary for them to do the course.

The member for Cunningham raised the issue of the fellow who approached him who wants to be able to provide a service where he goes out and sets up a bar. I have not received the letter as yet but, to give a general response, the Liquor Act requires that liquor operators provide services or facilities in addition to the supply of liquor, otherwise vendors could stand on street corners selling liquor. This is in recognition of the harm minimisation objectives of the legislation.

The Liquor Licensing Division of my department receives a range of proposals for licences every year which focus the main activity on the business of the sale of liquor without any other investment or contribution to the hospitality industry as a whole. Catering for private and public functions is possible for a range of licence types, including hotels and restaurants. These licensees are able to obtain an approval to cater away from the main premises for a range of functions—that is, from boardroom lunches to festivals and 21st birthdays in a residential backyard. Proposals for liquor licences that merely involve setting up a tent, spearing a keg and serving liquor do not value add to the industry and certainly do nothing to discourage the rapid or excessive consumption of liquor through, for example, the provision of food.

In considering licence applications, the Liquor Act requires the chief executive to balance industry investment and development with harm minimisation. Any industry development must occur within a socially responsible framework. For this reason, many business proposals are rejected each year. As I said, I have not received the letter and obviously I will look at it then. That is a general response to this sort of thing.

Mr Copeland interjected.

Ms ROSE: Liquor Licensing is not aware of how the Victorian company intends to trade in Queensland, but we will look at it.

Again, I thank all members for their contributions. This certainly is of interest to all members. I also thank all of the officers in the Liquor Licensing Division—Lana Bartholomew, Claire Maconachie, Brian Bauer and Richard Nicholls—and of course my own personal staff, Michael Todd and Julia Wilkins.

Motion agreed to.

Committee

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) in charge of the bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr BELL (4.47 p.m.): I have a question for the minister. It is not a major issue, but the definition of 'licence' as I read it would include people who have restaurant licences and perhaps packet licences relating to cruise boats that ply the rivers and serve alcohol. Is it intended that someone who has, say, a packet licence would need to have the same educational knowledge about the Liquor Act as, say, someone who ran a hotel?

Ms ROSE: Obviously with the varying types of licences there are different conditions, if you like. As each person applies for a licence for a particular premises there are different conditions that are set down on that licence. So a licence to sell alcohol in a restaurant is very different from a general licence and the associated conditions when one is buying a hotel.

Mr BELL: My question really is: will the course be the same? I accept that they are entirely different sorts of licences.

Ms ROSE: It will depend on the people who are at the course on the day. It will be shaped to suit them. If they are restaurant owners, if a number of people from restaurants go along for the training that day, then the course will be shaped to suit restaurants. So it will be different.

Mr BELL: I thank the minister for a very satisfactory answer.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—

Miss SIMPSON (4.49 p.m.): I wish to ask a question that has more to do with people who might not usually hold a licence or be involved in serving alcohol. I refer to subsection (4), which states that the 'chief executive may grant the application if the chief executive is satisfied the individual need not undertake the licensee's course, having regard to the primary purpose, and the nature and extent, of the business conducted, or to be conducted, under the licence'. An example might be a parents and citizens group that takes out a limited licence for a particular function in a hall and which is not actually operating as a restaurant. What will be required of them? Will any abbreviated training be required of those people or does the minister envisage that they will be exempt?

Ms ROSE: If it is a P&C or school function, they would be getting only a permit, anyway, not a licence. It is not for permits.

Mr BELL: I refer to proposed subsections (2), (3) and (4). Basically, an application may be granted only if (a) and (b) are met, and then there are certain variations. I am concerned about a situation where someone dies and an executor might have to make an urgent application for the transfer of the licence so that the business can continue in the short term. What if there were a mortgage over a hotel and there was a default? The mortgagee might step in or a professional receiver might be appointed. Until now the Liquor Licensing Division has dealt with those applications fairly informally and very quickly having regard to the urgency of the circumstances. On a literal reading of the clause, I am concerned whether the division will still be able to do that. What will occur in urgent situations?

Ms ROSE: They will not have to do the training if they are going to be there for only a short period. I mentioned the situation that applies in special circumstances, and particularly with respect to access. Obviously, the chief executive officer has discretionary powers. The member for

Gregory asked about people who might step in while somebody takes extended leave or goes away for 12 months. Under those circumstances, it is not necessary for them to do the mandatory training. Obviously, if it goes beyond that 12-month period they would be expected to do it.

Clause 6, as read, agreed to.

Clauses 7 to 18, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Ms Rose, by leave, read a third time.

TOURISM SERVICES BILL

Second Reading

Resumed from 27 May (see p. 2079).

Miss SIMPSON (Maroochydore—NPA) (5.00 p.m.): In rising to speak to this bill, I will state that in my university years, after my return from Japan as an exchange student, I had the pleasure of working as a Japanese speaking tour guide for inbound tourists on the Gold Coast. Suffice it to say that was many years ago and, although I did not personally witness the unsavoury business practices that this bill is seeking to address, I enjoyed my introduction to this important industry. It can be a wonderfully satisfying role to not just provide language interpretation for overseas visitors but also to interpret our culture and help visitors experience the best of Australia's natural and man-made tourist attractions—and, of course, to help them go shopping.

Tour guides and inbound tour operators are important players in the tourism industry in Queensland. Because they are often looking after people who cannot speak English, they can find themselves with considerable power over those non-English speaking individuals. I am sure many members have travelled overseas and, if not, I would urge them to consider how well they would function and be able to protect their rights in countries where there are significant cultural differences and they do not speak the language.

This bill seeks to crack down on rogue traders in the inbound tourism industry in Queensland—rogue traders who abuse that trust and the professional client relationship through issues such as controlled shopping, misrepresentations, overcharging for goods and services and unconscionable conduct. The National and Liberal opposition supports the objective of the bill and will monitor with interest its effectiveness in weeding out those who have acted in a way which undermines the tourism industry's pursuit of high standards for its visitors.

Concerns have been expressed from industry, particularly the legitimate operators, as to how the overall interests of the industry's good name could be protected without being overly onerous and prescriptive with a new layer of regulation. That is a challenge, because there are already many other pieces of legislation that legitimate businesses have to comply with. The issue of unscrupulous inbound operators has been an issue in a number of places in Queensland, particularly on the Gold Coast and in Cairns in north Queensland, where controlled shopping arrangements and other practices, even significant kickbacks to tour guides, have damaged the industry and those who are doing the right thing. In fact, the Tourism Minister and her government promised this legislation for several years, with their first promise to act as part of the 1998 election campaign following on from the work of the previous Tourism Minister, Bruce Davidson.

This bill undertakes not to register tour guides, although they will be prohibited from engaging in unconscionable conduct. I ask the minister whether the lack of registration of tour guides will be a potential loophole in the new law and how this issue was consulted on with industry. The focus of the legislation really is on registering inbound tour operators, whose clientele are predominantly coming from overseas. It will require inbound tour operators to be registered before conducting business in Queensland, though there will be exemptions for those inbound tour operators who also sell travel packages to the domestic tourism market and whose international sales account for less than 20 per cent of the total number of travel packages sold during a 12-month period. There are also provisions to ensure that only suitable persons are registered as inbound tour

operators. There are requirements that inbound tour operators, whether or not they are registered, adhere to a code of conduct, which will address issues such as minimum business conduct standards. I note that this is to complement the draft Tourism Export Code of Conduct, which is a voluntary industry based code. The legislation also seeks to ban unconscionable conduct by inbound tour operators, whether or not they are registered, and tour guides when providing services to tourists.

The explanatory notes to this bill mention the concerns of some businesses that the requirement on an inbound tour operator to register adds an additional cost to operate tourism businesses. However, I note that the minister has particularly drafted into the legislation that businesses already licensed under the Travel Agents Act 1988 or equivalent legislation in any Australian jurisdiction will not have to pay application and registration fees, and this is certainly welcome. However, I also ask the minister to advise how much the licences will cost for the other inbound tour operators who are not covered by the Travel Agents Act and what the envisaged roll-out of that licensing regime will be.

Another important issue that I would like answered in the minister's summary is the plans to review the effectiveness of the legislation and whether there will be some ongoing monitoring of the laws. Obviously these being very new laws, albeit with a lot of consultation and considerable time before coming into the House, some of these concepts and how they are applying to this industry really need to have some ongoing monitoring so that we can see whether, in fact, they achieve what we want them to achieve so that if there are any necessary amendments they are able to be done in a timely way.

I would like to particularly look at some of the clauses with regard to unconscionable conduct, particularly clause 35. I have some questions as to how the standard of proof will be pursued in regard to unconscionable conduct and what types of scenarios the minister would envisage being captured by this provision. I realise that there are some examples that are provided in this clause, but there are subclauses where it is not particularly clear as to what may potentially be captured. Given the potential for action and the fact that there is a reverse onus of proof upon the alleged perpetrators and those who own these businesses, I would certainly welcome some more advice as to the scope that the minister believes may potentially be captured.

For example, the explanatory notes on page 15 refer to the District Court having regard to—and this is also outlined in the legislation—

> the extent to which the service provider unreasonably failed to tell the tourist about intended conduct of the service provider that might affect the interests of the tourist and any apparent risk to the tourist from that conduct.

This subclause does not really outline the specifics of the interests of the tourist and it is a fairly broad term. I believe there needs to be further explanation as to what potentially may be captured by this as the penalty may be quite significant. As I have mentioned, having reverse onus of proof provisions in the legislation puts a different light on the matter.

In the minister's speech about education there was reference to the promotion of these new laws. Certainly an issue that has been raised is how extensively that is going to be promoted. I would also appreciate the minister's advice as to what the roll-out of the education program—the public awareness campaign—will be in relation to these new laws. As there is obviously cross-border trade, I would also welcome advice as to how this is going to be advised to interstate businesses which currently operate in Queensland as well. I would appreciate the minister's advice as to the appeal rights of a potential offender's appeal against a conviction under the legislation.

Under the unconscionable conduct provisions of the legislation, it was interesting that there is no mention—and if I am incorrect I would welcome the minister's correction—of the maximum penalties for unconscionable conduct. I am interested to see how the regime of penalty is actually benchmarked if there are not some indicative penalties in the act. My background is not in law and it may be that on advice from the minister there is case law in other areas in regard to unconscionable conduct that provides some precedent which will inform the courts on this. But as this legislation, specific to inbound tourism operators, is new and as it is going to require education of inbound tourism operators who do want to do the right thing by tourists, I believe we need to have an idea as to the scope of how these matters will be determined potentially or how it is envisaged by the parliament they will be determined potentially and what the likely penalties are that we may see flowing from this particular legislation.

I would also seek the minister's advice as to how many departmental officers will be dedicated to the implementation of this work and what the budgetary allocation will be and the

ongoing expected allocation. Obviously I have raised the issue of marketing the fact that this legislation is coming in, what the scope of the legislation is and how it impacts upon people, but I would be interested to know how that budgetary allocation applies to that marketing regime and also the issue of compliance. I would appreciate the minister's advice to the House specifically on the funding allocation and the estimated full-time equivalent officer level that is going to be made available for compliance. I understand that these officers may be performing duties under other fair trading acts or under other legislation of the House.

Obviously this is new legislation. It will have an impact on a significant industry and we need to understand how well resourced industry will be in having good education provided as well as appropriate compliance to ensure the effectiveness of this legislation. Finally, the minister may be able to advise what is the estimated revenue that may be raised as a result of the licensing fees that are being implemented through this bill.

I reiterate that we support the broad thrust of the legislation. Obviously we are extremely interested in the monitoring of the implementation. We want to see effective legislation that does not create problems for legitimate business owners who want to give a wonderful experience to overseas tourists, who want to be able to provide excellent services but who also want to know the legitimate parameters within which they can work under the law. Certainly we do want to see those who seek to abuse the trust of overseas visitors weeded out; we want to see them knocked out! The effectiveness of this legislation will be closely scrutinised towards that end. I welcome the minister's answers to some of those questions I have put in the House. I welcome the legislation.

Mr REEVES (Mansfield—ALP) (5.07 p.m.): It gives me great pleasure to rise to support the Tourism Services Bill. It is very appropriate that the Tourism Services Bill be passed this week. It is probably the week that starts one of the biggest events for tourism not only for Australia but also for Brisbane, Townsville and Queensland as a whole—that is, the Rugby World Cup. Considering the number of tourists who are coming from overseas, it is going to be a great spectacle. I think the city will come alive for the next few weeks, just like it did during Expo and the 1982 Commonwealth Games. I look forward to being a part of that.

One of the ways the Tourism Services Bill will achieve the policy objective of addressing unfair trading practices in the inbound tourism industry is a requirement of inbound tourist operators to adhere to a code of conduct containing minimum business conduct standards. This mandatory code will complement the draft Tourism Export Code of Conduct, a voluntary industry-based code, although a trial implementation of the Tourism Export Code of Conduct has been completed. Funding to support full implementation of the voluntary national code is still to be negotiated with the Commonwealth and the states. The code will apply to all inbound tourism operators regardless of whether or not they are registered under the bill.

A draft code, together with the draft bill, was released for public consultation in March 2003. Feedback provided during the consultation revealed strong support for the code and has helped redefine the code so that it provides an industry-specific response to the unfair trading practices engaged in by rogue elements of the inbound tourism industry. The objectives of the code are to set minimum standards for inbound tourism operators in the carrying on of a business of an inbound tour operator; establish principles that facilitate fair dealings between inbound tour operators and tourists, inbound tour operators and businesses with which tourists come in contact; and require inbound tourist operators to have a written policy about resolving disputes.

Some of the ways the code will achieve these policy objectives are by requiring inbound tour operators to: refrain from using high pressure tactics or harassment against clients; ensure tours are not dominated by shopping unless requested by the client; not charge clients for free goods or services; ensure products and services are provided in accordance with itineraries and quotations; and ensure any tour guides they engage behave appropriately. Breaches of certain provisions in the code are punishable by fines of 20 penalty units. Breaches of the code may also indicate that the inbound tour operator has engaged in unconscionable conduct, which is prohibited under section 35 of this bill.

The mandatory code of conduct will be made under clause 38(1) of the bill. This clause provides that a regulation may prescribe a code of conduct for inbound tour operators as well as a code of conduct for tour guides. If action taken under the bill and the code of conduct for inbound tour operators is not sufficient to eliminate the current rogue elements in the inbound tour industry, the bill is drafted in such a way as to facilitate the making, if required, of a further mandatory code of conduct dealing solely with tour guides.

This bill delivers on a commitment made by this government to address the conduct of rogue inbound tour operators. This has been done by introducing a registration system for inbound tour operators whose primary business is selling tour packages overseas. Some inbound tour operators package and sell tours overseas as well as to the domestic market or to other inbound tour operators. However, tourism industry consultation revealed that the problems in the industry are caused by operators whose primary business is selling travel packages overseas. Accordingly, it is these operators whose primary business is selling travel packages overseas who will be required to register under the bill. Restricting registration to these inbound tour operators will allow the Office of Fair Trading to focus its attention on prime compliance targets. The registration process recognises the financial realities of running an inbound tour business. If an inbound tour operator is already licensed under the Travel Agents Act 1988 or equivalent legislation anywhere in Australia, they will not have to pay registration fees under the bill.

Concerns about the provision of tourism services by some inbound tour operators and tour guides operating in Queensland have been raised in recent years by tourism industry associations, retailers and tourists. Extensive consultation into these concerns revealed four main types of undesirable and unfair trading practices, including controlled shopping, misrepresentations, overcharging for goods and services, and unconscionable conduct.

Tour guides are individuals who accompany visitors on tours and provide information, assistance and advice to these tourists. While tour guides can have extensive contact with inbound tour groups, the main focus of the bill is on the rogue operators who direct people, such as tour guides, to put into practice the unfair trading practices the inbound tour operators have organised. Accordingly, tour guides will not be required to be registered at this stage. A full registration system for tour guides would require a rigorous consultation process including a national competition policy public benefit test. If the current rogue elements in the inbound tour industry are not removed through action taken under the proposed legislation, the bill is drafted in such a way as to facilitate, if required, the future further regulation of tour guides by way of a registration system and/or a mandatory code of conduct for tour guides.

Industry based associations are becoming increasingly proactive in addressing problems in the industry and are working with government to increase standards. The Guiding Association of Australia has received federal government assistance to set up a system of voluntary registration for all tour guides in Australia. The association will soon finalise its voluntary code of conduct for tour guides who choose to register under this scheme.

One of the most important ways this bill addresses problems caused by rogue elements in the inbound tour industry is by prohibiting unconscionable conduct by inbound tour operators and tour guides. The bill includes extensive examples of the type of behaviour that may indicate unconscionable conduct.

I commend the minister and the department for bringing this legislation to the House. The tourism sector is a very important sector in Australia. It is important that service delivery does not exhibit unconscionable conduct. It is important that we maintain our reputation as a safe and fair place to visit. This week is a very important week for the tourism industry, as are the next six weeks. Australia will be showcased through the Rugby World Cup. I am sure that in years to come we will see the benefits of the provisions of this legislation. I commend the bill to the House.

Mr FLYNN (Lockyer—ONP) (5.14 p.m.): I rise to support the Tourism Services Bill. I must note that the tourist kickback industry is probably the second oldest industry in the world and probably just as hard to stamp out as the oldest! Let us not forget that Australian tourists are just as vulnerable to the activities of these kickback merchants in other quarters of the globe. How many Australian tourists have not been steered to trinket stalls and dubious clubs in Cairo, Delhi or elsewhere? The difference here is that the tourists concerned often have no knowledge of Australia or its customs and are not necessarily well heeled.

The sheer complexity of this bill points towards the painstaking work that has been put in to close every loophole without damaging legitimate trade. I refer to such things as Country Women's Association outings and shopping trips. Clearly there is no need to control those. The long gestation period of the bill also reflects the difficulty of dealing with operators who are basically domiciled in another country and have already shown no regard for our laws, fair trading or otherwise.

If this bill does serve its purpose of ridding our tourist resorts, particularly the Gold and Sunshine coasts, of this pernicious practice of controlled shopping, it will do much to lift the stocks of the Gold Coast and the Sunshine Coast overseas and ensure that tourists come back. If

people have a pleasant experience the first time, they will come back and do it without direction a second time. Without return visits by tourists, our gains in that sector could easily be lost through reputation. Without that reputation for fair trading and good value holidays, we will not get a return visit of that trade.

It should be noted that the susceptible tourists referred to here, who are often from Taiwan and South Korea, have in the past received similar receptions in South-East Asia, particularly in Thailand, where resident touts have been used by Korean and Taiwanese inbound tourism operators to shepherd tourists through their chosen outlets. In those instances the Thai authorities have had little luck, I would suggest, in controlling the activities of foreign tour operators, but it is interesting to note that the Korean authorities particularly have in fact made some moves to outlaw rogue companies operating in Thailand. So we in this corner of the globe are not alone in attacking this problem.

Whilst I support the bill, I am deeply concerned at the cost of implementing it and policing its provisions. I suggest that we do need close liaison with the governments of the countries these vulnerable tourists come from. That may well help to bring the outcome we desire. Tourism is vitally important not only to this state but also to this country. It needs to be used to supplement the somewhat decaying rural industry, which can be brought back to life if various governments talk to one another and actually get something done instead of blaming one another. Tourism particularly, not just on the coast but also in rural areas, can complement the rural industry without taking it over and in actual fact bring the rural industry back to life. I commend the government on this bill. I just see some difficulties in actually policing it and making it come to fruition.

Mr CHOI (Capalaba—ALP) (5.18 p.m.): I rise in support of the Tourism Services Bill 2003, introduced by the Hon. Merri Rose in an attempt to combat unconscionable conduct by some inbound tour operators and tour guides operating in Queensland. I say at the outset that the majority of tour operators and tour guides are honest, hardworking professionals who play an important role in promoting Queensland and ensuring that tourists receive value for money and a long-lasting positive image of our great state. But, just as in any other profession, there is a small group of rogue operators doing the wrong thing by tourists and therefore, in the long run, causing damage to our tourist industry and our image abroad. Unfair trading practices include controlled shopping, misrepresentations, and overcharging for goods and services.

I would like to focus today on the consultation process involved in the preparation of this bill. Extensive consultation has occurred during the preparation of this bill. In August 2002 the policy proposal underpinning the bill was released for public comment and was also forwarded to interstate tourism and fair trading agencies. Availability of the policy proposal was extensively publicised through media releases, newspaper advertising and the web site of Tourism Queensland and the Office of Fair Trading. Approximately 270 stakeholders received written notice of the availability of the policy proposal for their comment.

Following consultation on the policy proposal, the draft bill, together with the draft regulation and draft code of conduct to be made under the bill, were also released for public consultation in March 2003. This consultation included a mail-out to approximately 300 community and industry stakeholders, including those who have provided feedback in August 2002 on the policy proposal. The draft bill was also forwarded to the Commonwealth and to fair trading and tourism agencies in other states and territories.

More than 35 responses were received from community, industry and government stakeholders, and these responses have substantially informed the process of finalising the bill. The definitions of 'inbound tour operator', 'tour guide', 'travel package' and the registration requirements for inbound tour operators were carefully defined following feedback from stakeholders during the consultation process. Industry stakeholders will be consulted after commencement of this legislation to ensure that the bill is effectively addressing the issues of concern. Some stakeholders note that the success of the proposed legislation is largely dependent upon industry education and effective enforcement of the legislation. Compliance and communication strategies are now in place to ensure that inbound tour operators and tour guides are aware of and understand the obligations under the bill.

Tourism is one of the largest employers in the state and is one of the most important drivers of our economy. We cannot afford to have rogue operators causing further damage to our image abroad and locally. I congratulate the minister and her team on preparing this bill, and I commend the bill to the House.

Mr QUINN (Robina—Lib) (5.22 p.m.): In rising to speak to the Tourism Services Bill, I, as indeed do many other members in the chamber, represent an electorate on the Gold Coast, and tourism is of course a very important industry to us on the Gold Coast. Therefore, the importance of this bill cannot be underestimated to businesses in my area and across the entire Gold Coast. It is very important that the Queensland tourist industry provide our international tourists in particular a safe, healthy and uplifting experience when they arrive on our shores. There is nothing, in my view, better than word-of-mouth advertising—people going home to their places of residence overseas and speaking in a very positive manner of their tourist experience on the Gold Coast.

In the wake of SARS, September 11, the Bali tragedy and other things that have occurred on the international scene over a number of years, it is very important that we now provide our international tourists with a very safe destination in Australia, and Queensland in particular. I think the Howard government is doing an excellent job of ensuring that safe destination. Now it is also important from a state government perspective to ensure that inbound tourist operators act in a way that will ensure an increased level of international travellers come to Queensland and have a very positive experience.

This bill seeks to do that by putting in place a registration system for inbound tourist operators, by providing codes of conduct for inbound tour guides, by prohibiting unconscionable conduct by those operators and guides, and by promoting sound business practices for those inbound operators and tourist guides. In the main, they are very worthwhile aims and objectives in the bill. If we can improve the operation of inbound tour operators and guides and provide tourists with an enhanced experience, then the reputation of Queensland as a safe, reliable and enjoyable tourist destination will be that much better. It is important to note that the bill does not mandate procedures for people who are acting on a not-for-profit or voluntary basis or for a community purpose. It makes a distinction between a professional guide and people who do it on a voluntary basis, and I think that is very important.

The bill is before the House because of a range of issues raised by people associated with the tourist industry over a number of years. There is nothing worse than adverse publicity of our tourist industry and our centres—whether they be the Gold Coast, the Sunshine Coast, Cairns or other parts of Queensland—about issues affecting the way in which inbound international tourists are guided to where they need to go to have either a shopping experience or a tourist experience. I am referring to some practices that have occurred in the past associated with what we term 'guiding' around our tourist areas. Publicity concerning controlled shopping, overcharging for goods and services, some forms of unconscionable conduct, constructing itineraries to allow no free time—there is a whole range of practices that tour guides have indulged in in the past which have had an adverse impact on the reputation of our tourist industry. The bill puts in place mechanisms that seek to overcome those adverse practices and, hopefully, improve the reputation of our industry.

Hopefully, it will create a level playing field amongst tourist operators in Queensland and give Queensland small business owners a fair go. For those operators already registered under the Travel Agency Act 1988, no fee will apply. However, by requiring inbound tourist operators to register with the government and adhere to a code of conduct, hopefully this will ensure a heightened tourist experience in Queensland and will protect the reputation of the Queensland tourist industry both here in Australia and in an overseas market.

At the end of the day, a lot of it will come back to the way that international tourists want to see Australia. People who travel overseas—and I would imagine most members in this chamber have travelled overseas—do so for a broadening experience. When travelling you experience different cultures, different languages and a whole range of other things which, by their very nature, are totally foreign. You sometimes get yourself into a situation where you may not necessarily want to be. So a lot of this comes back to people's commonsense.

Mr Lawlor interjected.

Mr QUINN: I am talking about shopping here. A lot of it comes back to a person's innate commonsense and ability to understand what is going on around them in the way they can handle themselves in strange and sometimes difficult circumstances. We cannot put tourists in a cocoon and protect them every step of the way as they go through a country, whether it be Australia or any other country. There will always be a level of adventure. I suspect that is part—it is certainly my experience—of the reason why people travel. It is an adventure to go overseas and see other cultures. It is an adventure to go shopping and see other tourist attractions. Whatever

we do, we do not want to lessen that spirit of adventure. This bill has to be careful that it does not seek to protect people from what they go to see when they travel overseas.

I wish the government well. I hope the bill achieves its objectives. As I said, there is nothing worse than seeing some of the very dubious practices that were carried on impact upon the reputation of the tourist industry in Queensland. Hopefully, this bill will go a large way to outlawing and controlling those practices.

Ms JARRATT (Whitsunday—ALP) (5.29 p.m.): It is a pleasure to rise in support of the Tourism Services Bill 2003. This is a bill, as stated by previous speakers, that extends protection to our overseas visitors who come to our great state to share our natural beauty and our unique experiences that we actively advertise and promote in the international tourism arena.

We know that the tourism industry is a major industry in Queensland generating around $14 billion a year in revenue. It is not just about that advantage to our economic bottom line; it is about the employment that flows from that and the opportunities for people of all ages in the state, particularly our young people. Probably equally important is the exposure that tourism gives us to people from other cultures. As an island nation at the bottom of the world we are fairly isolated from the influences of the various cultures in other parts of the world. Not all of us get the opportunity to travel extensively, if at all. It is a great thing that we have tourists from the different corners of the world coming to Australia. We can really benefit from that.

Certainly in the electorate of Whitsunday, particularly in our tourism areas, it becomes a multicultural melting pot. It is fantastic to walk down the street in Airlie Beach or sit around our wonderful lagoon and hear the different languages and accents of people and to hear the terms in which they speak about Queensland. They obviously have a wonderful experience, particularly in my part of the world.

On my flight to Brisbane this week there were three young ladies from New York. They were discussing how mum would feel if they were to ring up and say, 'Mum, look, sorry, I'm not coming home; I'm not going to college; I've discovered the Whitsundays and I'm going to stay.' I think by their presence on that flight they had decided that it was not really worth facing mum with that sort of excuse for not coming home, but they had obviously had a wonderful time.

A mark of the success and importance of tourism to the Whitsundays was reflected in the achievements of our local operators at the recent Central Queensland Premiers Export Awards. Hamilton Island received the Central Queensland Exporter of the Year award. It was a very hot field, including nominations from the mining industry and the manufacturing industry. It was fantastic to see one of our tourism operators being presented with an export award. That underlines the importance of tourism for the whole of the state, particularly in the Whitsundays.

The award for the Emerging Exporter of the Year for central Queensland went to a local company, Whitsunday Quad Bike Adventures. I congratulate Wendy Bradley and Chris Weigand on this new venture that has been seen as a very important export product. Another great success story in the Whitsundays has to be the arrival of Virgin Airlines to the Whitsundays, now flying daily to the Whitsunday Coast airport at Proserpine. I have spoken to local operators in the Whitsundays who have said that their bookings are very high. They are encouraged and enthusiastic about the coming season. I think the arrival of a budget airline has played a very significant part in that forward booking success.

It is estimated that tourism accounts for around six per cent, or $314 million, of gross regional product in the Mackay/Whitsunday region. The importance of tourism in the Whitsunday electorate simply cannot be underestimated. It is therefore essential that we protect the industry and the experiences of those who visit us. Unfortunately there does exist a small but significant element of operators in this state or outside the state who are prepared to take advantage of our visitors, particularly those who, for reasons of culture, language or experience or the lack thereof, are most vulnerable to the unscrupulous practices of some operators.

I have my own experiences. A few of us have talked about our experiences overseas, but I have been on a guided tour where we were literally herded into particular retail outlets with very little choice of where we could shop. In fact, if we really wanted to do our own shopping then we had to run the risk of getting lost because they would meet us back at the bus but we would not necessarily be given any directions to get there.

Having experienced controlled shopping, I have to say it is not altogether a pleasant experience. Controlled shopping is where our inbound tour operators are provided with fees and commissions from certain retailers for taking tour groups only to particular shops or restaurants. As

I experienced, the itinerary is usually planned or adjusted so that free time and therefore choice is limited.

The Tourism Services Bill seeks to protect our vulnerable visitors by imposing requirements on inbound tour organisers and tour guides in order to stamp out dishonest and exploitative practices. ITOs and tour guides must adhere to a mandatory code of conduct and refrain from engaging in unconscionable conduct. I am sure the details of these types of conduct will be well addressed by other speakers in this debate this evening.

One of the other requirements outlined in the bill is for ITOs to be registered before they can conduct business in Queensland. ITOs, or inbound tour organisers, provide a link between Australian product providers and overseas distributors of travel products. ITOs are vital to the promotion and success of our international tourism market because it is they who contract with local suppliers for the component parts that are usually then put together as package tours for on sale to wholesalers or retailers. The integrity of the final package tour can clearly be most easily compromised by the ITOs at the point of contact with the supplier of the itinerary item.

As I have said, this bill seeks to regulate the activities of the ITOs through a process of registration. Through the process of consultation with industry it was agreed that not all ITOs would be required to undertake registration as most of the problems encountered in the industry were in relation to those ITOs selling travel packages overseas. As the difficulties are not as evident in domestic ITOs, it was agreed that where overseas sales or travel form only a small part of the operator's business registration would not apply, although there would still be a requirement for the ITO and the tour guides to observe the code of conduct and refrain from unconscionable conduct. It is important to note, however, that the requirement for the registration will apply irrespective of whether or not the operator has a place of business in Queensland so long as the operator sells travel packages to overseas entities.

For the purpose of the bill, 'travel package' is defined as the pre-arranged provision of a combination of goods or services for a person that includes at least two of a specified list. For example, if a package includes guiding services, such as leading a tour group, and visiting tourist attractions, such as a visit to a theme park, this would be defined as a travel package. For the sake of definition 'overseas entity' is defined as an entity whose main place of business is outside Australia and will include wholesalers, retailers or corporate buyers of travel packages.

This raises a rather unusual set of circumstances in which our legislation will extend beyond our borders to other states or countries in which inbound tour organisers may operate. To ensure that there was a sufficient constitutional nexus in the bill on which to base the registration requirements for out-of-state entities, such as overseas based inbound tour operators, Crown Law advice was obtained on this issue prior to the finalisation of the bill.

The Crown Law advice noted that the state parliament has the power to make laws for the peace, order and good government of the state. This includes laws applying to people who operate outside of the state where there is sufficient nexus between the state and the extraterritorial persons, things and events on which the law operates. This advice went on to say that there is a sufficient connection between the state and inbound tour operators who conduct their business from outside Queensland. This is because the travel packages sold by those inbound tour operators include transport, accommodation, tourist attractions and meals that are to be provided in Queensland to persons travelling in or visiting Queensland.

Additionally, the advice stated that the Commonwealth Constitution could not stop the state enacting the bill into law because the bill is neither discriminatory nor protectionist and so does not contravene section 92 of the Constitution; and, further, it would not make an interstate inbound tour operator subject to any rules that would not apply to them if they resided in Queensland and so does not contravene section 117 of the Constitution.

The registration requirement is a vital component of this legislation. As I said at the outset, it seeks to protect both the visitor to our state and to protect our vibrant tourism industry. For those reasons I endorse the bill and commend it to the House.

Mr BELL (Surfers Paradise—Ind) (5.39 p.m.): I rise to make what will probably be my shortest speech in this House. Like others, I have long been in dialogue with the minister on this subject. I am glad to say that good things are worth waiting for. This provision, when enacted, will be an essential piece of legislation for the benefit of the electorate of Surfers Paradise. I have no difficulty whatsoever in supporting the bill, and I look forward to seeing the precise wording of the code of conduct.

Mr CUMMINS (Kawana—ALP) (5.40 p.m.): I rise to speak on the Tourism Services Bill 2003, which introduces a registration system for inbound tour operators. Like me, the minister has a passion for ecotourism. Ecotourism is nature based tourism that involves education and interpretation of the natural environment and is managed to be ecologically sustainable. It encompasses tourism which occurs in the natural environment and adventure tourism, such as sea kayaking and diving. I will talk more about the future potential of diving on the Sunshine Coast later in relation to the artificial reef that we are still fighting to get.

Queensland is a leading international ecotourism destination with natural areas that are unique and known world wide. Five of Australia's 11 world heritage areas are in Queensland, including Fraser Island, the central eastern rainforests of the Border Ranges, the Wet Tropics, the Riversleigh fossil fields and the Great Barrier Reef. The state contains many other areas which are of national, regional and local interest.

Ecotourism usually makes up about 27 per cent of the total tourism industry in Queensland and is forecast to grow at 25 per cent to 30 per cent per year. Queensland as a state is also a world leader in ecotourism management, containing more than half the national ecotourism operators with industry accreditation. Queensland's status has been recognised by the United Nations environment program in its decision to support a prestigious international ecotourism conference that was held in Cairns in November 2002. This was particularly significant when one realises that 2002 was designated by the UN as the International Year for Ecotourism. The Queensland government has allocated more than $10 million over five years to develop Great Walks, a world-class network of long distance walking tracks and low impact visitor facilities in parks and forests across Queensland.

Recently, I was very proud to launch an ecotourism product. We all realise that the Queensland outback and indeed the Australian outback is much more than just a geographical region. Our much-loved outback conjures up romantic images of the real Australia and is held in the imagination of visitors from urban and coastal environments around Australia and indeed from overseas. Right across Australia increased urbanisation also adds to the perceived value of natural, cultural and heritage assets and attractions present in our outback. In the Australian outback the need for adventure, exploration and freedom can be fulfilled and visitors can experience the pioneering spirit—a way of life that has become symbolic of Australia and indeed Queensland.

The product I launched was developed by a Sunshine Coast based businessman and consultant, Tony Balch. Australian Outback Lodges is centred on a uniquely designed, environmentally friendly lodge structure that combines indoor and outdoor experiences. Often complimented for its cost-effective design creativity, the hip Group has been most recently noted for its interiors of Longitude 131 at Ayers Rock Resort while Tony has been involved in numerous hotel and resort developments in Australia and across the world. Australian Outback Lodges is a business with big aims of expanding into the international marketplace. It is an exciting Australian idea which no doubt will join the ranks of those inventions that rapidly go global. This is an ideal example of an enterprise flourishing in our vibrant Smart State business environment. The Beattie government is committed to generating new industries where innovation is a key priority, and I seek leave to table the brochure of Australian Outback Lodges.

Leave granted.

Mr CUMMINS: Businesses such as Australian Outback Lodges need to be recognised for their role in driving growth in Queensland's rapidly developing knowledge economy, so congratulations to Tony Balch and his team. Construction and manufacture of these Australian Outback Lodges will be based on the Sunshine Coast and the Gold Coast, creating real jobs.

I also bring to the attention of the House the prolonged issue of the HMAS *Brisbane*. Not only are the people of the Sunshine Coast sick of waiting in anticipation but so am I, Premier Beattie and the government. I refer of course to the federal government's ongoing inaction to deliver the HMAS *Brisbane* to the Sunshine Coast. I have gone softly, softly on this for the past few months hoping that Mr Slipper would deliver without too much of a red face, but sadly he has again failed us. We are hearing more and more how the federal member for Fisher is out of favour with his own party and of course the federal government, so I have decided that Minister Mal Brough is our last real option.

Yesterday I wrote to Mal Brough, the member for Longman, whose electorate covers part of the Sunshine Coast, in the hope that he can deliver the goods as promised. I have included in my correspondence to Minister Brough relevant documentation outlining this drawn-out saga. I

believe that as a federal minister he will obviously have potentially more pull than the long-serving federal member for Fisher.

Mr Shine: He's been demoted, hasn't he?

Mr CUMMINS: He does not class it as a demotion. He has just been removed from one of his parliamentary secretary positions, so you can work that out for yourself.

Mr Shine interjected.

Mr CUMMINS: Yes, I am well aware of the rumours that Mal Brough has his options open for contesting the Liberal preselection process for the federal seat of Fisher and I sincerely apologise to Sunshine Coast residents for not approaching Mr Brough earlier. This issue really needs to be brought to a climax now. I wrote to Minister Brough yesterday stating—

Numerous Sunshine Coast residents and interested parties have asked that I contact you and request that you persuade the Federal Government to deliver on the HMAS Brisbane as an artificial reef/diving site for the Sunshine Coast.

It is no secret that many residents of the Sunshine Coast feel that due to the changes facing our military that the $3 million federal funds promised, may be now reneged upon. SUNROC, the Sunshine Coast councils, who are working in co-operation, have agreed that the State Government's suggested site for the HMAS Brisbane's final resting place is a far better option than the obviously unsafe preference of Mr Slipper realising his sites' proximity to international shipping lanes.

The State Government is still waiting for a response from Sen. Robert Hill, Defence Minister in relation to our latest correspondence. I am also aware that Premier Beattie is extremely disappointed in the ineffectual representations thus far of Peter Slipper MP in finalising this valuable Sunshine Coast project.

I therefore ask you, as a Federal Government Minister and a representative of part of the Sunshine Coast, to bring to a climax the HMAS Brisbane saga.

In terms of the three Sunshine Coast councils that make up SUNROC, no-one would ever be accused of calling them Labor oriented councils. It is well recognised that the vast majority of them are strong conservatives. Its executive officer, Graeme Pearce, wrote—

This delay is causing much adverse local reaction to the impasse.

...

The three SunROC Councils urge you as Minister for Defence to resolve this impasse by agreeing to the State Government's proposed site in State waters.

We fear that unless this can occur your Government's election promise to locate the HMAS Brisbane off the Sunshine Coast will not be fulfilled.

That letter was dated 4 August this year. Sadly, again we have been let down by the federal government. I again call on the federal government to finish this project off and deliver something for the people of the Sunshine Coast, because the diving industry is crying out for such a positive step.

Since 1998 I have been a member of Tourism Sunshine Coast and worked as a director of the Regional Tourism Authority. I also attended an ecotourism conference which looked into the HMAS *Swan*. I urge the minister to continue to do whatever is in her power as a representative of the state government. Despite the fact that we have become increasingly frustrated at the ineptitude of some federal ministers and their backbenchers. In closing, I commend the minister and her department for the good work they have done. I commend the bill to the House.

Ms STONE (Springwood—ALP) (5.49 p.m.): Without a doubt, tourism is a major industry for our state. Protecting this $14 billion industry is extremely important to the state's economy. While many people think of the Gold Coast, the Sunshine Coast, the Barrier Reef, the north Queensland rainforests and tropical islands as our major tourist destinations, I am here to inform the House of a growing tourist market in Springwood. The Springwood Tower Hotel, operated by the Kim family, has about 2,000 Korean visitors a year. They offer tour packages that include golf games, Aussie BBQs at Daisy Hill Forest and encourage their guests to use the Springwood bus station and to catch buses to visit Brisbane's tourist attractions and shop at their leisure. These packages are becoming so popular that the Springwood skyline will shortly have an addition. The Kim family is building another Tower in Springwood. Therefore, it is important that we protect visitors such as those who visit the Springwood Hotel Tower and other hotels/motels in the Logan area.

I notice that research has found that Korean visitors have been dissatisfied with a number of aspects of their holiday experience, mentioning issues such as poor quality service, lack of operators skilled in the Korean language, too much shopping in itineraries and insufficient cultural and wildlife content in the itineraries. That is probably why the Kims are successful with the Korean tourist trade, as they themselves are Korean so the language barrier is not a problem. They ensure an Aussie adventure, including BBQs and walking through the bushland of Daisy Hill

Forest, is included in the itinerary. Daisy Hill Forest is home to many of our wildlife and is also home to the Koala Information Centre. So the Kims are listening to their clients and providing the type of holiday that they want. The Springwood Tower employs locals. They generate wealth in the local economy through their bars, restaurants, conference facilities and accommodation. Recently, they opened an extension to their hotel, with a wonderful courtyard. As I was the first person to hold a function in that courtyard, I am very proud to have it named after me—Stones Court.

This bill will ensure that tourists go home with a good image of Queensland. This of course translates into good promotion of Australia, and in particular Queensland, as a great place to holiday. This bill ensures a healthy tourist industry for our state. I commend the bill to the House.

Mr JOHNSON (Gregory—NPA) (5.52 p.m.): The Tourism Services Bill 2003 is long overdue. The shadow minister for tourism referred to the contribution to this area by the previous minister, Bruce Davidson. I congratulate the current minister on bringing this legislation into the chamber and making it a reality this evening. In her second reading speech, the minister referred to 'rogue inbound tour operators' and stated how these unscrupulous people had impacted on the tourist strips of the Gold Coast and Cairns, which are popular destinations for many Asian tourists. Since September 11, Bali and many other events around the world in recent times, Australia has become a very popular tourist destination. More than ever, Queensland is the icon of tourism in Australia. That is unquestioned.

This afternoon, many members have referred to Queensland's beautiful coastal areas, northern Queensland, far-north Queensland, the south-east corner, and the beauty and harshness of the far west of the state. We have a very diverse tourist offering. Hence our state is highly attractive to international and national tourists. Since September 11 many honourable members, including the member for Whitsunday, would have witnessed an increase in the number of domestic tourists travelling around our state. Many people have visited the outback over the past couple of years. One day, while travelling from Longreach to Blackall, in the space of just on two hours I counted about 57 caravans heading north. Most of those people would have pulled over in Longreach or perhaps in Barcaldine for the night. This represents dollars injected into the local economy that might have otherwise been spent overseas.

This legislation will protect many of our state's tourism operators from the unscrupulous and shonky element in the industry, be they traders or tourist operations. The minister's legislation will put everyone on an equal footing and protect those people who might otherwise miss out. This is not about attacking visitors to our shores, it is about eliminating the shonky operators. When I was the Minister for Transport, some groups were operating mini coaches out of Cairns, and after a while they would go back to Asia or wherever they came from and somebody else would take over. That represented unfair competition to the decent operators who wanted to operate tours. I know of people in Cairns who were pushed out of the industry because of that shonky business practice. If this legislation will tidy up this practice, I will support it all the way. I believe this is long overdue. For many people, be they in the Whitsundays, Cairns, the Gold Coast or any other part of the state, this legislation and the register it will create will make the industry fairer.

These inbound tour operators direct their own agendas to advantage a small section of our tourist community, which is unfair. This legislation will restore equitable competition in this important industry. Visitors not connected with overseas tour travel operators can, of their own free will, visit shopping centres or undertake any tour they like without being forced into an environment of which they do not want to be a part. This is a very fair way to create a more economically balanced market for tour operators, wholesalers and retailers.

Members on both sides of the House represent electorates on the Gold Coast. I know of many people, as would others, who have been driven away from the Gold Coast because of these unscrupulous operators. We as Australians do not tolerate that behaviour. However, in other parts of the world that is part of the culture and way of life. Today I say to the minister that I believe this will show the way in Australia. Importantly, if we can tidy up this part of the industry, that will further encourage people, regardless of whether they are international or national visitors, to holiday in our state.

The member for Kawana mentioned some of the tourist ventures into the outback. That is something that Tourism Queensland and many other tour operators have promoted over the past few years. A lot of people think a four-wheel-drive is needed to venture into the outback and its towns. A lot of people forget that bitumen roads provide access to many regional centres and that these places can be accessed for a holiday, for example, in the family car. There are good caravan parks, motels and other facilities in the western areas of the state. We have to promote

that area further. I noted recently that the restrictions imposed on camping at roadside stops along main roads in the state were lifted. Thank God for that, because we want to encourage people to travel to our state and spend their dollars in the country towns.

Just recently there was an overflow of caravaners and motor home tourists to Longreach. I went down to the river one Sunday afternoon where about 30 of them were camped. I spoke to one bloke in particular. He and his wife came from Ballarat in Victoria and I had a bit of a yarn to them for a while. I asked, 'How long have you been in Longreach?' He said, 'I've been here a couple of days. I have filled up with fuel and stocked up with tucker. I have spent $650 in this town.' That was just in that period of two days that he had been there stocking up on supplies and whatever else—going to the club, having a few drinks et cetera.

This is the important thing that I do not think we do enough of: talking to those people in question regardless of where they are or where they are from. It is about marketing our areas. It is about marketing what the people in those areas have got. It is about selling our regions to the rest of Australia and to the rest of the international stage. I cannot emphasise that enough because too often we find ourselves in a busy environment and we tend to think that what we are about is more important than what they are about. Everybody has a story. I think we can promote each other's backyard by pulling up for five minutes and listening to what other people have to say.

I see the member for Toowoomba North nodding. When we look at places like Toowoomba, Longreach, Mount Isa, Barcaldine, Blackall and Roma we see that they have icons of their own. Just recently they had the Carnival of Flowers in Toowoomba. This is a major event on the tourism calendar in Queensland and, again, it is an event that does not get the promotion in other parts of the state that it deserves. We talk about the coastal strip all the time and we talk about what we can see in Cairns, the Whitsundays or the Gold Coast, but I believe we have just as many venues of importance—the greater icons—in the other parts of the state as we have along the coast. I urge as many people as possible to promote this.

Inbound tour operators give us either a good name or a bad name. This legislation and responsible regulation will address some of the loopholes so that the advantage is taken away from the greed merchants and the good operators earn a better name. I really believe that we have to bring those shonky, unscrupulous operators out into the fore and make the general public aware of who they are so we can once again get fairness back into this industry. I believe that this register will change that for the better.

The other thing that I want to touch on before I finish is the statewide network of tourism. We can further grow and advantage this very important and integral industry to help Queensland prosper and gain a reputation as honest dealers on the international stage. I really believe that with this type of legislation and this type of input from people like ourselves and by marketing what we have in this state we can really grow this multibillion-dollar industry in Queensland to be one that is bigger than any of us ever dreamed.

Legislation was passed through the House this afternoon relating to licensed hotels and other licensed premises. It is about making those venues better. It is about making them more attractive for people to visit. That is exactly and precisely what this type of legislation is about: enhancing the operation and encouraging people to come and see exactly what we have. I say to the minister: thank you for the introduction of this legislation. It gives me great pleasure to support the bill.

Mr POOLE (Gaven—ALP) (6.03 p.m.): I rise to speak in support of the Tourism Services Bill 2003. This bill has been introduced to rein in the unscrupulous behaviour of undesirable inbound tour operators—the ITOs. The legislation in no way reflects adversely on the activities of the majority of ITOs, who conscientiously service their clients and leave a positive impression on overseas tourists who come to this great country and this great state of Queensland. It appears that the tourists from newly emerging markets such as China, Taiwan and South Korea in particular are most vulnerable to the unsavoury practices and behaviour of the minority of ITOs. Of course, these people come from countries that will provide an ever increasing proportion of overseas tourists to this country and to Queensland in particular. We do not want these people returning home with bad tastes in their mouths and conveying a negative impression about their experience in Australia because they have been ripped off by some ITOs at whom this bill is aimed.

It also appears that the Gold Coast is one of the tourist destinations where the operation of this bill is particularly appropriate and will prove very effective. As we all know, the Gold Coast relies heavily on tourism—and overseas tourism is an important component of the tourist industry

of the coast. The bill addresses the undesirable and unfair practices of ITOs by requiring ITOs to be registered, by requiring all ITOs to comply with a code of conduct and by prohibiting unconscionable conduct by ITOs. The bill defines these three integrated and interlinked aspects of its objectives in clear and unambiguous language. It has been subjected to public consultation and in the main has received widespread support from stakeholders in the industry. It not only affects the actual tourist; their behaviour also affects the people within their employ.

I remember representing one company's employee, namely, the member for Broadwater, who was a former employee of one of the leading companies. She was unfairly treated and ended up in the industrial commission. The stories she told me were horrific. She told how the operators were forcing their employees to do these devious acts and she told of some of the silly things that they were doing. For instance, if they had 16 people on the coach, they would go and collect their catches from the river in the crab pots. There would be 16 people on the bus and there would be 16 mud crabs in these nets when they pulled them in because—

Mrs Croft: It just so happened.

Mr POOLE:—it just so happened that they had been planted earlier. Half of them were probably cooked. I do not know. I am very pleased with this legislation. It is not before time. I certainly congratulate our local minister on the coast and her staff on this excellent piece of legislation. I commend the bill to the House.

Ms LEE LONG (Tablelands—ONP) (6.06 p.m.): I rise to speak on the Tourism Services Bill 2003. This bill is aimed directly at stopping some inbound tour operators and guides essentially from ripping off either tourists, local outlets or both and, in any case, damaging Queensland's great reputation as a fantastic holiday destination. We are repeatedly told that tourism is one of the few industries we should be looking at to save our state's economy in the 21st century. I for one believe that Queensland and Queenslanders have enormously more to offer than to simply be a holiday destination. But even so, nobody can deny this is the best state with the best locations, especially in the far north, that anyone could want for rest and relaxation.

Ms Boyle: I absolutely agree with the member for Tablelands.

Ms LEE LONG: Thank you. I will take that on board. I was sure the members for Cook, Barron River, Cairns and Mulgrave would support me.

The tourism industry relies heavily on networks, on sectors and on operators staying in touch with each other and keeping each other abreast of changing markets and the changing needs of holiday-makers in infrastructure and so on. But there appears to always be a part of the industry which takes the profit motive too far and which gives tourists which fall within its grasp nothing more than an experience rich in rip-off ratbaggery. The unfortunates who fall into the grips of such shonky operators do not get to sample all the retail experiences that are available. Instead they are directed to a select store or stores with a decision based on how much in kickbacks those stores pay. The same can apply to activities they may undertake. They may be told to make sure they do not venture beyond bounds set for them by unscrupulous operators and so on.

This reminds me of when I visited China in 1980 when the only stores we foreigners could shop at were the friendship stores, as they were called, which were specifically set up for foreign tourists. We were also then specifically told not to venture too far. It sounds a little bit like the same thing is happening in Australia. Nevertheless, I must say that I did thoroughly enjoy my visit to China at a time when China was first being opened up to international visitors. However, it is a very long way from the welcoming, relaxed far-north Queensland experience for which the far north is famous.

I do want to point out that, while there is plenty of recognition in the explanatory notes of the damage such behaviour can cause to our reputation as a destination, there is another quite separate area which also suffers; that is, local tourism operators who suffer by either having to pay exorbitant kickbacks or, if they do not, missing out altogether on that part of the market.

Cracking down hard on these tourism rip-off merchants is simply a good thing—and about time, too. If tourism is to be one of our saviour industries then we need to do everything possible to ensure it is a smooth-running part of our economy and able to spread its financial benefits over the widest possible area. I do not believe this legislation will work, however, without the full support of the industry and all its decent participants and an education program to highlight the new laws, their intended impact and how people should look to see them being implemented. As the bill is aimed at what is an unfortunately well-established part of the tourism industry, that industry involvement is, I believe, essential.

I do note that tour guides are not specifically targeted, I think because of a belief that the pursuit of their parent companies will be sufficient. I mention this only because I believe some provision should be made for the department to properly pursue an individual in addition to their parent company to ensure people are also personally responsible for their actions. I support the bill.

Ms BOYLE (Cairns—ALP) (6.10 p.m.): I would like to endorse the remarks made by the previous speaker, the member for Tablelands. We do not always agree in this House, but tonight we certainly do. This is important legislation for Cairns and far-north Queensland, as we are of course well known around the world as a tourism destination.

The Tourism Services Bill 2003 addresses concerns that the industry and others have had about the provision of tourism services by certain inbound tour operators and tour guides operating in Queensland. These issues go back a long way in far-north Queensland, and that is just to my knowledge. It may be that they go back further than my own involvement in tourism industry matters in Cairns.

From time to time in the 1980s and 1990s there were reports of vertical integration and of the risks that posed to the tourism industry in Australia and certainly in Cairns. There were concerns, mostly expressed by small Australian operators of tourism businesses, that bigger companies, often headquartered overseas and owned overseas, were buying up, as it were, all of the businesses that would service their tourists when they came to Australia. Allegations were directed particularly at Japanese owned companies. They were that Japanese tourists would buy their tickets in Japan, but not only for flights to Australia. They would also buy their accommodation and their transport around Cairns and make arrangements in advance with duty free stores and for all of their tours. The combination meant potentially, if this was true, that they would be likely to spend hardly a dollar. Once they actually landed in Australia everything would be prepaid in Japanese yen and the profits would go to Japanese companies.

Obviously, those who believed that this was happening—the indications were certainly there that this was true—were those Australian businesses who felt that in their own country they were not being given a fair share of opportunities at least to get their market, make their profit and establish in tourism.

One of the examples I recall related to Green Island, where the lease was held by a Japanese owned company. In fact, it produced on that resort lease its own money so that Australian money was required to be exchanged as the resort lease was entered in order to purchase anything—food or other things at that resort. Then the 'funny money', as we called it in Cairns, was changed back into Australian dollars at the end of the trip. Of course, this was not acceptable to the locals and the uproar meant that the company gave away that scheme very quickly, I am pleased to say.

Over the years, however, from time to time there have been headlines about these practices on the front page of the *Cairns Post* as well as complaints to offices like mine, mostly by Australian businesses who still believe that they are locked out by what we would be calling in this bill unconscionable conduct by operators—tour guides mostly, whether at the direction of their companies or by their own initiative—who collect passengers as they arrive at the airport, take them to the bus and take from them, with their permission, their passports, saying of course, 'Let me do the worrying. She'll be right, mate. I'll look after your passports. I'll make sure all the paperwork is cleared for you.' Then in the process of supposedly looking after these tourists they are taken to all of the 'right' hotels, all of the 'right' shops and all of the 'right' tour companies for their experiences.

I must say that I have not had at my office complaints about this practice from tourists. This might be, of course, because tourists, after it is all over, go straight home and it is too hard to make complaints. Or it might be that, as I suspect, in most instances the tourists are relatively well pleased with their experience. The places they go, the shops they visit and the tourism trips they take are of high quality. There is no doubt of that. Whether or not they are paying more for them than they would otherwise they do not know, so how can they complain? They have been well looked after and they have not seen any commissions change hands, so the experience for them is not necessarily an unpleasant one. They do not know what they do not know.

Indeed, the complaints that have come to my office have come from those Aussies, often residents of Cairns, who have spotted what they think is an opening or a gap in the tourism market and who, with their own small funds, are prepared to stake their own small tour business

or tourism shop. It is only when they get into the thick of it, after their investment has been made and I dare say they have extensive loans with the bank, that they discover that they are competing with companies who are sometimes ruthless in their methods of securing their customers, particularly international tourists.

This is where the Cairns tourism industry and all of the retailers, particularly those that are Australian owned, will cheer this minister loudly. The hard facts are that this issue has been placed in the too-hard basket by previous governments. Various people along the way, in the bureaucracy as well as in government, have considered the issue but not found the way to take action. We do therefore commend the minister, knowing that it is a complex and a difficult problem to address, that it is very hard to bring out into the open some of the practices that have been occurring and that this bill may not absolutely and 100 per cent solve the problem but that it is a first and very significant step in doing so. It sends to the tourism industry in this country, whether Australian owned or foreign owned, the clear message that these sorts of practices—these pay-offs, these commissions, vertical integration or looking after your friends in an improper and hidden fashion—are not part of the culture of tourism in Australia and are not acceptable. It does not matter whether it is okay in places overseas; it is not okay in Cairns or Brisbane or on the Gold Coast or elsewhere in our fair state of Queensland.

I note that the bill addresses its objectives through three key mechanisms. These mechanisms are so important in terms of their impact in Cairns that I will remind members of the House. The first mechanism is requiring ITOs to be registered, except those ITOs who also sell travel packages to the domestic market and whose overseas sales account for less than 20 per cent of the total number of travel packages sold during a 12-month period. The second mechanism is requiring all ITOs, regardless of whether they are registered, to comply with a code of conduct. The code will contain detailed requirements, including a prohibition against high pressure tactics or harassment, a prohibition against making false or misleading representations and a requirement to ensure tour guides behave appropriately. The third mechanism is prohibiting unconscionable conduct by ITOs, again regardless of registration, and tour guides.

Unconscionable conduct includes such things as, firstly, failure by an ITO or tour guide to disclose their relationship with the preferred retail outlet. If this is followed through with in Cairns, then it will solve half the problem. The second element of prohibiting unconscionable conduct is where a tourist could have obtained a better price for goods without an ITO's or tour guide's help. This is important. While at the moment the Australian dollar is such that many international tourists think they are getting a very good deal with our prices, even when they are at the higher end of the range, nonetheless it is important that there is not a rip-off of tourists by charging them an unreasonable price in the Australian market.

The third element of unconscionable conduct will be policed where an ITO or tour guide dissuaded a tourist from making a reasonable choice about where to eat, shop, stay or visit. This is what Cairns operators want. They want our tourists regaled with the opportunities you have when landing in Cairns to have a wonderful and amazing time. They want to have overseas owned businesses proudly displaying their experiences and their investment in our country. There is no sense at all in their being in any way limited or not competitive in the market, but they want the right, the ease, the responsibility as well as no interference to stand side by side offering their goods, their prices and their experiences fair and square without tourists being guided or herded for improper reasons past them.

I am pleased to inform honourable members of the House that this is already happening to some extent. In times past we believe the unconscionable conduct has occurred in relation to tourists particularly from Japan, China, Taiwan and, more recently, South Korea. That seems to be happening less than before—not thanks to voluntary changes within the industry but because, I am pleased to say, tourists from those Asian countries are coming in smaller groups. They are coming more as independent travellers, and when they land in Cairns they are more adventurous than they used to be so and go out more on their own and make their own decisions. Our tourism industry should encourage that. That is part of all destinations in Australia being friendly and safe destinations. We do not need tourists herded around on a bus with their conduct, spending and experiences controlled. The freedom and the profitability of the tourism industry in Cairns and across Queensland will benefit from this bill.

Mr HORAN (Toowoomba South—NPA) (6.22 p.m.): This Tourism Services Bill is a very important bill. The tourism industry is one of the great industries of Queensland. As the shadow minister for small business, I am pleased to see that this bill is addressing an issue that has

concerned small business operators in tourist areas for some considerable period. This bill will give those small business operators a fair crack of the whip, we hope, by having an opportunity to provide their services or some of their wares to tourists who visit our great state.

I noticed the minister's second reading speech made mention of tourism operators who provide far too much in the way of a tour. How many of us often see bus loads of tourists all fast asleep being raced from place to place? It must be such a rushed tour. I wonder whether it is enjoyable at the end of the day. I think we would all like to see that every single tourist who comes to Australia, to Queensland in particular, has a fantastic time. We want people to go home and contemplate coming again. We want them to tell their friends it was a good experience and for there to have been every opportunity to do the things they wanted to do in a reasonable time span with the freedom to look at things and do the shopping which they wanted to do.

I genuinely hope this legislation is able to address some of these issues. It will be difficult. I remember working as a student in a tourist resort in Brisbane. For the bus operators who brought people through, they were always provided with a free lunch. It was a matter of courtesy; it certainly was not anything to do with graft and corruption. Bus operators or tour operators being provided with a free lunch when they go to certain places is the normal hospitality or friendship that might be provided. Let us hope that the legislation and the way the regulations are put in place are sensible.

I also hope with our support in the parliament these regulations will benefit all small business operators involved in the tourism industry in Queensland. For too long we have seen major controlled and organised vertically integrated operations that provide no benefit to us in Queensland or Australia. That is not what tourism is about. It is about sharing the wonderful assets of our country, but it is also about our getting something in return. If it is organised to the extent where the airline, the coach operator, the resorts, the shops and every single thing that they go to is foreign owned and controlled and prepaid through a system of vouchers or prepayment arrangements that occur overseas, then we might as well not have that particular segment of the tourism industry because it is of no real benefit to us. It is not returning something to us as a state so that we can provide the roads, services and facilities and so forth for people to enjoy. I do welcome this bill. I hope, as I said, the support of the opposition will enable this practical aspect to be carried through.

I want to say a few words about tourism in Toowoomba and the Darling Downs, particularly as we have just had the 54th Carnival of Flowers—perhaps the most successful Carnival of Flowers that has ever been held. The Carnival of Flowers is the longest continuously running festival in Australia. For 54 years it has provided a wonderful opportunity for people to come to the beautiful garden city of Australia and to experience that climate some 2,000 feet up on top of the range to see the beautiful gardens, to see a traditional Australian parade which cannot be seen in many places these days.

The parade this year went for almost an hour and a half, with floats, bands, children and various other groups marching and taking part. Visitors could not only see the gardens, look at the lovely homes of Toowoomba and experience the galleries, restaurants, parks and gardens, and sights of the city but also experience the friendliness of the city and the activities that were put in place.

I want to compliment the Mayor of Toowoomba, Councillor Di Thorley, and her newly put together committee. There was a great change in the carnival this year. We had a couple of difficult years, and Di Thorley put her energy behind the carnival this year. The carnival was compacted to one weekend. We had the parade on the Saturday and all the entertainment Saturday night and Sunday, and then for the following week there were the traditional events. Bus loads of people were able to visit the various gardens, the orchid competitions, flower shows and so forth. That new concept worked exceptionally well.

We estimate there was somewhere in the order of 100,000 visitors to the city over the weekend and about $3 million spent in that period. The Heritage Parade was a great success, as was the Ergon Flower Show in Queens Park. That Saturday night the carnival organisers through the new, young, vibrant committee put together a great concert at the athletic oval, or Stadium Toowoomba as it is now called—but I think we all still call it 'the oval'—with Taxiride and Jimmy Barnes. It was a great crowd. It was only $10 a head, and I think that was very important. Where could you go and see a concert of that standard today for $10 a head? Even if you had to pay the fuel to drive up from Brisbane and still pay $10 a head, it is still a lot cheaper than most concerts in the capital city.

The concert was value for money and it was a lot of fun. There was entertainment for young people such as the Eidecan concert and the Battle of the Bands competition, which started off the weekend's festivities. It was a great concert on Saturday night. There was an opportunity for people to go through Queens Park and look at the Ergon Energy Flower Show, which also showcased various wines and produce of Toowoomba and the downs. There were literally hundreds of buses coming to the city for the weekend. There was not one single vacancy in any motel or B&B in the town. So the carnival has worked well in terms of tourism. Hopefully many of those people who have come to our city will come back.

Toowoomba is emerging as a real drive market, as it is now virtually a four-lane highway all the way with the Gatton bypass almost completed. It is about an hour and a half drive from the centre of Brisbane. It is a drive market as it has beautiful parks and gardens, antique shops, various cafes and restaurants and galleries. It is becoming a place where people can come and have a wonderful stay, whether they stay for a weekend, a night or simply come up on a day trip. Toowoomba also is a base for the Darling Downs, for the Crows Nest area, for the towns of the downs—some of those towns are very interesting to drive to—and for the southern downs of Warwick and Stanthorpe.

The other interesting thing about Toowoomba is the emergence of the Empire Theatre as one of the great venues in Queensland. There would not be a theatre venue in Queensland that could rival the beautiful Empire Theatre, which was built in art deco style. Some $13 million was spent on refurbishing it and bringing it back to its former glory. It seats over 1,600 people. It has magnificent acoustics. There is airconditioning located at the back of each chair. It has a beautiful stage and the old equipment to lift the stage settings up and down, not unlike the *Phantom of the Opera* setting that you see in that old theatre in Paris. It is a great place.

People are coming to Toowoomba because of the events that take place there. They can see the Russian ballet and they can see a country and western concert. The late and great Slim Dusty packed the place out, as have many other country and western singers. Bands from overseas have played there. People can enjoy the ballet, comedians, and a whole range of entertainment. It has been great for our city, particularly for events by our own local groups, school speech nights and so forth. That theatre has acted as a real magnet to bring people to Toowoomba. There would not be anything better than coming up to Toowoomba for a weekend, perhaps going to the twilight races on the Saturday afternoon or the night races and going to the Empire Theatre the next day or on the Friday night and having time in between to be able to look around the city.

Events tourism is something that we really have to concentrate on. It can be seen as an international event. It is going to happen here starting this weekend with the Rugby World Cup. There will be literally 100,000 visitors or more coming to Australia who will spend large amounts of money as they travel around and watch the Rugby matches. Importantly, in between matches they will experience all there is to offer in our cities and on our coasts.

I saw it happen when I had the privilege of going to the Rugby World Cup final in 1999. I think we all saw a couple of years ago the tourists that the British Lions tour brought to Queensland. We see it in Townsville with the Cowboys and the Crocodiles. It certainly attracts the visitors, even though they may come mostly from Queensland. There is always a plane load or two of supporters who come from interstate for the Rugby League games. It has brought a great injection of outside money into Townsville.

One event that we had in Toowoomba that was exceptionally successful was the Golden Oldies Hockey Festival. Of course, this brought hundreds of people to our town. They were all people over 40 who were in a position to enjoy themselves, in a position to be able to spend and look around whilst they were in the city. It is an event that brought a great benefit to our city.

It is interesting, too, that an annual schoolboys footy match that we have, the Downlands Grammar football game, is the biggest day in our city for taxis simply because of the people who come to the city for that event. Other events like the Ag show, FarmFest, the Toowoomba Show, Weetwood, the annual swap meet and, as I mentioned, the Empire Theatre bring people to our city and bring tourism to our city. What we have on offer as an attraction is a great experience and is vastly different from the traditional tourist attractions of the surf, the sand and the rainforest. What we have to offer is another experience altogether.

One of the events in Toowoomba that has been developed recently and was held just last weekend is the Heritage Stampede. Toowoomba is certainly the equine capital of Queensland with all the thoroughbred studs, the various pony clubs, showjumping clubs, and equestrian

facilities such as the Indoor Equestrian Centre at the beautiful Toowoomba Showgrounds. The Heritage Stampede held over the last weekend was an inaugural event which is going to stamp Toowoomba as the horse capital of Queensland, if not Australia, and is going to provide a marvellous array of events. There were something like 15 separate events, from showjumping to polocrosse, campdrafting, equestrian events, tug-of-wars, ute shows, truck shows, equine expos, and riding for the disabled. There were concerts and many different sorts of equine events, including rodeos, held throughout the weekend. It was run by the Toowoomba Rotary Club, and it was a great success.

The proceeds of the weekend are going to go mostly to Riding for the Disabled but also to other charities. I would like to compliment Marcus Osbourne, the manager of Channel Seven, who put an enormous amount of personal effort into organising the stampede. It is an event that is going to be very successful. It looks as though it is going to make a good, substantial surplus to provide to charity and to provide something to commence next year's event. It ran successfully at the Toowoomba Showgrounds without one single dollar of any sort of grant or subsidy from any level of government. That event has proved itself. It would be worthy of some assistance, considering the funds that are provided to many festivals and events throughout the state. Here is an event that stood on its own feet, found a market niche, and brought people to a good event at our city. It has certainly done some great things for the city.

I would also like to compliment Toowoomba and Golden West under the leadership of Councillor Michelle Alroe for what they are doing. In the past year, their board—which has representatives from councils not just in the Toowoomba and Darling Downs area but throughout south-western Queensland—has certainly put the whole area on the map. They have concentrated particularly on media coverage and letting people know what there is to see, what there is to experience, and they have been very successful in that regard.

When talking about the Carnival of Flowers I did not mention the seven entrants in the Myer Quest. They are lovely young women who did so much for the Carnival of Flowers. Lisa Campbell was the quest winner, but the seven girls were all winners. They are lovely young women and we in Toowoomba are very proud of them. They put enormous personal effort into promoting the carnival, going around and helping with different events, and being the smiling faces of the carnival. We owe those young women a big debt of gratitude.

I want to talk finally about Toowoomba and its garden image. In many ways, that is our tourism or marketing niche—sitting on the top of the range at about 2,000 feet, with beautiful red volcanic soil and a cool climate. We have a true autumn, a true spring, a beautiful summer where it does not get humid, a lovely Christmas and a winter where you can sit in front of the fireplace. It has a real attraction for tourists. That attraction is augmented by the magnificent gardens.

You can see the foresight of our pioneers and our leaders in Queens Park, which is probably almost unparalleled, and the Botanical Gardens. The beautiful trees of Queens Park are complemented by the lovely gardens at the Botanical Gardens. We have Picnic Point on top of the range and the natural Australian look of Tobruk Memorial Drive looking virtually out to Moreton Bay. The Boyce Gardens, which were left by the Boyce family, show the ecology and the environment of the range as it was originally with the sort of real scrub that occurred on the edge of the range. The Japanese gardens at the University of Southern Queensland are unique; they are very beautiful and serene gardens.

We have the magnificent Newtown Park with its rose gardens and Laurel Bank Park which, during this Carnival of Flowers, was just awash with flowers in the Alice in Wonderland fantasy theme of this year's Carnival of Flowers. The kids and families got a great deal of enjoyment out of that. All of that was magnificent.

The most exciting prospect of all is the concept by the council and the Friends of Quarry Gardens to put in place gardens on the old, disused council quarry. It is a quarry on the edge of the range with a most imposing and spectacular outlook to the north-east. You could travel the world and you would not find a more spectacular sight. There are sheer cliffs on one side, where many decades of quarrying have taken place for blue metal, and the different strata and geology in the cliffs. There is a massive area of quite a number of acres looking towards the north where the proposal is to build gardens that would take visitors on a journey from moss, lichens and so forth in ancient times through to the modern gardens of today.

At the Quarry Gardens there will be an area set aside with lawns for bands to be able to parade and march and an area set aside for tourist accommodation. It could be a true public-private enterprise with private enterprise being involved in establishing some form of tourist hotel. The Quarry Gardens is based on the idea of the Butchart Gardens in Canada, which is a world

famous garden and which is similar to the sheer topography and site of the potential Quarry Gardens. It has great potential not just to bring tourists from Australia and Queensland to Toowoomba but it also has the potential to bring people from overseas.

These days with superannuation and the like there are more people who want to travel the world and see things such as shipwrecks, and that is one reason why the *Pandora* display in Townsville is so successful and so interesting. There are people who want to travel on the great railways of the world and then there are people who want to travel to see the great gardens of the world. The great garden city of the world is Toowoomba and the great garden that will be in Toowoomba under this exciting proposal is the Quarry Gardens. I urge the government to give every consideration to this proposal, because it is a wonderful opportunity to put the icing on the cake for the magnificent gardens that already exist in our city and to make Toowoomba a truly great tourist attraction in Queensland and Australia. That will not only help Toowoomba but it will also mean that the area will be the front door to the south-west and to the outback—that is, tourists can come to Toowoomba first and travel further to experience outback adventure or the various attractions of the Darling Downs.

The area needs this. Other more typical tourist attractions on the coast have received millions of dollars to enhance their foreshores and the facilities they already had. One only has to look at the amount of funding given to the Whitsundays and Airlie Beach. It is time to start to regionalise our tourism and realise the great opportunities there are on the doorstep of south-east Queensland and to give support to the Quarry Gardens. In conclusion, as I started off by saying, the thrust and the principle of this legislation to provide Australian and Queensland small business operators with a fair go is to be welcomed.

Mrs ATTWOOD (Mount Ommaney—ALP) (6.42 p.m.): There have been many concerns raised by tourism industry associations, retailers and some tourists about the tourism services provided by some inbound tour operators and tour guides operating in Queensland in recent years. It has been revealed that four main types of undesirable and unfair trading practices have been undertaken, including controlled shopping, misrepresentations, overcharging for goods and services, and unconscionable conduct. The unfair trading practices described above are driven by the desire to capture and direct a greater share of the tourist's shopping budget. The need to do this might flow from the sale of the tour package at cost or less than cost. The initial losses incurred must then be recouped by limiting tour participants to shops and restaurants that pay commissions to inbound tour operators and associated tour guides.

Inbound tourists' concerns and consultation with the tourism industry have revealed that tourists from both the dominant and the emerging Asian economies are most vulnerable to these practices. Language differences, cultural influences and limited travel experience make tourists from some countries heavily reliant on their inbound tour operator and tour guides while in Queensland. These unconscionable practices lead to reduced holiday enjoyment for tourists who pay highly inflated prices in controlled shopping situations and also result in loss of business to honest retailers because of misrepresentations made about them or their refusal to pay excessive commissions. This practice can have long-term repercussions. Other impacts include fewer repeat visits by tourists, lower rates of recommendation to other potential tourists and lack of tourist confidence in Queensland as a travel destination. Queensland's image as a tourism destination may be tarnished by such conduct and this could create an impediment to growth in our great tourism industry in Queensland.

Only last Sunday—that is, 5 October—I had the honour of attending the Taiwanese Friendship Association of Queensland, the TFAQ, celebration of the 90th anniversary of the founding of the Republic of China. Also present were the Minister for Natural Resources, Stephen Robertson, and the member for Algester, Karen Struthers. TFAQ members regularly travel to and from Taiwan and I am reliably informed that members tend to use travel operators from their own community to ensure that they have an enjoyable experience and are not caught up in the shenanigans of dubious travel operators. The government made a commitment prior to the 1998 state election to address problems in the inbound tour industry by introducing licensing of inbound tour operators.

This bill addresses the undesirable and unfair practices outlined above and provides protection for domestic and overseas consumers by regulating the conduct of inbound tour operators and tour guides. The bill will achieve this by requiring inbound tour operators to be registered before they can conduct business in Queensland while providing an exemption to those inbound tour operators who also sell travel packages to the domestic market and whose

overseas sales account for less than 20 per cent of the total number of travel packages sold during a 12-month period; ensuring only suitable persons are registered as inbound tour operators; requiring inbound tour operators, whether they are registered or not, to adhere to a code of conduct which will contain minimum business conduct standards to complement the draft tourism export code of conduct, a voluntary industry based code; and prohibiting unconscionable conduct by inbound tour operators, whether they are registered or not, and tour guides when providing services to tourists. The bill is considered to be a reasonable and appropriate way of achieving the objectives. This is because existing laws have failed to curb exploitation of tourists and have not been adequate to protect the interests of those tourism based businesses who do not participate in undesirable and unfair trading practices.

Prosecuting the sales assistant is not good enough if we are to secure the good reputation of the Queensland tourism industry. It is appropriate that an executive officer or partner who is in a position to influence the conduct of the corporation or partnership or who is responsible for a contravention should be accountable for such a contravention. This is especially relevant to the inbound tourism industry, because many of the people who use the services of an inbound tour operator have little or no knowledge of English or of how tourism businesses operate in Australia. The proposed legislation is generally supported and in some cases has received strong support from ethnic communities and tourism industry stakeholders. A number of stakeholders have suggested that tour guides should be subject to even further regulation. However, the government is mindful of the need to minimise red tape and will monitor the effect of the proposed legislation in the first instance.

Several stakeholders noted that the success of the draft legislation is largely dependent upon industry education and effective enforcement of the legislation. A compliance strategy and communication strategy are being developed to ensure that inbound tour operators and tour guides are aware of their responsibilities. I commend the bill to the House.

Mrs PRATT (Nanango—Ind) (6.48 p.m.): I rise to speak to the Tourism Services Bill 2003. I recognise that the reasons for this bill are to provide protection for consumers by regulating the conduct of inbound tour operators and tour guides. This bill seeks to introduce a regulatory scheme which establishes a registration system, a code of conduct and prohibits unconscionable conduct. The primary aim of the bill is to stop the exploitation of tourists travelling on packages organised by inbound tour operators, but often these tours are arranged in conjunction with agents from the very country from which these tourists are in fact coming.

With regards to unconscionable conduct, this is a questionable standard from one country to the next. It could be argued by what or whose standard is this unconscionable conduct to be measured. How would it be conveyed to members of another culture whose cultural values might not conceive that such conduct is in fact unconscionable conduct but more a buyer beware issue? These visitors therefore remain victims. They do not report the incident but take a negative experience home and spread the word on their return. Many of these inbound tourists from overseas have very limited English, if any at all, and therefore the ability to be aware of the law will be non-existent until long after the fact, if ever. If a tourism body were intending to act unscrupulously towards an inbound tourist, it definitely would not raise the fact that this legislation was in existence to combat such behaviour. We can only hope that time will eliminate those prepared to act in such a way.

The second aim is to protect those in our tourism industry who endeavour to do the right thing by tourists coming from southern states or from overseas—the operators who do not engage in undesirable and unfair practices and who strive to make this lucrative business avenue grow. We are forever being told that tourism is the only way to go for a great future. There is no doubt that inland communities are embracing tourism and are doing everything in their power to make touring the Brisbane Valley corridor and the South Burnett a wonderful experience. Most people who have been through the Nanango electorate would know that it has become well known for its wine, olives, cheese and art, just to name a few of the wonders of the electorate. I could go on for hours, but time prevents me from doing so.

Unfortunately, there are cowboys ready to try to hoodwink the innocent, and shonky operators who will charge for things that are in fact free. These people have been, and always will be, called con artists. Regardless of all the education available to make visitors to our country aware of these practices and to make their visit a memorable and enjoyable one, there will be times when commonsense must prevail. In attracting overseas tourists and southern tourists to Queensland, our glorious sunshine, our beautiful sandy beaches and the sun-bronzed Aussie lifeguards patrolling them are often the most recognised images that are pushed. The general

push to have inbound tourists feel that Queensland is a safe destination is often undermined by tragic events. These events, such as the drowning of tourists who are unfamiliar with our treacherous rips, do not reflect well on the tourism industry.

Although it is constantly promoted on our television screens that the red and yellow flags marking our beaches are safety signs indicating that people should swim between the flags, it was recently revealed by some tourists from Japan that their perception of these red and yellow flags was that they indicated a private function. Therefore, out of respect they deliberately stayed away from these particular zones. So this would indicate that, although every indication was given that the beach was in fact safe, there was a misinterpretation of the safety signs. Would the fact that some tour operators have failed to spell out beach safety issues in extreme detail confirm that they were negligent in their operation?

It must also be recognised that the lifesavers who patrol the safest areas of our beaches are currently under threat from the liability insurance crisis. As they contribute so much to the safety of all swimmers, Australians and tourists alike, and are widely promoted in tourism brochures, surely it is appropriate that they be considered under the government liability insurance arrangements in the same way other services are, namely, the SES, rural fire services and so on? The government needs to recognise the contribution that these primarily volunteer lifesaving groups make not only to our tourism industry but also to our economy. These men and women are no less valuable than the SES and other volunteer groups. The only difference is that they do their rescue work on our coastal waters rather than on the land. Moves should be considered, and perhaps with agreement reached, to bring them under the government insurance umbrella in the same way as these other groups. I ask the Premier to give serious consideration to opening discussions with the surf-lifesaving movement to see whether the crisis they are facing can be combated and does not end up with our beaches having no lifesavers on them at all.

I recognise that extensive consultation was undertaken on this bill. I agree that the bill has wonderful intent, but similar to many other bills I question whether or not this will be a bill that is easily policed. Queensland's tourism industry is enormous. When overseas I often say to people, 'If you haven't time to see the world, come to Australia, because the world is here on our shores. From our dry arid inland, the beautiful reefs and the snowcapped mountains, we have the lot.' Offering it honestly is essential to building on the existing tourism base.

Given the terrorism experienced in other countries, it is essential that we be seen not only as a great country but also as a safe alternative, not a country of rip-off merchants and profiteers, as some short-term thinking tourist operations might reflect. Overall we have a fantastic tourism industry and personnel within it. We need to show inbound tourists the truth about Queensland and its people and the people making it a country.

Steve Irwin is a wonderful asset to Queensland with his unbridled optimism and enthusiasm. I hope it is catching. He is a man with passion for his interests. He has passion for Queensland and passion for Australia. He is an individual. He is a Queenslander and Queenslanders are individual. We should not let the cultural cringers try to mould us into something else. I have travelled to many cities in many countries of the world where I could literally have been in any city in any country in the world; I could have stayed at home and seen the same things. Tony and I avoid the cities as we travel and we live with the real people, for it is only with them that we get to know the country. People with passion stay in our mind, and the areas they reflect stay in our mind also. I congratulate the minister on this bill. I think it is a very good one. Its intent is worth while. I commend it to the House.

Ms MALE (Glass House—ALP) (6.55 p.m.): The Tourism Services Bill is a very important and timely piece of legislation and deserves the support of the House and indeed the full support of the industry and the community. Tourism is Queensland's second most important industry and, in my electorate, it is the lifeblood for most of the Sunshine Coast hinterland towns, such as Maleny, Beerwah and Landsborough. Anything that risks tarnishing this industry will have untold negative impacts on Glass House and its constituents.

We have seen a number of instances where tour operators have used undesirable and inappropriate practices that have a negative long-term effect on the industry. The minister, and indeed the member for Broadwater, have been very proactive in highlighting these practices, and this bill is designed to stamp them out once and for all. I commend the minister for her commitment in this area because, as a Gold Coast MP, I am sure she is acutely aware of how any downturn in tourism affects the people in her electorate.

The penalties outlined in this bill for misconduct by tour operators are severe enough to act as a deterrent. However, just having a deterrent is not enough. That is a proven fact. We have only to look at other policies put in place previously where deterrents have not been followed up with education and inspectors to ensure that the law is followed to the letter. It is pleasing that in this bill the powers have been increased for Fair Trading inspectors to properly enforce the legislation. It also enshrines the special power for the Commissioner for Fair Trading and the minister to make public warnings regarding inappropriate practices. Nothing dries up a rogue's business opportunities quicker than having them exposed in the public arena.

This bill will be a tremendous confidence boost to all legitimate businesses, of which there are many, and they will be able to continue their good work. After all, it is the role of government to give businesses legitimate support wherever possible. Clear, concise legislation such as this bill is one way of supporting the tourism sector. Another way is to assist tourism operators by smoothing the way through red tape and recognising the special needs of this industry. This brings me to the well publicised case of Beerwah's Australia Zoo and Steve and Terri Irwin. The zoo has put Beerwah on the map nationally and internationally, employs an enormous number of locals and is a very good corporate and community partner. I would hate to see the zoo move from this area or even be inhibited from reaching its full potential. Any tourism business which is currently undergoing a massive expansion such as the zoo is in these times of SARS, terrorism and a downturn in international travel is a very rare beast.

The problems that have frustrated Steve and Terri while they have tried to expand their zoo on a grand scale should never have reached this point. It would be easy for me to sheet most of the blame home to the Caloundra City Council, but that would not gain anything and would be counterproductive. It is true that most of the issues nominated by Steve fall within the realm of the council, but it is also true that he has had problems with Main Roads over the years. As soon as I became aware of these issues, I contacted Minister Bredhauer's office and, within two days, I had the Main Roads Director-General, Steve Golding, the minister's senior staff and the Main Roads regional director on site at Australia Zoo examining the issues.

To Steve Golding's credit, he agreed to solve most of the zoo's issues immediately and, on the one occasion when Main Roads could not help, he explained why and the zoo management fully understood. The outcomes from this meeting were very positive and it was an important insight for the director-general about the zoo's future plans and needs. So it benefited both parties. It is incumbent on all MPs to play this facilitative role for our tourism operators. It is also encumbent on all levels of government—local, state and federal—to work together to create the right environment for businesses to prosper. We must be able to put self-interest and petty politics aside in order to help businesses such as Australia Zoo continue to grow and bring added benefits to the wider community. As always, I have a standing offer with Australia Zoo and all businesses in Glass House for them to raise state government issues with me and give me the opportunity to sort out their problems quickly.

This legislation will enhance our tourism industry enormously. It means overseas visitors will be getting good value for money as well as an enjoyable experience in our great country. My electorate has many facilities to offer overseas tourists, and I would hate to see them tied up through visiting only one or two places. Apart from the zoo, which as I said is an enormous attraction and a fantastic Australian experience that I would commend to all honourable members, their friends, and overseas visitors, we have the kart track, John Wisse's abseiling/climbing business, hot-air balloons, horse riding, galleries, shops, wineries, historical cottages and villages, award-winning restaurants and accommodation—everything there could possibly be for tourists to enjoy. This is not tied up in any way with the types of things we have seen on the Gold Coast and in Cairns. I am really glad this legislation will be put in place to make sure that this never happens, that is, that our locals miss out on all of the good opportunities that tourists bring.

If people want a free experience, I encourage them all to visit Beerburrum and climb the mountain. The best view of the Glasshouse Mountains is from the top of Beerburrum Mountain. It is a fairly easy climb. As I said, it is free. Then people can enjoy the rest of the wonderful opportunities that Glass House offers.

I congratulate the minister on her forethought and support for the tourism industry throughout Queensland and I congratulate her department on all of the work it has done in getting this legislation up and running. I commend the bill to the House.

Sitting suspended from 7.00 p.m. to 8.30 p.m.

Mrs CROFT (Broadwater—ALP) (8.30 p.m.): I rise to speak in support of the Tourism Services Bill 2003. It was some time ago now—in fact, just prior to the 2001 state election—that I first met with the Minister for Tourism to discuss with her my very strong concerns about the conduct of many inbound tour operators on the Gold Coast. Having been a Japanese speaking tour guide for a number of years with various inbound operators on the Gold coast, it was my understanding of the practices of the industry, my passion for tourism on the Gold Coast and my will to improve the standards that led me to pursue a seat in this House. I wanted to explain to the minister the complexities, how the tour itineraries are coordinated and sold, and how many companies were paying commissions for tourist patronage. Admittedly, I did not have all day to explain the situation and the experiences that I had encountered in my many years as being a guide, but I was impressed to find the minister had understood all of what I had encountered and all of what I was saying.

Also lobbying the minister at the time was the Surfers Paradise Traders Association led by Mr Stuart Cowan. On 17 October 2000 a *Courier-Mail* article broke the news about tour operators and retailers overcharging customers and controlling their shopping choices. The problem, however, was not limited to the Gold Coast, as later a *Courier-Mail* editorial revealed that the problem of rogue operators monopolising the tourist market was also occurring in Cairns.

Since the boom of the Asian tour market into Australia in the late eighties, Asian-controlled inbound tour operators and wholesalers have been conducting businesses their way and pretty much unregulated. In my opinion, they have been undercutting the potential of our tourism services and tourist employment. The business practices of commissions and the misrepresentations that we are discussing here tonight while debating this bill have been well known on the Gold Coast and have been widely highlighted throughout the media.

I would like to take this opportunity to advise the House that the persons to deliver such business practices are not the tour operators as such but the tour guides. Whether they are Chinese, Japanese or Korean speaking, the tour guides are doing the job asked of them by the operators. I have worked as a tour guide, so I can speak for a lot of the tour guides who have left the industry because of these kinds of practices. I would like to quote from one of the tour guiding manuals that has been brought to my attention by a number of guides, some of whom have left the industry and others who are still working in the industry and care very much about it. This is one of the guiding handbooks from one of the major companies working within Australia. This is a section from that booklet advising guides how to conduct tours, but most importantly it contains the rules for guiding shopping during sightseeing. One of the most significant points here which is one of the points in our discussions tonight is that it states—

> Take your clients to shops that have contracts with JTB unless there is some special reason not to go (such as a special request from the clients, or time limitations).
>
> Do not make changes in the shopping schedule without good reason, do not allow unscheduled shopping, and do not allow the tour to degenerate in to a mere shopping expedition.

It also advises their guides to actually contact their local tour company office if the tour conductor who is travelling with the group expresses a desire to change something on the itinerary. It also advises the guides to not identify the shops that are under the contract with the tour company but refer to them as 'recommendations' from the company.

In my experience a lot of the guides have been very wary about speaking out about some of these practices because of the kind of conditions under which they are employed, particularly because it is a casual employment industry. A lot of the tour guides are frightened of losing work and so are frightened to speak out about these kinds of practices. As they work from day to day, if they were to say anything it is more than likely that the work will not be there the next day.

Every tour is conducted by the tour guides according to a written itinerary which states what is included in the day's travel. The itinerary is formulated by the tour coordinator but is sold and packaged by the tour operator managers. The purpose of my outlining this to the House is to highlight that in order to address the problems of commissions, tourists being taken to specific duty free stores, limited shopping time and so on, there is a need to target the tour operators first and foremost.

I am well aware that there are some tour guides who work in Australia for companies based overseas who have acted inappropriately towards shop owners, and I find this unacceptable. However, the pressures placed on tour guides to sell optional tours and take customers to specific duty free stores is something that is not reported frequently. Depending on the type of tour a group may be travelling on, shopping time is limited due to the length of time for the tour that they have chosen. Customers arriving in Brisbane, for example, may have already selected what

they would like to do for the day before they have even arrived in Australia. It may be an eight-hour tour, for example. The eight hours for that tour starts from the time that the flight arrives. But, most importantly, I would like the House to understand that it is only eight hours that the guide gets paid for—no more, no less. The guides are paid per type of tour.

So having arrived at 5.30, the driver and the guide take customers to Mount Coot-tha, for example, to see the view before heading to Lone Pine Koala Sanctuary, which opens at 7 a.m., for an hour and a half. They then make their way to the Gold Coast with a full running commentary from Brisbane to the Gold Coast along the M1. Included in their package on their visit to Dreamworld is a lunch. They spend close to three hours at Dreamworld. They then head to Surfers Paradise and the driver stops at Narrowneck. They jump out, take some photos of the beautiful beach and then they make their way to a selected duty free store or souvenir store.

It is at about this time that the driver and the guide are clocking up close to working their eight hours. It has been a long day for everyone and the tourists have not even checked into their hotel yet. Should their flight be delayed or a traffic jam occur on the M1, the guide does not get paid for any overtime. The customers must go to a duty free store. Even though I have not been in the industry for nearly four years, I know from speaking with guides working in the industry as well as drivers and other industry workers that the practice where tour guides are required to sign in their customers—their pax—at certain duty free stores is still occurring.

Given that the group has only just arrived in Surfers Paradise and while the customers are in the duty free store, the guide is busy reconfirming the next stage of the tour's flights, hotels and tour details. I guess at this stage the guide, who has 20 separate honeymooners on his or her tour, does not really want those individual tourists to be wandering around Surfers Paradise just yet as they have only just arrived in Surfers and it is the guide's responsibility to ensure the safety of those customers. The check-in time at the hotel is when the guide explains to the customers everything that they need to know about the local area and important information about the hotel. Then when they have checked in and gone to their rooms the customers are free—on their own—until they are picked up for the next tour, whether that is an optional tour or a departure day.

Little about the work of front-line tour guides is understood. The point I am trying to make is that, in an industry where the market fluctuates seasonally yet cities like the Gold Coast and Cairns rely so heavily on it, where there has been no industrial award to ensure job security and proper training and where there is unregulated business practice, addressing problems and introducing change is going to take some time.

The minister and her ministerial and departmental staff have worked extremely hard to develop legislation that will work at its introduction. This legislation, with its reforms of the tourism industry, is leading other states. Tourism industry groups in other states have been watching these reforms closely.

When I delivered my first speech in 2001 I was contacted by a lady by the name of Anne Bottomley from the Professional Tour Guide Association of Australia. Anne and I have since met on several occasions to discuss the issues facing tour guides in Australia. I take this opportunity to commend the PTGAA for its submission to the federal government's green paper on tourism. I know that Anne and the team have followed the development of this legislation. I am sure they will be pleased to know that it is finally passing the House tonight.

Consultation on the legislation has occurred with stakeholders including the Surfers Paradise Traders Association, the LHMU and the major tourism industry bodies. The *Gold Coast Bulletin* has also followed the development of this legislation. It has been keenly interested in its development but also understands the need for it. It has actually highlighted it on several occasions. I know that it has been calling for the reforms for some time. After speaking closely with some of the reporters, I am sure that they have understood the reasons this legislation has taken some time to develop. The minister has stated that the need for the legislation to work at its enactment is most important.

The key policy objectives of the bill are to address undesirable and unfair practices including controlled shopping, misrepresentations, overcharging for goods and services and, most importantly, unconscionable conduct. It will do this by, one, requiring inbound operators to be registered before they can conduct business in Queensland, two, ensuring only suitable persons are registered as inbound tour operators and, three, requiring tour operators to adhere to a code of conduct. By prohibiting unconscionable conduct by inbound operators and tour guides when

providing services to tourists, it is considered that the application of this legislation will go a long way to addressing problems that have been identified.

This House knows of my efforts to improve the working conditions for tour guides by working with the LHMU to introduce the Tour Guide Award earlier this year.

Dr Lesley Clark: Excellent work it was, too.

Mrs CROFT: I thank the member. I hope that, given the stricter regulation over inbound operators, the industry will see the value and need in adjusting to paying their guides under the award and improving the training offered. I refer to an article by Joanne Gibbons from the *Gold Coast Bulletin* of 7 May 2003 in which she highlights the endemic problem of tour companies preferring to employ working holiday-makers for under the award wage as opposed to employing talented and highly qualified language guides, because they do not want to pay the award rates. I believe this is strictly in conflict with the spirit of taking on working holiday-makers. It concerns me greatly that some of our inbound operators have nearly 80 per cent of their work force being working holiday-makers. This continues to put considerable pressure on a lot of our Australian tour guides who speak languages and who have graduated from our universities. They have gone into that industry keen to showcase Australian culture, history and sights.

I was delighted to read in that particular article that the federal member for Moncrieff agreed with me when he called for the federal Immigration Department to investigate this matter. Sadly, six months on, I have to ask Mr Ciobo what he has actually done to improve this situation. I know from speaking to tour guides only today that they still have problems with a lot of the working holiday-makers. There are some very strong concerns with the number of immigration scams that seem to be still operating on the Gold Coast and all around Australia.

The introduction of this new legislation, the new Tour Guide Award and the concerns over a number of immigration scams have prompted the Surfers Paradise Traders Association President, Stewart Cowen, to hold a forum to better inform the industry and guides working on the Gold Coast about the new requirements and changes. It will be held at the ANA Hotel on 6 November. I understand that the minister has been invited to be the guest speaker at that event. I thank her for her commitment to ensuring that local guides and operators are well aware of the changes and working with the Surfers Paradise traders to ensure things improve. I hope that by then the federal government will have some answers in relation to the immigration issues I have raised.

I strongly believe that with the strong enforcement of this legislation, the adoption of the Tour Guide Award and the action of the federal government on the issues of taxation and immigration the tourism product and service offered in Australia will improve. It is already great, but I can see that it will only get better. I know that on the Gold Coast in particular there are some fine inbound tour companies that have been struggling in this cutthroat industry against some rogue operators that have been undercutting the industry. I believe that with these changes things will only improve. I commend the bill to the House.

Mr ROWELL (Hinchinbrook—NPA) (8.46 p.m.): I can understand the intention of the Tourism Services Bill. The second reading speech states—

Extensive consultation into these concerns revealed four main types of undesirable and unfair trading practices:

controlled shopping;
misrepresentations;
overcharging for goods and services; and
unconscionable conduct.

In the past quite a bit of this has happened. Some of the major Japanese companies that moved into the Cairns area were able to bring their people out, put them into Japanese owned hotels, move them around on buses that were run by the company, take them over to Green Island and so on. The intent of the legislation is fine, but I do not think we want to see Australian companies engaging in this type of practice. A bus operator may have a relationship with a restaurant or something of that nature. I do not know just how that sort of situation will be dealt with.

I think the intention of the legislation is to deal with inbound tourism operators. If that is what the legislation is all about and it is not intended that it be greatly expanded, I believe it has a great deal of merit. In the past we have found that profits have been going back to the countries in which these people have developed tours. They own the buses, the shops, the boats and so on and Australians do not get any great benefit. These operators are creaming off the profits and taking them back home.

At present the value of our dollar is starting to rise. The exchange rate will be attractive for people coming in. We are seen as a safe destination. Quite apart from the physical attributes of

this country, safety is a major plus for Queensland and Australia. Over time we have battled to increase the tourism industry. We have had unfavourable situations with the dollar in the past. At present we have a good exchange rate and I think many people would come from overseas to experience some of the wonders Australia has to offer.

When we look at tourism up and down the coast, one of the major things we have to consider is that some of these people travel in cars, small buses, campervans and so on. In some instances we see convoys of these types of vehicles on our roads. Admittedly this includes people coming to Queensland from down south during the winter months, from May or April through to October.

North Queensland is a very popular place, as is Queensland, with people from the southern states and from other countries around the world coming into this region. As I have indicated, we have to be able to cater for them as far as roads and overtaking lanes are concerned. I believe that is something that we need to consider in the future. A lot of visitors, along with the locals, want to go boating, and in areas such as Saltwater Creek there is a necessity for an improved boat ramp.

In the Ingham district down at Lucinda, the Enterprise Channel and Hinchinbrook Island are only a few kilometres away. The ability to get out there during low tide is of major concern. A developer has invested a great deal of money at Dungeness. The east coast walking trail, which is on Hinchinbrook Island—it has been claimed as one of the best walking tracks in the world by the Europeans—is that they cannot always do that during low tides. We are very restricted as to when people can come and go.

It is also significant that the Ports Corporation has invested money in the wharf. It is extremely important for those people who do not have a boat but who come into the area, whether from overseas or not, and whether they are on conducted tours or not. The Ports Corporation has put hand rails around the old wharf. We are now seeking the provision of toilet facilities at the wharf itself. Very often people spend fairly long periods of time fishing, and I think those sorts of comforts are absolutely necessary. An issue in that area is that people would like to have some walking tracks. I understand that the Ports Corporation is being asked to consider providing the materials. One of the local high schools, Gilroy Santa Maria, is now considering constructing covered facilities so that people will not get caught in inclement weather.

The Hinchinbrook Channel goes right up to Cardwell. We also have professional people going up and down the channel catching and tagging fish. Those things are all conducive to providing a very good tourist industry.

One of the great virtues of the district is Wallaman Falls. We have the Great Walks of Queensland. If that goes on up to Blencoe Falls, there will be many tourists coming into the area, whether on a conducted basis or of their own volition. The misty mountains trail is one of those great facilities that is now being put together. It will soon be open and people will be able to walk along that trail. It goes for some considerable distance.

I have to commend the developer of Port Hinchinbrook because he has done an excellent job. He has provided an excellent standard of dwelling to date. Many people are now going there because it is a facility that has not only a marina but also a boat ramp. At any one time you can see up to 40 or 50 boat trailers there because it has a minimum depth at low tide of some two metres of water. That is something that the local district has wanted for a long time. We have major problems with a lot of the outlets to the sea because of the difficulty of getting out at low tide. Dungeness is just one of them, but there really is not any facility along the coastline between Mourilyan Harbour and Townsville other than Port Hinchinbrook where people can get out most of the time, if not all of the time.

The other great thing about the marina is that it provides a facility for yachts and ferries to go over to Hinchinbrook Island, and in the future they will be able to go out to the reef. What has been developed at Port Hinchinbrook is a credit to the developer. There was a lot of angst about it, a lot of protest about it and a lot of misunderstanding about it, but at the end of the day it is a good facility. What is happening there is a major plus, not just for the Cardwell district but also for north Queensland.

Mission Beach is another area that has great prospects of developing further tourist interest. It has become very popular as a lifestyle, particularly in the wintertime, but many people are moving up from down south because of the nature of the area. There are rainforests right down to the sea water and excellent accommodation in that area. The locals are adamant that they need a swimming pool because of the irukandji jellyfish. Unfortunately, a young person was stung

by one last year. An enormous amount of work is being done on the development of a concept. They have a professional person involved in that. I attended a presentation to see what they intend to do, as there is a range of options available to them. They are not looking at a big swimming pool but a smaller one—probably 25 metres. There would be a small pool for younger people to wade in and also a hydrotherapy pool, which would be extremely beneficial for those with ills and ails who need that type of facility.

Next Saturday and Sunday—11 and 12 October—Mission Beach is having an aquatic festival. The last time that festival was held thousands of people attended from all over Queensland and also from down south. I have heard southerners say that it is as good an aquatic festival as they have seen anywhere in Australia. It is a very picturesque area, looking out at Dunk Island. All the attributes of Dunk Island, the reefs, the family islands and those facilities are open to tourists. There is a jetty at Clump Point. Bus loads of tourists often come down from Cairns, and they are taken out to the reef for a day or over to Dunk Island for a barbecue. There is a whole range of options available to them.

One of the other important issues that I want to speak about is the MaMu Canopy Walk. This is a major plus as far as north Queensland is concerned. It has been proposed, it has been planned, it has been considered and I know it is before the state government at the present time. It will be unfortunate if we do not see something happening in that regard. The people of Innisfail believe that it will be of great benefit to the Innisfail area. People will go up towards the tablelands on the Palmerston Highway and stop at a place called Crawfords Lookout. It will be unique. Many canopy walks go at one level through the trees. Because of the sloping nature of the ground as it goes down into the gorge, there are tremendous views going down thousands of feet. Because of the capacity of the walk to go through the trees, people will experience a situation where they will go from the base of the trees to midway through the trees and into an area where they would be getting close to the top of the trees.

For anybody who is involved in that type of tourist activity, it will be unique to see all aspects of these great forest trees in the Wet Tropics, in the Wooroonooran National Park. I cannot pronounce it properly, but it is a word that has been adopted; it was formerly known as the Palmerston National Park. This facility is probably second to none in the world. I know that the federal government has provided funding. It has bought an area on which it will be able to put toilet facilities and probably restaurants. It will not impinge on the national park but it will have the ability to attract great crowds of people.

It will have the ability to attract great crowds of people. Very often I pull up and have a look at Crawfords Lookout and I see bus loads of people pulling up there. They could be the type of tourists that we are talking about—people who are coming into north Queensland to experience what the rainforest is all about.

I hope that the state government will very shortly make a decision as to whether they are going to fund it. There is a need for $3 million plus to consider the whole process, but currently there is a question mark about when it is going to be done. I hope it is not 'if it is going to be done' because this is something that is worth while for Australia, for north Queensland and for Queensland, this great state of ours.

We have some marvellous opportunities as far as tourism is concerned, whether they are in the hinterland or elsewhere. We have heard various speakers tonight speak about the western country and the southern area of the state. We do not want to see tourist operators conducting predatory tourist operations, that is, paying workers in the industry very low wages, providing very poor conditions, and taking money from tourists in the country from where those people come. To some extent I believe organised groups are necessary to ensure that we get people coming out here. However, we do not want to see operators taking advantage of the situation. I believe that is what this legislation is all about.

In many cases the Japanese have very short periods of time in Australia; it can be only a matter of a week. Organisation is important—to get them out here, to show them around and, with the limited time they have, to get them back to their country of origin, Japan or Korea or wherever it might be. At the end of day we do not want to see people taking advantage of the situation.

While this legislation may be difficult to implement in some cases, I hope that it will act as a deterrent, if nothing else, to this type of activity. I am very aware of what has happened up in the Cairns region. We do not want to see it proliferate. There is an expectation that we will be able to curb it with the legislation, but at the end of the day it will be difficult because these people are

very devious about the way they operate in some instances. Having said that, I believe there is a great deal of support from both sides. Many members of the coalition have expressed support for it. I only hope that in the future the expectations of the legislation are met.

Dr LESLEY CLARK (Barron River—ALP) (9.02 p.m.): I wish to begin my contribution tonight by congratulating Minister Merri Rose for introducing this pioneering legislation in response to the behaviour of some unscrupulous rogue elements in the inbound tourism industry that are participating in a range of unfair and exploitative trading practises that are tarnishing the image of Queensland, and the Gold Coast and Cairns in particular, our two premier tourist destinations.

Extensive consultation into these concerns revealed four main types of undesirable and unfair trading practices: controlled shopping, misrepresentations, overcharging for goods and services, and unconscionable conduct. Consultation has revealed that tourists from Asia are most vulnerable to these practises, which have been most in evidence on the Gold Coast.

It should be said, however, that inbound tour operators and tour guides frequently receive fees and commissions from traders in return for taking tourists to certain traders premises and for purchases of goods and services from those traders. Shopping as part of a tour and receipt of commissions by tour guides are generally regarded as acceptable commercial behaviour in the tourism industry and will always be part of that industry. However, this practice becomes unacceptable when operators prey on particular vulnerabilities of tourists such as national origin, language and culture, and as I have said in particular from Asia. Some inbound operators and tour guides prevent tourists from shopping anywhere except with traders designated by the inbound tour operator or tour guide. This practice must be stopped.

There have been reports of misrepresentation by inbound tour operators of the components of tours, the quality of accommodation offered and hidden charges and fees. Misleading representations by or on behalf of inbound tour operators, such as misrepresenting the quality of accommodation, aim to increase the profits of those inbound tour operators. Some inbound tour operators and tour guides, either alone or in cooperation with providers, inflate the price of goods and services such as tickets to tourist attractions and restaurant menus for tour groups. Consultation with industry has revealed some sightseeing packages are being sold to overseas based tourists at double or triple the actual prices available in Australia. A distinct but related type of mischief involves inbound tour operators and their tour guides charging for goods and services that are in fact available at no cost to the general public.

In addition to all of this, other unprofessional or unconscionable conduct by inbound tour operators and their tour guides that may lower the quality of a tour includes: coercing traders to pay excessive commissions by threatening to exert influence over their tour groups not to use that trader and thereby receiving the so-called kickbacks reported to me from retailers in Cairns and Kuranda, and changing itineraries to reduce free time or tour time to increase the amount of shopping time, including by altering itineraries without notice or consultation. It is important to reinforce just what is at stake in far-north Queensland, where Asian tourists comprise a critically important part of our tourist industry. Currently Japanese tourists represent some 30 per cent of all international visitors. In the last 12 months arrivals from Japan have increased by 6.6 per cent, outperforming the national trend which has actually shown no growth from Japan. We do not want those positive trends to be impacted on these sorts of behaviours.

This bill then delivers on the commitment made by this government to address these issues by introducing a registration system for inbound tour operators. The bill also prohibits unconscionable conduct by inbound tour operators and tour guides and requires all inbound tour operators to adhere to a mandatory code of conduct to be made under this bill. However, I should say that while the bill requires inbound tour operators to register, it also provides as a defence to a charge of failing to register that the inbound tour operator sells less than 20 per cent of their packages over 12 months to overseas wholesalers, retailers or corporate buyers of travel packages. The threshold of the 20 per cent over 12 months was determined through consultation with Tourism Queensland, the Australian Tourism Export Council and the Queensland Tourism Industry Council and addresses the concerns that have been expressed to me in the submission from Tropical Tourism North Queensland on this bill.

For businesses that have not been established for 12 months the bill provides that regard must be had to the business already carried on and the business likely to be carried on in the 12 month period from when the person started to carry on the business of an inbound tour operator. Being mindful of these issues, the bill includes provisions stating that the definitions of 'inbound tour operator' and 'carry on the business of an inbound tour operator' as well as the registration

requirements must be reviewed within 18 months of the commencement of this bill. I think that is a very sensible and important safeguard.

The bill also recognises the financial realities of running an inbound tour business in these difficult times for our tourism industry. If an inbound tour operator is already licensed under the Travel Agents Act 1988 or equivalent legislation anywhere in Australia, then they will not have to pay any fees under this bill. All inbound tour operators, whether registered or not, will be required to adhere to a detailed code of conduct made under the bill which will complement the draft voluntary industry code, the Tourism Export Code of Conduct.

Tour guides are not subject to specific regulation in Queensland nor in any other Australian jurisdiction and will not be required to be registered at this stage. The main focus of this bill is those rogue operators who direct those at the bottom of the chain of command, that is the tour guides, to put into practice the unfair trading practises that the inbound tour operators have organised. However, the prohibition on unconscionable conduct in the bill does apply to tour guides as well as operators. The code of conduct will require inbound tour operators to ensure that their tour guides behave fairly in their dealings with tourists and traders. Such tour guides will be required to wear photographic identification so that they may be clearly identified to the tourists they accompany to the retailers and to the Office of Fair Trading inspectors who will operate to enforce this legislation.

The code of conduct will also require inbound tour operators to ensure that when their tour guides are working in Queensland they are employed under relevant award conditions—a very important recent initiative of this government. Extensive examples are provided in the bill of what may indicate unconscionable conduct, and many of these examples were provided during consultation by those most affected by these unfair trading practices and can be witnessed in Cairns, such as when tour groups are herded into particular shops and not allowed the freedom or time to shop where they choose and where prices may be lower.

Action against inbound tour operators or tour guides who participate in unconscionable conduct can be taken in the District Court or the new Commercial and Consumer Tribunal and they could be fined up to $250,000 if found guilty. In addition, if an inbound tour operator commits a serious offence as defined by the bill or is found to have taken part in unconscionable conduct, the operator's registration can be cancelled. The Commissioner for Fair Trading may also immediately suspend an inbound tour operator's registration for up to 28 days if the inbound tour operator is contravening the bill or other relevant fair trading legislation such as the Fair Trading Act or the Trade Practices Act in a way that is or may cause tourists to suffer detriment.

This legislation is no toothless tiger and I look forward to its enforcement by appropriately trained inspectors to stamp out these unacceptable practices in the tourist industry. This bill will protect tourists most vulnerable to the exploitation and will enhance the reputation of Queensland's $14 billion a year tourism industry. I am proud that the Beattie government has introduced the Tourism Services Bill 2003 because it does demonstrate that we are committed to taking action against the minority of people who have tarnished the hard-won reputation of our inbound tourist industry. Once again, I congratulate the minister, Merri Rose, and all officers responsible for developing this legislation. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (9.11 p.m.): I rise to speak in support of the Tourism Services Bill and the protection and controls that it proposes to give to not only overseas visitors to Australia but also local businesses. Tourism in our country is a growing market and is providing more and more employment, particularly for young people in our communities. Even in areas such as Gladstone and Calliope, which are known for their industrial development, tourism is seen as a market that is developing and which certainly has a lot of opportunities. As other speakers have said, in all of our electorates there are very many functions that are held that offer opportunities for an enjoyable experience by both domestic and overseas tourists and it would be a shame to see those opportunities lost because of the controls placed on visitors by overseas tourist operators. It is wrong for overseas operators to be able to control the places where visitors can shop. It is in fact contrary to our whole ethos in Australia in terms of the freedom of visitors to be able to visit where they wish, when they wish and purchase what they wish. It is certainly detrimental to our own local traders.

Like other countries, Australia relies very much on mouth-to-mouth advertising as far as repeat visits are concerned. If a tourist comes here and has a good experience when visiting informal markets or shopping centres—that is, they have an enjoyable time and pick up some items with which they can return to their home country that are distinctly Australian and purchased

at an affordable price and those visitors feel free to purchase the products that they wish to purchase rather than be told by the tour guide operator what and where they can visit—they will go home with a very happy experience and one that they will recommend to their peers in their home country and one that we would hope their fellow travellers would be prepared to share.

Even in my electorate, which, as I said, is renowned for its heavy industry, there are a number of opportunities for overseas tourists as well as domestic tourists to enjoy. Most Queenslanders enjoy the fact—sometimes begrudgingly—that southerners come to Queensland in the warmer weather and enjoy our hospitality. Those people in turn recommend Queensland to their overseas friends and acquaintances as a venue to visit. As I said, in my electorate there are functions such as the Boyne Valley Spring Fair, which I attended just recently. If visitors to Australia want to have an opportunity to enjoy country hospitality and country fun, that is the place to go. There are several fishing competitions throughout the year which enjoy the patronage of interstate and overseas visitors as well as local competitors—that is, the Lions fishing competition and the Boyne-Tannum hook-up. They attract thousands of competitors who come to enjoy a very sociable time and also have quite a significant prize pool.

The Easter festival, which includes the Brisbane to Gladstone Yacht Race, continues to draw not only the local crowd but people from interstate and overseas, as do the seafood festival and the multicultural festival. There is also the old station fly in during June which brings to the area many people interested in aviation from right across Australia and international participants as well. Many people come from not only Queensland and interstate but overseas to enjoy industry tours. As I said, my electorate has some of the largest processing plants in the world and people enjoy touring those processing plants and seeing industry in action.

There are farm stays and the Gecko Valley winery, which is equivalent to any in this state, and those things offer interstate and overseas visitors an opportunity to enjoy rural Queensland at its finest. In the neighbouring electorate of the member for Burnett there is Agnes Water and the Town of 1770, Cania Gorge in the electorate of the member for Callide, and the many coastal features in the electorate of the member for Keppel. We have opportunities for overseas visitors in particular to enjoy the mainland and the reef from Bundaberg, Gladstone, Rockhampton and other points of exit. It would be a shame to see those opportunities lost because unscrupulous tour operators choose to limit the opportunities that tourists have available to them based on kickbacks or other special arrangements.

It also needs to be acknowledged that Australia not only has many seniors packages but that many overseas visitors are retired and have the time to enjoy tourism. Therefore, it would be a shame to see their opportunities limited because of unscrupulous dealings by tour operators. I certainly support the legislation and the protection that it gives to not only Australian consumers but also overseas consumers. I also commend the minister for the fact that she has exempted persons who organise travel packages on a not-for-profit basis or those who organise tours for community purposes, such as cultural or charity purposes. They will not be required to register, and that recognises the fact that people who organise these tours have a heart for the consumers who are enlisting to come on those tours. They are not just there for the dollars; they are there for the people involved. I commend the minister for recognising that fact.

In areas like the Gold Coast, Cairns and those more heavily populated by overseas tourists there will be more definite and identifiable abuses of the system that this bill addresses. I cannot say that we have a huge overseas tourism market. We have a very strong domestic market. We certainly have overseas tourists and a backpackers market. There is also overseas tourism in terms of the armed forces coming to the region to undertake manoeuvres and then the personnel visiting our recreational opportunities in the region. This legislation recognises that there are those not governed by Australian legislation who would abuse their responsibilities as tour organisers. This legislation endeavours to enhance the Aussie ideal—that is, that everybody be given a fair go. I commend the legislation and wish it every success.

Mr LEE (Indooroopilly—ALP) (9.18 p.m.): I am delighted to rise in support of the Tourism Services Bill 2003. This is a bill that addresses concerns about the provision of tourism services by some inbound tour operators and tour guides operating in Queensland. These concerns have been raised in recent years by tourism industry associations, retailers and tourists. There has been extensive consultation into these concerns which has revealed four main types of undesirable and unfair trading practices, which include controlled shopping, misrepresentations, overcharging for goods and services and unconscionable conduct. The consultation process revealed that many of the tourists who are most adversely affected are from the emerging Asian

economies. These tourists are most vulnerable to these unfair practices, which I am delighted to say this bill will go a very great way towards wiping out.

It would be wrong of me not to mention that there are many people visiting Australia at the moment as tourists to watch the Rugby World Cup. I wish to make a couple of brief comments about that. I welcome all of the people staying in my electorate for the World Cup and who intend to watch games in Brisbane. I suggest to any of the tourists who are in Brisbane that, if they would like to watch the opening ceremony on a big screen, the University of Queensland Rugby Club has a big screen and is putting on a wonderful event on Friday night where people can watch the opening ceremony and then watch Australia, hopefully, wallop Argentina.

Many tourists are visiting Australia from the country of my birth, Ireland. I know they will be made very welcome while they are here, although they are probably a little disappointed after reading today's edition of the *Australian* newspaper, which had a 12-page Rugby World Cup liftout with a headline saying 'One of these men will lift the game's greatest prize' and a photo of four of the team captains. It is to the *Australian* newspaper's great shame that Keith Wood was not among them. Hopefully, after they see the Irish wallop Romania on the weekend the *Australian* newspaper will change its mind. It is a delight to support this bill tonight.

Mr WELLINGTON (Nicklin—Ind) (9.21 p.m.): I rise to participate in the debate on the Tourism Services Bill. In speaking to this bill, I hope to raise a number of matters that have not already been touched on by members in the debate to date. Can I say at the outset that I will be supporting the bill, and I commend the minister on her initiative with this legislation. Notwithstanding this support, I have a number of questions to put to the minister in relation to the proposed operation of the bill.

I note in the minister's explanatory notes that she has advised that there will be an allocation of significant new money to the department to assist in the regulation of inbound tourist operators. In this regard I ask the minister: how is the money proposed to be spent? Will new staff be employed to assist in the policing of this legislation and, if so, how many new staff will be allocated and where does she propose that they will be allocated in Queensland? I ask also: how much spare capacity do current staff within the department have to take on the new duties proposed in this bill? A further question is: when does the minister anticipate that this bill will become an act of parliament—valid and enforceable law in Queensland? Of particular importance to me is the question: is it anticipated that this bill will be an enforceable act prior to the Christmas tourist season?

I now take members to clause 38 of the bill, which provides for the creation of regulations to set out a code of conduct for tour guides. My question is: when will this regulation be presented to parliament for consideration? Is it anticipated that these regulations will be enforceable also prior to the Christmas tourist season? I note in the minister's second reading speech she advised that if an inbound tour operator is already licensed under the Travel Agents Act 1988 or equivalent legislation anywhere in Australia they will not have to pay any fees under the bill. My next question to the minister is: if the operator is not already licensed and is required to be so licensed, what does she anticipate the licence fee will be? I note clause 20 of the bill provides for this fee to also be set by regulation.

A further question I have of the minister is: how many tour operators does she anticipate will fall within the ambit of the proposed legislation? My final question relates to clause 22, which provides that a commissioner may, by written notice given to the registrant, require the registrant to provide information or material the commissioner considers relevant to the application within the stated reasonable time of at least 14 days. My question to the minister is: why is that a discretionary issue and not mandatory whereby the commissioner is required to provide the notice in writing? I commend the bill to the House.

Mr MICKEL (Logan—ALP) (9.24 p.m.): This is an important industry. It has taken a buffeting with September 11 and Bali and this year it has had also the SARS outbreak and the Iraq war to contend with. But I am pleased the Queensland government is responding to the issue. The minister has been very active in promoting Queensland as an overseas tourist destination. But that has also gone hand in hand with what the Premier and Minister for State Development have been doing in promoting Queensland as an aviation centre. That is the aspect of the tourist sector that I wish to focus on, because it affects my electorate.

It was not so long ago that the Premier opened the Qantas Snapfresh plant, which currently supplies the meals for Qantas and British Airways. In supplying those meals, it also provides work for a lot of people in my electorate. As a direct result, it has created other investment in the Crestmead Industrial Estate. For those reasons, it is particularly welcome.

I recognise also the fact that the government has done a lot to attract Australian Airlines flights into Cairns so as to act as a buffer to the setbacks in the tourist industry. Nevertheless, in spite of all of these initiatives, the reality for Australia is that international travel will fall by five per cent this year—the lowest level since 1999. However, the main destinations will still be Sydney and Melbourne. In Queensland itself, tropical north Queensland will attract 18 per cent of the market, the Gold Coast will attract 17 per cent and Brisbane will attract 16 per cent.

What this bill aims to do is to protect retailers by eliminating the spiv activities that give the industry a bad name. I congratulate the minister on wanting to crack down on actions that interfere with shoppers' choice. Importantly, the Australian Tourism Commission found that the most popular leisure activity undertaken in Australia was shopping for pleasure. That was nominated by 86 per cent of people. At the moment Queensland is the venue for World Cup Rugby matches and will host an expanded tourist industry, not just with the players but also all of the fans. We can do that only because we have a world-class playing facility for the players to enjoy. That has spin-off effects not just for the retail sector but also the food and accommodation sectors. It is the retail sector that I wish to focus on briefly.

I was interested to hear that 25 per cent of the business of a firm such as R.M. Williams is tourist based. Canterbury will be sponsoring football jerseys for Australia, Japan, Fiji, New Zealand, Scotland and Ireland. It is expecting huge momentum from the World Cup Rugby competition. As I said, the World Cup will be a bonus for tourism, retailing, food sales and accommodation. The fans who come here will become potential salespeople for the Queensland tourism sector based on their experiences in Queensland. Because of that, these reforms are important. I commend the minister. I commend also the people who have been doing the right thing—the small business operators and their hardworking staff who deserve a fair go. This bill gives that to them and it protects their reputation.

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (9.28 p.m.), in reply: I thank all members for their contribution and the opposition for supporting this legislation. There were a number of queries raised by members, which I will now attempt to address. The member for Maroochydore asked what sort of educational and promotional activities will be undertaken so that people are aware of the new laws. The Office of Fair Trading has already commenced an extensive education and promotion campaign. That will include, for example, extensive coverage in local, national and international publications. A *Good Business Guide* has been prepared for ITOs and tour guides. Over $45,000 has been allocated from OFT's budget this year for educational activities. Tourism Queensland will be updating a publication called *Shopping in Australia*, which is distributed to all Australian airports. Another publication, *Your Guide to Brisbane*, which is the only publication provided air side to international visitors, will include important information about the new laws. The new laws will also have prominence in Tourism Queensland's international marketing.

The member also asked what the costs of the licences would be. The application fee will be $47. The issuing of registration will be $470 and renewal of registration will also be $470 annually. These fees were listed in the draft regulation which was released for consultation in March. So the industry is aware of what the cost is going to be.

The member for Maroochydore also asked whether or not there would be a gap because tour guides are not required to register. Tour guides will be regulated to a lesser degree than inbound tour operators. The main focus of this bill is rogue inbound tour operators who direct those at the bottom of the chain of command to practise the unfair trading practices of the inbound tour operators. There is provision in the bill for a mandatory code of conduct for ITOs to be made in future if required. Tour guides associated with ITOs will also be required to wear appropriate identification and that will enable retailers and others to identify tour guides involved in inappropriate conduct. Tour guides are also prohibited from engaging in unconscionable conduct. The bill has been drafted in such a way as to enable the regulation of tour guides with the need to amend the bill extensively in the future.

It is anticipated in the first year that there will be a revenue of approximately $127,000 and $117,000 in each of the subsequent two years. They are estimates only based on information provided by the legitimate industry players. The maximum penalties for unconscionable conduct are up to a quarter of a million dollars in the District Court and up to $50,000 in penalty or compensation before the tribunal. The legislation sets out the criteria for the court to take into account in determining the appropriate penalty. Clause 80 sets out an extensive list of matters to be taken into account in fixing the penalty; for example, whether the conduct was deliberate or whether the tour operator sought to remedy the contravention. There is no similar legislation

anywhere else in Australia or the Commonwealth, although in the context of the Property Agents and Motor Dealers Act we have recently introduced similar penalties in relation to unconscionable conduct by marketeers.

The extent of the penalties that could be imposed will be a significant deterrent for those not prepared to conduct themselves in accordance with accepted industry practices. We are very serious about enforcing this legislation because tourism is too important an industry to allow these shonky practices to continue and to tarnish the hard-won reputation of one of our greatest industries.

The member for Maroochydore also asked what scenarios are captured by the unconscionable conduct provisions. It is not possible to accurately predict the type of conduct that shonks will adopt to rip people off. It will be up to the courts to determine in all the circumstances of a particular case what will be unconscionable. The legislation simply sets out criteria that the court may wish to take into account in making that determination.

How will the new legislation be monitored and reviewed? The bill provides that the registration provisions and key definitions are to be reviewed within 18 months. Although the definition of ITO and the registration requirements would be carefully refined following extensive consultation, this is unique legislation in the Western World. The industry knows that the coverage will need to be reviewed and they have been totally supportive in the development of the legislation to date.

The normal appeal rights are available in any civil litigation before the District Court, and that will be available to litigants in the District Court under this legislation. OFT is responsible for administering about 70 acts. Over 2003-04 the office's compliance resources, excluding trade measurement and product safety inspectors, are expected to be primarily focused on approximately 14 acts, including the Fair Trading Act, Property Agents and Motor Dealers Act and the tourism services. These resources comprise approximately 42 compliance officers, who are employed across nine offices throughout the state. These officers are responsible for investigating 4,000 complaints and conducting 2,000 spot checks of traders in relation to compliance with one or more of these 14 acts. Approximately 90 per cent of these compliance resources are dedicated to complaint investigation and enforcement. The remaining 10 per cent of resources is allocated to proactive compliance monitoring, that is, spot checks. OFT intends to take proactive complaints and enforcement activities in the form of compliance audits soon after the legislation commences operation.

The member for Surfers Paradise said he is looking forward to seeing the wording of the code of conduct. That code of conduct has been developed in close consultation with the industry. The code of conduct is ready to be forwarded to Governor in Council upon passage of this legislation.

The member for Lockyer raised the issue of whether or not the countries that are affected are, in fact, going to be notified. When consultation was conducted on the policy proposal underpinning the bill, OFT was advised that the Chinese government exercised a degree of control over the promotion of travel destinations for their nationals. We are going to be notifying them of this legislation so that they know that when their visitors come to Queensland we are going to make sure they do, in fact, get value for money and they do not get ripped off, which of course should give us another edge over the rest of the states.

The member for Nanango asked how non-English speaking tourists will be made aware of the laws. We are going to be producing our communications material in languages such as Chinese, Japanese and Taiwanese. They are the markets, of course, that we are most concerned about.

The member for Hinchinbrook raised concerns about minor operators being caught. We have defined ITOs in close consultation with the industry to avoid catching operators who are not significantly involved in selling packages overseas.

The concerns that the member for Barron River raised have been dealt with in consultation with operators and other industry members. However, relevant definitions and registration requirements will be reviewed in 18 months time.

The member for Nicklin asked how many new staff were allocated and what was their capacity to enforce. I have just actually run through the number of compliance officers that we have. We anticipate that the new legislation will commence in early November—before Christmas, which is when we want to get in by. The regulations have been drafted and are ready to go. I am not sure if he heard, but I said the licence fee is $470 and then annually it is $470. How many

tour operators do we anticipate? We anticipate up to about 300. Clause 22—why is it discretionary that the commissioner may require further information within 14 days? Because we anticipate that many applicants will have provided all relevant information at the outset.

I again would like to thank all members for their contribution. I would particularly like to thank the staff of the Office of Fair Trading and Tourism Queensland—from the Office of Fair Trading, Wayne Briscoe, Damian Sammon, Catherine Niven, Charlie di Bella, Dylan Oliver, Michelle Howe; and from Tourism Queensland, Yvonne Goodrick and Sarina Hobbin; and my own staff of Julia Wilkins and Harold Thornton.

Motion agreed to.

Committee

Clauses 1 to 101, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Ms Rose, by leave, read a third time.

PRIVILEGE

Child Abuse; Mr B. Bottom

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 p.m.): I rise on a matter of privilege. In its issue of 23 September the *Bulletin* magazine carried an article by Bob Bottom headlined 'Something Rotten in the State of Queensland'. The magazine ran the article over four pages. It was a badly researched and one-sided article on child abuse in Queensland that contained what must have been a record number of errors. Tonight I set the record straight because I am not prepared to allow Queensland's reputation to be damaged nationally in this magazine.

At no stage was my office asked for a response to the allegations, nor were they ever put to us. The *Bulletin* has subsequently published a letter from me pointing out some of the inaccuracies and wrong conclusions. The facts are that the government has been open and accountable on this issue from the moment allegations against a particular foster care family in Queensland were made. We have ensured that the allegations are being fully and properly investigated. Members may recall that I referred these matters to the CMC.

In addition to a police investigation, Families Minister Judy Spence appointed an independent expert to audit all active foster carers. She promised that any recommendations would be made public. Subsequent investigations revealed two letters to former Families Minister Anna Bligh about the original family. The letters would not have become public, but I am determined to be open and accountable, so Minister Bligh and I decided to make them public. They became publicly known because we released them.

On 28 July I referred associated material to the independent Crime and Misconduct Commission. The commission has all the powers of a royal commission, as anyone examining section 346(1) of the Crime and Misconduct Act can quickly discover. On 29 July it announced that it would hold an inquiry. It should be clear to anyone but Bob Bottom that it is my government that has driven the inquiry process and has made public the relevant documents. It is therefore ludicrous for Bob Bottom to write that I could hold an early election to avoid 'a political quagmire surrounding a child abuse scandal'. Having instigated the process, I will ensure that any problems are fixed and there will not be an early election. There is no political quagmire.

Bottom alleges that there is an atmosphere in the state reminiscent of the pre-Fitzgerald era. That era involved a corrupt government that refused to hold inquiries, a corrupt police force, cover-ups and a lack of any appeals against government or judicial decisions. None of that is true today.

According to Bottom, I am seeking 'only a limited inquiry by the state's Crime and Misconduct Commission'. I want the CMC to hold whatever inquiry it believes is necessary to discover what has gone wrong in the past and what we need to do to fix any problems discovered. It is entirely a

matter for it what inquiry it holds. It has the power. If it decides to hold an inquiry of a particular nature, that is its decision. It is independent. I do not influence that. We cannot change the past, but my government has opened up the past to scrutiny. We have lifted the lid and we will continue to do that. I am determined that as a result we will have a better future.

I am a great believer in openness and accountability, but I do believe it is unfair of the *Bulletin* magazine to run a very biased story without at least giving us the opportunity for response. I table for the information of the House a communication from my principal media adviser, Steve Bishop, to the editor of the *Bulletin* magazine. I also table sections of the Kimmins report, which was an inquiry into the allegations of misconduct in the investigations of paedophilia in Queensland. It is dated August 1998. I do that because that report seriously raised questions about the behaviour of Bob Bottom. That independent report reached a number of conclusions. I table the details. I refer people to pages such as page 60, on which it is said—

It must be noted that not only was Mr Bottom's source no longer a serving police officer, but it transpired that Mr Slade's allegations of misconduct related to events said to have occurred in 1978 and 1985 respectively. It is thus immediately obvious that the statements made publicly by Mr Bottom were inaccurate about the current status of his informant (Slade) and silent about the age of the alleged police cover-up.

That is one point. On page 61 it states—

Of equal concern is that, in his public disclosures, Mr Bottom failed to make it clear that the matters were historical.

The examples go on. Another one from page 72 states—

The allegations made by Slade, and reported publicly by Mr Bottom ... are false in every respect.

I do not know Bob Bottom very well—I have met him on a number of occasions—but the Kimmins report is savage in relation to his credibility. He demonstrated the same lack of accuracy and attention to detail in the *Bulletin* article. I also table for the record a number of extracts from *Hansard* which relate to matters that were debated and the fact that Mr Russell Cooper, a then National Party minister, sought to engage him on his staff at that time. I say to Mr Bottom, as I say to anyone else: we are quite happy to be open to scrutiny, but let us do it honestly and with some integrity.

COMMERCIAL AND CONSUMER TRIBUNAL REGULATION 2003

Disallowance of Statutory Instrument

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition (9.47 p.m.): I move—

That the Commercial and Consumer Tribunal Regulation 2003 (Subordinate Legislation No. 144 of 2003) tabled in parliament on 19 August 2003 be disallowed.

When the Minister for Fair Trading, Merri Rose, introduced this regulation on 19 August 2003 she sought to subvert the capacity of her newly created Commercial and Consumer Tribunal to independently and impartially render judgments. Under this regulation Minister Rose proposes to subject all members of the tribunal to performance agreements, either with herself directly or with 'the minister'—whoever is in that position—directly or with the tribunal.

The question this parliament must consider when it considers this disallowance motion is: how can a member of a tribunal independently and impartially determine a dispute and be an arbitrator between the parties when they have to worry about whether they are meeting the obligations of a secret performance agreement? That is the question that is at the core of the consideration of this regulation and the subsequent motion to disallow it.

What obligations are the members of this tribunal to be under if they are to be subject to an annual performance review by the minister? Are they to favour one party or other? Are they to be influenced in their decision making? Are they to process matters in accordance with time lines that prevent fair consideration of all matters? Are they to take into account matters which may not meet the minister's approval and may not meet with the approval of the government?

This is yet another fundamental attack upon the independence and impartiality of a quasi-judicial body in Queensland. No person can have confidence in the capacity of a tribunal to fairly determine the matters of dispute with this level of control by this minister or any other minister and with this level of control by her appointed chair of members of a tribunal.

Let us look at the background to this issue. The tribunal was created by the Commercial and Consumer Tribunal Act 2003. It replaced the Queensland Building Tribunal, the Property Agents and Motor Dealers Tribunal, the Retirement Villages Tribunal and the Liquor Appeals Tribunal. So it took on the responsibility of a number of former bodies. It took on a wide-ranging scope of work.

It took on responsibility for a wide range of areas that are traditionally the subject of dispute between parties. Its job is not an inconsequential one. It is designed to play an important role in the protection of consumer rights in Queensland.

It commenced operations on 1 July 2003. Its stated objective is to deal with matters in a just, fair, informal, cost-efficient and speedy manner. The tribunal consists of one, two or three persons chosen by the chairperson, and the structure of that tribunal is set down in section 6 of the act. Section 11 of the act also sets down that the chairperson is to be a full-time appointment. It is a professional, full-time appointment. It is an important role that that chairman will play. The other members are either full or part-time, and the conditions of their appointment are also set out in section 11(2) of the act.

The members must be lawyers of five years standing or a higher level of experience and have an extensive knowledge of the business and industry. The act itself stipulates that. The act stipulates that because it recognises that this is not an inconsequential body. This is a tribunal with extensive responsibilities and it requires members with the capacity to handle those extensive responsibilities. Members are arguably of quasi-judicial status. The responsibilities that they have arguably give them that status. Sections 12 through to 14 of the act reinforce the standing that the members of this tribunal have. The chairperson has roles that are specified in section 15 of the act, which includes subsection (e), which states that one of the chairperson's roles is—

… managing the overall performance of members.

So we have a person who is a full-time appointment, one of whose roles is managing the overall performance of the members of that tribunal. The members themselves have to be people with five years standing or a high level of experience and knowledge of business and industry. All of this reinforces the point that is at the heart of the debate here tonight—this is a tribunal that has standing in the community, that is of quasi judicial status and that is deserving of recognition in that way.

The regulation-making power in section 155 allows for a regulation to provide for the appraisal of the performance of members of the tribunal. It is under that section that this regulation before the House tonight was made by the minister. If we look at the regulation, section 3 requires each member to enter into a performance agreement. It requires the chair to enter into a performance agreement with the minister, and it requires other members to enter into performance agreements with the chair. The agreement has to be in writing. The wording of subsection 3 of the regulation I think is important. On entering into a performance agreement it states—

(1) As soon as practicable after a member is appointed, the member must enter into a performance agreement with—

(a) if the member is the chairperson—the Minister; or

(b) for another member—the chairperson.

(2) The agreement must be in writing and signed by—

(a) the chairperson and the Minister; or

(b) the member and the chairperson.

The important thing about the wording of that particular subsection of the clause is the emphasis on the fact that the member must, as soon as is practicable after he is appointed, enter into an agreement with the person who has appointed him. He must enter into an agreement with the person—in this case the minister—who has appointed him that his performance will meet a certain standard. The agreement must be in writing and it must be signed by both parties. This is a quasi-judicial appointment where that person will be asked to rule in a dispute between members of the community and the person who has appointed them. It is not a run-of-the-mill general employment contract between somebody who is performing menial tasks. This person will be acting in a judicial role over disagreements and disputes between the minister or agencies of the government that the minister represents and members of the community.

Section 4 of the regulation requires that there be at least an annual review against the performance agreement for the chair and the members. I will read section 4 into the record—the review of a member's performance against performance agreement. Subsection 1 states—

A member's performance against the performance agreement under section 3—

(a) must be reviewed at least once each year during the term of the member's appointment; and

(b) may be reviewed at intervals shorter than 1 year if the chairperson directs, or the member requests, that the member's performance be reviewed.

That in itself introduces another level of control that the minister can exert over members of the tribunal, because the intervals or the concept of an annual review can be shortened if the chairperson directs it. If there is something that he or she is dissatisfied with, they can direct that an immediate performance review be conducted—for no other reason than that they direct it. There are no parameters set on the direction of that special performance review in the regulation. It can, on reading of the regulation, be directed at any time. So any time a member of the tribunal or the chairman makes a decision in the role that they have been given that somehow causes angst or disaffects the minister, or the minister's agent in the case of a member—which would be the chairperson—then they can be subject to an immediate performance review with no other reason needed than that the chairperson or the minister so decided.

Subsection 2 states—

The member's performance against the agreement must be reviewed by—

(a) if the member is the chairperson—the Minister; or

(b) for another member—the chairperson.

Once again, it is the very people who appointed them; it is the very people who are likely to be disaffected. After such a review, the agreement must be renewed. This regulation sets up a process that gives the minister almost complete control over the activities of the tribunal. It sets up a process that allows the minister to, if not direct, substantially control the decisions and the conduct of both the members of that tribunal and the chairperson of that tribunal. That is a completely unacceptable situation, I would suggest, to the members of this parliament. It is completely unacceptable.

Let us look at the difficulties that can arise with these performance agreements. As a quasi-judicial body the tribunal is supposed to adjudicate between individuals and between individuals and state institutions. That is its role. The contents of performance agreements are unknown; they are not publicly available; nor are the reviews undertaken subject to any public scrutiny. It is very much a situation where the minister can exert substantial control without any sort of scrutiny in regard to the methods in which that control is exerted or the pressures that are applied to the members of the tribunal or to the chairman. It is setting up a system where we are being asked to blindly trust the minister.

What guarantees does anyone have who approaches the tribunal seeking justice in their case that the decision in their case will not be affected by what is contained in a performance agreement? We are being asked to trust ministers not to misuse this process. Will performance agreements require that members devote only particular time and effort to individual cases rather than the time and effort necessary to produce a just result? Will performance agreements encourage tribunal members to give decisions that a member believes will encourage their reappointment to the tribunal? Will they be encouraged to produce decisions that will ensure that they get a satisfactory performance agreement?

The whole concept of judicial independence is very important. I want to quote from Sir Gerard Brennan, a former Chief Justice of the High Court of Australia. In an address he made in November 1996 he said—

Judicial independence does not exist to serve the judiciary; or to serve the interests of the other two branches of government. It exists to serve and protect not the governors but the governed. ... There is a lack of awareness of the extent to which the peace and order of our society depend on the maintenance of a strong and independent judiciary as the third arm of government.

...

We have become accustomed to the notion that judicial independence includes independence from the dictates of the Executive Government.

Appearance, no less than the reality, of independence is essential.

Given those comments from Sir Gerard Brennan, former Chief Justice of the High Court of Australia, how can anyone who goes before the Commercial and Consumer Tribunal to have their disputes resolved have any faith in the independence of any tribunal decision when the members comprising the tribunal are subject to performance review, in the case of the chair by the minister and in the case of the members by the chair, who is directly answerable to the minister. If a person is in dispute with a government agency before the tribunal, how can anyone have faith that the tribunal will make a decision contrary to the interests of that government authority when the member's continuation on the tribunal is subject to constant review?

It cannot be argued that the tribunal is not a court subject to judicial independence. It cannot be argued that that judicial independence is critically important to allow the tribunal to fulfil the task that has been set out in the legislation. It cannot be argued that the people of Queensland need a tribunal such as this that is independent from the influence of the minister. This regulation should be disallowed by the parliament and I urge members to support the disallowance motion before the House.

Time expired.

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.03 p.m.): I rise to second the disallowance motion moved by the member for Callide dealing with Subordinate Legislation No. 144 of 2003, which was tabled in this parliament on 19 August this year.

I think it is very important that we consider some of the aspects of this regulation and why some of its provisions should be concerning to all of us in this House. Our courts and our tribunals operate in an environment where they are supposed to be able to make decisions without fear or favour, where they are supposed to be able to make judgments and recommendations without fear or favour, where they know that they operate under very clear and express guidelines but there is not any real intervention capacity for the government of the day or the minister of the day to be able to judge their decisions beyond an appeals process which may exist.

I have no problem whatsoever with the government laying down very strict guidelines and principles for courts and tribunals to follow when they deliberate and make their decisions. There is nothing wrong with that at all. That is the role of the parliament. The parliament must appropriately do that. We have to do that. I believe that the community expects us to do that.

Having laid down those particular guidelines for tribunals or courts to operate under, then we need to remove ourselves from that process. It is what has been expected. It is the way that it has been done. Of course, if a member of a tribunal does something demonstrably wrong, if they are not up to the job, if they have abused the statutes, then there are processes where we can quite appropriately move to seek redress. That process should not extend to a provision in a regulation which allows a minister to be able to performance audit the chair of the Commercial and Consumer Tribunal because quite clearly that opens itself to ministerial interference.

I know that the minister has a right to expect that a tribunal will operate properly and appropriately. We have a right to expect that that is the case. That comes back to the initial appointment made to that position and the judgment that the minister makes in appointing that person and the capacity of the person who maintains the position of chairperson of that tribunal. That is what it is about. To have something where we are going to regularly performance audit the chairperson of that tribunal, then we are opening up this process to undue influence and creating a situation where there will potentially be a lack of confidence in that process by people who may be going before the tribunal and maybe some members of the public at large.

I would simply say that if this was deemed such a necessary, suitable and not an obnoxious thing, then why has it not existed previously? I do not believe that it existed previously. Why did not it exist previously? I have previously expressed concern to the minister and, I think, the previous minister about the way that some tribunal members or arbitrators who they appoint from time to time sit down and try to work out problems between warring parties, particularly with regard to the then building tribunal, or the QBT, where mediators have not necessarily done their job properly. However, that is a job where the chairman of that body needed to take certain action. There are issues that exist within a tribunal that the chairman of a tribunal needs to deal with and needs to have clear, unfettered responsibility to be able to do that.

When it comes to the opportunity for the minister to be able to performance audit the chair of this particular tribunal in the way that is laid out here, then it opens it up to all sorts of problems which we have not necessarily potentially presented before when it came to other tribunals. This would be no different in some ways than having a regular performance audit of judges by the Attorney-General. The principle is not too much different. I do not see any problem whatsoever regarding the head of the particular jurisdiction making sure that those who are subordinate to them do their job and that there is a proper complaints handling process, that there is a process which can look at the way the tribunal operates and the way the head of the jurisdiction deals with it. When the influence of the executive is injected into it—that is the executive basically oversighting the chairman by way of performance review—then all sorts of problems arise.

That gives the minister the opportunity to be able to influence not only in her opinion—or their opinion, depending upon the minister—the way that the chairman is doing their job but other members of the tribunal as well. It stands to reason that if the head of that particular jurisdiction

can be performance audited in this way then other tribunal members will, by association and because they are subordinate to the chair, come under the influence of this particular process as well. I think that that is a major concern, because members of the tribunal and the chairman of the tribunal need to know that they are able to do their job without having that hanging over their heads. They have clear and concise guidelines, and I agree that that is very necessary, but they should not necessarily have to report to the minister by way of these performance agreements.

I also understand that we do not have a chance to be able to evaluate the content of those performance agreements, those performance criteria. They are something that is obviously between the minister and the chair. Some would argue that that is appropriate and the way it should be if one believes in the necessity of this, but it is also a problem. It is also a serious problem because it is then up to the minister absolutely to decide on what is the content of those performance agreements and it is also up to the minister to subjectively decide if the chairman of the tribunal is appropriately following the performance agreement when this review is undertaken.

That is subjective. I would say that that is very much subjective. If it is not, how do we have the opportunity to be able to test and see and understand if it is an objective analysis or an objective review of the performance of the chairman of that tribunal? To me it is a little bit scary to think that we have that subjectivity basically hidden away from our purview, with the minister alone having the capacity to decide if the chairman of the tribunal is up to scratch and fulfilling their performance agreement. In this regard, if the relationship between the minister and the chairman of the tribunal at any time sours or is not amicable or something arises for the minister to be able to use this particular process to evaluate the performance of the chairman of the tribunal as poor, we know the consequences of that course of action because of the subjectivity of what we are dealing with. In conclusion, if this is so necessary, why did it not exist before? Quite clearly, the chairman of the tribunal should be able to hold members of the tribunal to account—I think that that is appropriate—but the active process of political intervention is too dangerous.

Mr FENLON (Greenslopes—ALP) (10.13 p.m.): I rise to speak against the disallowance motion moved by the member for Callide. In doing so, it must be pointed out that this is a very simple matter. It is a matter where the opposition is trying to chase the horse that has well and truly bolted in that this is simply a regulation in relation to the legislation that is in place. The time to speak against the intent of that legislation was when that legislation was passed. This particular disallowance motion moved on 20 August 2003 against the Commercial and Consumer Tribunal Regulation 2003, which was approved by the Governor in Council on 26 June 2003 and commenced on 1 July 2003, is a regulation made under the Commercial and Consumer Tribunal Act 2003 which establishes the relevant consumer tribunal.

The Scrutiny of Legislation Committee recently wrote to the Minister for Tourism and Racing and Minister for Fair Trading raising issues about the performance management provisions of this regulation. The committee's main concerns were that there were no provisions about the consequences of a poor performance appraisal, what would happen to the information obtained during a performance appraisal, what the power of the chairperson was to develop a code of conduct in the regulation and not the act, and what the consequences of non-compliance with the code of conduct would be. The chairperson of the tribunal alone manages the performance of members and the minister has no role in this regard. The performance appraisal of tribunal members is a new feature for tribunals in the minister's portfolio and comes about due to a recommendation of the tribunal's review which led to the establishment of the Commercial and Consumer Tribunal.

Tribunal members perform a crucial role in the delivery of fair and just outcomes for businesses and consumers who are a party to a tribunal proceeding. It is therefore imperative that members' performance be appraised, and regulation is thus essential as it prescribes the process for this to occur. The code of conduct is a management tool the chairperson may choose to use in their role as managing member performance and it is not compulsory for a code to be developed. The information obtained during a performance appraisal would not be used for any purpose other than one related to the performance of that particular member. The consequences of a poor performance appraisal or non-compliance with a code of conduct have not been specified in the act or regulation. This is because both situations are part of the chairperson's range of management tools in managing member performance.

To specify a range of consequences would not provide the flexibility the chairperson needs in order to best carry out this particular role. However, the act specifies that a member's appointment can be terminated by the Governor in Council under a range of prescribed circumstances. For example, if a member performs their role inefficiently, this may be grounds for termination. This

would be an option of last resort when other standard management practices in relation to that member's performance had failed. The regulation establishes vital management tools for the chairperson to use and to disallow the regulation would be to prevent the chairperson from undertaking this statutory role in managing member performance, and it certainly would be contrary to the intent of the act and disable that particular part of the act. I therefore recommend that this motion be rejected by the House.

Ms BOYLE (Cairns—ALP) (10.17 p.m.): I join the previous speaker in arguing against this disallowance motion. I really have tried to understand the opposition's objection and the basis for its disallowance motion, but I have to say that it is pretty weak. I think it really is political mischief-making. The problem is that the Beattie government has been putting bills through this House which the opposition has had no choice but to support because we have been doing such a good job. However, every now and then it feels that it is beholden upon it to argue with something or other. It has picked a fairly obscure point in this regulation and decided to argue against it tonight, and I must say not very strongly so.

The opposition's objection, as I understand it, is to performance management contracts. Heavens! All of us in this House would know that tribunals in their previous form prior to this minister and the reforms this parliament has made were not known for their efficiency, for their speed of operation, for their sparkling decisions that pleased constituents around Queensland. What we have done is modernise the whole system, and with this we have brought in—dare we!—performance contracts for those who are appointed as members as well as chairs of the tribunal. There is nothing at all improper about this. Rather, this is in fact good modern management.

I gather from my attempt to understand that their objection is that the chairs in particular will be responsible through their performance contract to the minister. We know well that on frequent occasions the opposition regards the minister, either for the department or the statutory authority, as the responsible person with whom the buck stops. Having a contract between the chairperson of a tribunal and the minister for performance, I would have thought, was a matter they should applaud. But that is not so. They imply that there might be some improper conflict of interest. I do not agree with them at all. I think it is an obscure point and that they are labouring the issue when, really, this regulation and the whole reform of the system initiated by this minister is a matter which this House and I have no doubt the consumers of Queensland will applaud. I argue against the disallowance motion.

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (10.19 p.m.): The Commercial and Consumer Tribunal is an amalgamation of the Queensland Building Tribunal, the Property Agents and Motor Dealers Tribunal, the Retirement Villages Tribunal and the Liquor Appeals Tribunal. In addition, the tribunal will also hear and decide cases from a number of new and emerging jurisdictions, including cases involving architects, engineers, plumbers and drainers, building certifiers, gaming machine disputes, residential services accreditation, tourism services and manufactured homes.

The tribunal is designed to be a low cost and informal dispute resolution forum based upon the principles of fairness and natural justice. In amalgamating former tribunals, the CCT will be a model of improved efficiency and cost effectiveness. An emphasis on mediation as an alternative dispute resolution tool will ensure that the majority of parties will not have to go through the often costly and difficult process of a hearing, while the newly appointed presiding case manager is already enhancing efficiency by dealing with a number of directions on procedural matters that might otherwise have been dealt with by a tribunal member. This will lead to speedier resolution of matters.

The regulation sets fees for tribunal services, establishes the criteria under which those fees might be waived, establishes a system of performance management between the chairperson of the tribunal and members, prescribes a range of matters to be dealt with by the presiding case manager and requires parties to a tribunal proceeding to ensure they keep their address and contact details up to date. This government is committed to ensuring the tribunal is accessible to all parties regardless of their financial situation. It is in the interests of fairness and natural justice to do so.

The chairperson of the tribunal alone manages the performance of members. I do not have any role in relation to performance management of members and I do not seek to pre-empt any action by the chairperson in this regard. It is important to note that the Governor in Council both appoints and terminates members of the tribunal. Termination of an appointment is compulsory if

the member ceases to be eligible for membership or is convicted of an indictable offence. Termination is optional under a number of circumstances, including if the member performs their duties carelessly, incompetently or inefficiently. One of the possible consequences, therefore, of a poor performance appraisal of a member may be that the member's appointment is terminated. However, termination would be an option of last resort where previous attempts to address performance issues had failed. I would expect that the chairperson would have regard to standard management practices in terms of determining appropriate remedial action in relation to performance issues.

The code of conduct is a management tool the chairperson may choose to use in their role managing member performance. It is not compulsory for a code to be developed and, as such, it was not considered necessary to provide for consequences of non-compliance. The information obtained during a performance appraisal will not be used for any purpose other than related to the performance of that particular member. I have the utmost confidence in the chairperson's ability to manage the performance of the members of the tribunal and to ensure that, in doing so, the tribunal achieves its aims of fairness and natural justice as well as the need to be efficient and cost effective. Disallowance would take away the chairperson's ability to conduct performance appraisals with members. This would undermine the ability of the chairperson to manage member performance, which is a key platform on which improved efficiency and cost-effectiveness of the tribunal is built. I oppose the motion.

Question—That the motion be agreed to—put; and the House divided—

AYES, 16—Copeland, Flynn, Hobbs, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, Rowell, Seeney, Simpson, Springborg, Tellers: Watson, Hopper

NOES, 63—Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, E. Cunningham, J. Cunningham, Edmond, Fenlon, C. Foley, M. Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Purcell, Reynolds, E. Roberts, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wellington, Wells, Wilson. Tellers: T. Sullivan, Reeves

Resolved in the **negative**.

RECORDING OF EVIDENCE AMENDMENT REGULATION (No. 1) 2003

Disallowance of Statutory Instrument

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.31 p.m.): I move—

That the Recording of Evidence Amendment Regulation (No. 1) 2003 (Subordinate Legislation No. 155 of 2003) tabled in the Parliament on 19 August 2003, be disallowed.

This is just another greedy money grab from a government which has proven itself incapable of properly balancing the books here in Queensland. We have seen a situation over recent years under this government in which it has put up charges and fees in this state significantly above the CPI. That stands in stark contrast to the promises which this Premier and other members of this government have made over the past couple of years that there would be no new taxes and charges in Queensland and that fees and levies would not go up above CPI. We have already seen some significant examples of that where this government has quite demonstrably raised the cost of doing business in Queensland above the consumer price index. In the matter that we are debating here tonight, it is some 74.1 per cent.

The issue at hand involves the cost of gaining transcripts from a court in civil proceedings. The cost per page will increase from some $2.70 per page to $4.70 per page. That is an increase of 74.1 per cent. Quite frankly, what is the justification for that? I understand that the government seeks to say that it is bringing it into line with other jurisdictions around Australia. One of the benefits which we often promote here in this state is that our taxes and charges are more competitive than those in other states and that our fees and levies are in many cases more competitive than in other states.

Why do we have to be increasing this by 74.1 per cent? We can compare this with a whole range of other fees. I would just like to go to some of those. The only comparable ones which I have been able to find in recent times were applications for dealer's licences under the Second Hand Dealers and Collectors Regulation of 1994, which was 103 per cent, the Travel Agents Regulation application for licence of 103.2 per cent, annual licence for an individual of 102.6 per cent and annual licence for corporations of 102.8 per cent. This quite demonstrably is a significant increase in the cost of gaining court transcripts for many people out there in the community.

Justice should be something which is more readily available to people, not restricted to people. A 74 per cent increase is going to restrict the capacity of many people, particularly those who can least afford it, to be able to gain access to something to which they would have been able to gain access previously at a much cheaper cost.

Because of the size of the proposed increase and the fact that this would increase appreciable costs on the community, the department did a regulatory impact statement. Under this regulatory impact statement it should be noted that criminal proceedings, which are basically all paid by the state through the Office of the Director of Public Prosecutions or the Legal Aid Commission, are not subject to this increase so that government agencies will not be subject to the discipline of cost increases. The cost increase will apply basically to parties in civil proceedings, researchers and the media.

Under the regulation, the government has specifically exempted proceedings before the Queensland Industrial Relations Commission from the cost increase. Is this an example of a Labor government looking after its trade union mates to the detriment of the general community? This has occurred notwithstanding that in the regulatory impact statement the increase was to apply to the Queensland Industrial Relations Commission. Under the regulatory impact statement, the impact on civil litigants was attempted to be justified on the basis that successful litigants will recover costs from unsuccessful litigants, thus increasing the overall cost of litigation for no discernible benefit. If a party to litigation is a corporation, costs will be tax deductible, that is, the general taxpayer will pay the cost and—this is the sting—for other litigants it will be only an extraordinary cost increase, no doubt like the cost increase from stamp duty on buying your own house. The cost increase is justified on the basis that it will bring Queensland's costs into line with other states and provide increased funds for the Court Reporting Bureau to enable it to update technology.

The Court Reporting Bureau exists as a service to the judicial system and people who come before it. It is part of the costs of having an effective and efficient justice system. Failure by the government to provide sufficient funds for it through the normal budget process is a reflection of the failure of the government to give sufficient priority to justice as a fundamental service delivered by the government. It is simply another example of a broke government desperately trying to do what it can to raise revenue by any means from any sources available to it. This is completely unjustifiable. It does not have an innate sense of justice which should be attached to making sure that litigants involved in civil proceedings in Queensland have cheaper, more ready access to these court transcripts. We know the cost of being involved in the court process—

Mr Lawlor: Like when you were in the Borbidge government.

Mr SPRINGBORG: Sorry?

Mr Lawlor: Like you were going to give them under the Borbidge government—$6.50 a page. Remember that?

Mr SPRINGBORG: Did it happen?

Mr Lawlor: No—no thanks to you.

Mr SPRINGBORG: It did not happen, did it?

Mr Lawlor interjected.

Mr SPRINGBORG: I am struggling to understand the honourable member's logic. His government is increasing it from $2.70 to $4.70.

Mr Lawlor: First increase in four years.

Mr SPRINGBORG: First increase in four years? What is CPI?

Mr Lawlor: Probably two or three per cent. So how did it get to $6.50?

Mr SPRINGBORG: Compounding maybe eight per cent. So it is going up 74 per cent. So the underlying CPI in Queensland is 74 per cent, according to the member for Southport. I thought that as a solicitor, as somebody who would have seen the consequences of the cost of litigation and the cost of the legal system to people in the general community, he would agree that loading them up some more, with a 74 per cent increase in the cost of accessing court transcripts, is not justifiable.

Mr Lawlor: You wanted to increase it by 180 per cent.

Mr SPRINGBORG: The member for Southport is over there waffling on about something that may have happened or may have been proposed to happen. It did not happen. That is a very flimsy attempt to justify the increase in the per-page cost of a court transcript from $2.70 to $4.70.

Mr Lawlor: One hundred and eighty per cent.

Mr SPRINGBORG: The simple reality is that that did not happen. I do not know if the member understands that that did not happen. We are dealing with a cost which is being regulated by this parliament and which will be pushed down onto civil litigants or other people wishing to gain access to court transcripts. The increase is 74.1 per cent.

Mr Lawlor: One hundred and eighty per cent.

Mr SPRINGBORG: So according to the honourable member, because it did not go up 180 per cent, then 74.1 per cent is quite justifiable?

Mr Lawlor: After four years.

Mr SPRINGBORG: The government's own policy is to not increase things above CPI. Is that not right? Is that what the Premier said?

Mr Lawlor: What about the 180 per cent?

Mr SPRINGBORG: What is Labor's policy? Labor's policy is that charges will not be increased above CPI.

Mr Lawlor: One hundred and eighty per cent.

Mr SPRINGBORG: It must have been pretty interesting before the court taxing process to deal with this bloke as a solicitor! It must have been a pretty lairy thing to have to watch.

The reality is that we are looking at a 74.1 per cent increase, which is way above the increase in CPI. The member for Southport has himself indicated that the increase in CPI is in the vicinity of some two per cent or three per cent per year. It does not matter how he compounds that, or how out of whack his computer may be, it does not add up to 74.1 per cent.

One of the common complaints we all hear with regard to the court and legal process in Queensland is that it is beyond the reach of what some people refer to as the ordinary person. I will let people judge who the ordinary person is. I think it is probably a disingenuous application of a tag to people. But it adds a further cost to people who want to appropriately access the records of the state insofar as our courts are concerned, to assist them in their research. In some cases transcripts are sought as a matter of research—people from the media may be seeking to look at the official record—but in many cases access is sought by members of the general public who have been involved in the litigation about which they are seeking the records. Quite frankly, 74.1 per cent can not be justified.

If the Attorney-General had come into this place and put forward an argument that there had not been an increase for some four years and the compounding rate of increases in the CPI over that time was some 10 per cent, then I think he would have been able to put forward a properly constructed and valid argument and we would have been able to support that, but we cannot support 74.1 per cent. It is unfair. It is unjust. It is another example of this government, which is broke, seeking to raise revenue from anywhere it possibly can.

This government is no longer responsive because it has a majority in this parliament that says it does not have to be responsive. That is what we are dealing with here. It does not have to be responsive. It does not have to keep the promises and the commitments it previously made to not increase any fees or charges above CPI. I look around and I note that the ones who are nodding most furiously or shaking their heads are those who have profited so much from the system in the past: the solicitors in this parliament. It is somewhat ironic. The opposition does not support the increases proposed by the Attorney-General. We think they are unjust. We believe that they need to be rejected. That is what we are asking the parliament to do.

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (10.44 p.m.): I rise to second the disallowance motion moved by the Leader of the Opposition and member for Southern Downs. This is another in a line of disallowance motions that the opposition has moved, as we should, against regulations that seek to increase fees unjustly and unjustifiably.

There has been a line of these regulations. I am sure that members in this parliament can remember at least some of them. There were the penalty payments for late registration whereby if people were a day late they were hit with a substantial increase in the payment that was due. There was the $50 per licence tax on water licences. There was the $3 a megalitre tax on water used from water users' own infrastructure. A long list of regulations that have come before this parliament are simply designed to raise money for a government that is undeniably broke.

I was interested to hear the interjections from some of the more inconsequential members of the government back bench when the Leader of the Opposition was speaking to this disallowance motion, comparing the record of this government with the record of the previous Borbidge-led coalition government. There is one area in which every member of this parliament should make that comparison every day; that is, in the area of financial management. Before any member of the government back bench makes a fool of themselves in this place with inane interjections about the record of the Borbidge government, they should repeat to themselves, 'Three deficits in a row.' That is the legacy of this government, and that is the very reason we are debating this regulation tonight.

It is because of that failing in economic management, which has led to three deficits in a row, that this parliament has been asked to approve a string of regulations that are aimed simply at raising money. This is the latest in a line of regulations aimed at raising money to fill that black hole caused by the government's economic mismanagement, which is represented by those three deficits in a row.

I note that the members for Toowoomba North and Southport, who were both vocal in their comparisons of this government with the Borbidge government, have no contributions to make with regard to the comparison between the economic management of those two governments and the financial results those two governments were able to produce for the people of Queensland.

This is a government that must be ashamed of its record of economic management. It must be ashamed of the financial result it has produced for the people of Queensland. It is that financial result that it seeks to rectify by the introduction of the types of regulations we are debating tonight.

There has been a 70 per cent increase in a government fee. It does not really matter what that fee is. It does not matter what the fee is for. This is about the fact that a minister should seek this parliament's approval for a regulation relating to 70 per cent increase with no justification and no extra service for the people who will have to pay that fee. The minister simply seeks a 70 per cent increase in that fee because the government is broke. That is the only justification that can be put forward for this regulation brought before the House tonight.

Nobody is prepared to come into this House and try to justify a 70 per cent increase in the fee to provide a better service to the people of Queensland. They will not do it tonight, just as they did not do it in relation to any of the other disallowance motions we have moved on any of the other regulations that were designed to increase the take the government was able to get from the particular fee that was involved.

In all of those other debates we have had about regulations that should have been disallowed, if members opposite thought about what was being proposed they would have come into this House and tried to give the people of Queensland a reasonable and logical explanation as to why those fees needed to be increased by 70, 80, 100 or 120 per cent. Nobody chose to do that. They come in here and rely on the fact that they have 66 seats and they can force through this House regulations that will recover more money for them to try to cover up the fiscal mismanagement and the financial shame that will be a legacy of this Beattie Labor government for years to come.

This regulation should be disallowed, just as those other regulations should have been disallowed. It should be disallowed if for no other reason than that nobody is prepared to make a cogent argument in this place as to why it should be allowed. Nobody will come into this parliament tonight and make a reasonable, logical argument about why the fees should be introduced.

Mr Shine interjected.

Mr SEENEY: The member for Toowoomba North doubts that. I did not see the member for Toowoomba North making such an argument when the other regulations were debated in this House. I did not see the member for Southport making such an argument when the other regulations were introduced into this House. I will be interested to hear tonight how those two members who like to sit and interject with inane, stupid comments and inane, stupid comparisons will go about justifying a 70 per cent increase on the services available to the people who will have to pay that increase.

Mr Barton interjected.

Mr SEENEY: The Minister for State Development looks a lot more comfortable where he is sitting now than where he usually sits.

Mr Barton: This used to be my seat when I was a backbencher.

Mr SEENEY: You are better suited to it, too, old mate. You should go back and sit there; you look a bit better.

Mr Barton: At least you do not look so ugly from back here.

Mr Springborg: But you do.

Mr SEENEY: I will tell you what: you do not look any better back there than you do over here.

Madam DEPUTY SPEAKER (Ms Liddy Clark): Order! I might be citing relevance soon.

Mr SEENEY: I feel obliged to respond to the Minister for State Development, his interjections being witty and insightful as they always are.

This regulation should be disallowed. We will continue to move these disallowance motions every time one of these regulations comes before the parliament. I have no doubt that there will be a long list of them, because the government will continue on this course of trying to squeeze every dollar it can out of this source of revenue. It will try to maintain the facade that it will not increase the taxes that it imposes on Queensland taxpayers. It is misleading and bordering on fraudulent for this government to maintain the argument that it has not increased taxes and charges in this state over and above the CPI.

How on earth can that argument be maintained? How on earth can anybody with any credibility stand in any public forum let alone this parliament and make that claim when regulations such as this come before the House which seek to increase this particular fee by 70 per cent? We have had many others come before this House that have sought to increase fees by 100 to 120 per cent. Until those proposals are accompanied by a reasonable justification to the people of Queensland, they should be disallowed and we in the opposition will continue to move motions for their disallowance. I commend the motion that has been moved by the member for Southern Downs, the Leader of the Opposition, to disallow this regulation, and I urge every member of the House to support it.

Mr SHINE (Toowoomba North—ALP) (10.54 p.m.): I am very pleased tonight to accept the challenge of the honourable member for Callide in defending this measure. The importance of the recording of evidence should be self-evident to most reasonable people, but just in case the importance of it has not sunk through to members opposite I point out that in Queensland we have what is called courts of record. It is a treasured tradition which has come down through the ages from our English common law system.

A practical example of having our cases recorded is when decisions are reviewed on appeal. It distinguishes our system in our democratic country from totalitarian systems where justice, if at all, is at best arbitrary. It is an accurate and timely recording of court proceedings, and this is essential to the openness and fairness of our justice system. I believe these increases serve to preserve the viability of the scheme itself and are in all of the circumstances just and equitable.

Mr Seeney: Why? Why are they?

Mr SHINE: Listen and you will learn. I realise that the increase that the honourable members opposite refer to is significant. Nobody denies that. However, the increase from $2.70 to $4.70 per page is still considerably cheaper—not in line with but considerably cheaper—than, for example, South Australia, which is $5 per page, Victoria, which is $6.50 per page, and New South Wales, which ranges from $6.90 to $7.90 per page. Remember, ours is $4.70 per page—considerably cheaper.

Whilst it will raise the cost of litigation to some extent—and I concede that the Bar Association has expressed some concerns, particularly with respect to pro bono work—these points should be noted: it will not apply to parties in criminal cases at all. That is, in criminal justice the accused's right to a fair trial will not be impaired. In that instance, the government or the taxpayer will continue to pay for the preparation of these records. It will apply to civil litigation to cover the cost of court reporters, transcription services, printing, storage, photocopying of transcripts, et cetera.

The impact will be lessened because a successful litigant in the normal course will recover costs. These are normal costs of the cause. In commercial matters, these costs are tax deductible. For others—that is, non-commercial matters—they are really one-off experiences to

most litigants. Most litigants are not professional litigants. They have the experience of going to court very few times, if ever, in their lifetime. These costs represent a very small part of the overall award of costs in any sort of litigation. The principle being adopted here is that the user pays, and that is a principle that is pretty widely accepted in this 21st century.

I would point out that the great majority of civil cases are of one day's duration and length. In other words, there is no point in obtaining a copy of the record at the end of the day because the case is already over or all but over, and in most instances in my experience other than in lengthy cases the record is not obtained at the end of the day's hearing. Therefore, to a large extent the question does not arise. Certainly researchers, media people and other interested parties may be irregular but infrequent users of this facility in terms of obtaining copies of the record. But it must be remembered that it is open to anyone, other than cases that are held in camera, to search the court record and to read it free of charge without taking a copy.

The result of the imposition of these fees is that it provides an ability in the court recording and transcription services to upgrade technologies—for example, to provide audio recording equipment, printers, photocopies and computers. The honourable member for Callide asked why these fees are necessary. That is the answer. It is also necessary to provide these services not just in Brisbane but throughout Queensland. I would have thought that he, like I, would be interested to see that these modern facilities are provided to regional centres.

I can aver to the fact that the provision of modern equipment to the court reporting service is extremely important. The honourable member for Southport and I would recall the days when, particularly in the Magistrates Court, every word was taken down on a typewriter by an experienced clerk. A case that would now take one day would often take about three days. The provision of modern equipment is essential. We have to pay for it somehow or other, and this is a way to do it.

Other options were looked at such as in situations involving financial hardship. However, these were not acted upon, simply because it would have been difficult in a decentralised state like Queensland to have consistent decisions as to the eligibility for being exempt from paying fees. A further option was of course to have no increase at all, but the result would have been fewer resources and therefore the provision of a less efficient service.

The honourable Leader of the Opposition said that this was a greedy money grab, but he was unable to defend the increase imposed by the previous National Party—nowadays called the Nationals, I read, as opposed to the National Party, as opposed to the National Country Party, as opposed to the Country Party, as opposed to the Farmers Party. The name changes go on. Their effort was a $6.50 impost. In fact, the date of commencement of that increase was 19 January 1998. It was subsequently disallowed in April 1998, so it was in force for a period of a couple of months. I point that out for the benefit of the Leader of the Opposition.

The current increase is only $2 as opposed to the $4 increase of the Borbidge government. The honourable Leader of the Opposition was a minister in that government. The difference is even more significant taking into account the changes in the value of money, that is inflation, over that five year period. To my mind, the position of the opposition is inexplicable. The government's position, on the other hand, is entirely tenable, reasonable and in accordance with responsible management.

Finally, for the record, might I pass on my appreciation for the work of the court reporters in this place who are part of the service that we are talking about. I commend them, as I am sure every other member of the House does.

Mr LAWLOR (Southport—ALP) (11.02 p.m.): It gives me great pleasure to oppose this disallowance motion. The regulation increases the fees for court transcripts from $2.70 a page to $4.70 a page. As I said before, that has not changed for four years. These fees are only applied to civil litigation and are to cover part of the cost of court reporters, transcription services, printing, storage and the photocopying of transcripts and so on. The State Reporting Bureau plays a fundamental role in our justice system. The accurate and timely recording of court proceedings is essential to the openness and fairness of our justice system.

Over a number of years there has been an increase in the demand for services provided by the State Reporting Bureau. The technology utilised for the provision of its services has become increasingly dated. The cost of maintaining the current fees would be an additional revenue which would not be recovered. This would result in the bureau having less revenue available to upgrade the technology and replace the ageing equipment, thereby reducing the efficiency of the court reporting service. The quality of the technology utilised by the bureau affects the service that it

provides. Any inability to upgrade the technology could have a potential effect on its level of efficiency, as I have said, within the justice system.

It is important to bear in mind that the government covers the cost of transcripts in all criminal proceedings. In relation to civil litigation, these fees amount to only a small proportion of the overall cost of conducting litigation in our courts. For a corporate litigant or indeed an individual involved in litigation which is associated with his business, the costs of those transcripts are a tax deduction.

Even with the increase in the fees, Queensland still charges significantly less than other states. For instance, in New South Wales it is $7.10 a page, and in South Australia it is $5 a page. In Victoria it is done on a commercial basis and the average cost is about $7.50 a page. Again we see the hypocrisy of the opposition. The fees are significantly less than those proposed by the Borbidge government in 1998. That government proposed an increase to $6.50 per page from $2.40. That regulation was disallowed with the support of the member for Gladstone. The members opposite were looking at an increase of 180 per cent and yet they object to this increase which has been brought about after four years of a price of $2.70 per page. The hypocrisy once again is breathtaking.

There has been an exhaustive consultation process in the preparation of this regulation, which included the preparation of a regulatory impact statement which is required in these circumstances. Considering the 180 per cent increase that was brought in by the Borbidge coalition government, this is a reasonable increase in all the circumstances. I oppose this disallowance motion.

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.05 p.m.): I thank all honourable members for their participation in this debate, in particular members of the government, who recognise that what the government is doing here is modest by comparison to what the members opposite sought to do when they were in government and is certainly modest in the scheme of things.

The Recording of Evidence Amendment Regulation was made by the Governor in Council on 3 July this year. As members have noted, it increased the per page fee for transcripts from $2.70 a page to $4.70 a page. Fees for subsequent copies of the transcript have remained the same at 60c a page. In 1992 the fee was $2.10 a page. The proposal now is to increase it to $4.70 a page, which is not a significant increment on CPI over 11 years, although certainly it is a significant increment on CPI since the last increase to $2.70 in 1999.

The cost of the State Reporting Bureau in preparing each page of transcript, that is, the infrastructure of staff and equipment to provide the reporting service, works out at about $20 a page. So even with this increase the fee will still only cover about 25 per cent of the true cost of providing transcripts for those who make use of them. The government is already significantly subsidising the availability of transcripts to those who have to pay.

I should point out that only a small proportion of those who seek transcripts need to pay. Transcripts are provided free of charge to defendants and their legal representatives in all criminal proceedings. Transcripts of sentences are also made available free of charge to victims of crime who apply for compensation under the Criminal Offence Victims Act 1995. Transcripts of any proceedings can be viewed free of charge at the State Reporting Bureau's offices in Brisbane, Cairns, Townsville, Mackay, Rockhampton, Maroochydore, Ipswich, Southport and Toowoomba and a further office soon to be opened in Caboolture.

Of course, the remainder of civil litigants are affected by the increase, but an increasing proportion of those are corporate litigants in civil matters whose transcript fees are, by and large, tax deductible as business expenses under the Commonwealth taxation legislation. In the scheme of things, transcript fees represent only a small proportion of the overall legal costs incurred during the course of litigation. Even with this increase the Queensland fees remain significantly lower than those in many other states. For example, in New South Wales the cost of transcripts is $7.10 a page; in Victoria it is $7.15; and in South Australia it is $5.

The Deputy Leader of the Opposition says that the only justification for the fee increase is that the government is broke and that no-one has ever given any other justification. The justification on this occasion is that we want to maintain the services provided by the State Reporting Bureau and ensure that it has sufficient resources to replace its equipment and continue to provide a reasonable level of service, notwithstanding the fact that the government will continue to need to subsidise that service to the tune of 75 per cent of its total cost of operation.

So in that context the allegation by the Leader of the Opposition that this is a greedy money grab pales into insignificance in comparison to the greedy money grab that the opposition sought to apply upon the Queensland public when in 1997 it attempted, and for a short time succeeded in, to increase the fees for transcripts from $2.40 a page to $6.50. As another member has already indicated, that was something approaching a 180 per cent increase. As I say, the revenue generated by this increase on this occasion will increase the revenue of the State Reporting Bureau by a mere couple of hundred thousand dollars, and that increase is essential to the continued effective operation of the State Reporting Bureau. In the context of the overall costs of litigation, the overall costs of running the State Reporting Bureau and the increase to this level from $2.10 in 1992, I do not believe that the fee increase is unjustified and I do not believe that the case for disallowing it has been made out as opposition members have suggested. I commend to the House the defence of this regulation.

Question—That the motion be agreed to—put; and the House divided—

AYES, 19—Copeland, E. Cunningham, Flynn, Hobbs, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Simpson, Springborg, Wellington. Tellers: Watson, Hopper

NOES, 59—Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, Fenlon, C. Foley, M. Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Purcell, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

Resolved in the **negative**.

ADJOURNMENT

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (11.17 p.m.): I move—

That the House do now adjourn.

Disability Services, Sunshine Coast

Mr WELLINGTON (Nicklin—Ind) (11.17 p.m.): As patron of the Sunshine Coast Family Networks Association and supporter of many related organisations which cater to the needs of our disabled community members, I have become very much aware of the problems faced by families caring for a disabled child. I have recently been very impressed with a group of concerned parents who have taken on a proactive stand to resolve some of the many problems they face in educating their disabled child and introducing them into our community as a participating member of that community. This community group is made up of parents of young people with disabilities who have joined forces to explore their common issues of concern and identify some possible resolutions. The members of this group have children with disabilities who have either left school and are on the DSQ Post-School Services program, have left school and have not successfully secured any post-school options or are finishing school this year and anticipate eligibility for the DSQ Post-School Services program.

Following meetings with myself, representatives from DSQ, HACC, TAFE, Education Queensland, DSQ post-school service providers and Commonwealth funded employment programs, this parent group has identified a range of issues. The non-government providers consulted regarding these issues have agreed to work with the parent group in the identification of the options to address the issues. They have identified 11 issues faced by young people with a disability and their families. This list was put together with full awareness that some issues are beyond the scope of the community to influence and that no one response option can address all of the issues simultaneously.

The issues identified are lack of coordination across DSQ, DETIR, HACC and Commonwealth funded support to school leavers who have a disability; a lack of appropriate facilities for people with high support needs; a lack of service options for people with challenging and complex support needs; limited options for people who are not approved onto the post-school program; limited skills development and enterprise options for young people on the post-school program; no coordination of the limited transport options available for people in receipt of the DSQ transport subsidy; no outcomes for a majority of school leavers registered with supported employment agencies; families needing to contact a large number of providers and a number of government agencies with limited understanding of options and entitlements; no coordination assistance for families that are not approved onto the DSQ post-school program; individuals with a disability having to change providers and funding arrangements as they move from one government program to another when trialling employment options; and high risk for individuals who are

supported in isolated support arrangements and significant impacts on individual's lives when intensive carers leave the employment arrangement.

The proposed responses are that the parent group proposes the establishment of a jointly funded pilot project to fund a Sunshine Coast post-school services coordinator to be tenured in a non-government support service. The position will be responsible for coordinating services and supports for all people with a disability irrespective of employment, funding or vocational status. The group has negotiated a sponsorship relationship with an existing local agency, the Sunshine Coast Family Networks Association, and has proposed a working structure and target client group. It is vital that this government work with the community to ensure that its own agencies are working with the community groups and agencies to provide the best outcome to ensure that funding is used efficiently and time management practices are in place.

I also invite Minister Spence and the related Disability Services staff to work with and assist this group of Sunshine Coast families to make this proposal a reality and provide a more coordinated response to their needs. I believe this group will be applying for assistance through the 2003-04 innovative funding community initiatives program. I commend the proposal to the minister and the government.

Competitive Cyclists, Indooroopilly Electorate

Mr LEE (Indooroopilly—ALP) (11.21 p.m.): Cycling is a great activity whether we ride socially to commute or as a competitive sporting activity, and my electorate of Indooroopilly has, I believe, more regular cyclists than any other in Queensland. I wish to speak of some of the very cycling achievements of some of my local residents who are competitive cyclists. Some honourable members may be aware that a young lady by the name of Lisa Mathison, a Sherwood resident, recently won back-to-back junior world cross-country mountain bike championships. Lisa defeated representatives from many other nations when she competed at Lugano, Switzerland, recently and rode away with that race by over four minutes.

Mark Frendo, who is also a student at the University of Queensland, a first-year engineering student and a member of the university cycle club, also managed to finish 11th in the under 19 male world cross-country mountain bike championships. I understand from his coach, Tony Melcer, who is a lovely bloke, that this was despite Mark having a puncture during the race. As I said, Mark is a member of the UQ cycle club, which can be found on the Internet at uqcycle.com. It is a great club. It organises regular social rides, simulated races and, for the first time this year, a beginners course, which is a wonderful community activity. I pay tribute to the executive of the club—Matthew Gallagher, Dominique Gallagher, Gavin Williams, Ian Langstaff, Mark Verstege and Christian Truscott. I wish to mention also that the university cycle club's teams pursuit team managed back in March to win the Queensland teams pursuit state title. Ben Litchfield, Peter Herzig, Michael Maloney and Michael O'Donoghue recorded a time of 4.42 over 4,000 metres, beating the local favourites on the Rockhampton velodrome.

It would be remiss of me also if I did not mention that another young fellow from my electorate, Sam Lee, was a member of the silver state medal-winning team in the under 15 men's road team time trial this year. Sam rides for the Broncos club and, together with his team mates Sean Caskey, Daniel Peach and Craig Seage, managed to snatch the silver medal this year. Sam is a great rider on the road or the track and I am certain that he will be one that we ought to watch in the future. I wish to thank also all of the local residents who participate in my local bicycle reference committee. I am delighted to speak of the cycling achievements in the Indooroopilly electorate.

Drought

Mr JOHNSON (Gregory—NPA) (11.24 p.m.): Tonight I wish to speak about the plight of many people in rural and remote Queensland who are being gravely affected by the drought, which is now in its third year. Many people have crossed the point of no return. Many people's applications to the Queensland Rural Adjustment Authority, QRAA, for interest subsidy payments have been declined, and many do not know which way to turn. This is a very serious issue. The government must recognise that the drought is further compounding problems throughout rural and remote Queensland.

The drought has not only economic but also social impacts. Some 25 people in the Charleville south-west region, through the south-west resources office, are on suicide watch. That is a very grave situation. Back on 15 July this year I wrote to the Premier to see what sorts of

outcomes we could get in relation to those QRAA applications. The situation has become so grave that even the really good properties are affected and, because of the ongoing drought, are now not viable. I appeal to the Premier again to make certain that his Minister for Primary Industries is across this issue so that these people will not be subjected to more heartache and hardship. These applications must be processed.

My federal colleague the member for Maranoa, Bruce Scott, from where he sits as the federal member, is also working tirelessly to get some of these applications processed. I do not raise this situation lightly in the House today. It has to be looked at very closely. I appeal to the government to show some commonsense and compassion so that we can save our young people who are on the land today. Hopefully, we will see good rains over the coming summer months. The situation is now critical for applicants declined previously by QRAA. Even the owners of really good properties, the people who have never before faced this sort of trauma and financial difficulty, are now facing a hopeless situation with nowhere to turn to. I again appeal to the Premier to follow this up with his Minister for Primary Industries to make certain that these applications are processed.

Mermaid Beach Sand Dunes

Mrs SMITH (Burleigh—ALP) (11.27 p.m.): I rise to speak about an issue that is causing great concern to many Gold Coast residents. I refer to the construction of fences and gardens on the beach by home owners adjoining the sand dunes at Mermaid Beach. The sand dunes are on publicly owned land that should be freely accessible to Gold Coasters and visitors. Even more outrageous is the fact that these private gardens on public land have apparently been constructed with the knowledge and approval of the Gold Coast City Council.

A local activist, Anna McLaren, first brought this issue to my attention some months ago. Since then there have been various meetings between state government, council representatives and local residents. Not one of the state government departments consulted accepts that there is any reason for the fences to remain and they are puzzled that the council ever allowed them in the first place. It does not puzzle me, nor will it puzzle any of my Gold Coast colleagues, as this is exactly the type of behaviour that the Gold Coast City Council often indulges in—allowing the rich extra privileges and denying free access to ordinary residents.

Claims have been made that the fencing is necessary to protect the sand dunes. This is not entirely true. The dunal system is particularly fragile and there is support for some structure to be built in the area to prevent erosion. Consequently, the concept of the big paddock has been developed. This concept allows for perimeter fencing to be constructed which assists in the prevention of erosion and encourages growth of natural flora. Areas which need special protection or revegetation should be fenced off, but not as individual areas in front of each property.

Mr Deputy Speaker, you may remember the issue of the Miami bushland which this government chose to protect at considerable expense. Despite the fact that the council had every opportunity to participate in a solution to that problem and despite the green space levy imposed on Gold Coast residents, they did nothing to assist. In fact, the very councillor who told me that the land was not sufficiently important for the council to purchase with the levy has not stopped claiming credit for saving the land.

On 21 September, the day we were celebrating the protection of the Miami bushland, I also attended a protest meeting at the Mermaid Beach sand dunes, a meeting which not one councillor managed to attend. The question is: if councillors find it so embarrassing that they cannot face some protesters, why do they not just pull the fences down?

It is now up to the Gold Coast City Council to do the right thing: remove the fences and return the sand dunes to the Gold Coast residents and visitors to enjoy. But when the fences do come down—and they will—I can guarantee that one or more of the councillors will be there claiming the credit. That is something they are very good at.

Sugar Industry

Mr ROWELL (Hinchinbrook—NPA) (11.30 p.m.): The Herbert River district in areas from Toobanna to Rollingstone, the Upper Stone and sections of Abergowrie are experiencing the worst drought on record. Falls as low as 560 millimetres over 16 months are less than a third of the normal rainfall for the period. This is reflected in the sugarcane crops that are less than a third of their potential at 25 to 30 tonnes per hectare. The death of the stool, which could see a loss of

90 per cent for next year's crop, has severe implications. If reasonable rainfall does not occur in the next month these losses cannot be sustained and the prospects of planting this substantial area in 2004 may not be possible due to the lack of finance. The flow-on effects would be catastrophic for the Ingham town. Even where irrigation is available with limited water supplies, crops are only realising half their size, and growers will not get their money back, particularly with disastrous world prices. But the stool may survive for subsequent crops, provided there is follow-up rain.

Under these conditions low level of investment or good farming practices will combat the heavy losses being experienced. It was evident in August that conditions were deteriorating. The BSES, Canegrowers and DPI stock inspectors have assisted over 50 applications for independent drought properties. The criteria for such declaration is primarily yield loss. This has been occurring over the last two years and even longer where fungal disease, such as orange rust and greyback cane grubs have plagued the industry. The IDP, which is a state initiative, is of little or no use to canegrowers as the support is more appropriate for the grazing industry. However, it is a prerequisite to apply for the federal government's exceptional circumstances scheme, which provides significant help to growers.

Last September, the Commonwealth introduced the concept of prima facie assistance, which provides eligible producers with six months of income support while their EC applications are being assessed. This has been extended until 30 October.

This will be the sixth sugar crop in a row that has been adversely affected by extremes in weather conditions. In 1998 the Herbert River district received the wettest November to December in 100 years. The following year was similar. Now the drought that is affecting at least a third of the district and is proving to be a disaster and is beyond the capacity of growers to deal with.

It does not matter what governments bring in as far as legislation is concerned, there will not be any assistance to increase the capacity of growing a crop under these conditions. I think it is extremely important that governments take notice of the necessity to support the growing industry when these adverse conditions prevail.

Whitsunday PCYC

Ms JARRATT (Whitsunday—ALP) (11.33 p.m.): Twelve June this year marked a very important day for the Whitsunday community. On that day the Premier, together with the Minister for Police and Corrective Services and the Police Commissioner, came to my electorate to open the Whitsunday Police and Citizens Youth Club. Not only is the Whitsunday PCYC one of the state's newest and most architecturally exciting facility of its type in Queensland; it is also significant because it is the realisation of a dream that began for the Whitsunday community back in 1985.

One of the biggest challenges facing any community but particularly communities focused on providing facilities to attract tourists is the task of developing a sense of belonging. This is especially true for our children and young adults who, until recently, have largely been left out of the equation in the development of infrastructure. What the Whitsunday area had long recognised was a need for a community hub, a place where residents of all ages could come together to share in the experiences of simply being a community.

We now have that facility thanks to the efforts of many dedicated people who refused to give up the dream. The Whitsunday PCYC was constructed at a total cost of $2.6 million, of which the Beattie government contributed over $1 million. Tonight I want to recognise the contributions of the Whitsunday Shire Council, the Rotary Club of Airlie Beach, the Whitsunday Blue Light Association and the Whitsunday Youth Affairs Committee, whose hard work and financial contributions made the construction of the PCYC possible. In particular, I want to pay tribute to the efforts of the Mayor of Whitsunday Shire Council, Mario Demartini, and chair of the Whitsunday PCYC steering committee, Bob Bogie, who together with other members of the steering committee never wavered in their belief that the PCYC would one day become a reality.

Since opening its doors to the public in January this year, the Whitsunday PCYC has been under the very able and dedicated direction of manager Sergeant John Dickinson. On behalf of the whole community, I want to put on record my total admiration for John's perseverance, enthusiasm and commitment to his role as manager. Indeed, the work he does goes well beyond the call of duty. Although I know he thoroughly enjoys his work, I am not alone in wondering how he keeps up his energy during the very long days and nights spent focused on the delivery of activities for young people in the area.

Among the activities now delivered through the PCYC are playgroup, basketball, volleyball, guitar lessons, drama groups, skateboarding, Tae Kwon Do, Latin dancing, movie and pizza nights, and discos. John and a small but dedicated group of volunteers are making an invaluable contribution to the youth of the Whitsundays. I place on record tonight my unqualified thanks and admiration for their thoughtfulness, their time and their effort.

Finally, I want to say how proud I feel to have been asked to be the first patron of the Whitsunday PCYC. I only hope that I can make a fraction of the contribution that has already been demonstrated by those who served on committees or as volunteer coaches or helpers at the centre.

Sugar Industry

Mr MALONE (Mirani—NPA) (11.36 p.m.): I rise with great pleasure to speak as my colleague spoke on the sugar industry in his electorate. Economic benefits to the electorate of Mirani are quite significant when the sugar industry is at its height. The Mirani electorate grows and produces almost a third of the sugar industry in Queensland. It is a very significant economic driver in the Mackay district.

It has been six years since there has been a reasonable crop in the Mackay district. Unseasonal weather, rust in the best variety we had in the region and low prices have played a very significant role in the downfall of the sugar industry. This year, unfortunately, we have seen another backward step in terms of the production in the Mackay district with yet another drought. As I move around the electorate and talk to farmers, the situation they see themselves in is of real concern. They survey the low dam levels, the lack of water, the cane not ratooning and the absolute increases in costs they are facing on a daily basis. Indeed, when we think about it, the only people not being paid in the sugar industry are the growers and the millers. The economic hardships are being faced by the contractors. The workers, the suppliers and all the others are being paid quite well in terms of getting the crop off. Yet we have farmers who are finding it very difficult to put food on the table.

Indeed, the economic outlook for the sugar industry in the Mackay region is very dire. We must work hard to ensure that, as we move forward into the future, this can be turned around. As I said, this year we see again a reduction in the production. Almost a third of the crop frosted earlier this year with a resultant reduction in the sugar content at a time when it can least afford it. The dams in the schemes are almost at zero level and the capacity of farmers to irrigate the crops is greatly diminished. Those who have no irrigation, unfortunately, are seeing almost a total destruction of their crop and the ratoons. As I said, there has been a huge reduction in the allocation of water out of the schemes. As honourable members would realise, there is also a decreased ability to pump from dams, rivers and streams and from bores.

Of course, as we moved into this year, we saw an upward lift in the currency. Currently the price of around $200 a tonne is about $100 a tonne below production cost. We are also seeing a huge increase in the stockpile on the world market and, as most people would realise, increased production by Brazil.

One would have to wonder what the agenda of the Queensland government is in terms of the legislation before the House. I know that there has been a move to not bring that legislation forward. In terms of economic return to the industry, the legislation will not return any increase at all on the current situation in terms of the economic driver for the industry. We really need to know what the government's agenda is in this respect.

Death of Mr E. Durelli

Mr MULHERIN (Mackay—ALP) (11.39 p.m.): Local Mackay identity Mr Ted Durelli passed away on Thursday, 25 September 2003. I would like to speak briefly about Ted and the wonderful legacy he has left in our community. He was well known as a musician and soccer stalwart. Ted was a strong supporter of Mackay junior soccer. He was a life member of both Lions Junior Soccer Club and Mackay Junior Soccer.

Ted was passionate about the sport of soccer and its development in our community. When he first became involved with the Lions Junior Soccer Club he was instrumental in growing the team base from three teams to 16 within two years. I often enjoyed catching up with Ted to discuss the future of junior soccer, which is now the most popular junior sport in the Mackay area.

In fact, I spoke with Ted only a few days before he died suddenly. I am grateful that I had this last opportunity to meet with this great man.

Ted will be sadly missed in our community. Close to 800 people attended his funeral service. Members of the Lions Junior Soccer Club wore their club jerseys to the funeral as a mark of respect. The great loss will of course be felt by his family. I offer my condolences and prayers to Ted's wife, Angelina, and their sons.

Ted was above all a great family man. He extolled to me the virtues of family on a regular basis and practised what he preached. He was a warm and loving husband and father. Ted's strong belief in the importance of family was the result of his tumultuous upbringing. He was born in a small town in Italy, the second eldest of four siblings. When he was just four and a half, Ted's mother died and he and his older brother and two younger sisters went to live at an orphanage. His father remarried and often worked away, and his new stepmother was not kind or welcoming to the children. Life was very hard for Ted and his siblings.

When Ted got the opportunity to migrate to Australia, he took it with open arms. A young man of only 22 years, Ted was keen to make a future for himself in Australia and made a vow on the boat trip over that he would start a new life, get married and have children and make sure that his children would never suffer the way he did.

Ted was also a talented musician who taught himself to play the trumpet. On the boat trip to Australia he formed a band with a group of young migrants, despite not actually owning a trumpet. When he moved to Mackay in 1957 he immediately became a part of the music scene and within three weeks was playing jazz and Latin music at the parish hall, which was the focus of social activity at the time. For more than 10 years Ted entertained crowds of up to 500 people every Friday night at the hall. He also played for Michelmore's social club on Saturday nights and the Harbour Lights on Sunday nights. He delighted in providing enjoyment to others. His enthusiasm for the trumpet is a testament to his enthusiasm for life.

I was extremely sad to hear of Ted's passing, but it is comforting to know that the Mackay community will not forget him easily. As a community we were fortunate to know Ted Durelli, who as a musician, soccer supporter and family man at all times acted with admirable integrity and passion.

Malanda Dairy Centre

Ms LEE LONG (Tablelands—ONP) (11.42 p.m.): We are constantly being told that tourism will be one of the major drivers of Australia, and Queensland in particular, in the 21st century. Areas such as the Tablelands electorate, while blessed with stunning landscapes and a glorious climate, are vying for their share of the tourism market. So when a rare injection of government funding takes place, such as with the Malanda Dairy Centre, it is vital that the project is right for the area and one the community can get behind and support wholeheartedly.

Tourism is a very competitive industry, and there is no room for getting it wrong. It has already happened once with the Malanda Dairy Centre and there is concern that it may be happening again—that is, a very poor return on the Heritage Trails funding this government made available, to the tune of some $800,000 of taxpayers' money, and on more than $200,000 of federal DRAP and Sustainable Regions funding.

I believe that this government should ensure such important public projects have at least the fundamentals in place to produce as good a result as possible for the whole of the community. Instead, this centre, in its latest incarnation, is the focus of concerns which a number of constituents have brought to me relating to unfair competition.

The centre first opened last year under the guiding hand of an experienced commercial operator with a solid background. He lasted just four months. He has said publicly that the information and figures on which he based his business plans were flawed and that a vital part of the facility was not finished, even by the time he walked away. Those vital figures, according to the advice from the Arts Minister to me earlier this year, were provided by the Eacham Shire Council.

This centre has recently reopened, with that same council attempting to run it itself as a business. This has caused grave concern among the operators of at least some of the other food outlets in town, as well as ratepayers in the shire. One food outlet only a few hundred metres from the centre has since closed down, with the operator publicly and directly blaming the council

facility for the failure of her business. This government funded, council run project might now be a venue for employment programs, but what value is that if it is closing down other local business?

I raised concerns about this with the Arts Minister recently and only yesterday receive his written response, for which I thank him. However, I am not happy that the minister suggests concerns about the Eacham Shire Council's operation of the centre and its apparent competition with existing businesses should be taken to—you guessed it—the Eacham Shire Council. All this and in excess of $1 million of public money! Yet as I understand it, the building itself is still not even covered by a firm lease agreement.

I do not think it is acceptable for this government to simply hand over large sums of public money—taxpayers' money—and then attempt to wash its hands of any negative impact the resulting project has on the community. This Beattie government project appears, at least as far as one local business is concerned, to be fatally bad for business.

Mr R. Smith

Mrs CHRISTINE SCOTT (Charters Towers—ALP) (11.45 p.m.): What a pleasure it is to bring to the attention of the parliament of Queensland the achievements of Robert Smith from Clermont. Robert is a big man with a big heart. To his many friends he is known affectionately by his nickname of 'Keg' or 'Keggy'. Keg is one of the 16 CFMEU members unfairly dismissed by the giant multinational corporation Rio Tinto five years ago at Blair Athol. It is history now how these Rio rejects, as they so proudly call themselves, have battled for five long, hard years against the might of Rio Tinto to win back their right to work. This has been a long and bloody battle. The cost to the 16 rejects and their families—financially, physically and emotionally—has been enormous. So it is truly wonderful to hear something good happening for one of the rejects.

Recently the CFMEU presented Keg with a sponsorship which facilitated his attendance at the World Long Range Rifle Championship at Bisley in England to represent his country and compete as a member of the Australian team. While there, Keg competed in the McKinnon match, which is the lead-up to the main event, and during the imperial shoot achieved his strongest finish in the competition, being placed a very creditable third. The Australian team also did well, receiving fifth placing overall world wide. Keg came out of the shoot tired but happy. He says that his biggest challenge was overcoming the effects of mental fatigue. Firing 75 rounds of ammunition per day every day for three weeks can be not only physically but also mentally draining.

Without the assistance of the CFMEU, Keg would not have had the financial resources to compete in England at the championships. I would like to personally offer my thanks and gratitude to what is also my union for showing such a level of support for Keg. Keg has described his trip as a great honour, particularly as he was able to represent his country. He also described the trip as an eye-opening experience and one which he hopes to have again.

Keg, like his 15 workmates, has suffered at the hands of Rio Tinto. He has shown the resilience and courage to not only fight back but also succeed in his chosen sport. I call on the members of the parliament of Queensland to pay tribute to Keg for his courage in the face of adversity. What a great bloke!

Motion agreed to.

The House adjourned at 11.48 p.m.