PROOF ISSN 1322-0330

WEEKLY HANSARD

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51ST PARLIAMENT

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Wednesday, 25 May 2005

BY AUTHORITY
L.J. OSMOND, CHIEF HANSARD REPORTER—2005

WEDNESDAY, 25 MAY 2005

Mr ACTING SPEAKER (Hon. J Fouras, Ashgrove) read prayers and took the chair at 9.30 am.

PAPER

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—

Minister for Natural Resources and Mines (Mr Robertson)—

- Response from the Minister for Natural Resources and Mines (Mr Robertson) to a paper petition presented by Mr Johnson from 127 petitioners requesting the House to remove restrictions on hand miners of the Anakie Gemfields.

MINISTERIAL STATEMENT

Asbestos, Schools

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.32 am): Many of us grew up literally surrounded by asbestos. It was a common building material for most of the last century. A common material in fibro, asbestos was fire resistant, relatively inexpensive and easy to transport. It was widespread in new buildings, including schools, before the harm caused by disturbed asbestos was established. The phasing out of asbestos commenced in the 1980s and it is now completely banned in Australia as a new building material.

Today, armed with modern research and thinking, the government has a program for inspecting asbestos in schools and gradually removing the substance. This program means that our schools are safe. All dangerous asbestos was removed from schools in the 1990s following a statewide audit. The remaining asbestos is sealed and does not pose a health risk if left undisturbed. The replacement process occurs gradually under the Triple R program, which in the four years to the end of 2004-05 will have safely replaced 135 asbestos roofs.

However this government, more than any government in Queensland's history, is committed to long-term planning. That is why the budget to be brought down by the Deputy Premier and Treasurer on 7 June will include extra funding to remove asbestos roofs from state schools. The $120 million, 10-year asbestos roof replacement program will replace all state school roofs that contain asbestos materials. That is more than 1,100 roofs in more than 370 schools. Most school roofs containing asbestos date back to before the 1980s and will be reaching the end of their intended lifespan over the next 10 years or more. I have had many discussions about this with the Treasurer, the education minister and the public works minister and we agree on the importance of planning to keep our children and teachers safe.

The decision to make this funding available in the 2005-06 budget will accelerate roof replacement in state schools. A total of $101.2 million is new money, with $18.8 million from the existing roof replacement program. It means peace of mind for parents, students, teachers and others in our school communities. Our new program will more than double the current pace of school roof asbestos removal. It will start almost immediately, with $7.2 million allocated for work on 70 roofs in 61 schools in 2005-06. This is a small and highly specialised industry and the 70 roofs to be done next year are likely to soak up all the industry capacity.

The following 61 schools will have a total of 70 asbestos roofs removed next year: Aldridge State High School, Atherton State High School—there are two roofs to be removed there—Ayr State High School, Babinda State School, Bargara State School, Biggera Waters State School, Bundaberg South State School, Cannonvale State School, Cavendish Road State High School, Centenary Heights State High School, Coorparoo Secondary College, Durack State School, Dutton Park State School, Earnshaw State College, Geebung State School, Goodna State School, Gympie State High School, Heatley State School, Holland Park State High School, Kalkie State School, Keebra Park State High School, Kuraby State School, Labrador State School, Landsborough State School, Mackay North State High School, Malanda State High School, Mareeba State High School—there are two roofs to be removed there—Maryborough Central State School, Miami State High School, Moggill State School, Moorooka State School, Mossman State High School, Mount Sylvia State School, Murgon State High School, Musgrave Hill State School, North Rockhampton State High School, Proserpine State High School, Proserpine State School, Raceview State School, Rochedale State School, Rocklea State School, Rosewood State School, Salisbury State School, Sarina State High School, Seven Hills State School, Sherwood State School, Southport State High School, Sunnybank State High School, Taabinga State School, The Gap

State School, Thornlands State School, Toogoolawah State School, Torquay State School, Two Mile State School, Wilston State School, Woodridge North State School, Woodridge State School, Wynnum North State High School and Zillmere State School.

In later years we expect the industry to expand with the injection of new funds. This will allow us to further accelerate the removal of asbestos in subsequent years. Given the size of the industry, it will take a decade to work through all 1,100-plus roofs. Roofs will be prioritised according to their age and condition. School principals know they must ensure that staff and students are not in classrooms or in the vicinity when any maintenance or other works are carried out regardless of whether asbestos is present. This is the case under the existing program and that will continue so that no students or staff will be around while work is carried out. So where possible, work will happen during school and public holidays and any other student-free time. All contractors will be required to adhere to strict guidelines for the management of asbestos materials to ensure the safety of their workers and of school communities.

I reassure Queenslanders that asbestos roofs are safe as long as they are not damaged. The opposition leader told the House last year—

Asbestos when not disturbed is not a health threat whatsoever. Everyone knows that.

I agree with him. As I said, asbestos was commonplace in new buildings for most of the last century. Queensland is the only state with a central register of asbestos in government buildings. All buildings on the register have been through a process of evaluation and are safe. All state schools with asbestos are on this register. Each school has a building management plan to safely manage asbestos. Parents can access this information through their school's administration and all contractors must consult the plan before undertaking any work.

Recently principals were reminded of the need to adhere to this plan, which identifies the location of suspected asbestos in a school and the processes to follow if work is to be carried out that might disturb this material. I hope this program gives peace of mind to the education community.

MINISTERIAL STATEMENT

Powerlink

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 am): Anyone with information about damage to Powerlink towers should tell the police. They are presently investigating apparent acts of vandalism in south-east Queensland. I was told about tampering that occurred to a tower on 15 May by the Minister for Energy, John Mickel, when we were at the Sunshine Coast community cabinet meeting. Powerlink workers had discovered damage in the Ipswich area that day and had reported it to police. I am advised that earlier damage was discovered in the Toowoomba area in July last year.

The media have asked whether the government's counterterrorism coordination unit is involved in this issue. While that unit is aware of the damage, it is not involved because the police are not treating this as an act of terrorism. However, the information I have received shows that the apparent vandalism was grossly irresponsible to say the least. More so, it is an act of gross stupidity.

As a general principle—without reference to the specifics of the cases under investigation—such damage could never be justified, regardless of the motives of the perpetrators. The people of Queensland can be confident that the matters are being thoroughly investigated by the police and that those found responsible will feel the full force of the law. Powerlink is also increasing protective action, and crews began detailed inspections in the area of the discovery on 15 May. Powerlink has appointed an internal team to investigate further preventive action. I am advised that damage such as this would be detected in routine inspections by Powerlink, which undertakes regular ground patrols, climbing patrols and helicopter patrols of its towers. I assure Queenslanders that this matter is being investigated by experts, and I again urge anyone with information to tell the police.

I urge the community to be our eyes and ears. If anyone sees anyone acting suspiciously around one of these towers that person should immediately ring Crimestoppers or immediately contact the police. The energy minister and I discussed this matter. Unfortunately there are some idiots in the community who believe in copycat practices, so we gave the police our full support in dealing with this. We did not announce this publicly because we did not want idiots to follow the example. I stand by that decision made by the energy minister and me. When it did become known to the media we cooperated fully. I urge anyone who has any information or sees anyone acting suspiciously to please advise the police.

MINISTERIAL STATEMENT

Shanghai Sister State Agreement

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 am): Last year in China I signed the seventh Queensland Shanghai sister state agreement. Shanghai is a key economic growth and power centre with China's largest and busiest port, a thriving stock exchange and one of China's special economic zones—the Pudong New Area. Our sister state relationship has opened the door for Queensland business opportunities in the region. One such example is the historic agreement between the V8 Supercar Company AVESCO and Shanghai's largest property development firm, the Shanghai Greenland Group.

AVESCO is a Gold Coast based company that manages, markets and promotes a highly successful V8 Supercar series throughout Australia and New Zealand. Under the agreement, the thrills and spills of the V8 Supercars will be taken to the streets of Shanghai for a round of their exciting championship series. This will open up a number of commercial opportunities for Queensland companies including AVESCO, V8 Supercar teams and their sponsors.

I witnessed the signing of this agreement in Shanghai in July last year and gave a commitment to return to witness the first race. The deputy mayor of Shanghai and I were given a spin around the circuit, which scared the hell out of me. This groundbreaking event is now only three weeks away. Unfortunately, I will be unable to attend for various reasons, including dealing with contemporary issues, but I have requested that the Deputy Premier and Minister for Sport be present to witness this Smart State company taking its product and expertise to the world stage. I apologise that I will not be able to be there, but I know that the government will be more than adequately represented by the Deputy Premier, and I thank him for agreeing to do that. The Supercar event is round 5 of the official V8 Supercar calendar and will run from 10 to 12 June at the Shanghai International Circuit.

Mr Mackenroth interjected.

Mr BEATTIE: The Treasurer has just said that it is there and back in two days, so I am not doing him any favours. I wish Tony Cochrane and his team at AVESCO all the best for a successful debut in China.

Economic growth in countries such as China and India has greatly exceeded that of developed economies in recent years. In fact the state budget on 7 June will show that these two economies alone are forecast to contribute around 30 per cent of Queensland's export weighted major trading partner growth in 2005. China's economy has grown at an average annual rate of 8.6 per cent over the 10 years to 2003-04, following a series of government led reforms focused on the transition to a market economy. It is now Queensland's third largest export destination and continues to grow.

Further underpinning the importance of China to Queensland, I can confirm that the state budget will contain $1.5 million for a Smart State export drive into new Asian markets including China. Our intention is to open up new markets for Queensland horticulture. Queensland mangoes will spearhead the strategy, allowing us to take advantage of a protocol signed by the Australian and Chinese governments last October which permits the import of Australian mangoes through all ports of mainland China.

In addition, I can also reveal today that money will be allocated in the state budget to expand our tourism strategy in China. China is predicted to be Queensland's and Australia's largest international market within a decade. The number of Chinese tourists to Queensland has doubled in the past two years. To take advantage of the enormous potential of the China market, Tourism Queensland will spend approximately $1 million a year over three years on marketing, with funds being sourced from the proceeds of the licensing of its commercial operations. Through the support of our government, Queensland is forging new relationships with China. In areas as diverse as fruit, tourism and racing cars these relationships will deliver real benefits to Queenslanders and Queensland business.

I digress to say that I was impressed by the member for Thuringowa the other night. When we were in Cairns, Desley Boyle and I hosted a state reception and a number of members were present, including the member for Thuringowa and the member for Barron River. Mr Wu was present. I was impressed by the member for Thuringowa's Mandarin. He was able to converse directly with Mr Wu. I did not have a clue what he was saying, but I know that it was respectful because the translator told me later that he said nice things about me. So he has good political judgment as well. His mastery of Mandarin was a great asset to the state, and I say to the member for Thuringowa: well done.

Mr ACTING SPEAKER: Premier, he speaks Greek—

Mr BEATTIE: No, he doesn't speak Greek.

Mr ACTING SPEAKER: He does speak Greek to me occasionally. The member for Thuringowa is very cosmopolitan.

MINISTERIAL STATEMENT

Sir James Foots Building

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 am): Sir James Foots has made a great contribution to Queensland. He had a building named after him the other day. I felt it was very appropriate last Friday to officially open the Sir James Foots Building at the University of Queensland. My government contributed $10 million to the Minerals Institute. That was matched by the mining industry, spread over 10 years, and there was $2 million for the Sustainable Minerals Institute from the university itself, spread over five years. This is a very important part of the Smart State Strategy. I seek leave to have details incorporated in *Hansard*.

Leave granted.

In his 30 years at the helm of MIM Holdings, from 1955, the company expanded and established mineral processing operations all over the world.

Sir James became a senator at Queensland University in 1970 and Chancellor in 1985. He served in that position until 1992.

He was inaugural chairman of the University of Queensland Foundation and instrumental in the foundation of the Julius Kruttschnitt Mineral Research Centre in 1970.

The building which has been given his name will house the Sustainable Minerals Institute, established in 2001. It also will house the Earth Systems Science Computational Centre and the Collaborative Learning Centre.

My Government contributed $10 million to the Minerals Institute, which was matched by the mining industry, spread over 10 years, and $2 million from the university over 5 years.

The institute aims for world-wide recognition as a major centre for research and postgraduate studies in sustainable mineral development.

The mining industry that Sir James helped build currently employs 19,000 people in Queensland and earns more than $10 billion in overseas export revenue each year.

MINISTERIAL STATEMENT

AgForward

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 am): On a number of matters involving the bush my key ministers, Henry Palaszczuk and Stephen Robertson, have been very active. As we all know, the bush needs to get on the front foot on land management issues if it wants to truly achieve the clean, green image it deserves. Last Thursday the Minister for Natural Resources and Mines, Stephen Robertson, and I delivered this message when launching AgForward. AgForward is an $8 million state government package being delivered in partnership with rural producer AgForce to help landowners and land-holders improve their land management practices. It is a great partnership. I seek leave to have details incorporated in *Hansard*.

Leave granted.

This is not a handout—it's an $8 million investment in making sure we look after rural Queensland's most important resource—the land.

This partnership is about the State and rural producers working as one to rid rural Queensland of practices that do not guarantee sustainability.

It is also another example of my government working with AgForce.

AgForward is funded from the State Government's $150 million Financial Assistance Package established to help landholders move forward with new vegetation management laws.

AgForward will run until 2009.

It is by recording the improvements in productivity and environmental performances that we will be delivering on the long-term sustainability of the State's grazing and cropping industries.

Just like NLIS (National Livestock Identification System)—we will make the tough decisions that ensure we get the best long-term outcomes.

Let there be no confusion—better land management will help landholders increase productivity and profitability by improving the long-term sustainability of their land.

Positive environmental outcomes will also result. This will be through better management of remnant native vegetation and other retained natural resources on properties.

We want joint ownership of the issues and thereby the outcomes—we want best-possible environmental decisions that are made on farm.

Through this program rural Queensland has the chance to reverse the years of criticism it has received for perceived poor environmental performance.

But it will only do this in one way and that is to be fair dinkum about adopting real change in the way it uses and respects the land.

I'm fair dinkum—so much so I've got $8 million to back it.

With this program we have the chance to turn the page.

We will be encouraging producers to undertake training that will result in farm improvements—and not just in productivity but in retaining and improving healthy land conditions and natural processes.

The bedrock of this State's agricultural future depends on one thing—sustainable land practice [and rain].

AgForward will establish three specialist training teams to deliver the Best Management Practice Program throughout Queensland.

Each training team will conduct up to 80 public workshops a year in its designated region; providing landholders a wide range of industry-based best practice land management techniques.

Workshops will cover areas including computer mapping and property planning; vegetation management practices; GPS technology expertise; grazing land management and landscape expertise.

The experience of community landcare and catchment groups and other rural organisations will be utilised where appropriate to help deliver training packages to producers in the grazing, cotton, fruit and vegetable, cane and grain industries.

AgForward is about upgrading on-farm operations with the assistance of specialised staff.

AgForward training teams will service each of the following areas:

1. WESTERN—Northern Territory border east to Normanton in the north; south to Croydon and Hughenden and further south through Longreach, Charleville and down to the NSW border south of Cunnamulla.
2. CENTRAL—east of western region across to Charters Towers (covering all areas north of Flinders Highway not covered in western section), south to Clermont, Duaringa, Theodore, Miles and down to the border at Goondiwindi.
3. COASTAL—east of the above area across to the coastline.

MINISTERIAL STATEMENT

National Livestock Identification Scheme

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.47 am): In Blackwater and Dingo on Monday and in Oakey on Thursday workshops on the National Livestock Identification Scheme, NLIS, will be undertaken. Already more than 20,000 producers have attended workshops conducted by the Department of Primary Industries and Fisheries to explain NLIS. Henry Palaszczuk, Minister for Primary Industries and Fisheries had a submission before cabinet on Monday. So cabinet this week cleared the last hurdle to allow the full implementation of the National Livestock Identification Scheme in Queensland. I seek leave to have details incorporated in *Hansard*.

Leave granted.

The new regulations pave the way for introducing the most modern and thorough livestock monitoring system in the world from 1 July this year.

Australia has an enviable international reputation as a clean, safe producer of quality meat and we plan to keep it that way.

When overseas countries have had exotic disease detections, such as BSE in the United States and the United Kingdom, their customers have turned to Australia.

Should something similar happen here, NLIS would give Australia an edge over our competitors because the electronic livestock identification and tracking system can be used to marshal an immediate and effective response to any outbreak of disease in our herds.

It is the best defence we have to protect our beef industry, the 25,000 jobs directly involved in beef production and the further 17,000 workers involved in meat processing.

NLIS is also supporting the many bush communities that rely on beef production for their livelihood.

This has been an excellent example of government and industry working hand in hand to achieve the best possible result.

We have enjoyed an excellent partnership with AgForce in the lead-up to implementation of NLIS and I expect that partnership to continue through full implementation.

The State Government is fully committed to implementing NLIS and has spent almost $5 million on implementing NLIS during the 2004-05 financial year.

There are five workshops scheduled to be held across the State over the next eight days. As well as those I have already mentioned others will be at Redland Bay on Saturday (28 May) and an NLIS computer workshop is to be held at Chinchilla TAFE on 31 May.

The workshops have been very well-received, and I commend DPI&F staff and industry for the effort they have put in preparing for the introduction of NLIS from 1 July this year.

Australia has an enviable reputation as a clean and safe producer of quality meat. We cannot afford to be complacent about this reputation and the efforts of industry and government to maintain it.

Further information on NLIS can be found on DPI&F website www.dpi.qld.gov.au or from the DPI&F Call Centre on 13 25 23.

MINISTERIAL STATEMENT

Queensland Water Projects

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 am): The Prime Minister, John Howard, and I last Thursday at the Gold Coast's Hinze Dam announced three nationally important Queensland water projects which are set to proceed. The first is the Gold Coast pressure reduction and leakage management project, the second is the Mackay waste water recycling project and the third is the Bundaberg ground water rescue project. I seek leave to have details incorporated in *Hansard.*

Leave granted.

This is about delivering vital, sustainable water projects to the people of Queensland.

They are part of the $2 billion National Water Initiative.

The three priority water projects—Gold Coast Pressure Reduction and Leakage Management Project, Mackay Wastewater Recycling Project, and the Bundaberg Groundwater Rescue Project—Feasibility Study and Preliminary Design—were submitted to the Commonwealth for National Water Initiative funding.

Their importance is not just for Queensland—but the nation as well.

These three are the first projects for Queensland and we are keen to have the Commonwealth continue funding support for our other important water projects.

We want good sustainable water supplies and with obvious environmental gains as well.

We have continued constructive dialogue with the Commonwealth and this announcement today shows a shared commitment to outcomes.

Project details include:

$9.45 million Gold Coast Pressure Reduction and Leakage Management Project

This project will minimise leakage from the water supply reticulation system, reduce water consumption on the Gold Coast by around 14% and provide an extra 10,000 megalitres of water every year.

This will be achieved by reducing pressure in water pipes to minimise water pipe breaks and leakage.

The resultant additional water supply of up to 10,000 megalitres every year is more than would be delivered by Stage 3 of the Hinze Dam.

The $76 million Mackay Wastewater Recycling Project

This project will recycle most of Mackay's wastewater to:

- Protect and rehabilitate Mackay's overcommitted groundwater resources;
- Achieve a more sustainable sugar cane industry in the region by replacing 8,500 megalitres of unsustainable groundwater use with a secure irrigation water supply; and
- Better protect the Great Barrier Reef from 250 tonnes of nutrients every year.

And the Bundaberg Groundwater Rescue Project—Feasibility Study and Preliminary Design

This project is potentially worth $36 million and is the foundation for what will hopefully be a larger effort that will substitute groundwater allocations with surface water, through an extension of the existing irrigation system, to reduce the stress on the groundwater system.

This is a priority project which will greatly benefit water users in the Burnett and maintain crop productivity in the region.

My Government has already committed $965,000 to the Bundaberg Groundwater Sustainability Initiative.

Water is an issue of national importance and that is why we support the National Water Initiative.

With the announcement of a new dam for the Gold Coast in last month's $55 billion South East Queensland Infrastructure Plan we are shoring up the Gold Coast's future water needs.

Similar is happening with the State's support of $200m Burnett River Dam Project, the $28.6 million Mackay wastewater reuse scheme and the just completed $20 million Eidsvold Weir.

MINISTERIAL STATEMENT

Virtual Showcases

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 am): I highlight to the House that showcasing Queensland is a smart way for better profiling key Queensland locations. The first virtual showcase is of Suncorp Stadium, and why would I not announce that on a day such as today! This is a smart way for us to profile our locations of interest to others elsewhere across the state, nation and world. It is a cost-effective way to assist better market Queensland locations. Future sites are likely to include the Roma Street Parkland, ex-HMAS *Brisbane*, Brisbane's RiverWalk, the city's bridges and walkways and South Bank, and then others from regional areas—for example, the Great Walks of Queensland. I seek leave to have details incorporated in *Hansard*.

Leave granted.

If Queenslanders have suggestions for other sites we—as always—are keen to hear of them and consider them for inclusion.

The Suncorp site consists of 360 degree views from 5 key hotspots around the stadium and it also contains stadium information.

Site will be linked from http://www.thepremier.qld.gov.au/

The majority of work—75%—was done in-house by Department of Premier and Cabinet staff designing and building the actual pages.

They were assisted with building the virtual tour images by Alfresco Design—a leading web design firm, with its head office in Brisbane.

Alfresco Design was named as the number one corporate design firm in Queensland (according to 2005 Queensland Business Review Book of Lists) and it has clients throughout Australia, the Pacific and the UK.

Other recent Alfresco Design projects include the Brisbane Convention and Exhibition Centre's website, which was re-launched in April this year and incorporates technology to assist blind and visually impaired people using the Internet.

The specialist photographer was Maroochydore based Craig Burrows, who runs a local Australian owned and operated multimedia business—Technosphere. Craig has worked on various web photography projects including virtual tours of the 2005 Big Brother house.

http://www.technosphere.com.au/about.htm

MINISTERIAL STATEMENT

Immigration and Multicultural Affairs

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.49 am): At the Ministerial Council on Immigration and Multicultural Affairs, on 13 May, my Parliamentary Secretary for Multicultural Affairs, Karen Struthers, won unanimous backing from the states and territories on two critical issues. One was a call for the federal government to immediately release children from immigration detention. The other was a request for a royal commission of inquiry into immigration detention centres. I congratulate my parliamentary secretary. I seek leave to have details incorporated in Hansard.

Leave granted.

States and Territories initially called for the immediate release of children at last year's Ministerial Council—but the Federal Government failed to properly address it.

The release from Villawood this week of three-year-old Naomi Leong, who had spent all her life in immigration detention, was only a start.

There seems to be a growing crisis in Australia's immigration detention system, with revelations of wrongful detention, deportation of at least one Australian citizen, and ongoing concerns over the mental health of detainees.

On 13 May 2004, the report of the National Inquiry into Children in Immigration Detention was tabled in the Federal Parliament.

It detailed numerous and repeated breaches of the human rights of children in our immigration detention centres.

The immediate release of children in immigration detention centres and a Royal Commission are the only measures to salvage Australia's humanitarian record and fix shortcomings in the management of immigration detention centres.

MINISTERIAL STATEMENT

Property Council of Australia, Annual Address

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.49 am): It was my pleasure to be the guest speaker at the annual 'Networks for Leaders' meeting of the Property Council of Australia last Thursday. I took the opportunity to demonstrate to the approximately 800 members of the property industry that Queensland is the economic powerhouse of Australia. I also highlighted that our population has grown by 81,000 to 3.88 million, and we expect it to reach four million by the end of the year.

With reference to taxation, I also highlighted that over the period 2001-02 to 2005-06 Commonwealth revenue from company tax will have increased by 77 per cent and total taxation by 34 per cent. Over the same period, GST revenue grants to the states will have increased by only 22 per cent. I seek leave to have the remainder of my ministerial statement incorporated in *Hansard***.**

Leave granted.

Once again, interstate migration was the biggest factor accounting for 36,700 people, followed by overseas migration and the birth rate.

I pointed out to the Property Council that the annual Population Growth report released by the Minister for Environment, Local Government, Planning and Women had shown most of the migrants were between the ages of 20 and 34.

I also noted that most are from New South Wales and Victoria.

But it's not just people who are coming here.

Our pro-business policies have helped us attract companies like IBM, Virgin, Boeing, Hatch, Qantas and Bechtel.

Australian firms are also setting up operations in Queensland, including: Australian Insurance Holdings, Cement Australia, Smorgon Steel Tube Mills, Poolrite Equipment and Raytheon Australia.

Part of the attraction is our economic strength, including the fact that we are a very low taxing state.

Per capita collection of state taxes in the current year to June 30 is estimated to be $1,689. The average for the other states and territories is estimated to be $2,082. NSW residents pay $560 more per capita in State taxes than Queensland.

Queensland has joined Victoria, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory in putting forward to the Commonwealth a proposal on reform of State taxes under the Intergovernmental Agreement.

This will deliver tax reform in a more prudent manner than what the Commonwealth is suggesting.

Queensland's proposal is to abolish or reduce taxes over a five year period from 1 January 2006, as follows:

- Already abolished from 1 August 2004—Credit Card duty
- 1 January 2006—Abolition of Lease duty & Credit Business duty
- 1 January 2007—Abolition of Hire duty & Unquoted Marketable Securities duty
- 1 January 2008—50% reduction in Mortgage duty
- 1 January 2009—Abolition of remaining Mortgage duty
- 1 January 2010—50% reduction in Non-Realty Conveyance duty
- 1 January 2011—Abolition of remaining Non-Realty Conveyance duty

The budgetary impact on Qld will rise from $42M in 2005-06 to an estimated $558M in 2010-11. Over this period, the total cost is estimated to be more than $1.6 billion.

Not included in this schedule is duty on real property business conveyances.

Abolition of this tax would place undue pressure on our ability to provide essential services and infrastructure. It would also be inequitable. It would mean business property transfers being taxed differently to residential property transfers.

Queensland has met all of its obligations under the Intergovernmental Agreement and will be returning to taxpayers a substantial proportion of the net financial benefit from the GST.

In contrast, the Commonwealth has held onto its tax 'windfall'.

Over the period 2001-02 to 2005-06, Commonwealth revenue from company tax will have increased 77% and total taxation by 34%. Over the same period, GST revenue grants to the States will have increased by 22%.

Finally, on taxation, we have given a commitment to delivering land tax relief in the 2005-06 State Budget, with potentially very significant benefits for property owners. The details will be announced in the State Budget on June 7.

In the year to December 31, 2004, Queensland recorded economic growth of 4.4%, more than 3 times the annual growth rate of the rest of Australia—at 1.4%.

Strong economic performance is reflected also in our employment growth, which has resulted in the lowest trend unemployment rate for decades—4.6% in April.

Over the past 12 months, Queensland accounted for 37% of all the jobs created in Australia.

Since June 1998, Queensland has created 382,000 jobs. In the month of April alone, we created 8,000 jobs.

We have also had record export performance: in the year to March 31, 2005, our merchandise exports rose by $4.8 billion to $24.1 billion.

Queensland's population is expected to increase to 5 million in 20 years, with the South East Queensland region growing to 3.7 million residents.

That growth means we'll need new infrastructure.

The South East Queensland Infrastructure Plan has $55 billion worth of new infrastructure.

It's Australia's most ambitious infrastructure plan since Federation, detailing more than 230 projects that south east Queenslanders will require by the year 2026.

We are continuing to see massive investments in the minerals industry. This includes a $1.4 billion alumina refinery under construction at Gladstone and a $450 million extension of the Yabulu nickel refinery at Townsville.

In January, I launched the $1 billion Dawson Coal Project and in April I launched the $290 million Curragh North Coal Project.

We've also announced, due to unprecedented levels of demand for Queensland coal, we're fast tracking $1 billion in infrastructure developments to keep up with that demand.

We have immense reserves of coal seam methane gas which we've known about for years. The problem always has been to get it out of the ground at a competitive price.

Coal seam gas has made it possible to establish north Queensland's first base load power station at Townsville, a project worth $500 million, including a 370 kilometre pipeline from the Bowen Basin coal fields to Townsville.

Other major projects which are currently committed for development or under construction include:

- the $1.6 billion Gateway bridge duplication and arterial roads upgrade project;
- the $300 million Brisbane cruise terminal project;
- the $255 million Burnett Water infrastructure projects;
- the $145 million Caltex clean fuels project;
- the $1.1 billion Kogan Creek power station and mine project; and,
- the $520 million Rolleston coal project.

My government has already invested $2.4 billion on science, research and technology. Last month, I announced the second stage of the Smart State Strategy with a commitment of a further $473 million over 4 years.

$200 million of it will ensure that we not only encourage innovation, but we help make sure that it gets to the marketplace.

There are tremendous opportunities in biotechnology, aviation, medicine and pharmaceuticals, aquaculture and many aspects of agriculture in Queensland. My Government is working on those opportunities, with industry, unions and the community, for the benefit of all Queenslanders.

MINISTERIAL STATEMENT

Tourism, Mooloolaba

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.50 am): When we were on the Sunshine Coast we announced that we would be doing some planning for the future of the Mooloolaba Spit. I seek public submissions on this issue. I also seek leave to have the details incorporated in *Hansard***.**

Leave granted.

Mr Speaker Mooloolaba is one of my favourite destinations.

And the Mooloolaba Spit is one of the Sunshine Coast's most popular tourism areas and it will soon have a vibrant new vision for its' future.

This was outlined when the Natural Resources Minister Stephen Robertson and Maroochy Shire Mayor, Cr Joe Natoli and I launched the Mooloolaba Spit Futures Study the Sunday before last as a preview of the Government's 83rd Community cabinet which was held at Mountain Creek.

My Government is developing in partnership with Maroochy Shire Council a master plan to guide future decisions about land use and development of the Mooloolaba Spit precinct.

It will be a blueprint that balances future development and infrastructure with the need to protect the scenic, environmental and lifestyle values that makes the Spit so popular.

And the local community will have a strong voice in helping shape this new vision for the Spit.

The Futures Study will examine:

- Appropriate future redevelopment of existing commercial areas and future infrastructure requirements; as well as traffic/ parking issues;
- Those areas of the Spit that should remain or be included as open space, park or recreation areas;
- Measures to protect, maintain and enhance the viability and sustainability of the marine precinct and natural systems;
- The most appropriate use and tenure of State-owned land;

Mooloolaba is already one of Queensland's most popular tourism and beach destinations, averaging about 100,000 visitors every month.

That's why we're committed to ensuring a sustainable future for the Mooloolaba Spit that meets the expectations of all of the community.

Natural Resources Minister Stephen Robertson said the Mooloolaba Spit area had already experienced significant growth and development since 1997.

"There's still ongoing pressure to upgrade and revitalise the Spit precinct to ensure a sustainable future direction and identity for the area.

The Department of Natural Resources and Mines administers 52 hectares of land on the Spit including a caravan park, local government reserves, several term leases, a perpetual lease and gazetted esplanade in the Mooloolaba Spit area.

We will use the master plan to evaluate the most appropriate use and tenure of this State-owned land.

In broader terms, it will ensure the entire Mooloolaba Spit precinct is planned for the future using best practice urban design, town planning and sustainability principles.

Without this action by the State Government and Maroochy Shire Council, the future development of the Spit may have become ad hoc and reactive.

A key feature of this study is to identify ways to maximise opportunities for the shared-use of existing and new community facilities, as well as tourism and other economic opportunities.

The study team will work closely with the local community, ensuring that the views of all stakeholders are taken into consideration.

I urge all members of the community to participate in the development of the master plan which should be completed early next year.

Interested parties can find out more about participating in the Mooloolaba Spit Futures Study by telephoning 1800 105 201 or by visiting the website: http://www.maroochy.qld.gov.au/mooloolabaspitfuturesstudy.

MINISTERIAL STATEMENT

Tenix Alliance

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.50 am): I had the pleasure of opening the new Tenix Alliance Queensland headquarters in Brisbane last week. It will be moving here because of the infrastructure plan released by the Treasurer and me. I seek leave to have the details incorporated in *Hansard***.**

Leave granted.

Engineering company Tenix Alliance has been involved with some important energy and water projects.

It is so serious about wanting to have greater involvement with Queensland as we embark on our major South East Queensland infrastructure program, that it has decided it needs to have a permanent presence here.

I officially opened the Tenix Alliance Queensland headquarters in Brisbane last Tuesday.

Recently, Tenix Alliance expanded its operations in south east Queensland with the purchase of Powerco Energy Services and Environmental Solutions International, employing more than 200 extra people.

Tenix Alliance has won contracts to design, construct and commission electricity substations for Ergon Energy at Bargara and Point Vernon.

The $9 million facility at Point Vernon will help meet the growing demand in the Hervey Bay area and will be operational by the end of this year.

Tenix Alliance has completed preparatory earthworks on site at the Bargara substation and construction is about to start.

Last month, we launched the South East Queensland Infrastructure Plan and Program 2005-2026.

This is Australia's largest and most ambitious infrastructure plan since Federation with $55 billion worth of projects. It includes the provision of road, rail, water, energy, health, education, and community infrastructure.

We're determined to get things right with our electricity and water infrastructure, and I am pleased that companies like Tenix Alliance are interested in having a role to play in this important work.

MINISTERIAL STATEMENT

Tourism and Aviation Industries

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.50 am): I want to highlight the reception that was held last night for both the tourism industry and the aviation industry. The Smart State strategies were warmly received. I wish to highlight the development in both those industries. I seek leave to have the details incorporated in *Hansard***.**

Leave granted.

Mr Speaker, the Smart State is about deepening as well as broadening Queensland's economic base.

Queensland is developing and growing its tourism and aviation industries and last night we hosted a business function in support of those industries.

These industries are major contributors to the growing services sector that is helping power the Queensland economy.

The Queensland services sector is vitally important to the economy.

It is the largest contributor to economic activity in the State.

In 2003-04 the sector was valued at $87.9 billion, which is almost 71% of the total State economic output.

The Queensland services sector is not only a large part of the economy but a growing part of the economy.

Over the 10 years to 2003-04, the services sector grew by an average of 7.2% per annum, higher than all other sectors except mining (8.7%).

At 7.2% per annum, average growth was higher than the national average for Australia of 6.5%.

This compares to average annual economic growth over this period for Queensland of 4.7%

At 3.3% per annum, average employment growth in the services sector has also outstripped employment growth in other sectors of the economy except mining.

The services sector is not only massive—it is diverse.

It covers retail and wholesale trade, transport and travel services, storage, marketing, communications, education, health and community services, administration, education, financial services, engineering, legal services, property and business services, personal services, recreational and cultural services and utilities.

The largest grouping is the so called "Distribution Services" segment which includes retail and wholesale trade, transport, storage, marketing, and communications.

This is not surprising given retail trade and transport and storage are key contributors to our marvellous tourism sector.

The best feature of growth in the services sector in Queensland is its export performance.

Queensland's international services export services totalled $6.1 billion in 2003-04.

That represented 23.3% of our total exports in 2003-04.

Over the ten year period to 2003-04, Qld services exports increased at an averaged annual rate of 6.2%.

The largest contributor is tourism accounting for two thirds of our services exports in 2003-04.

Queensland's large share of travel exports also reflects the importance of the State's education exports.

Education represented 15% of Qld's services exports in 2003-04, making education our third largest services export category (after leisure and transportation).

Mr Speaker, this is the Smart State in action.

Exporting our expertise, creating business opportunities and driving economic growth and jobs.

MINISTERIAL STATEMENT

Pope Benedict XVI

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.51 am): I draw to the attention of the House a letter I have received from the new Pope in relation to a number of matters. I seek leave to have that letter incorporated in *Hansard*.

Leave granted.

SECRETARIAT OF STATE
FIRST SECTION—GENERAL AFFAIRS
N. 7

From the Vatican, 6 May 2005

Dear Mr Beattie,

His Holiness Pope Benedict XVI has asked me to express his gratitude for the gift book and kind message of good wishes, which you sent to him on behalf of the people of Queensland following his election to the See of Peter.

With deep appreciation for this thoughtful gesture and the respectful sentiments that prompted it, His Holiness cordially invokes upon you God's blessings of joy and peace.

With sentiments of esteem and every good wish, I am

Yours sincerely,

(sgd)

+ Leonardo Sandri
Substitute

The Hon. Peter Beattie
Premier of Queensland
PO Box 185 Brisbane Albert Street
Queensland 4002

MINISTERIAL STATEMENT

Paniyiri Greek Festival

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.51 am): I draw to the attention of the House the Paniyiri Greek Festival because of your commitment, Mr Acting Speaker. One of Queensland's top multicultural events, the Paniyiri Greek Festival was held last weekend and on Sunday I officially opened it. I want to highlight to the House that the State government contributed $50,000. I think it is money well spent. I seek leave to have the details incorporated in *Hansard*.

Leave granted.

The Greek word Paniyiri means 'the coming together of people in festive spirits.'

There are 25,000 people in the local Greek community and I'm sure most of them were involved in the event, along with thousands more people from south-east Queensland.

This year's expanded program of weekend activities featured Greek Dancing with the Stars on Saturday. Celebrities included eminent NRL referee Bill Harrigan and Big Brother 2004 celebrities Bree and Crystal.

On Sunday, there was grape-stomping, music, dancing, Greek cooking and entertainment for all ages.

MINISTERIAL STATEMENT

Union Cooperative Society

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.51 am): I also advise the House that last Sunday I had the pleasure of opening the redeveloped Union Cooperative Society's shopping centre in La Trobe Terrace, and the union choir performed. From time to time I get criticised about exercising, with my director-general, the discretion of allocating funding to a number of community organisations including the RSL and community groups. One of them that received funding was the union choir, and I make no apology for doing so. I seek leave to have details of that opening incorporated in *Hansard*.

Leave granted.

I was particularly pleased to be part of the ceremony because it had the dual purpose of recognising the support the society received from the late Senator George Georges.

I'm sure that George would be very proud of the growth in the Union Co-Operative Society, which he strongly supported in its early years.

George Georges was the sort of bloke who was never afraid to stand up for his principles.

He opposed the rightward shift of the Federal ALP during the government of Prime Minister Bob Hawke in the 1980s.

He warned against the deregulation of Australia's financial system.

He was opposed to the Hawke government's decision to export uranium to France.

And in 1986, George Georges crossed the floor to vote against the Federal Labor government's attempt to introduce a national ID card.

He stood up for the things in which he believed.

He also refused to support the government's deregistration of the Builders Labourers Federation because he was union through and through.

MINISTERIAL STATEMENT

Pitt, FW MP

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.52 am): We all know we will be behind the Maroons tonight, but there is one person I should make specific reference to.

Mr Seeney interjected.

Mr BEATTIE: Warren Pitt will not be there but there are many proud Innisfail fans tonight and among them, rightly, will be Rugby League addict and local member for Mulgrave, Warren Pitt. I am sure that he will be tuned into the game along with everyone else. I think all members of this House wish Warren well. We know that he is going through treatment and we wish him well. He starts his chemotherapy today and, in spite of the interjection, I want to say that he is a good mate of mine and he is a good mate of members of this government. I say to Warren: our thoughts are with you.

MINISTERIAL STATEMENT

State of Origin; National Rugby League

Hon. TM MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (9.53 am): Mr Acting Speaker—

Mr ACTING SPEAKER: Treasurer, I note the colour of the shirt you are wearing today.

Mr MACKENROTH: What else? The annual State of Origin battle kicks off at Suncorp Stadium tonight. It promises to be another great match at the best Rugby League stadium in the world, and I am sure all Queenslanders are impatiently counting down the hours until the action begins. However, State of Origin is not the only football battle looming this week. Later this week the National Rugby League partnership committee will meet to decide the fate of three new teams bidding to enter their competition. The Central Coast of New South Wales, Wellington in New Zealand and our very own Gold Coast are vying to be the 16th team in the NRL competition. It is a big decision but a quick look at the facts shows it should be an easy one.

Queensland has a history of producing successful teams. The Broncos are currently sitting on top of the table and the Cowboys are nipping at their heels in fourth spot. On and off the field, both teams are among the most professional and successful in the competition. Our fans are the most parochial. Week in and week out we have the biggest crowds in the NRL. There are two State of Origin matches at the cauldron this year, and it is the first time the third match has been sold out before a ball has even been kicked in the first match. Our fans vote with their feet. Yet despite all this Queensland still remains under-represented in the National Rugby League competition. Only two teams out of 15 are based in Queensland. It is not good enough and Queensland fans deserve better. A third Queensland team on the Gold Coast will be a step in the right direction, and I call on the NRL to make the right choice—in my view, the only choice.

Michael Searle and the Gold Coast bid consortium have put together a very detailed and professional bid. A key component of this bid has been the support of the Beattie government. I have personally written to the NRL to express our support, and we have conditionally approved funding for the construction of a new sports stadium if the NRL allocates a licence to the Gold Coast. We have told it that, if it can provide the team, we can provide the stadium. We have been happy to support the Gold Coast City Council and the Gold Coast bid consortium on the bid as we believe it will deliver significant economic benefits to the region and cement its reputation as one of the entertainment capitals of Australia.

With the support of the *Gold Coast Bulletin*, the consortium has gone into battle to win a better deal for Gold Coast Rugby League fans. I am sure all Queenslanders will be cheering on the Maroons tonight, but I also ask everyone to get behind another Queensland team this week and cheer them to victory. Good luck to the Gold Coast bid consortium.

MINISTERIAL STATEMENT

Bound for Success Program

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (9.56 am): The education outcomes for Indigenous Queenslanders in the cape and Torres Strait are among the worst in the state and demand a well thought out and thorough response. The government does not shy away from talking frankly about this difficult situation in order to help to develop strategies to fix it. Today I am pleased to announce that the Queensland government has developed a comprehensive proposal to address the poor education outcomes of Indigenous students from Cape York and the Torres Strait islands. Building on Partners for Success and underpinned by the Education and Training Reforms for the Future, Bound for Success will be a comprehensive, multitiered and systematic approach that aims to address the significant barriers impacting on educational outcomes of Indigenous students in the Cape York and Torres Strait areas. It is a discussion paper containing strategies for all students in Cape York and the Torres Strait, and I seek leave to table that discussion paper for the information of the House.

Leave granted.

Ms BLIGH: It is for students in small communities as well as big towns, for the higher achievers and those who are struggling, for the young people who are education focused and for those who have disengaged from education. The main proposals include developing new early childhood services in some communities to ensure that as many students as possible in every community engage in early education and go on to the prep year and year 1; implementing a range of new initiatives to ensure all students receive a grounding in the basics so as many students as possible can go on, firstly, to secondary schooling and then to senior study; and restructuring the provision of secondary education in

the cape and Torres Strait to help students complete year 12 or its equivalent and then successfully take up opportunities for further education and training or employment.

Bound for Success sets out to make a difference to the aspirations, opportunities and achievement of all Indigenous children and young people in the cape and Torres Strait. Broad public consultation will be undertaken with key stakeholders in the cape and the Torres Strait in order to ensure that the proposed strategies engage the communities, which is essential to their success. This will include a number of education roundtables to specifically address the proposals in the discussion paper.

Also, on behalf of the Queensland government, I will negotiate with the federal Minister for Education, Science and Training on specific responsibilities associated with the provision of education to Indigenous students in these areas. With key stakeholders on board and working together, I look forward to a much brighter future and certainly much better education results for students in the cape and Torres Strait schools.

MINISTERIAL STATEMENT

Vocational Education and Training

Hon. TA BARTON (Waterford—ALP) (Minister for Employment, Training and Industrial Relations) (9.58 am): Our vocational education and training system provides training skills and knowledge to hundreds of thousands of Queenslanders every year. However, unlike school and university, vocational education and training does not differentiate between levels of excellence in student performance. Some vocational students and employers are saying that they would like more information about the level of excellence in vocational qualifications.

Graded assessment has the potential to motivate and reward students and provide employers with strong indicators of a potential employee's prospects in the workplace. For university graduates, of course, outstanding achievement is reflected in credits and distinctions obtained for particular subjects. Not only does the vocational sector have no grading system to reward achievement; there is also no accepted model for one. To overcome this, many trading providers in Queensland have developed their own method of reporting a student's level of excellence. This is not an effective system because employers have no basis for comparing one training provider's achievement rating to that of another. Without a consistent and reliable method of grading, excellence ratings by these training providers do not really mean anything to the students or employers. What we need are quality processes that serve to maintain reliability and confidence in the vocational education and training system.

Today I am pleased to announce that the Department of Employment and Training has prepared and is distributing a discussion paper on graded assessment in Queensland which it developed in partnership with the Queensland Studies Authority. This paper gives Queenslanders an opportunity to say what they think about a new policy on graded assessment for Queensland education and training and how we can best ensure quality and consistency of practice. This is about maintaining integrity and quality in our system. We want to get this right and make sure that the new assessment process delivers what Queenslanders are looking for.

The closing date for responses is Monday, 4 July 2005. I urge all interested Queenslanders to make their views on graded assessment known to the government. The discussion paper will be available on the department of employment's web site. I look forward to informing the House about future policy decisions regarding graded assessment that will take into account responses from the state's vocational education and training sector, employers and students.

MINISTERIAL STATEMENT

CRC for Diagnostics

Hon. T McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (10.01 am): Queensland scientists have again proven that they are amongst the best in the world. Researchers from the CRC for Diagnostics, which is based at the Queensland University of Technology, have developed new technology to fight deadly bacteria such as meningococcus. They have developed a computer based program that analyses complex data from the genetic make-up of bacteria in the human body. Meningococcal disease can be treated with antibiotics, but it can progress very rapidly and requires urgent medical attention. There are about 35 deaths each year in Australia from this disease.

Previously there has not been a quick test to identify the different strains of the bacteria, but these genetic fingerprinting procedures will enable researchers from all over the world to rapidly detect the presence of life-threatening bacteria. We are talking about identifying the meningococcus bacteria in a matter of hours rather than days—a time frame that could mean the difference between life and death. Early identification means a more confident diagnosis and, it is hoped, a more effective treatment.

Medical researchers will also be able to identify the germ that is responsible for the majority of bacterial gastro outbreaks.

Later today I will meet some of Queensland's world-class researchers and hand over $50,000 in state government funding to the CRC for Diagnostics. That brings the total amount we have provided to CRC for Diagnostics over the past three years to $300,000.

I congratulate Dr Philip Giffard and his fellow researchers for developing this world-first technology. My thanks also go to Corbett Robotics at Brisbane Technology Park which provided the scientific equipment used in the genetic fingerprinting methods.

This new technology has been handed over to Queensland Health, whose researchers also played a very valuable role in the project. This was a team effort by government, industry and research groups. It is an excellent example of the valuable cooperative work being done right now in the Smart State. The benefits will be felt by Queensland families, and hopefully lives will be saved each year. This is Smart Queensland at its very best.

MINISTERIAL STATEMENT

Bundaberg Base Hospital

Hon. GR NUTTALL (Sandgate—ALP) (Minister for Health) (10.04 am): Queensland Health has appointed one of Queensland's most experienced surgeons as the Acting Director of Surgery for Bundaberg Base Hospital. Dr Michael O'Rourke has commenced at Bundaberg Base Hospital and will continue in the position for the next four months. Dr O'Rourke is a Professor of Surgery at the University of Queensland and Clinical Director of the Mater Melanoma Research Group. He was Director of Surgery at the Mater Adult Hospital from 2000 to 2002. Dr O'Rourke has a long and very distinguished career as a doctor and as a surgeon.

The appointment of Dr O'Rourke to this crucial position is a major achievement for Bundaberg Base Hospital and an opportunity for us to continue going forward. With Dr O'Rourke heading our dedicated and professional surgical team, the community can be confident in the quality and experienced care they receive at the Bundaberg Base Hospital.

I am also pleased to announce that Val Tuckett has agreed to join Bundaberg Hospital as Acting District Director of Nursing. As Executive Director of Nursing at the Townsville Hospital, Ms Tuckett is the senior nursing director in north Queensland. A nurse of 30 years experience, she also holds a Masters of Business and is an accredited surveyor for the Australian Council on Healthcare Standards. Val is also an adjunct professor at the James Cook University. Ms Tuckett joined Bundaberg Hospital on Monday, 16 May and will be staying until 8 July. We are extremely fortunate to have Ms Tuckett provide her expertise and guidance, and I am certain both she and Dr O'Rourke will make a valuable contribution to our health service.

MINISTERIAL STATEMENT

Winter Racing Carnival

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (10.06 am): I am pleased to report to the House that the Queensland Winter Racing Carnival is up and running with the cream of the crop of thoroughbred racing. Last Saturday I attended the Carlton Draught Doomben 10,000 race day. This was the first group 1 race of the carnival, and it was an exciting race with Hugh Bowman on Red Oog winning in a close finish. Unfortunately, I was not on him. There was a record crowd of almost 14,000 people in attendance. Off-course wagering was up by 14 per cent and on-course wagering was up by two per cent. I congratulate the BTC on the organisation and presentation of this great event.

This exciting race will be followed up next Saturday with the group 1 Fourex Gold Doomben Cup, again run under weight-for-age conditions. The focus then moves to Eagle Farm and the Queensland Turf Club for group 1 events including the Joe Richards Menswear Queensland Oaks, the Borrelli Sires' Produce Stakes, the AAMI Stradbroke, the BMW Queensland Derby, the Conrad Treasury Brisbane Cup and the TJ Smith Handicap on 13 June, which I will also be attending.

This year's winter carnival crowds are already exceeding all expectations. With the group 1 races coming up, we expect this strong interest to continue. But not all of the action will be at Brisbane metropolitan tracks. There are other important races, like the Fourex Ipswich Cup—which I know the membership for Ipswich, the member for Ipswich West and the member for Bundamba will be attending—and the Caloundra City Cup. But of course the most important event on the calendar is the Fourex Rockhampton Cup to be run at Callaghan Park on 18 June, which I will be attending with the member for Fitzroy and the member for Keppel. Mr Acting Speaker, I invite you and every other member of the parliament to join me on that day.

As the racing season draws to a close, I am pleased to advise members that there are positive comments about country racing from different parts of the state, despite the opposition's continued attempt to talk down country racing with its negative attacks. Ted Donegan, the Warwick Turf Club president, recently described this racing year in Warwick as 'very successful'. He stated in last Monday's *Daily News*—

We have had six race meetings this year and they have all been successful. We are very pleased with the overall result.

Moving a long way from Warwick to the far north west, to the electorate of Mount Isa, last Friday's *North West Star* stated—

Racing resumes in Cloncurry for the year with a brilliant five race card. After following on from the magnificent Matilda Highway meetings at McKinlay—

McKinlay is a great race club of which I was once a member and I went to a number of race meetings there—

and Winton. It will be a hard act to follow but with country racing as strong as it is at the present time, the Curry has come up with a great day of racing.

I know that is bad news for the doomsayers opposite. These comments, of course, fly in the face of the continual attacks by members opposite who are intent on denigrating country racing in this state. In fact, they do not like this good news at all because it flies in the face of the stupidity that they come up with.

Mr Hobbs: No good news from you for racing.

Mr SCHWARTEN: In fact, the nominations for non-TAB meetings—what did the member opposite say?

Mr Hobbs: There is no good news that has come from you in relation to racing.

Mr SCHWARTEN: There is nothing sensible that ever comes out of the member's mouth, either.

Mr ACTING SPEAKER: Order! The member for Warrego will cease interjecting and the minister will get back to his statement.

Mr SCHWARTEN: In fact, the nominations for non-TAB meetings to be held throughout the state this weekend are quite extraordinary. At Beaudesert there are 110 nominations. I am sure the member for Beaudesert will be out there on Saturday. Gordonvale had 68 nominations. Burdekin-Home Hill will have great fields with 112 nominations.

Mr Hopper: Are you going to give more race dates?

Mr SCHWARTEN: In Mount Isa there are 57 nominations. Peak Downs—

Opposition members interjected.

Mr SCHWARTEN: Mr Acting Speaker! If I needed a clown I would go to a circus.

Mr Hopper: You are one, don't worry about that.

Mr ACTING SPEAKER: Order! Member for Darling Downs.

Mr Hopper interjected.

Mr ACTING SPEAKER: Order! I warn the member for Darling Downs under 253. I just warned the member and he went on again. Standing order 253, member for Darling Downs.

Mr SCHWARTEN: At Peak Downs-Clermont there are 45 nominations. Roma has 45 and Aramac has 73. I suppose the member for Gregory will be trotting out there. This continues a trend which has emerged since early April and displays the confidence shown by the industry in non-TAB racing. It also shows how out of touch the National Party is with its own constituents.

Finally, I hope that all those people who follow racing enjoy the rest of the Winter Carnival, which should be further enhanced in years to come with the redevelopment of the Brisbane racing precinct. I would also like to congratulate the sponsors that I have already mentioned, for without their support the Winter Racing Carnival would not be the success that it is.

MINISTERIAL STATEMENT

Sex Offender Rehabilitation

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (10.11 am): Next week I will be putting Queensland at the forefront of a new national approach on the treatment and rehabilitation of sex offenders. Sex offenders are not tolerated by society and earlier this year we had occasions when paedophiles have been run out of communities across Queensland. As such, the treatment of sex offenders in prison—and when they are released on postprison based orders—has become a significant issue for public debate.

Next week at the Corrective Services ministers' conference, which is being held in Brisbane, I will submit a paper on these issues in order to achieve a national focus on the rehabilitation of sex offenders. This meeting is an important annual policy meeting for state, territory and federal ministers and enables broad discussions by ministers. It is an opportunity to get input from each jurisdiction on their sex offender rehabilitation and management with a view to adopting a more coordinated approach.

It is already the case that Australia-wide initiatives, such as the national child protection register, which enables police to track registered child sex offenders, provide risk management that is consistent across the country. Nationally collaborative approaches to sex offender assessment, treatment and management would further increase community safety. In fact, sex offender treatment and management was recommended as a ministerial priority at the Corrective Services administrators' conference earlier this year.

The paper I will present to the ministerial meeting consolidates the current efforts of all jurisdictions. It also forms a basis for further improving community safety and puts on the table a range of issues to be considered to further reduce the risk of sexual reoffending and increase community safety. Some of those issues are collaboration between states on assessment regimes for sex offenders; collaborative research on sex offender management in Australia; and sharing of expertise, materials and approaches to treatment both in custody and on release into the community, including the accommodation of offenders.

The community expects governments to provide protection against serious crime and, in particular, against further offending by convicted sex offenders. Queensland already has the toughest legislation in the country regarding sex offenders. High-risk prisoners who refuse to participate in a program in prison will be considered by the Serious Sexual Offenders Review Committee for application under the Dangerous Prisoners (Sexual Offenders) Act 2003 for their continued detention or intensive supervision under the act. It is not unusual for offenders to receive numerous court imposed reporting conditions, which can include restrictions on whether an offender can go to a shopping centre, at what times they can travel on public transport and where they live.

The community's concerns about sex offending is justified. The Beattie government is committed to the effective assessment, treatment and risk management of sexual offenders to minimise the risk of reoffending. Earlier this year we announced we will spend an extra $5.9 million to provide more sex offender rehabilitation programs in custodial centres across the state. I know all members would agree that the safety of our children and our community is paramount. This government will do all that it can to improve community supervision of sex offenders and reduce recidivism rates.

MINISTERIAL STATEMENT

Disability Action Week Awards

Hon. H PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Fisheries) (10.14 am): The search is on for Queensland's disability champions. Each year in July we hold the Disability Action Week Awards, which recognise individuals and organisations that have contributed to making a more inclusive Queensland for people with a disability. The nominations are now open for the 2005 Disability Action Week Awards.

This is a great opportunity for us to honour those who are making a real difference to the lives of people with a disability. Last year's awards honoured a host of quiet achievers, and I am sure this year's event will uncover more inspirational stories about people whose efforts in our communities often go unnoticed but never unappreciated.

Last year, we honoured an 89-year-old Brisbane volunteer who had helped hundreds of vision impaired people by narrating printed information on to audio disks and tapes. Another winner was a small Gold Coast marine company that took out an employment award for restructuring staffing and developing individual training programs to take on three people with a disability. There were many deserving winners last year and I am looking forward to finding out about more amazing achievements for this year.

There will be 12 awards across a range of categories. I would urge the Acting Speaker, the member for Ashgrove, and every member here today to get behind these awards. More information about the awards, including information about the categories and nomination forms, can be obtained from Disability Services Queensland by phone or by visiting the website. These awards are not only a wonderful event but they are a very important way the community can say thank you to some outstanding Queenslanders.

MINISTERIAL STATEMENT

Lockyer Valley Water Supply

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Mines) (10.16 am): I am announcing today a plan to address the decline in the dwindling ground water resources in the Lockyer Valley. The Lockyer is often described as the salad bowl of south-east Queensland because of its productive vegetable growing industry. But its future is under threat because of continuing overextraction of ground water resources, declining water levels and deteriorating water quality. Demand for water in the Lockyer has increased significantly since the 1940s resulting in periodic failure of supplies in many areas of the valley. In fact, ground water levels have declined to such a point that as at October last year 87 per cent of monitored bores were recording levels that were either the lowest on record or were within two metres of the lowest on record. Even though significant infrastructure has been put in place over the years, demand on ground water and surface water for irrigation purposes continues to outstrip supply.

Water continues to be overextracted to the point where ground water levels are now declining in many parts of the valley and water quality is getting worse. For example, bores along the Gatton-Esk Road, which as recently as the mid-1980s flowed to the surface, currently exhibit ground water levels of up to 80 metres below ground level. Unless we all address this unsustainable use of water in the Lockyer, there are likely to be serious economic, social and environmental consequences.

That is why today I am releasing for public consultation a proposal to declare the entire Lockyer Valley a subartesian area under the Water Act. This action will enable, for the first time, sustainable management and use of overstressed ground water resources, encourage water use efficiency, and help maintain rural production in the Lockyer. Declaration would involve metering and licensing all ground water use in the Lockyer. However, I stress that ground water use for stock and domestic purposes will remain unlicensed and unmetered.

There are no easy solutions or quick fixes to improving irrigation supply in the Lockyer Valley. But declaration of the whole Lockyer Valley will provide for the sustainable use of the resource, encourage water use efficiency and help maintain production in the valley.

The Beattie government is picking up the pieces of more than 50 years of poor water management in the valley. We are committed to continue working in partnership with Lockyer Valley irrigator groups to ensure sustainable water supplies through better management of the valley's ground water resources. I urge all interested stakeholders to lodge a public submission on the declaration plan with my department by 15 July 2005.

MINISTERIAL STATEMENT

National Day of Healing

Hon. RJ MICKEL (Logan—ALP) (Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy) (10.19 am): Tomorrow Queensland will commemorate the first National Day of Healing. Sorry Day has now become the National Day of Healing, but it remains an important day for all Aboriginal and Torres Strait Islanders. It is a day to reflect on how the past impacts on people today and, more importantly, what we can all learn from history. After all, it is our shared history. This recognition is of utmost importance to Aboriginal and Torres Strait Islander people.

Five generations of Aboriginal and Torres Strait Islander Australians were part of the stolen generations. The legacy extends beyond those generations to the children who have never met their grandparents and to those who have lost their connections to country, language and traditions. Past policies have caused heartache and pain and contributed to many other social and economic problems. But, while we acknowledge the hurt suffered by Aboriginal and Torres Strait Islander peoples, we must work together towards a strong future.

The National Day of Healing marks the start of Reconciliation Week. Activities will include entertainment such as traditional song and dance and distinguished speakers including Yuggera Elder, Uncle Des Sandy and Elder Aunty Joan Bowman. The healing process continues reconciliation. Building upon this we look forward to a brighter future. By working together we will be best able to address the challenges from the past, face the present and prepare for the future.

But I stress that government cannot do it alone. We have a shared responsibility—a responsibility between Aboriginal and Torres Strait Islander communities and government at all levels. Aboriginal and Torres Strait Islander peoples are the key to delivering a strong and proud future where Indigenous cultures and traditions are part of the fabric of life. We need Aboriginal and Torres Strait Islander peoples and communities to drive the change, to work with government and non-government agencies to meet their needs.

I acknowledge the work of Link-Up Queensland, which has been responsible for organising tomorrow's event. Link-Up services assist with reconnecting Aboriginal people with the past through family tracing and provides services to the Aboriginal community. The Department of Aboriginal and Torres Strait Islander Policy's Community and Personal Histories Branch also provides access to historical departmental records.

Since June 1998, the branch has responded to 3,854 requests for information from individuals and families seeking information about their family history. Over the past seven years, this branch has scanned more than 50,000 original documents to allow greater access to personal and family records. While tomorrow is a time to reflect and remember the pain and sorrow past policies have caused, it is also an opportunity to acknowledge the healing that needs to take place for us to move forward together.

SITTING DAYS AND HOURS, GENERAL BUSINESS AND ADJOURNMENT DEBATE

Sessional Order

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (10.22 am), by leave, without notice: I move—

That for this day's sitting so much of standing and sessional orders be suspended to enable general business order of the day No. 1 to be debated from 4.00 pm to 5.30 pm this evening. Should debate on the bill conclude before 5.30 pm then government business will resume until 5.30 pm. From 5.30 pm to 6.30 pm the House will debate the private member's motion with the adjournment being moved at 6.30 pm to be followed by a 30-minute adjournment debate.

Motion agreed to.

NOTICE OF MOTION

Office of the Speaker

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.23 am): I give notice that I will move—

That this House notes the failure of Speaker Hollis to comply with the requirements of the guidelines for the financial management of the Office of the Speaker in relation to overseas travel and refers all issues relating to this noncompliance to the Members' Ethics and Parliamentary Privileges Committee for consideration and advice to the House.

PRIVATE MEMBERS' STATEMENTS

Morris Inquiry

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.24 am): Revelations at the Morris royal commission yesterday that some 87 Queenslanders may have died at the hands of Dr Patel should strike fear and condemnation into the hearts of the people of Queensland. So should the inaction and complicity of the Beattie Labor government, which failed to act for so long on these particular complaints.

What is of great concern to the Nationals is that there appears to continue to be a culture of cover-up, bullying and denial within this government and within the health department in Queensland. Concerns were raised yesterday by Commissioner Morris that the department had been using the Health Services Act to seek to deny and deter health employees who want to come forward and tell their stories with a threat of jail. That is nothing short of appalling. It just goes to show how this particular culture goes from the top of government right down through the health department. How can any employee in the health department in this state feel comfortable and confident that they are able to tell their story when that sort of bullying exists and people are seeking to deter them from telling their stories?

The other thing that I would like to touch on in relation to that is simply this. Do members remember Premier Beattie when Peter Hollingworth was in the firing line, so to speak, a couple of years ago for his failure to act, as the head of the Anglican Church in Queensland, when matters of child abuse were brought to his attention? The Premier said that he should resign. He said that there should be a royal commission. What we have in Queensland now is no different. This government through its inaction has presided over the deaths of 87 people. Why was it good enough to ask Peter Hollingworth to resign because of his inaction but it is not good enough to demand that the health minister resign because of his inaction and failure to properly protect these people?

Time expired.

East Timor

Mr TERRY SULLIVAN (Stafford—ALP) (10.26 am): Bill Tynan is a Christian Brother from Brisbane who is currently working with peoples from five villages around Railaco, south-west of Dili, by providing basic health services and running a school. I received an email from Bill recently which I will table, the title of which disturbed me—'Just another death in the hills'. 'Labarik o-nia mate'—my child has died.

Georgina, who has just died in the Dili hospital, was seven years old. The cause of death was cerebral malaria. Jose and Ceceltina had seven children; four are still alive. A baby died in December 2002, a two-year-old died in early 2002 and now seven-year-old Georgina has died.

Brother Bill's email confirmed what I already knew: children are dying in East Timor because they do not have the infrastructure for a health system or the funding or personnel to provide basic health services. Dr Tim Grey, who is currently working at the Mater Hospital, said that the medication that would have saved Georgina would have cost less than $5.

Members are aware of the dispute between the Australian and East Timor governments regarding the Timor sea maritime boundaries and the dispute between the federal government and businessman Ian Melrose about Melrose's proposed TV ads that claim children from East Timor are dying because the world's newest nation does not have infrastructure for health services.

John Howard and Alexander Downer placed enormous pressure on media outlets and the commercial advice division of the Free TV Australia to ban the ads. In an act of supine compliance, Australian media outlets did John Howard's bidding to impose censorship on an individual businessman's ability to criticise the federal government. Children are dying in East Timor because we are stealing a million dollars a day from the disputed area and we are trying to take billions of dollars from the larger, more lucrative Sunrise oil and gas fields, the income of which would give East Timor a more secure future.

How would we feel if our seven-year-old daughter died because we could not afford medication worth $5? Australia must negotiate the Timor Sea treaty in good faith. The median line solution is the most just outcome for the current negotiations. 'Labarik o-nia mate'—my child has died. We must help our friends in East Timor. They protected our troops in World War II so it is up to us to help us them.

Commissions of Inquiry

Mr QUINN (Robina—Lib) (10.28 am): Some people call Queensland the Sunshine State. Others say that it is the Smart State. More and more people are now calling it the sorry state. But really it is the inquiry state. Currently in Queensland we have four inquiries under way—one into racing and three into health.

In recent times we have had the Somerville inquiry into Energex. We had two inquiries into child protection—the CMC inquiry and the Forster inquiry. We had the Shepherdson inquiry into electoral rorting. We have had the CMC inquiry into the Palm Island air fare affair. We had the CMC inquiry into Winegate. We had the CMC inquiry into the actions of Volkers and the Speaker. The list goes on and on.

That is why this state ought to be called the inquiry state. What does the Premier do? As his standard response to a crisis in this state, he reaches for his CMC player. There is a crisis management checklist, and it goes like this. Firstly, the Premier expresses concern about the issue. Then he launches the inquiry. Then he says that it will not be popular amongst his own members of parliament because he knows that it will have an electoral consequence. Then he says that it will cost him votes. Then he says that it could have cost him the election. Then he promises to fix it. Nowhere in this plan is there any admission at all that in actual fact he is responsible for it. Nowhere is there any admission that it is the maladministration of his government that is responsible for the problem.

What we really need in this state at the moment is an inquiry into why we have so many inquiries. That is what is going on. We have a government that lurches from one inquiry to another. It does not know what to do. It looks around for people to blame. If it is not some other previous government in Queensland, it is the Commonwealth government. It is all too familiar. Time and time again we see the same old rhetoric being rolled out by the Premier in order to cover up maladministration in his own government. It is the inquiry state!

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

QUESTIONS WITHOUT NOTICE

Morris Inquiry

Mr SPRINGBORG (10.30 am): My question without notice is to the Minister for Health. Minister, I refer to concerns raised at the Bundaberg Hospital commission of inquiry regarding the restrictions of the Health Services Act preventing Queensland Health employees from supplying information to parties

represented at the commission. Will the minister give this parliament an absolute guarantee that no provisions of the Health Services Act will be used by his department to restrict information being provided to the commission in any way whatsoever?

Mr NUTTALL: In answer to the honourable member's question, the short answer is, yes, I will give that commitment. What happened in the commission yesterday was that an issue was raised by legal counsel for the Nurses Union expressing its concerns that people were being prevented from either giving evidence or being given time off to assist counsel. That is one of the problems we have when we have a commission of inquiry with such a large number of legal entities making submissions—that is, that sometimes it is not always factual and it is not always correct.

I am pleased to inform the House that no such direction was given to any of our employees. In actual fact, I will table for the information of the House today a memorandum that has been forwarded to all senior management within Queensland Health. I will read some of it into the record, and also a copy of this has been sent to Commissioner Morris. It says—

Employees are to be given reasonable periods of time during normal hours of work to be interviewed and/or prepare statements and/or make themselves available for appearance as a witness before the Morris commission of inquiry and the Crime and Misconduct Commission or the Forster review. Employees should also be given reasonable access to required resources such as computers, photocopiers, work areas et cetera. Employees must notify their district manager as soon as possible of the date they are required to attend for interviews as early notification will facilitate necessary relief arrangements and/or appropriate changes to rosters.

On and on it goes in terms of how we can assist our staff in terms of working in conjunction with the commission of inquiry. Both the Premier and I have said on a number of occasions that this government will fully support the commission of inquiry and the work that it is doing, and that includes ensuring that all Queensland Health staff are made available to give evidence or provide statements to the commission.

Patel, Dr J

Mr SPRINGBORG: My second question without notice is to the Minister for Health. I refer to the minister's refusal yesterday in this place to rule out that any reference documents—and I am not just talking about certificates of good standing—had been provided to Dr Patel. As he has had 24 hours to examine this issue, will the minister now advise this parliament whether Dr Patel had received a reference or any other document in relation to his service at Bundaberg Base Hospital?

Mr NUTTALL: I have been advised by my department and by the Queensland Medical Board that in terms of the Queensland Medical Board there was no certificate of good standing issued to Dr Patel. In actual fact, the Medical Board advised the USA in Oregon about his cancellation of his registration here in Queensland. So that is in terms of the certificate of good standing. In terms of any references provided to Dr Patel by Queensland Health, the answer to that is no. There was no—

Mr Copeland: What about Queensland Health staff?

Mr NUTTALL: Would the member like to let me finish? Thank you.

Mr ACTING SPEAKER: Order! Member for Cunningham, I think the minister is answering the question. I do not think he needs your help.

Mr NUTTALL: I am doing the best I can, Mr Acting Speaker. There were no references given to Dr Patel by Queensland Health in an official capacity.

An opposition member interjected.

Mr NUTTALL: Your rudeness just never ceases to amaze anyone in this place. I am advised that Dr Patel was given a letter of appreciation and thanks by Dr Keating, the Chief Medical Officer. It is my understanding that that was a letter. It was on Queensland Health letterhead, but it was a letter by Dr Keating, who, as we know, is also currently not working in Queensland Health and will obviously be appearing before the commission of inquiry. I understand that he was there the other day, along with his legal representation. But there was no official reference given.

Mr Springborg: Can you table that letter?

Mr NUTTALL: Yes, I am happy to table that letter. I will get that letter and I am happy to table the letter. As I have said, we are happy to give all of these matters to the commission of inquiry. But it was not an official reference. I have advised this place that the—

Opposition members interjected.

Mr NUTTALL: The medical superintendent of the Bundaberg Hospital wrote a letter to Dr Patel thanking him for his services—

Opposition members interjected.

Mr NUTTALL: Well, I am just telling those opposite what was in the letter, all right? I am trying to be honest and open here. I do not have control of what people put in letters. It is just ridiculous for anyone to assume that I should have control of that. Dr Keating wrote to Dr Patel thanking him for his

services and signed it as the medical superintendent, and I am happy to get a copy of that letter and table it for members of the House, as we have forwarded that to the commission of inquiry as well.

Mr ACTING SPEAKER: Order! Before calling the member for Southport, can I suggest to members that when a minister is answering a question they cannot infer that there is an improper motive in his answer. I will not allow that. They cannot infer that, because it is disorderly. It is against the rules of this House. I call the member for Southport.

Palazzo Versace Resort Project

Mr LAWLOR: My question is to the Premier. Premier, what government support has been undertaken to assist a Gold Coast developer in one of the world's most exciting resort developments taking place in Dubai?

Mr BEATTIE: I thank the member for Southport, because I know he has a keen interest in this. Queensland has made an important inroad into the booming Gulf market with the launch of a prestigious project in Dubai. On 18 May a joint venture involving Gold Coast developer Sunland, Emirates International Holdings and the Versace Group launched the $US700 million—or $A926 million—Palazzo Versace resort project. The government's key role in the project was acknowledged in a media conference attended by more than 120 people, including international media. The letter of congratulations from the Queensland government to the joint venture partners was read to the conference. The project will be developed on six hectares of land in a new waterfront precinct in Dubai. It will have 215 suites, 204 villas and is expected to be completed in 2008. That is a decent sized project when one considers that it has 215 suites and 204 villas. It is a very significant project.

Sunland and Emirates International Holdings will also jointly develop a major high-rise project in the United Arab Emirates. The Queensland government used commercial networks in the United Arab Emirates to introduce Emirates International Holdings to the Sunland group. On 23 September 2004 in Queensland the Deputy Premier and Treasurer witnessed the signing of the joint agreement on my behalf. My department is now working with the joint venture partners in seeking to maximise the number of Queensland goods and services supplied to project contractors and subcontractors.

I thank the member for Southport for his question, because he understands the importance of the Middle East, and Dubai in particular, to trade and investment in this state. As we develop the Smart State Strategy and the export culture, we have to make certain that we investigate markets where we can have not only long-term strategies but also strategies that will work. That is why under my government there have been significant initiatives in new emerging markets such as China, India and the Middle East.

I flag to the House that we will continue to work to develop these links. We have established a representative in Doha and we will continue to take advantage of the Middle East market. It is an area with an enormous amount of wealth and an enormous amount of investment opportunities. Anybody who has been to Dubai will understand exactly what I have said.

As the minister for trade I intend to continue to focus on this area. I thank the member for Southport and future minister for his interest in this matter, because he knows what it means for Queensland: it means jobs and opportunities. That is why Queensland has the lowest unemployment rate in Australia.

Bundaberg Base Hospital; Patel, Dr J

Mr SEENEY: I refer the Premier to the patronising letter he posted on his web site politely asking Dr Patel to return to Queensland. I table a copy of that letter for the benefit of the House. I recommend that every member read it. Now that the potential death toll from Bundaberg Base Hospital alone has reached 87, will the Premier replace this absurd letter with a complete apology to the families of the dead Queenslanders who were the victims of his failed health system?

Mr BEATTIE: I thank the honourable Deputy Leader of the Opposition for his question. I have never claimed to be the font of all wisdom. If there is a way in which the contents of the letter that appears on the web site can be improved, I am happy to do that. The intention behind the communication—and I said this publicly—was to try to create an environment in which Dr Patel returned and gave evidence. If there is a way in which to improve that letter, I am happy to listen to what the Deputy Leader of the Opposition has to say and I am happy to change the letter appropriately.

I think every Queenslander would like Dr Patel to return and give evidence. At the end of all of this, Queenslanders want to find out exactly what happened. They do not want one doctor covering for another doctor. They want to get to the truth. Let me assure Queenslanders that there will be no doctors' cover-up. We will get to the bottom of it, as difficult and as painful as this may be.

In terms of the people of Bundaberg, both the Minister for Health and I have apologised to them and to their families. I do that again today.

Mr Springborg: Put it on the web site.

Mr BEATTIE: I have absolutely no difficulty doing that. Frankly, I believe the people of Bundaberg are entitled to that. By close of business this afternoon there will be an appropriate apology on my web site. I am happy to take on board what the Deputy Leader of the Opposition has said, because these people have been to hell and back. They have been traumatised by an approval process of the Medical Board that should never have happened. They have been traumatised by practices that should never have happened. They are entitled to an apology.

I do not want anyone to misunderstand the government's attitude. I have apologised to those people. I apologise to them again today. I am quite happy to make sure that an appropriate apology is on my web site by close of business today.

Public Sector Management

Ms NOLAN: My question about professionalism in the public sector is directed to the Premier. What has the government done to ensure that public servants in Queensland continue to expand their knowledge and skills to become future leaders? Can the Premier tell us whether anything is being done to prepare for the increasing number of retirements from the state Public Service?

Mr ACTING SPEAKER: Order! Before calling the Premier I welcome to the public gallery teachers and students from Ormiston College in the electorate of Cleveland

Mr BEATTIE: I thank the member for Ipswich for this question, because this is a vexed issue which, as the minister responsible for the public sector, I deal with every day. As one of our younger members who is looking to the future, I can understand why the member for Ipswich is looking to the future of the public sector in terms of how it should be managed.

On Friday I attended a special ceremony to acknowledge the good work of the first 125 students preparing to graduate from the two-year Executive Master of Public Administration course at the Australian and New Zealand School of Government. The school opened its doors in May 2003 after considerable assistance and guidance from my then director-general, Professor Glyn Davis, who is now the Vice-Chancellor of the University of Melbourne.

Our future Public Service leaders need to be as well equipped for the job as possible, because the work they do is challenging and increasingly complex—hence the member's question and her interest. It is also important for top public servants from one jurisdiction to know something about other jurisdictions. That is why five governments are involved as members of this program and we have put money into it as well. Ten universities are involved in the program and it is from those universities that the students of this school will graduate. Each year Queensland selects 10 public servants to undertake the course and the government pays their fees. There is also a shorter course for very senior public servants, the Executive Fellows Program. Ten public servants from Queensland undertake that course each year.

We cannot be a Smart State without a smart Public Service. That is why we have supported this program from the start. The school of government is helping us to achieve our goal of ensuring that the standards of the Public Service in Queensland are equal to the best in the world. I know the member will keep an interest in and an eye on that.

I turn now to the second point that the member raised in her question. My government is developing strategies to offset a pending work force dilemma. About 66 per cent of permanent Public Service employees are expected to leave in the next 10 years. A study by the Office of Public Service Merit and Equity—OPSME—has found that about 95,000 public servants are expected to leave over the next 10 years. About half of those staff departures will be through age retirement. This is happening at a time when there are skill shortages in many areas of the economy. There is also evidence that labour market growth will fall sharply.

The Public Service will be competing for staff with other jurisdictions, other countries and other sectors of the economy. We need to concentrate our efforts on the retention of those employees who would otherwise choose to leave the Public Service for other employment. The loss of 66 per cent of our permanent Public Service work force has the potential to leave Public Service agencies vulnerable. It would be very difficult to sustain the loss of so much corporate knowledge and experience. More importantly, this loss of staff would have the potential to severely impede the development or delivery of a range of services to the public.

We have taken this issue very seriously and sought strategies to prevent those problems from developing. Strategies have been developed and are being worked on by the Office of Public Service Merit and Equity, the Department of Industrial Relations and my Department of the Premier and Cabinet. I table more information for the information of the House. I thank the member for Ipswich for her question.

Hervey Bay Hospital, Orthopaedic Services

Mr COPELAND: My question is directed to the Minister for Health. Is it not a fact that the Labor member for Hervey Bay, Andrew McNamara, received a private briefing from the minister's department five days before Tony Morris took action to make public the report that forced orthopaedic services to be shut down at the Hervey Bay Hospital? How many people were operated on by underqualified surgeons due to Andrew McNamara's silence?

Mr NUTTALL: Andrew McNamara has been briefed on a number of issues in relation to his electorate. If a member asks to be briefed on issues, I provide briefings for them. I do that for any member of parliament if they ask to be seen or require briefings. So there is nothing sinister or secretive about members of parliament being briefed on issues.

In terms of people's surgery, since January of this year an Australian orthopaedic specialist at the Hervey Bay Hospital was supervising those other two doctors who were mentioned in the report. As a result of the supervision, there were no adverse outcomes. In actual fact, the skills of those doctors were being upgraded.

As I have said to the House, subsequent to the resignation of the supervising specialist, orthopaedic services at Hervey Bay Hospital have been suspended. In terms of providing services at Hervey Bay Hospital, we have had meetings with the Australian Orthopaedic Association to try to move forward. In the interim, as I advised the House yesterday, the Mater Hospital in Brisbane has been good enough to support Queensland Health in providing services for people needing urgent orthopaedic surgery.

Queensland Rail Network

Mr LIVINGSTONE: My question is directed to the Minister for Education and the Arts. Given that the Queensland rail network is pivotal to the state's history, what measures are being undertaken to ensure that schoolchildren are given access to this rich part of our culture?

Ms BLIGH: I thank the honourable member for his question and for his great interest in the Queensland railway system and the important role that it has played in the development of this state.

Mr Lucas: It will be 140 years old on 1 July.

Ms BLIGH: I am very happy to take the interjection of the Minister for Transport and Main Roads, who advises me that Queensland Rail will be 140 years old on 1 July. The current member with responsibility for Queensland Rail, along with former ministers, will no doubt be pleased to know that I did give some consideration to whether all Queensland schoolchildren should learn the Queensland railway song, but I thought that was probably an impractical idea. I think the proposal that I have recently approved is a much better one.

The member for Ipswich West would be aware that the Queensland Workshops Rail Museum is one of the greatest railway resources anywhere in Queensland and, indeed, in Australia. I encourage those members who have not yet had an opportunity to visit it to do so. I am very pleased to announce to the House that as from 4 July this year all school students who visit the museum during school hours will receive free entry. This is a new initiative to ensure that we can boost the attendance by schoolchildren. Last year there were 4,000 schoolchildren who visited the museum during school hours as part of a school excursion. With this new initiative we are hoping to see that figure rise by 50 per cent, to 6,000 in the next financial year.

I am sure those people who have visited the museum are very aware of some of the great work that it does. The museum has had huge success with some of its holiday programs, such as the Friends of Thomas, which builds on the love that children have for Thomas the Tank Engine and his friends, as well as the Wizards and Witches Express, which builds on the Harry Potter theme. The museum exhibits across many learning areas. One can go into the museum and find exhibits that teach about science, technology, maths, society and the environment.

Indeed, the story of rail is the story of Queensland. It is very difficult to tell the story of the development of this state without understanding something of the development of the rail system—something about those who built it, those who travelled on it and those who relied on it to bring goods and to export our products to the world. I think it is important that Queensland schoolchildren learn about it. They could not do better than to visit the Queensland Workshops Rail Museum in Ipswich, which is in the electorate of Ipswich West. I know that the member for Ipswich West is a great supporter of the museum. I encourage him and others to spread the word to our schools that entry by schoolchildren to the Ipswich Workshops Rail Museum from 4 July during school hours will be free. I hope this means that we will see a lot more students visiting the museum.

Health System

Mr QUINN: My question is directed to the Premier. Yesterday the Premier's plan for fixing the health system was submitted to the Morris inquiry. The commissioner noted that it differed from the submission from Queensland Health and asked Queensland Health's counsel to obtain instructions as to which submission is the current and proper submission. Since the Premier's government is confused about how to fix the health system, how can the people of Queensland have any confidence that it will ever be fixed under Mr Beattie as Premier?

Mr BEATTIE: Let me make it absolutely clear: When decisions are made about the future of health they will be made by the government. They will be made by cabinet when we consider the recommendations of both those reviews. While the views of the health department will be considered and considered in some detail because I have respect for the integrity of a lot of people who work in that department, the buck stops with the government, the buck stops with the minister and the buck stops with me and we will make that decision. Yesterday I communicated exactly what I said to the parliament to the Morris royal commission. I will be more than happy to clarify that point. In my blueprint statement I set out a number of issues that need to be considered. Let me make it clear that, if there is any doubt or any conflict about what will happen between the government's view and anyone else's view, the government's view will prevail.

The second point I make is that I notice there is some opposition from some doctors to the concept of expanding the role of nurse practitioners. When Gordon and I met with the nurses yesterday they were very supportive and they indicated to me, particularly those at Prince Charles Hospital, that the doctors who work there are very supportive of the nurse practitioner role. It is my view that those doctors who oppose the concept of nurse practitioners are living in the past—about 20 years in the past, to be exact, when compared with developments in the United States. Earlier this year USNews.com reported—

Through the 1980s, the idea of nurses doing more than just assisting doctors gained acceptance as patients began seeking out nurses, who seemed to have more time for them, and resistance from physicians' organisations eased.

USNews.com reported that the seeds of nurses' liberation from doctors' white coat tails were sown in the 1960s when a nationwide shortage of primary care physicians, especially in rural and inner city areas, pushed many nurses into advanced roles. Amednews.com, which describes itself as the newspaper for American physicians, has reported—

Growing ranks: Benefits of collaboration with nurse practitioners. Those benefits include freed-up time for patients with more complicated health problems.

It reported one surgeon saying that the addition of a nurse practitioner to his surgery team had enabled him to increase surgeries by 30 per cent. That is a great outcome for doctors and a great outcome for patients. Medics Inc. in the United Kingdom reported at the end of February that the Blair government is proposing that nurses be trained to carry out operations in a radical new bid to reduce waiting times. The list goes on.

The important thing to remember is that whatever arrangements we adopt in relation to nurse practitioners and how far they go is a matter for the future, but the one thing I am certain of is that nurses will have a greater role. I table detailed information relating to what I have said. I seek leave to have incorporated in *Hansard* the remainder of what I was going to say in relation to the benefits of nurse practitioners. I confirm that an increased role for nurse practitioners is one of the things that will happen.

Leave granted.

Medics Inc reports that the new surgical care practitioners will be fully supervised when they start and will gradually begin to operate with indirect supervision as they become more competent. Doctors will still be available to advise and assist.

The web site of the American College of Nurse Practitioners reports that in New York City, Medicare and eight private health plans have given their enrolees permission to get primary care from a group of nurse practitioners who diagnose, treat, prescribe, refer and bill very much as if they were MDs.

The Ontario Government has added hundreds of nurse practitioners to its health service in recent years, including more than 200 in underserviced areas across the province.

A landmark study in the Journal of the American Medical Association indicates that Nurse Practitioner quality of care is equal to that of physicians. The study was called 'Primary care outcomes in patients treated by nurse practitioners or physicians: A randomized trial'.

It showed that patients in an ambulatory care setting who received care from both physicians and nurse practitioners reported the same level of satisfaction and had the same health outcomes.

A study reported in The Lancet on the care of minor injuries by emergency nurse practitioners or junior MDs showed that nursed practitioners made less clinical errors (although not significantly different) than the MDs, that nurse practitioners were better than MDs at recording medical history, and fewer patients seen by a nurse practitioner had to seek unplanned follow-up advice abut their injuries.

There were no significant differences between nurse practitioners and MDs in accuracy of examinations, adequacy of treatment, planned follow-up, or requests for radiography.

The American Academy of Nurse Practitioners says patients with nurse practitioners as their primary care providers have fewer instances of emergency room visits, shorter hospital stays and often have lower medication costs.

Mackay Wastewater Recycling Project

Mr MULHERIN: My question without notice is directed to the Minister for Natural Resources and Mines. Can the minister inform the House of the many benefits of the Beattie government's priority project to recycle waste water in Mackay?

Mr ROBERTSON: I can assist the member in that regard. I particularly acknowledge his very strong support for the Mackay Wastewater Recycling Project.

Mr Mickel: And the Mackay City Council.

Mr ROBERTSON: Exactly. The work that he did and that of Mackay City Council has really paid dividends in the outcomes that were achieved last week. The Mackay Wastewater Recycling Project is one of three priority water projects that the Beattie government submitted to the Commonwealth for financial support from the Australian Water Fund. This $86 million project represents a partnership between the Beattie government, the Mackay City Council and the Commonwealth which will each contribute about $28.8 million.

Mr Mickel: That was opposed by Mrs Kelly, wasn't it?

Mr ACTING SPEAKER: Order! Minister for Energy, I do not think the minister needs your help in answering the question.

Mr ROBERTSON: I will take that interjection because whether the local federal member supported this project raises a very big question. But, because we are talking about true partnerships between the Commonwealth, state and local government, I will not carry that on any further. The outcomes are more important than targeting who supported what or did not support what with regard to this matter.

Mr Malone: If De-Anne didn't support it, you wouldn't have got the money.

Mr ROBERTSON: I am going to have to let that one pass. The Mackay Wastewater Recycling Project involves decommissioning the Mount Bassett Wastewater Treatment Plant and transferring the sewage, together with local abattoir waste water, to the augmented Bakers Creek Wastewater Treatment Plant. Up to 90 per cent of the waste water will be reticulated and reused to irrigate 3,200 hectares of sugarcane farmland in the Chelona-Homesbush areas. This is important because ground water extractions for irrigation in these areas have been limited due to saltwater intrusion into freshwater aquifers, forcing reduced allocations to cane farmers.

The waste water recycling project will protect and rehabilitate overused ground water resources. It will provide a sustainable supply of some 8,500 megalitres of safe irrigation water a year for the local sugarcane industry. There are important environmental benefits as well to this project because, by recycling Mackay's waste water, we will reduce nutrient rich run-off into the ocean, and this will protect the Great Barrier Reef from around 250 tonnes of nutrients each and every year.

This project will achieve National Water Initiative objectives of encouraging the reuse and recycling of waste water and innovation in water supply sourcing, treatment, storage and discharge. It will also allow for greater knowledge about mechanisms to improve farm irrigation systems and catchment water use efficiency and about catchment processes that impact on water quality.

We hope to be able to invite tenders for the work to upgrade treatment plant facilities later in the year with a view to beginning construction in early- to mid-2006. This is one of three projects to be funded from the initial allocation from the national water fund. We are now working flat out for the next round of funding as it becomes available.

Mareeba Hospital, Maternity Services

Ms LEE LONG: My question is directed to the Premier. Over the last 10 years, maternity wards in Queensland have reduced by about 50 per cent across this state. I seek leave to table this document.

Leave granted.

Ms LEE LONG: Yet birthing has certainly not decreased by 50 per cent and the minister has warned of further cuts to services in rural and regional areas. Under the government's future of health plan, there is no mention of maternity services, and I ask: will the Premier give incentives to doctors to gain and to maintain obstetrics qualifications and will he ever reopen maternity services in those hospitals where they has been taken away, especially in rural areas such as Mareeba, as women will no longer take this lying down?

Mr BEATTIE: As the honourable member for Tablelands knows, I have a soft spot for her because she represents my old home town. I hope she is happy with the two asbestos roofs that will be removed from the Atherton school, which is a significant advance. That is the first thing.

Secondly, in relation to Mareeba there was a public meeting the other night, as the member knows. The people of the Minister for Health, Gordon Nuttall, have been doing a lot of work on a model for midwifery at Mareeba. The difficulty has been getting doctors to support that model because, as she understands, part of the problem is that we do have difficulty getting doctors in some parts of the state.

That is why we have been using overseas doctors, and that has occurred on both sides of government for a long time.

The difficulty is that we need doctors to support the midwifery model. There was a request to try to get some doctors from Atherton but that did not quite work out. Gordon's people have continued to try it. Gordon's people are now working to try to get some of the Cairns doctors to underpin the midwifery program and model in Mareeba. If that happens, then we have solved the problem, as I understand it.

Where are we? This came about because of the difficulty we have in getting some doctors in particular areas, but the new midwifery model, which the community was consulted on the other night, can operate if we can get doctors out of Cairns to underpin it. That is clearly where we are. The Minister for Health, Gordon Nuttall, has indicated that is so. He will keep the member informed of what is developing.

Frankly, I understand how strongly the people in Mareeba feel about this. I was in Cairns, as I said, on Saturday for the meeting with Mr Wu and a number of media representatives asked me about it. I indicated that we were trying to work this through. Gordon has released a paper in the House about maternity services. The member knows that we are trying to work through it. I believe we are close provided that we can get support from Cairns. That is where we stand. I hope she keeps in touch with the minister.

While we are talking about these issues, I was talking before about nurse practitioners. I want to go back to what I was saying because this will in the long term provide assistance to the member and other members outside of Brisbane. We all know that nurses are the backbone of the system. They will be particularly useful in rural and provincial areas, and I am determined the bush will get a fair go out of this as will the regions. As I said before, Medics Inc. reports that the new surgical care practitioners will be fully supervised when they start and will gradually begin to operate with indirect supervision as they become more competent. This was the UK model of the Blair government that I was talking about before. Doctors will still be able to advise and assist.

The web site of the American College of Nurse Practitioners reports that in New York city Medicare and eight private health plans have given their enrollees permission to get primary care from a group of nurse practitioners who diagnose, treat, prescribe, refer and bill very much as if they were MDs. The Ontario government has added hundreds of nurse practitioners to its health service in recent years, including more than 200 in underserviced areas across the province.

A landmark study in the Journal of the American Medical Association indicates that nurse practitioner quality of care is equal to that of physicians. The study was called 'Primary Care Outcomes in Patients Treated by Nurse Practitioners or Physicians: a Randomised Trial'. It shows that patients in an ambulatory care setting who received care from both physicians and nurse practitioners reported the same level of satisfaction and had the same health outcomes. So, frankly, we should ignore those who are trying to be stupid about this and think about patients first.

Greenhouse Gas Abatement Program

Mr SHINE: My question is directed to the Minister for Energy. Could the minister advise the House how the federal government's short-sightedness of its Greenhouse Gas Abatement Program is jeopardising cogeneration support programs in Queensland?

Mr MICKEL: It is good to have a question from the member for Toowoomba North because of the huge amount of investment that is going on in the Darling Downs region in energy. Whether it be Millmerran, Kogan Creek or the new plant at Wambo, it is all happening on the southern Darling Downs and the Darling Downs region in particular. Whilst it is happening at a state level, it is certainly not happening at a federal level.

The member asked particularly about the Greenhouse Gas Abatement Program. In March 2001 Senator Hill—then the minister for the environment—announced that the Commonwealth was committing $10 million to support cogeneration projects. The criteria was that the project would result in greenhouse gas abatement, certainty of delivery for projects that would not otherwise go ahead and deliver regional benefits.

I understand that in September 2004 when the applications closed eight were received. Two of those were from Queensland. One was at the Oakey Abattoir. The Oakey Abattoir is one of the largest employers in the state and the second largest meat export plant. One would think a project that would have savings of 20,000 tonnes per annum of carbon from reducing emissions associated with the coal-fired boiler and a further 20,000 tonnes per annum of carbon from reducing emissions associated with cleaner electricity would have some impact and some bearing on the federal government. In fact, it has been rejected.

Thankfully for the minister for state development, that plant is now receiving a $450,000 grant for further expansion, which was rejected by the federal government but supported by the Queensland government. But, unfortunately for Toowoomba, that is not where it ends because there was another application lodged by KR Castlemaine, which is the largest employer in Toowoomba. Again, one would

think that a project which reduces something like 20,000 tonnes of emissions—and there are two projects from Queensland and eight Australia-wide—would have a chance. More than a chance one might think because the area is represented by the federal minister. But, no, we found that the federal government rejected that application as well. So two out of two rejections for the Darling Downs. Again the Queensland government, through one of its GOCs, Ergon, is trying to work with KR Castlemaine to make sure that we get that project over the line.

Why this is important is that when we go to any conference now with federal ministers they will always say how bad the states are and how they cannot wait to get rid of them. Yet if we look at the federal government alternative for regional Queensland it is offering very little when it comes to the firms that are the big employers in regional Queensland.

Mr ACTING SPEAKER: Before calling the member for Gregory, I welcome in the public gallery the second group from Ormiston College in the electorate of Cleveland.

Citrus Canker

Mr JOHNSON: My question is directed to the minister for primary industries. I refer the minister to the detection this week of citrus canker on an Emerald orchard that was cleared by the minister's department three months ago. How stupid does the minister feel now given that less than a fortnight ago he and his department were still pushing to gain market access for this grower and other growers in the Emerald quarantine area? Will the minister now admit the complete botch job he has made of dealing with the citrus canker outbreak? Will the minister now finally adopt the total destruction plan and provide real compensation to Emerald citrus growers facing financial ruin through no fault of their own?

Mr PALASZCZUK: I would like to thank the honourable member for the question. At the outset I refute every one of those allegations that the honourable member has made against me personally. As honourable members would know, and as the honourable member should know, the response to the citrus canker outbreak in the central Queensland region is one that is coordinated by the Commonwealth government and every state and territory, including Queensland.

Mr Johnson: Why didn't you bulldoze the lot?

Mr ACTING SPEAKER: Order!

Mr Johnson: This is a serious issue, Mr Acting Speaker.

Mr ACTING SPEAKER: Order! I am on my feet.

Mr Johnson: I can see that.

Mr ACTING SPEAKER: Order! You have said that before. In fact, the last time you were standing up when you said that. When I am on my feet I want some shush. You have asked your question. I am not going to allow you to speak across the chamber. I warn you under standing order 253, member for Gregory.

Mr Johnson interjected.

Mr ACTING SPEAKER: If you want to go for a walk, that is okay by me. You are very, very close, member for Gregory.

Mr PALASZCZUK: Mr Acting Speaker, I have repeatedly said in this place that the response to the citrus canker outbreak in central Queensland is a national response. Once again, 'national' means Commonwealth, states and territories. Queensland is just an agent of the national management group to carry out the instructions of the national management group.

Mr JOHNSON: I rise to a point of order.

Mr ACTING SPEAKER: What is your point of order?

Mr JOHNSON: The department of primary industries in Queensland is the lead agency.

Mr ACTING SPEAKER: Order! I am on my feet again. Honestly, member for Gregory, I can understand that you are passionate about this, but that is not my problem. I just want some order in the House. That is not a point of order. I made a statement to the House yesterday about what was a valid point of order, and you are not going to use the House to make another frivolous point of order. I said that clearly yesterday. You are not going to do it. I have warned you under standing order 253. I warn you again. I call the minister.

Mr PALASZCZUK: As I was saying, Mr Acting Speaker, we have the national consultative committee, which is the scientific group. Information is given to the national consultative group, which makes a determination. It then refers the issue—

Mr Seeney interjected.

Mr ACTING SPEAKER: I warn the member for Callide under standing order 253.

Mr PALASZCZUK: —to the national management group. The decision is made by those two groups. Each time a decision is made it is made on scientific evidence and it is based on science; it is not, as the honourable member has said, based on emotion. We have currently expended $13 million on the eradication of citrus canker. That has all been based on science. The national consultative committee and the national management group are again meeting tomorrow and Friday.

Further Answer to Question

Mr NUTTALL: Earlier in question time today I gave an undertaking to the Leader of the Opposition that I would table a letter from Dr Darren Keating, the Director of Medical Services. I now table that letter.

State of Origin; Suncorp Stadium

Mr REEVES: My question is to the Minister for Transport and Main Roads. A couple of my mates who I am going to the football with this evening are catching the bus from Garden City on the world-class South East Busway. Can the minister inform the House what arrangements are in place for football fans to get to and from Suncorp Stadium for tonight's State of Origin clash?

Mr LUCAS: Yes, I can inform the House of that, and I will gladly do it. One of the things that Queensland does in Rugby League, I think, is lead the world in the code. One of the things that Queensland Rugby League or, more particularly, the Broncos have done is lead the world in relation to integrated ticketing to major sporting events.

I am delighted to announce that league fans with prepurchased tickets can travel free on public transport to the game tonight, including travelling on all regular TransLink bus services and QR Citytrain services from 12 pm until the last scheduled service on the day. The bus shuttle services will run at 15-minute intervals between 5.30 pm and 7.50 pm from Carindale, Eight Mile Plains, Chermside and The Gap. There will be extra Citytrain services from Manly, Kuraby, Caboolture, Petrie, Ipswich, Corinda, Mitchelton, Ferny Grove and Shorncliffe stations. They will be stopping all stations to either Roma Street or Milton stations. Ipswich station has an express train from Corinda to Milton as well as one train stopping all stations. The Brisbane Transport city bus shuttles will pick up from opposite the Roma Street Transit Centre and travel express to Suncorp Stadium every few minutes from 5.30 pm to 7.50 pm.

For the 44 games held at Suncorp Stadium in two years of successful operation, 82 per cent of the one and a half million patrons have used public transport—50 per cent used the Citytrain rail network, 22 per cent used Brisbane Transport shuttle buses, 5.2 per cent used coach charter services and 4.2 per cent used taxi and limousine services. In the current patronage year to date, until the end of April 2005, there has been an eight per cent growth in patronage across south-east Queensland under TransLink using the integrated ticketing system, which is the largest integrated ticketing area in the world.

I take the opportunity to mention that there will be a number of patrons who will be going through Roma Street station tonight, for example, and they will notice that there are new ticket vending and ticketing reading machines installed there. They are not for immediate use. They will be for use as we complete our pilot roll-out of TransLink. The first part of that will be in the Redcliffe area, including Sandgate, Petrie, Roma Street, Central and Brunswick stations and on the bus network operated on the Redcliffe Peninsula by Hornibrook Buslines. Very shortly we are going to start the pilot of that program. That is what the machines are there for. Smart card ticketing will be an enormous revolution and enable us to have an even better public transport system.

I wish the Maroons all the best tonight. I expect a big result. As the Treasurer knows, I am a bit of a Rugby fan as well. I would hope that they will do better than the Reds have done this year, but we support everyone, whether they are winners or they are losers, because they support Queensland so strongly themselves. I look forward to many Queenslanders have having a great night at the football and having efficient public transport to take them to and from there as well.

Gold Coast Hospital, Cardiac Services

Dr FLEGG: My question without notice is to the Minister for Health. I refer the minister to the decision to set up a cardiac service at the Gold Coast Hospital as a totally private service, and I table a letter from the Gold Coast health district confirming this. Given that it is Medicare fraud to bulk-bill public hospital patients, I ask: why is the Gold Coast Hospital setting up an exclusively private service when it should be providing treatment to public patients?

Mr NUTTALL: Mr Acting Speaker, before I answer the question, I would actually like to see the letter again.

It basically says that it is a private service but that there will be bulk-billing and that bulk-billing arrangements will apply only to all Medicare eligible patients. It says that patients who are not entitled to Medicare will be charged the AMA fee at the time of consultation.

Mr Mickel interjected.

Mr ACTING SPEAKER: Minister for Energy, order!

Mr NUTTALL: The fact that it is a fully private service still does not preclude people who are eligible. Most people have a Medicare card; everyone has a Medicare card.

Dr Flegg interjected.

Mr NUTTALL: And the problem with that is what?

Dr Flegg: Bulk-billing.

Mr NUTTALL: I am not sure what the member is getting at. There is no breach of the agreement with the federal government. We have set up a cardiac catheter—

Dr Flegg interjected.

Mr ACTING SPEAKER: Order! The member for Moggill, you have asked your question.

Mr NUTTALL: Mr Acting Speaker, what we have here is a cardiac catheter lab in our public hospital system being run in a private way.

Dr Flegg: A public hospital with private patients.

Mr NUTTALL: Okay. We also have private patients in public hospitals as well. There is absolutely no difference here. If you have a Medicare card and you are eligible, you get your cardiac catheter services. If you are not eligible under that, you pay the full AMA fee. It is very simple.

State of Origin; Suncorp Stadium

Mr FRASER: My question without notice is to the Minister for Police and Corrective Services. There are reports that the New South Wales State of Origin team is threatening to drive their team bus down Caxton Street on the way to Suncorp Stadium for the game tonight. Can the minister advise whether police will be permitting this, given that the practice was banned some years ago?

Ms SPENCE: I thank the member for Mount Coot-tha for the question. The member is interested in this issue for a number of reasons: the stadium is in the member's electorate of Mount Coot-tha, and, I am informed, the member for Mount Coot-tha also played junior Rugby League in Proserpine with Paul Bowman, Queensland's centre in tonight's match. Obviously Mr Bowman was a much better League player than Mr Fraser!

Mr Schwarten: And Mr Fraser is a much better member of parliament.

Ms SPENCE: Absolutely. The member for Mount Coot-tha is also on the stadium's management advisory committee, which oversights the operations of the stadium, including pedestrian and traffic movements to and from the stadium.

The member for Mount Coot-tha is right in saying that media reports yesterday suggested that the Blues were going to drive down Caxton Street. I cannot attest to the accuracy of those media reports, but I can say to the Blues that they would be very unwise to attempt to drive down Caxton Street tonight; they would be much better off using their energy on the field than attempting such a measure.

It is outrageous that the Cockroaches would suggest interfering with the traffic management around the stadium tonight. We expect that 52½ thousand people will attend Suncorp Stadium tonight and, of course, pedestrian and traffic management is very, very important. Police will be out there tonight, as they are at every game at Suncorp Stadium, managing those traffic movements and managing the safety of patrons who go to that stadium. Anyone who has ever been to a game at Suncorp Stadium will know that there are many police out there on the streets undertaking this activity and doing a fantastic job. The Public Safety Response Team will also be inside the stadium. They will be in the grandstand. They will be in plain clothes as well as in uniform. They also manage movements on the field. In fact, last year at Broncos home games and other games held at the stadium there were only four arrests out of 17 games. I think that as Queenslanders we are very lucky to have safe football matches, whatever code it is. People of other states and other countries would envy the kind of record we have in Queensland at our sporting events.

I will give one more statistic: a total of 1,144 police attended these 17 games played last year before more than half a million people. As I said, we are very fortunate in this state in having safe sporting teams.

Mr Schwarten: Will we lock the Blues up if they drive down there tonight?

Ms SPENCE: What the police will do tonight is provide an escort for both the Queensland and the New South Wales teams. They will escort their buses from the city to the stadium on the police preferred route.

Mr ACTING SPEAKER: Before calling the honourable member for Maryborough, I welcome to the public gallery teachers and students from Buderim Mountain State School in the electorate of Kawana.

Salvation Army Alpha Course

Mr CHRIS FOLEY: My question without notice is to the Attorney-General and Minister for Justice. A prison inmate in Victoria who voluntarily attended an Alpha course run by a Salvation Army chaplain is suing the Australian distributors of the program, the Salvation Army and the state government alleging religious vilification because he did not like what was said about witchcraft as he is a practising Wiccan. He is serving his sentence for paedophilia and his defence in his trial was that his activities were part of his religion. Would a similar claim be possible under Queensland legislation and will the minister reassure Queenslanders that these utterly stupid claims will not occur under Queensland's religious vilification legislation?

Mr ACTING SPEAKER: There are two points on which that question could be ruled out of order. Firstly, it is hypothetical and, secondly, it is seeking a legal opinion. It is up to the Attorney-General whether he wishes to answer it. I think it is out of order to seek legal opinion. Will I rule it out of order, Attorney-General?

Mr Welford: Yes.

Mr ACTING SPEAKER: I rule the question out of order.

Firefighters

Mr HOOLIHAN: My question without notice is to the Minister for Emergency Services. I understand that the minister's department gained some valuable staff members last week. Could the minister please advise the House who they are?

Mr CUMMINS: I thank the member for the question. I acknowledge his strong support for the emergency services in the electorate of Keppel and the entire region. This week 37 new firefighters are starting at stations right around Queensland. Last week I had the pleasure of attending their graduation at the state-of-the-art Queensland Combined Emergency Services Academy at Whyte Island.

It was a very special day for each of the recruits and in some cases was the culmination of years of effort. Our firefighters are among the best in the world, and that is a direct result of the instruction that they receive at the academy and their ongoing training. They undergo three months of intensive training at a facility that is one of the very best in the world, followed by continuing training throughout their career to ensure a world-class fire service for all Queenslanders. The Queensland Combined Emergency Services Academy is a great example of how a smarter Queensland is delivering for a safer Queensland.

The Beattie government has invested millions of dollars in this facility to ensure that the latest in learning, technology and training techniques can be adopted right here in the Smart State. It is the envy of other fire services not just around Australia but also internationally. Hong Kong, Vietnam, Sri Lanka and Singapore are just some of the countries that have been to see how things are done by one of the pre-eminent emergency services in the Asia-Pacific region. A real highlight is the state-of-the-art live fire training pad. I know that numerous members of parliament have been down to witness first-hand the live fire training pad.

Mr Lucas: I am a very proud local member.

Mr CUMMINS: The local member, the Minister for Transport and Main Roads, should be very proud of the facility. This live fire training pad means that when they graduate our firefighters have had the advantage of having learnt about fire behaviour and firefighting techniques under realistic but safe conditions. This leads to greater safety for our firefighters on the job and increased safety for the whole community.

Now they are ready to go out and get even more on-the-job skills at local stations benefiting from the knowledge and professionalism of our more experienced firefighters, who are continually upgrading their skills with ongoing training. I am particularly pleased that recruits starting this week are spread across the state. From north Queensland to the Gold Coast, local communities are seeing the benefits of the Beattie government's commitment to emergency services. In this current financial year alone we have committed over $300 million to the fire service and since 1988 the Beattie government has employed 230 new firefighters. That is 230 new firefighters since the Beattie government came to power. Again, these firefighters will be amongst the best in the world and I know that all members will join me in wishing them all the very best.

Time expired.

Baillie Henderson Hospital, Hydrotherapy Pool

Mr HORAN: My question without notice is to the Minister for Health. I refer to the hydrotherapy pool at the Baillie Henderson Hospital in Toowoomba which has been a wonderful asset for some 35 victims of stroke, MS and arthritis. The minister's department recently restricted the pool to mental health patients and staff only, and other users of the facility have been instructed that they can only use

the pool if they pay for a livesaver to be present for the one hour that they use the facility. As the manager of the pool who is present when these people use the pool holds a bronze medallion for livesaving, will the minister allow commonsense and good health care to prevail and allow these people to use the pool as they have done in the past?

Mr NUTTALL: Obviously commonsense should prevail. I am happy to have a look at that situation. On my understanding there were some issues involving safety. If people have gone overboard with that, obviously I will have a look at that and I will make sure people get proper access.

Indigenous Business Development

Dr LESLEY CLARK: My question is to the Minister for State Development and Innovation. The minister's portfolio helps Indigenous businesses to develop. Can the minister please provide the House with an example of how assistance to one such business is expected to make a difference?

Mr McGRADY: I thank the member for the question. We have given $65,000 to an Indigenous group in Malanda. They are exporting didgeridoos all around the world. They are providing many jobs for Indigenous people. It is a wonderful scheme.

MINISTERIAL STATEMENT

Bundaberg Base Hospital; Patel, Dr J

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.30 am), by leave: This morning I am tabling a letter and two memoranda from Dr Steve Buckland, the Director-General of Queensland Health. Both have been sent to Commissioner Morris of the Bundaberg hospital commission of inquiry. I table that letter as well.

The first memorandum dated 24 May 2005 relates to allegations that Dr Patel received a bonus payment. The memorandum advises that there is no evidence of a bonus payment to Dr Patel, although it shows that he was paid for a return airfare from the United States to Australia as part of his transfer expenses. The ticket was $10,995 and only the outbound—that is, USA to Australia—portion of the ticket was issued. The district was not reimbursed for the return portion. It also shows that he seems to have taken recreation leave that he was not entitled to take.

Dr Buckland points out in the memorandum that Queensland Health does not normally provide certificates of good standing and that no evidence of a positive reference for Dr Patel has been found in the records of Bundaberg Hospital and district health service. He also states that the Medical Board has not provided a certificate of good standing. However, the attachments to this memorandum are correspondence from early 2005 that has been found at Bundaberg stating support for Dr Patel by resident medical staff, the director of medical services and the chair of the district health council. The memorandum also provides details of the methodology used to identify which patients fell into the category of patients of Dr Patel's who are deceased or were transferred.

The second memorandum dated 25 May 2005 addresses the support given to Queensland Health staff to give evidence to the Morris commission of inquiry, the CMC investigation and the Forster health system review. It ensures that senior management release employees to give evidence and provide the practical support—for example, relief arrangements, access to photocopiers, changes to rosters and changes of shifts—necessary to enable them to fulfil their roles as witnesses.

Finally, I table a letter from Dr Buckland, sent to me this morning, which assures me of Queensland Health's total cooperation with the Morris inquiry. It draws to my attention some of the legal constraints in breaching patient confidentiality and that there is an existing provision under the Health Services Act relating to the disclosure of confidential information when required by another law. Dr Buckland has directed his lawyers to discuss these issues with the commission to ensure an outcome that meets its needs. In other words, there will be full cooperation. He also highlights some of the difficult issues experienced in pulling together the complete picture of what happened because some important players are no longer at the hospital and have taken their intimate knowledge of what happened with them.

Let me, therefore, table my letter to the commission. Let me table Dr Buckland's letter to me. I met with him this morning. I table the two memoranda that I have referred to. Before I move on, I will refer the House to this. As I mentioned earlier, attached to the memoranda dated 24 May 2005 is a letter written in January this year and signed by five doctors which relates to Dr Patel. It states—

We would like to express our concerns about Dr Patel leaving the Bundaberg Base Hospital.

Dr Patel is an integral part of the surgical service provided by the Hospital. His coordination has enabled the Surgical Unit to develop into an outstanding service that provides quality health care, and fosters a healthy interest in education and teaching. Dr Patel is now in a position whereby he feels it is not in his best interests to stay at Bundaberg, and we believe the Hospital should consider this very carefully.

Dr Patel's approach to his work is nothing short of admirable. He is dedicated, hard working, efficient and knowledgeable. His efforts to ensure that his patients receive the best care—

Opposition members interjected.

Mr BEATTIE: We are all going to hear this. It does not matter how long it takes. It continues—

His efforts to ensure that his patient receive the best care, go above and beyond the call of his duties. He constantly goes out of his way to provide timely, expert management for a wide variety of surgical problems. He is readily available at any hour to assist junior staff in assessing and managing patients, and he often provides this help at times when he is not even rostered on. His patients are invariably well educated about their problem and its management, and the vast majority of them expressed their satisfaction with the care they receive.

It is rare to find a consultant who gives their time so freely to provide support and assistance to junior staff. He provides direction and advice regarding patient management by being constantly present, leading ward rounds and coordinating outpatient care. He teaches informally on a case to case basis, and also provides and coordinates formal education sessions. His enthusiasm for support and teaching not only helps junior doctors, but it forms a crucial part of the medical student education at the Hospital.

In summary, we are concerned about the circumstances surrounding Dr Patel's departure, and we believe his leaving would be a great loss for the Hospital, and also for the Bundaberg community.

Also attached to that memorandum—that is, in addition to that letter from the five doctors—is a letter from Dr Keating. Also, there is a letter from Dr Keating to one of the doctors who signed that memorandum. There is also a letter from the head of the Bundaberg district health council which also expresses thanks to him.

I table those documents and draw them to the attention of the House for all Queenslanders. Let me make it clear that we are not going to have doctors covering up for doctors. It is not going to happen. I make the point—

Opposition members interjected.

Mr ACTING SPEAKER: Order!

Mr BEATTIE: When we see the formal advice that is coming out of Bundaberg one can understand the difficulty the government was confronted with there. I indicated previously that I would be prepared to put an apology on my web site. I will read the apology to the House. I stated—

On April 19 this year in Parliament I issued an apology to patients who had suffered in any way as the result of the appointment of Dr Jayant Patel as a surgeon at Bundaberg Base Hospital.

I said: "On behalf of the Government of Queensland I apologise to the patients who have suffered as a result of Dr Patel's appointment and to their families."

And I promised that any patient requiring further medical assistance or surgery would be given the highest priority and would be looked after.

I visited Bundaberg so that I could meet former patients and the support group which had been created to look after their interests and spent an hour with them. I again apologised wholeheartedly for what had happened.

I am also on record in Parliament as saying the pain and suffering of the people of Bundaberg is such that we need to ensure that we get to the truth of what happened in every respect and ensure it does not happen again.

The welfare of patients is our first priority and has been the absolute focus of an eight-person team we established in Bundaberg.

I take this opportunity of placing on my web site my apology as Premier to all those affected.

Let me table for the House some documents. One is a response in relation to the nonsense I heard from the Leader of the Opposition in relation to Dr Hollingworth today.

Mr Springborg interjected.

Mr BEATTIE: Bearing in mind the importance of this, I seek leave to incorporate that response in *Hansard*.

Leave granted.

When a victim complained in August 1993 of a clergyman sexually assaulting him, he said Dr Hollingworth told him that these matters were best handled internally…and that there was no need to involve any other parties in this process.

When The Brisbane Diocese created a Committee for Complaints of Sexual Abuse Dr Hollingworth wrote to its chairwoman saying: "A fundamental concern is that with a committee now formally and officially in place, people with all manner of complaints, some serious and some trivial, may be encouraged to make a formal approach to the committee for a hearing whereas some such matters may better be resolved from a pastoral aspect less "officially".

In other words, Dr Hollingworth didn't want to create a complaints process, didn't want complaints dealt with in an open manner and he didn't want to encourage people to make complaints.

The difference is that right from the start I have welcomed an official inquiry and when the Crime and Misconduct Commission said it did not have the jurisdiction for a major inquiry, I announced a Royal Commission.

The difference is that right from the start I have asked people with complaints to come forward.

Let us have it permanently on the record. Let me highlight to the House that health has been a problem. It has been a problem for years. But we are the only government that has tried to address this.

Opposition members interjected.

Miss Simpson interjected.

Mr ACTING SPEAKER: Order! I warn the member for Maroochydore under standing order 253. I am on my feet. We are wasting the time of the House. I think the Premier is entitled to be heard. Leave has been granted for him to make a ministerial statement and I will insist that he be heard.

Mr BEATTIE: The Leader of the Opposition was quoted on 4QR as saying—

I just cast your mind back to when we were actually in government in Queensland between 96 and 98. It was not on the front pages like it is.

He was referring to the health issue. I table that. Let me table for the information of the House these stories: 'Woman twice denied surgery', 'Saga at TGH; cancellation four times', 'It's not fair says elective surgery patient', 'Staff misinformed over waiting lists'. Let me table all this material.

Mr ACTING SPEAKER: Order! The member for Callide, just put that down please.

Mr Seeney interjected.

Mr ACTING SPEAKER: Order! Member for Callide, I have warned you under standing order 253. I ask the member to leave the chamber under standing order 253. You are totally ignoring the chair. I ask you to leave the chamber under 253. You have been warned, and I ask you to leave.

Mr SPRINGBORG: I rise to a point of order, Mr Acting Speaker. I am seeking your clarification of the ruling. Does that mean that members are unable to hold any form of document up in this place?

Mr ACTING SPEAKER: No, that is not the point. I asked the member for Callide to stop interjecting. I asked him again.

Mr Seeney interjected.

Mr ACTING SPEAKER: I did so.

Mr Seeney interjected.

Mr ACTING SPEAKER: I did so. You kept on interjecting. I am sorry, but I have made my ruling. I ask you to leave under standing order 253. If you do not leave, I will have to name you.

Whereupon the honourable member for Callide withdrew from the chamber.

Mr BEATTIE: Let me finalise my remarks by simply saying that I table these headlines for the information of the House, and I do so to make this point, and to make this point only: yes, we have problems in some aspects of our health system. But I would have thought that the tragedy in Bundaberg is such that we needed to get some bipartisan support to actually fix it. Every time—

Mr Copeland: What did you do to Rob Messenger?

Mr ACTING SPEAKER: Order! Member for Cunningham, I warn you under 253.

Mr BEATTIE: We can continue the politics, or we can find a solution. What the government is about is finding a solution. I would appeal to the Leader of the Opposition to stop playing silly politics and work with us to find long-term solutions to improve the health services in this state.

FREEDOM OF INFORMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 11 May (see p. 1344).

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.41 am): Queensland is being plunged into a new dark age of secrecy and deceit. We have a Premier who claims to support open and accountable government but abuses the processes meant to keep his government open and accountable. We have a Premier who claims to support freedom of information but observes it more in breach than in practice. We have a Premier who talks about the Smart State but operates a secret state. The moment anyone gets a sniff of something whiffy, he sucks up every document of interest and rushes it through cabinet to block public scrutiny through FOI. Or he rushes it off to the Crime and Misconduct Commission to launder his dirty linen on the basis that nothing short of criminal misconduct will ever enliven its jurisdiction with respect to government ministers and members.

The Freedom of Information and Other Legislation Amendment Bill effectively combines these two strategies by ensuring that once the Premier refers the matter to the CMC for investigation it will be closed to public scrutiny through FOI. Under this bill, the CMC will become a statutory black hole for government scandals and secrets, and it will be so retrospectively. Nothing investigated in the past will ever come out. Nothing investigated in the future will ever come out. The bill will cover the lot—past, present and future transgressions. They will all be lost to public scrutiny forever and a day.

This bill sets a sorry new standard in government secrecy in Queensland and, frankly, government members should hang their heads in shame for being a part of this, for being complicit in this and being a part of this covering-up. The repeated abuse of cabinet provisions will pale into insignificance in comparison with this legislation. At least documents sent to cabinet can be disclosed after 30 years! I make that point again: at least documents that have gone before cabinet can be disclosed after 30 years. With these repugnant provisions this government is bringing into parliament today, and will pass by weight of its arrogant numbers and disrespectful processes, accountability will never, ever, ever, ever be realised. One then has to try to conclude: what is causing this? What is the

motivation of the government other than blatant secrecy and covering up—covering up and protecting its own who may have transgressed in some way?

Under this bill, information sent to the CMC will be removed from public scrutiny forever and a day. It will become a state secret, available only to those in the know. I say that again: only to those in the know. The capacity for official scrutiny will be limited to the Parliamentary Crime and Misconduct Commissioner and the Parliamentary Crime and Misconduct Committee. Neither agency is given to sharing state secrets and neither is FOI-able. So that will be another dead end for public scrutiny. The only others who will be able to access such information are those who are party to the secret. The explanatory notes state—

This exemption does not apply if a person seeks information about themselves, including personal, professional, business and work-related information. However, a person can only receive such information once the investigation has been finalised. For example, and subject to the other exemptions in the FOI Act, a person could receive information about allegations made against them, information given about them in the course of an interview and conclusions made about them in a report.

In other words, the Premier, the Attorney, the Speaker, the member for Clayfield, the member for Kallangur and others will be able to find out what different people said about them during the course of recent CMC investigations. So will con men, shysters and criminals. The Queensland public will not be able to access the information. The Queensland media will not be able to access the information. The Queensland opposition will not be able to access the information. But the people who sponsored and support this bill will—the Premier, the Attorney and their fellow travellers along with every crook and every other low-life investigated by the Crime and Misconduct Commission.

On the one hand, we have new provisions to prevent criminals accessing certain sensitive information, but in the case of clause 24 they are among the favoured few. We have new provisions to reduce the prospect of intimidation and reprisals against witnesses and whistleblowers but a whole new way to facilitate it in the same clause. The FOI Act has been in operation for more than a decade, and we are not aware of a single case that would justify this provision. I call on the Attorney to tell the House of a single case or more than one case to justify this provision. Even if there were some legitimate basis for introducing these changes, why do they need to be made retrospective?

To our knowledge, the only people who stand to be embarrassed if the CMC releases information subject to current FOI laws are on the other side of this House—the Premier, the Attorney and assorted Labor Party members. There is absolutely no justification for retrospective legislation in the absence of an actual demonstrable need in the public interest. What is that demonstrable need? How is the public interest advanced by blocking public scrutiny of government impropriety?

Let me tell members what the public interest does not include. It does not include protecting oneself and one's Labor mates. It does not include sweeping serious unresolved allegations under the CMC carpet. It does not include putting one's personal interest above the public interest. If we really must have this provision and it really must be retrospective, why must it extend to government ministers? Why must it extend to government staffers? Why must it extend to government bureaucrats? Why must it extend to anyone elected or appointed to high office?

This is a sad day for our democracy. It is a sad day for the people of Queensland. More than any other single event, this bill heralds the government's complete retreat from the principles of openness and accountability. The Premier has yet again shown his true colours. This bill would never have been introduced without his endorsement, and the Premier is better placed than most of us to know what he seeks to hide. Unfortunately for Queensland Labor must, and it has the numbers to push this legislation through. This is a government out of control. It is a government that has lost its moral compass. It is a political personification of the precautionary maxim that power corrupts and absolute power corrupts absolutely.

The tragedy is that in many respects this is a good bill. Most of the provisions are worthy of support for all of the reasons outlined by the Legal, Constitutional and Administrative Review Committee, otherwise known as LCARC. But for a handful of offending provisions which rot this bill to its very core, we would be willing to offer bipartisan support for the greater part of this bill. Those provisions make a mockery of the LCARC review and recommendations. Instead of resolving the primary problem identified by LCARC, they entrench it. LCARC stated the following about the overall operation of the FOI Act—

While personal information access works reasonably well, access to non-personal or policy information has not operated effectively. Furthermore, as the sensitivity of the policy information increases and the level of government at which the information is generated or used increases, the chance of successfully accessing the information greatly decreases.

This is a report of a bipartisan committee of this parliament that works well and has worked well for a long time. That is a concern that it has raised. We might as well tear up the whole committee system.

This bill seeks to ensure that the problem will only get worse. Under the current legislation, accessing information about CMC investigations into government ministers and officials has been like pulling teeth. In relation to some matters, it has been near impossible. Under this bill, that situation will soon change—but not for the better; for the worse. There will be no capacity for public scrutiny whatsoever. End of story.

It is also worth noting one of the key LCARC recommendations, which has been ignored by this bill, arising from the government's repeated abuse of cabinet provisions. LCARC's report No. 32 states—

The current form of the Cabinet exemption potentially detracts from community confidence in the government's commitment to the Act's objectives of open, accountable and participatory government.

As a result, the committee recommends substantial reform to the current Cabinet exemption.

Where is that reform in this bill? Nowhere in this bill is the reform that is necessary to enshrine and ensure accountability and access of information not only for government parties but also for the media and people in the community. But when it comes to protecting their own, the government is happy to rub it in.

Recently when the minister's office was contacted by the media and asked why we needed this legislation, its feeble response was, 'Because the CMC requested it.' A lot of committees request a lot of things. The CMC has also requested that police be given telephone tapping powers. But in the six or seven years under this government, that request has not been granted.

This government's modus operandi is very clear. When it comes to protecting, covering up and ensuring that there will be no accountability, then the recommendations rock through this parliament. But when the issue is accountability, we never see the recommendations. Where is the commitment to open, accountable and participatory government? There is none! This government is the only government in Australia that has a blanket ban on material taken to cabinet. Members should not believe me; they should read the report. This problem was also highlighted by the former Information Commissioner—and hasn't this government done a great job stitching up the Information Commissioner's office. LCARC's report No. 32 states—

Under s 36(1) (2) in its present form, any document (even a bundle of thousands of documents) can be made exempt by placing it before Cabinet. A Minister, or official with sufficient influence to have a document placed before Cabinet, now holds the power, in practical terms, to veto access to any document under the FOI Act by adopting this mechanism. It does not matter that the document was not created for the purpose of submission to Cabinet, or that the disclosure of the document would not compromise or reveal anything about the Cabinet process. It is not even necessary that the document be in any way relevant to any issue considered by Cabinet. At any time, even at a time after an FOI access application has been made for that specific document, a document may be made exempt by placing it before Cabinet.

This bill seeks to replicate that situation with documents referred to the CMC. It delivers a double whammy. Instead of fixing the problem of cabinet abuse, it exacerbates the problem. There are no tests of any kind—no public interest test, no test in relation to purpose, no test in relation to relevance—just a blanket exemption. Even when there are compelling grounds for release in the public interest, there will be no legal right to public access. This is a provision that is tailor-made for abuse. It is another measure of the government's desperation to close the door on the growing number of political skeletons that are rattling away in the CMC's cupboard. The recent list of scandals include the Premier's failed inducement on Palm Island, the Speaker's breach of parliamentary travel protocols and party expenses and the member for Clayfield's calculated deceit of the Queensland public. This morning the Leader of the Liberal Party, the member for Robina, referred to a whole range of other issues that are subject to inquiries.

The provisions contained in this bill will also block access to potentially vital information collected during the CMC's current investigation of Queensland Health and its festering culture of intimidation, vilification and obfuscation overseen, directed and examples set by the Beattie Labor government. Thank goodness for Tony Morris QC, the one bright light in a maze of government shadows.

This bill reeks of naked self-interest. Worse than that, it is tainted by the most monumental conflict of interest in my political memory. The Attorney-General and Minister for Justice has a direct personal interest in the passage of this bill, yet he comes into this place and presides over it to protect his own backside and his own political career. The amendments proposed by this bill in clauses 24 and 57 will retrospectively block access to several key documents reflecting on the Attorney-General's fitness for office. These documents relate to serious allegations concerning his alleged conduct at a staff Christmas party in December in 2002. They include a 21-page transcript of interview with the alleged victim of the Attorney-General's attention, a three-page memorandum prepared by the CMC's executive legal officer, Mr Robert Walker, and a file note prepared by the Director of Public Prosecutions, Ms Leanne Clare.

The Nationals believe that those documents, in conjunction with other material in our possession, would cast serious doubts on the Attorney-General's fitness to retain his commission and the Premier's attempts to protect him by laundering these allegations through the CMC laundromat. We have been pursuing this matter through the prescribed process for nearly two years. It is our understanding that the Office of the Information Commissioner has already informed the CMC of a preliminary view in support of the disclosure. So through this bill this government heads off what the Information Commissioner may do. It was our expectation that access would be granted within the next few months, if not sooner. The imminent passage of this bill will ensure that never, ever happens. It has all the hallmarks of a pre-emptive strike to seal the file forever.

Even if that was not the case, the Attorney-General stands condemned for failing to disclose his gross conflict of interest in sponsoring a bill that has such a direct bearing on his personal affairs. The Attorney-General knew about our application to the CMC and also would have known of the Information Commissioner's preliminary view in support of the disclosure. Like us, the Attorney-General also would have understood that the release of the information, in addition to other documents in our possession, could well spell the end of his political career. In fact, the information already to hand suggests that he may be unfit to serve as the state's leading law officer. We believe that the documents held by the CMC would support that conclusion.

The essence of the allegation is that the Attorney-General used his high office to pursue personal gratification. It would now appear he is using his office to avoid the consequences of those alleged indiscretions. These allegations were not made by some person of unknown character off the street. They were made by a member of the Attorney-General's own department employed in the Office of the Director of Public Prosecutions. They were documented in a departmental file note, which the Director of Public Prosecutions described as a witness statement. That is the Director of Public Prosecutions describing it as such—not the Nationals, not the media and not the community.

It is our understanding that this statement was written at the express request of the Director of Public Prosecutions after she was informed of the Attorney-General's alleged misconduct. The Director of Public Prosecutions clearly regarded these allegations as credible, because she had offered to support the alleged victim if he was prepared to make a complaint. We do not believe that the Director of Public Prosecutions would have made such an offer if she did not believe there were genuine grounds of complaint. It is hard to think of anyone better placed or better qualified to make a judgment of this nature. Why would the Director of Public Prosecutions risk her own credibility if she had any significant doubts about the veracity of the allegations? Why would she put her own neck on the government chopping block if she did not feel compelled to do so?

The Director of Public Prosecutions also reported her concerns to the then director-general, Dr Ken Levy. Dr Levy was sufficiently concerned that he sought crown law advice and, on the basis of that advice, sought an urgent meeting with the Premier.

When these allegations were made known to the Premier, he pulled his usual three-card trick of referring them to the CMC. Since then, he has claimed repeatedly that the allegations have been investigated fully and that the Attorney-General has been given a clean bill of health. This is simply untrue. In fact, if it was not unparliamentary to do so, that could be called a blatant lie.

The CMC has never investigated the allegations contained in the witness statement. How do we know? Because the CMC told us so. The CMC did investigate the Attorney-General but it did not investigate his alleged conduct at the party. It did not investigate his alleged harassment of a junior public servant. It did not investigate his alleged advances to other departmental staff. It did not investigate a prima facie breach of the Anti-Discrimination Act.

Madam DEPUTY SPEAKER (Ms Male): Order, Leader of the Opposition. I have given you a fair bit of leeway on this. I know you are making points in relation to this, but you probably need to bring them back to how they relate to the bill rather than arguing a particular case that is before the CMC.

Mr SPRINGBORG: These are all issues which are before the CMC and we will be denied access to this information if our FOI application is now retrospectively invalidated. These are the issues.

Mr Purcell: Mention the bill every now and again.

Mr SPRINGBORG: Quite frankly, these issues are fundamental to the bill, in response to the honourable member for Bulimba. They go to the core of the bill. The bill is about retrospectively closing the door on the FOI process which exists to access documents that are currently before the CMC. I am telling the parliament why the government has constructed this particular legislation. The reason the CMC did not investigate these allegations is that it did not have the jurisdiction. We are trying to find out about these matters through the FOI process. The CMC told us in March last year—

> When conducting their inquiries, Agency officers were concerned to establish whether the Agency had the necessary jurisdiction.
>
> In the circumstances of this case, the Agency would only have jurisdiction if there was any evidence ... that there was any criminal behaviour on the part of the Attorney-General.
>
> They were not concerned, nor should they have been, with whether the Attorney-General's conduct may have been in breach of any of the non-criminal provisions of the Anti-Discrimination Act.

If the CMC had sought to investigate the allegations in the witness statement, it would have interviewed the other guests who were offended by the Attorney's conduct. It would have interviewed guests at the earlier party referred to by the alleged victim. It would have interviewed the female employees whose phone numbers were allegedly taken by the Attorney and entered into his mobile phone. It would have interviewed the other staff with whom the Attorney allegedly sought to ingratiate himself. It would have interviewed the departmental staff in whom the alleged victim confided.

Mr WELFORD: I rise to a point of order. All of the allegations that the Leader of the Opposition is making are false. He knows they are false. He has no basis for making those allegations. They are untrue and offensive and I ask that they be withdrawn.

Mr SPRINGBORG: I withdraw. I would challenge—

Mr Welford: You are a disgrace. You have lowered yourself.

Madam DEPUTY SPEAKER: Order, Attorney-General. Order, Leader of the Opposition. I have made a ruling about speaking about the bill and not arguing a particular case that you are interested in as it relates to FOI and the CMC. I ask you again to return to the bill and discuss the provisions of the bill.

Mr SPRINGBORG: In withdrawing the reflection on the Attorney I simply say to the Attorney—

Mr Welford: Don't talk to me; address the Deputy Speaker.

Mr SPRINGBORG: I think you protest too much, Mr Attorney. Madam Deputy Speaker, if what the Attorney says is correct then why have he and his government gone to such extraordinary lengths to deny this information and to bring these repugnant clauses to this parliament unless it is in order to seek to deny us the capacity to access this information now and in the future? The Attorney has an obvious conflict of interest in this matter. This is about protecting him; it is not about protecting the people of Queensland.

Picking up my previous point, the CMC would have interviewed all of those people. It would have interviewed a whole range of senior people. It would have interviewed the DPP, who had requested the witness statement and who offered to support the alleged victim in making the complaint. It would have interviewed the alleged offender, the Attorney-General and Minister for Justice. It did none of these things. We know that it did not have the jurisdiction. The Attorney knows that it did not have the jurisdiction. The Premier knows that it did not have the jurisdiction, because the matter before it was potentially repugnant to other acts of parliament, whether it was the Anti-Discrimination Act relating to matters of sexual harassment or the other issues about the alleged conduct of a minister and whether that conduct could be proven to the extent that it may undermine the fitness and the capacity of the Attorney to hold office in this state.

The Premier and this government have laundered matters through the CMC. That is what is so important about this bill and the concerns that we have with it. In that sucking-up process, the compilation of all of that information—all of those statements—is now with the CMC. Much of it is before the CMC; some of it is outside the CMC and may be released by other circles. But that documentation that exists, and any copies of it that exist anywhere else, will be exempt from FOI under the provisions of this bill. That is what we are talking about.

Whilst the CMC had no jurisdiction—and we said on day one that the CMC had no jurisdiction—the government has known full well from day one that if it put the documentation over there, used that laundromat, then this legislation would apply to the CMC and the CMC will never be able to release that documentation by way of FOI application. This legislation refers to so much information that exists across the amorphous government and that may be held in other departments as well. The Crown Solicitor said—

... having examined closely what is alleged to have happened, as related by persons who saw the events, and assuming that the accounts given are entirely correct, I cannot identify anything which appears to me could amount to official misconduct as defined in the Act.

Nevertheless, this documentation went to the CMC. The government knew full well that this was the case. All the information is gone and cannot be released if this legislation is passed by the parliament. The Crown Solicitor went on to advise that the Premier had responsibility for his ministers and Dr Levy had a responsibility to inform him of the allegations regarding the Attorney. Again I quote the Crown Solicitor. He said—

... the Premier is your employing authority, and you are responsible to the Premier in your management of the Department.

The matters which have been raised with you in the information provided by the DPP are clearly matters which concern the well-being of staff for whom you have responsibility as Director-General.

They require an appropriate response from you.

The Premier was given this advice before he contacted the CMC. Yet he contacted the CMC and handed over all this information, which was at best peripheral to the CMC's consideration. But now that the documents are with the CMC we will never be able to gain access to them once this legislation is passed. The Premier knew that the allegations contained in the witness statement did not enliven the CMC's jurisdiction. That is why he sent it there: to get a phoney clearance. So what did the CMC investigate? The reality is: not much at all, but a whole range of documents which should never have been handed over to the CMC will now be siphoned off and hidden away.

Some time after the alleged misconduct at the staff Christmas party a second issue arose: a concern that the Attorney may have threatened reprisals against the alleged victim. Had that been found to be the case it may well have constituted official misconduct. The CMC has confirmed that the focus of its inquiries were essentially limited to whether the Attorney threatened the alleged victim in breach of section 415 of the Criminal Code. Its so-called investigation consisted of one interview of less than an hour's duration. That was it. Contrary to the Premier's dishonest spin, the CMC has never investigated the allegations contained in the witness statement, but the documents are now with the CMC and they will all be hidden away.

The CMC has never made a determination in relation to possible breaches of the Anti-Discrimination Act. It has never given the Attorney a clean bill of health in that regard. In fact, on the information available to us, we believe it is more likely than not that the state's most senior law officer did breach the legislation he is supposed to administer. To the best of our knowledge, the allegations contained in the witness statement have never been disproved and it is not even clear that they have been categorically denied.

That raises another issue: these allegations were made by staff employed by the Office of the DPP. If their allegations are false, why has the Attorney-General not sought legal redress for what could be a clear case of defamation? That is my challenge. If the Attorney-General is saying that these things are clearly not right—and he has a right to say so—then why has he not actioned the area of defamation? Because, if what they are saying is right, then they have impugned his reputation unfairly in a demonstrable way. If their allegations are false, why were they supported and protected by the DPP? If their allegations are true, the Attorney-General is unfit to retain his commission. If their allegations are untrue, the staff who made those allegations are unfit to retain their positions in such a sensitive area of the department. They should not be there if they are telling lies about the Attorney-General. Somebody has to adjudicate this matter somewhere.

Why is there this necessity to make sure that this information—which is, by and large, hidden in the CMC—will never be able to be released? The current situation is simply untenable. Either the Attorney-General has been dishonest or the staff in his department have been dishonest. Which is it? Last year the Premier informed the House that the Attorney-General had provided him with an explanation of these events and he was satisfied with the explanation. The opposition was provided with a copy of the witness statement and related documents in May last year. They make for disturbing reading. Even so, the opposition has been very restrained in its approach to this matter and will continue to be so. That is why we would like to see that particular documentation.

We have not detailed the various allegations in full against the Attorney-General, nor have we tabled the departmental file note containing those allegations. On our reading of the witness statement, there are two key issues—the credibility of the author and the credibility of the alleged victim. With respect to the first, this file note has a ring of truth and the information it contains about the party is consistent with advice received from other sources. There is every reason to believe that at least some of these allegations could be verified by other witnesses referred to in the file note. Furthermore, there is a level of corroboration with subsequent information—information that is hidden away and which we will never be able to get through the FOI process. It was variously described as 'inappropriate' and 'conduct unbecoming'. The witness statement noted that these matters were later raised at a 'senior meeting'. The DPP has since confirmed that this occurred at a meeting of legal practice managers employed in her office. We are unaware of any evidence repudiating the author's account of what transpired at the party.

The second issue relates to the credibility of the alleged victim. Again, as far as we are aware, there is no evidence repudiating the general thrust of his allegations against the Attorney-General. In fact, it would be hard to make sense of the reported events at the party if there were not some substance to the earlier claims. That makes plain why the Crown Solicitor based his advice to Dr Levy on the assumption that the accounts given were 'entirely correct'. Similarly, the actions of the DPP and director-general did not suggest that they had any significant doubts about the credibility of the author or alleged victim. In fact, in referring his own concerns to the Premier, Dr Levy described the matter as 'sensitive' and 'potentially explosive'. Dr Levy is not a man given to extravagant hyperbole. Even so, the opposition has never closed its mind to the possibility that the Attorney-General is innocent of all the allegations which have been raised. We may simply never know.

We have always recognised that he may be the victim of false allegations. In fact, two of our FOI applications were specifically intended to address that possibility by seeking access to the files of the alleged victim and the author of the witness statement. We wanted to find out if there was anything in their personal records that would cast light on their credibility and support or discredit their allegations. We were looking for things like referrals for counselling in relation to harassment or official reprimands for spreading malicious rumours. We are still not sure whether there is or there is not because the department has claimed protection under section 35 of the FOI Act and will neither confirm nor deny the existence of such documents. This was after it prepared a preliminary assessment of charges which included provision for the photocopying of approximately 50 documents. What a farce!

It is our understanding that the Office of the Information Commissioner has already informed the department of a preliminary view in support of disclosure, but it is refusing to budge. A cynic might suggest that it is deliberately stalling because section 35 cases also attract some special treatment in this bill as per clause 44. There is a legitimate basis for this amendment as identified by LCARC, but the problem again is the Attorney-General's glaring conflict of interest. Any provision, no matter how well intentioned, is vulnerable to abuse, and this provision is more vulnerable than most.

That is certainly our expectation with respect to the Attorney-General's affairs and his department's determined efforts to block access to any material that might reflect badly on his office. Under this bill, the Information Commissioner will be prohibited from informing applicants of decisions in

their favour for at least a month after advising the minister or agency. Let me read that again: under this bill the Information Commissioner will be prohibited from informing applicants of decisions in their favour for at least a month after advising the minister or agency. What sort of concoction would go on in that time? She cannot even inform the applicant if the minister or agency applies for judicial review. In other words, documents found to be not exempt could be locked up for many months longer than is currently the case, even after the Information Commissioner makes a decision in favour of disclosure. The applicant would not even know. At the very least, this provision will give ministers and agencies a four-week head start—more than enough time to cover their tracks, develop their spin and stage manage the government's response.

With respect to our own applications, we believe that the Attorney-General is paving the way for his department to fight a desperate rearguard action on matters with a direct bearing on his own affairs. The irony is that if we are right we may never even know. At least if it mirrored a cabinet exemption process we might all find out in our dotage, in our wheelchairs in 30 years time, when on the eve of Christmas the information is released, but we will never know because these provisions of secrecy go on ad infinitum.

This is another glaring conflict of interest. The Attorney-General knows that, in pursuing this course, in cutting off our statutory options at every turn, he leaves us with no viable alternative but to pursue these matters in the House. We can only assume that the documents to which he is seeking to block access are even more damning than the information already in our possession.

There is another very good reason for ensuring that this matter is not swept under the carpet, and that is the suspicion of similar indiscretions. This is not the only occasion in regard to which the Attorney-General has been accused of behaving inappropriately. In addition to the documents referred to previously, the opposition is also seeking access to information contained in a claim filed with WorkCover. This relates to the Attorney-General's alleged behaviour involving an unrelated incident with another government employee in another portfolio. The employee has agreed to release, WorkCover has agreed to release, the Office of the Information Commissioner believes the document should be released, but we still cannot get access because the Attorney-General is objecting to disclosure. What does he have to hide?

According to the Attorney-General's submission to the Information Commissioner, there is no significant public interest in disclosing 'incidents of harassment and bullying' involving elected representatives and public sector staff. The opposition has a different view. The community expects its elected representatives to behave appropriately—and rightly so—particularly those holding high office and positions of public trust. As noted earlier, the Attorney-General has portfolio responsibilities for the Anti-Discrimination Act, which seeks to outlaw workplace bullying and sexual harassment. What sort of message does it send when the responsible minister discounts the public interest in disclosing alleged breaches at the highest level of government?

The opposition has also been contacted by yet another aggrieved public servant whom we have interviewed and believe to be credible. Let me quote from the letter she wrote to my office last year after seeing media reports about the Attorney-General's alleged misconduct at the staff Christmas party. Again, it has a ring of truth, and I quote—

When I saw the news clips on TV the other night I felt sick. I felt sick because when I saw Mr Welford trying to defend himself to the media he looked at the ground. I felt sick because deep down inside of me I will always resent the way he treated me and I can't help but feel he is capable of whatever he has been accused of ... Mr Springborg, in spite of feeling sick I also actually feel liberated and relieved to see Mr Welford on the TV trying to explain his actions ... most of all I want to let you know that it is true—

And this is her quote—

certain people in power do push things under the carpet hoping no one will ever look under it.

This bill seeks to perpetuate this government's view and this government's practice of pushing things under the carpet.

Mr Reeves: You're pathetic.

Mr SPRINGBORG: The honourable member for Mansfield is a part of pushing things under the carpet; hiding things under the carpet. Has it ever been asked why the government is trying, with such ferocity, to hide these things and why we have the most blatant corruption of the FOI process that we have ever seen by any government? Has the member for Mansfield ever asked that question? No, he has not. If he was a decent member of parliament he would seek to ensure that the rights that currently exist not only for—

Mr REEVES: I rise to a point of order. I find the words of the member for Southern Downs offensive, and I ask him to withdraw them.

Mr SPRINGBORG: I withdraw them. If the member was truly principled on the issue of freedom of information and was prepared to stand up for the spirit of the act, he would not be a part of a government that is going to use its arrogant majority later on today to push through legislation that will more seriously restrict access to information that is currently available to members of the opposition, backbench members of the government, members of the media and members of the community under

the carpet forever. That is what he has to explain. Why does FOI access need to be wound back in this state to an extent that has never been seen before and has never been reflected by any other jurisdiction in Australia?

This bill is a Trojan Horse for the Attorney's conflict of interest. He has sought to advance his personal objectives by corrupting an otherwise passable piece of legislation. He has done so with the full knowledge and support of the Premier—

Mr WELFORD: I rise to a point of order. I find the allegations that I have sought to corrupt any legislation false, untrue and offensive and I ask that it be withdrawn.

Madam DEPUTY SPEAKER (Ms Jarratt): Please withdraw that.

Mr SPRINGBORG: Madam Deputy Speaker, the Attorney has a clear—

Madam DEPUTY SPEAKER: Leader of the Opposition, you will withdraw that.

Mr SPRINGBORG: Sorry, I withdraw. It is true that the Attorney has a conflict of interest in this matter. There is little doubt about that because when this legislation passes through parliament later today it will deny to the opposition and anyone else information that we may have been able to get through the normal process through the Crime and Misconduct Commission. We will not be able to get that information. The Attorney is presiding over that legislation in the House today. He is one of the principal beneficiaries of this legislation. He has a conflict of interest, and the Premier has been prepared to sit back and lapse in leadership by supporting that conflict of interest. Dr Levy is now gone—the alleged victim is now gone—but the Attorney is digging in.

This bill is the Attorney's legislative escape hatch. It is a monument to his political self-interest. The Attorney can deny it all he likes, but that does not mean a thing. If he really wants to be believed he should stay this bill and authorise us to place our concerns before the Integrity Commissioner. If the Attorney believes that he is right he should stay this bill and authorise us to place our concerns before the Integrity Commissioner.

Section 27(1)(k) of the Public Sector Ethics Act provides discretion for any person to access his advice on the written nomination of a minister. If the Attorney genuinely believes his motives are pure, he should have no problem in deferring to the independent umpire. If the Attorney really believes this bill is sound, he should exercise his statutory prerogative and authorise our access to the Integrity Commissioner. This is the Attorney's chance to show that he is fair dinkum. He has the authority and he has the time. There is no urgency to pass this bill beyond his personal conflict of interest. Most of these provisions have been sitting on the drawing board since LCARC recommended them in 2001, so another couple of weeks will be neither here nor there. What does the Attorney have to lose? In the event that the Attorney refuses to stay this bill, we will have no option but to pursue these matters in the House at some future time. We will not be party to a government cover-up and we will not be bullied into silent submission.

In conclusion I say that the most unfortunate thing about this whole sorry saga and these allegations against the Attorney is that they have impugned the work of somebody who has otherwise done commendable work in a number of other areas of law reform in this state. I have acknowledged that publicly and I will continue to acknowledge that. The Attorney has generally worked very, very well in many areas of law reform in this state and deserves commendations for doing so. However, whilst this smell hangs over him, whilst these allegations are there, whilst we cannot access that through the normal provisions, whilst this government fights a desperate rearguard action and whilst this stuff is sought to be blocked to us by quite extraordinary circumstances, then I and others, including the alleged victims, will continue to have the concerns that we have.

As I said, we have never closed our minds to the fact that the Attorney may be innocent of those allegations, but they are serious allegations. I challenge the Attorney today that if these allegations are malicious—and they may very well be malicious—then he should start legal action against these people because, frankly, if those people are spreading those malicious allegations in his department to the highest level then they do not deserve to continue to be employed in this state.

Somebody is right in this. We have people who hold very, very strong positions of power in this state—senior positions, and some positions that are now gone—who have concerns about this. There is a smell over this. It needs to be cleared up once and for all. It is taking away from the otherwise good work that this Attorney is doing.

Mr JOHNSON (Gregory—NPA) (12.24 pm): I rise to speak to the Freedom of Information and Other Legislation Amendment Bill 2005. In doing so I stress to the parliament and I stress to the people of Queensland the importance of FOI and the honesty of FOI. I say from the outset that while there are changes in this piece of legislation today—and I will talk about the relevance of this later to the Information Commissioner—I ask where is the transparency and open and accountable government that we have heard the Premier proselytise about in the House so often?

I want to talk about some of the issues that are confronting some of our people. When I say 'our people' I believe, as elected members of parliament, that we should be standing up for the people who work within the Public Service, and in the lower confines of the Public Service, who have been subjected

to some harsh treatment over a long period of time by senior executives in these departments. It can be called bullying—members can call it what they like—because that is certainly what it is. I know of some people in my own electorate, and one person in particular, who was removed from his department in recent times because of protection, as I see it, from senior executives within that department. It is very concerning to see people like this person in question make a relevant application in relation to his own business and having to wait a month after the findings to get his report. I think it lacks the transparency and it lacks the accountability that the Premier talks about. The Crime and Misconduct Commission is the out-of-sight and out-of-mind section of government if we allow this to happen. It is the washing machine of government and the washing machine of senior bureaucrats; it is the sanctity and the protection of ministers and public servants in the public echelon.

This is something that has concerned me for a long time. We are seeing in this state at the moment, unfortunately, the Tony Morris QC investigation into the unfortunate set of events that have come out of the Bundaberg Hospital. How many other unfortunate situations do we know about that are ticking away like a time bomb that we do not have a royal commission investigating into? We hear every day about genuine, honest people going about their own business who are under scrutiny or investigation by the CMC because somebody has dobbed them in for something very minor and very trivial in their own departments or maybe outside of their department. I know police officers who have been subjected to this scrutiny. I know people within departments who have been subjected to it and I know honest, ordinary citizens who have had a blemish put on their good name because somebody saw fit to report them to the CMC for some very trivial matter. I find this very concerning, and I ask: where is the social conscience in this at the end of the day?

I know that it has been a policy of Labor administrations since the Fitzgerald inquiry and when the Goss government came to power on 2 December 1989, but the important thing to remember here is honesty, decency and integrity in the delivery of government policy. If we are going to be blocked from using freedom of information as a tool to find out exactly and precisely the honesty and decency that goes on in government in the implementation of policy and departmental operation, where is the free, democratic process?

The issue that I raise is: when the general thrust of this legislation is to prevent some people accessing information, what is the government hiding or who is this government trying to protect? We live in a free, democratic society in which the public expects honesty and decency in the execution of government policy.

This bill has the blessing of the Labor cabinet—it is in this House today—and therefore it must have the blessing of the caucus. I just hope that there are no pitfalls in this legislation that will result in embarrassment to this government or any future government. The Attorney-General plays a very important and responsible role as the chief law officer of our state. It is important that people are able to access information and can go about their business in a free, democratic way. If people are uncertain of something and they want to access information, I believe that they should be able to do it without being shut down. The general public will be the losers from this legislation if it contains a shutdown element, which we believe it does. People have to be able to go about their business and represent themselves, their families or their businesses in an accountable and responsible way.

Where is the scrutiny of the media? The media is a very powerful and integral tool in the operation of Queensland on a daily basis. We do not have a second house of power as other states do. Other states have an upper house to scrutinise legislation and other issues. Whilst we have a parliamentary committee that does scrutinise legislation, LCARC does its own investigations and there are other government committees, the media is a very valuable tool. They are a professional group of people who should be honest in their dealings with the general public—making certain that their findings and reporting are accurate and true assessments of what does happen, whether it be in the parliament or in the hurly-burly of everyday life. Many times people read a newspaper or see a TV report and say, 'That must be true because the media has reported it.' I believe that honesty and accuracy are very important. If people do have a comeback, will they be about to get the facts?

This legislation deals with more than just FOI. It is about what the legislation actually means. It appears that cabinet had the final say and that the CMC will do the honours if a situation arises that the government wants to cover up. I know that the government has the powerful weapon of taking documents through cabinet to shield them from the scrutiny of the general public, the opposition or whoever. But at the end of the day, the fear that has been hoisted upon many public servants is the ongoing persecution and harassment of people in the lower echelons of the Public Service. As I said earlier, there is intimidation, bullying and uncertainty about whether people will get a fair hearing when they try to defend themselves in their own workplace or whether the power of senior government and senior executives in government will override their request and their wishes.

Freedom of information is very important to a free, democratic process. Let us think for a moment about freedom of information. The explanatory notes refer to the criminal element, to the clarification and refinement of the process for the disclosure of sensitive health care information and to the new exclusion for judicial and quasi-judicial functions of listed tribunals. That is all very well. We are not all

lawyers, but I think we all have a fair degree of commonsense when it comes to understanding what the document is all about. The real issue here, as I see it, is that this legislation has to be fair to all Queenslanders, the greater majority of whom—99 per cent—uphold the laws of the land. I believe that freedom of information is a very important and integral tool in allowing people to defend themselves, their businesses or their functions in representing people.

I ask the minister about the relevance of the Information Commissioner with the passing of this legislation. Who does this legislation support? It is certainly not the people it is drafted to assist if we will see these blockages or impediments that will retard or stop the disclosure of information. Where is the cut-off in relation to the Information Commissioner declaring an applicant to be a vexatious applicant? Who determines that? Does the Information Commissioner have total authority to cut a person off from accessing information? I would like the Attorney-General to answer these questions, because I think they are important. A person could be hindered in defending themselves against someone making a vexatious application.

As the minister stated in his second reading speech, and rightfully so, there are people out there who are in the business of intimidation and harassment. How will any one human in this department be capable of deciding that? I know that these people are professional people, but when it comes back to that bullying exercise I spoke about earlier there is also an air of intimidation and harassment. Certainly many people have been subjected to that and they will never be able to stand up for themselves. On a regular basis members of parliament see people who, for reasons of education or maybe just personal make-up, cannot speak for themselves and who seek assistance to overcome the problem they are encountering at the time.

If the changes in this bill are made, a situation could arise whereby FOI legislation is shut down and protection legislation for corporate government is put in place to hide what they are trying to implement by way of policy, whether it be government contracts with big business or dealings with other individuals. As the minister said in his second reading speech, the bill includes urgent amendments to the Legal Profession Act and the Standard Time Act which are unrelated to the freedom of information regime. That is something that worries me somewhat. I am not a legal mind; I know that the Attorney-General is. The point I make is that many people reading that statement will think that the legal system will have a walk-up start over the rest of us. I find this very disturbing, to say the least.

I hope that if anomalies are found in this legislation that will have repercussions for the free general public and for the free people of Queensland who are trying to do the right thing in their day-to-day lives the Attorney-General will address those anomalies through legislation sooner rather than later.

Miss SIMPSON (Maroochydore—NPA) (12.38 pm): This is not the Smart State; it is the secret state. Under the Beattie government we have seen freedom of information laws watered down and abused. Fees have been applied to restrict people's access to information, with no appeal against outrageous time delays which may occur in searching for information due to the mismanagement of the department. There have been wheelbarrows of documents taken off to cabinet in order to provide exemptions to material which should not be exempt on the basis of the information there.

I have had access to briefing notes to the previous health minister denied on the basis that they were briefing her for parliament. There have been all sorts of reasons used and abused for keeping information out of the public arena—information that should have been in the public arena. This legislation puts forward a new exemption which is that matters that have been sent off to the Crime and Misconduct Commission, the CMC, will never see the light of day again. That is thanks to this legislation. These matters may not be the subject of current inquiries. Documents related to past inquiries or inquiries that may occur in the future will be captured by this legislation. It is a black hole. This information will not be able to be legally brought into the light of day.

We have already seen this state government use and abuse FOI laws in areas of previous exemptions. This is the new rort. When it flicks things off to the CMC for investigation it can bury them and bury them within a legal framework. That will be further corrupted and abused.

This government which railed against corruption in the police force has now presided over the most corrupt breakdown in our health system. There is a need for stronger accountability measures, not weaker accountability measures. The provision before the House today is going to be abused by a government which is now presiding over a corrupted health system which has seen people die and seen people potentially killed due to the actions of people allowed to keep operating in that system.

The opposition has already raised concerns about the role of the Information Commissioner and the selection of that person. Previously there had been bipartisan involvement in the selection of the Information Commissioner. That did not occur for the selection of the last Information Commissioner. It is interesting that this legislation does provide a measure to remove an Information Commissioner with bipartisan support. The same support or the same mechanism is not applied when it comes to the initial selection of that person. It seems to be a disparity that the government is not quick to want to address.

When it comes to information and the public's right to know, it should only be extraordinary circumstances when information is denied. As we have seen with this government, that is not the case.

In fact, there has been a winding back of freedom of information in sneaky and deliberate ways. I heard the Premier in this parliament the other day boast about all the documents which were made available under FOI. I personally know of documents where they did not apply the exemption rule because they were not listed as being available in the department—even though they did exist—and they were not provided.

Let me explain that a little more simply to the backbenchers. Instead of those documents being listed as documents that we do not have access to because of exemptions under the law, they simply do not list them. That is corrupt. That is a breach of the law. That needs to be exposed. It has happened under the Beattie government. So freedom of information laws have been abused under the current exemptions but they have also been broken by ministers in this government who have failed to actually release documents which they are legally required to list and release.

Let it not be forgotten that this government has presided over the most corrupt and heartbreaking abuse of the health system that we have seen. The people who have been affected by that have also, at times, sought information under freedom of information. The hypocrisy of this government needs to be remembered. It says that it is open and accountable until we show it the documents that it has denied access to and the weasel words about which documents exist or do not exist. We saw a demonstration of that in the parliament this morning with regard to a reference which had been written for Dr Patel which, finally and reluctantly, the government released.

Mr SHINE (Toowoomba North—ALP) (12.44 pm): The hypocrisy of what we have heard from the member for Maroochydore and prior to that from the Leader of the Opposition is almost unbelievable. It is the worst example of hypocrisy I have heard in many—

Miss SIMPSON: I find the member's comments offensive and untrue and I ask that they be withdrawn.

Mr SHINE: I certainly made no reflection on the member; rather, it was on what she said.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! The member has asked you to withdraw. Can the member withdraw please so that we can get on with business.

Mr SHINE: At your direction, I am happy to withdraw. I will come back to that point shortly.

The bill before the House raises the question of freedom of information and access to information by members of the public. The focus years gone by under the Westminster system was one of official secrecy. I quote the recent remarks of Baroness Helena Kennedy when referring to the system in England—

> The British establishment has a tendency towards secrecy. This stems from the arrogance of knowing what is good for the rest of us, a desire to avoid full frontal disagreements and a belief that more can be achieved by stealth.

As I said before, FOI is a fairly recent concept. It was not inherent in our traditional system. The history of this lies in the 18th century in Swedish legislation. There were moves in the United States in the 1960s for adoption of FOI legislation. In 1966 a US act of Congress reflected the growing awareness of the need for greater public sector accountability.

In the 1970s, when the government of the day did not have a majority in the Senate, a Senate committee was established to look into the adoption of freedom of information legislation in Australia. In 1979 that Senate committee found three main things: firstly, that individuals do have a right to know what information government holds on them; secondly, that open government leads to greater accountability, which should lead to greater competency and efficiency; and, thirdly, that public access to information should lead to increased public participation in policy making and in government processes.

Eventually the Commonwealth adopted legislation which was enacted and came into force on 1 December 1982. Thereafter the various states followed. Queensland did not adopt the legislation for a period of 10 years. It adopted it in 1992, shortly after the Goss government came to power.

In his second reading speech the minister refers to the fact that this bill adopts about half of the recommendations of the LCARC report No. 32 entitled *Freedom of information in Queensland* dated December 2001. The FOI Act really provides for three important or significant matters with respect to documents of government agencies. The first is that it provides teeth to enforce the recognition of the right of access to documents. The second is that it reflects the right to make an application to amend information of a personal nature, for example, if it is inaccurate or incomplete. Thirdly, there is a recognition that information should be made available about an agency's structure and functions to enable the community to participate in the agency's policy formation process.

The honourable member for Algester chaired that committee to which I referred and made various recommendations, some of which were referred to today by the Leader of the Opposition. The major reforms and recommendations in that very learned and well researched and presented report included, firstly, the establishment of an independent entity or an FOI monitor to monitor compliance in the administration of an FOI regime and to promote awareness of the regime itself; secondly, the development of a whole-of-government strategy to promote the greater disclosure of government-held

documents, including the introduction of administrative access schemes; thirdly, legislative provisions to facilitate a flexible and consultative approach to processing an FOI application—that is, better focused applications, saving time and money and giving better results to the applicants; fourthly, ongoing implementation of practices within the Office of the Information Commissioner that balance the need for legal pressure on handling FOI reviews with the need for timely and responsive service to the public; and, fifthly, mechanisms to require agencies to focus on the harm which will result from disclosure rather than the class of documents with respect to cabinet to limit the cabinet exemption to documents created for the purpose of being submitted to the cabinet. Ms Struthers, the member for Algester, said that we believe we have presented a comprehensive package of reforms, a package that will advance public access to government-held information and public accountability.

Does this bill reflect in fact the implementation of those reforms by way of advancing public access to government-held information? I will come to that in a minute. I want to return to the comments I made at the beginning of my speech. I remind honourable members that it was in fact the Leader of the Opposition who withheld 1,963 documents. I have here—I can barely hold them—the extent of such documents held by the Leader of the Opposition when in fact he was the minister for natural resources. That was only for a very short period of four months from 16 February 1998 to 26 June 1998. This amounts to historic hypocrisy in terms of the history of the operation of this parliament.

Mr Wallace: Egregious!

Mr SHINE: It is indeed an egregious affront to any freedom of information scheme that we have seen operate in Australia. For him to come into the House today and say the things that he did certainly amounts, as I said, to historic hypocrisy in this House.

There are many positives to this bill. There are of course exemptions and exclusions which are now easily identifiable and subject to full parliamentary scrutiny because the bill moves all appropriate FOI exemptions and exclusions from the FOI regulations into the FOI Act and it ensures that the act signposts FOI exemptions and exclusions located in other legislation. The bill sets up the new Office of the Information Commissioner and ensures the independence of the Information Commissioner and staff by way of a new statutory body which will not be subject to outside direction as to the way the Information Commissioner's powers of investigation are carried out. Employees of the office will be subject to the Public Service Act, thus enjoying parity with the rest of the Public Service, hence enjoying Public Service industrial benefits, mobility and the right of appeal. There is greater power to the parliamentary committee to monitor, review and report to the parliament on the functions of the Information Commissioner. The Information Commissioner can only be appointed after national advertisement for a suitably qualified person and consultation with the parliamentary committee on the selection process and appointment. I would ask honourable members to compare this with what happens in other states. One can see that it is by far a far more superior, transparent method of selection than operates anywhere else in the Commonwealth.

These are sensible reforms. The application for children, for example, is another one concerning the adoption of the usual test of best interests of the child and providing that no charges apply to personal affairs. All of the above seem sensible and noncontroversial. In areas where exemptions and exclusions are added, there is reason to examine such proposals very carefully of course. I refer to the provision particularly restricting disclosure of certain risk assessment documents to prisoners convicted of serious violent offences. It has to be deserving of careful consideration when the effect of any provision may be to prevent disclosure of relevant, probably critical, information or evidence upon which or upon which partly a decision as to a person's application for liberty may be based. To deny an applicant in these circumstances access to the facts supporting the case against him or her is unusual. I therefore ask the minister to monitor very carefully the implementation of this part—clause 10—of the bill.

I congratulate the minister and his department on their efforts in further taking another important step along the road to true freedom of information and access in Queensland. He is following on a great tradition started by the Goss government and carried forward by many of his predecessors—the honourable member for Murrumba and the previous member for Yeerongpilly. Now today the Attorney-General has made a great leap forward in that process, and I congratulate him for it.

Mrs MENKENS (Burdekin—NPA) (12.56 pm): I rise to make a contribution to the Freedom of Information and Other Legislation Amendment Bill. The stated intents of the bill are to implement the government response to the Legal, Constitutional and Administrative Review Committee report, to amend the Public Sector Ethics Act, to ensure the FOI Act does not apply to a conflict of interest, amend the Lotteries Act, and make amendments to the Public Records Act, the Public Service Act and the Public Service Regulation. At the outset, let me state that while the larger part of this bill is worthy I am shocked at the blatant disregard for the Queensland public's right to know contained within some of its provisions. Amongst some of the significant features of the bill is a new exemption for information used, obtained or prepared for investigations in pursuance of the crime and misconduct functions of the Crime and Misconduct Commission.

In particular, I wish to deal with clauses 24(2) and (3) and clause 57. The part 1 amendment of the Freedom of Information Act 1992 goes on to say that clause 24 allows for the insertion of a new exemption. This exemption is to apply to information obtained, used or prepared in the course of the investigation and consideration of the investigation—a fairly blanket coverage, I would think. The sheer hypocrisy demonstrated by the Premier with the inclusion of these clauses is unbelievable. Is the state government now so arrogant that it thinks this will be acceptable to the Queensland public? We are sick of hearing the Premier paying lip-service to calls for accountability. We are sick of seeing the Premier crying crocodile tears each time his government is held up to be amateurish, inefficient and irresponsible. The Queensland public are heartily sick of being treated like fools with false assurances and platitudes. As we all know, Queensland is not a good place to be sick in right now.

One of the tenets of modern democratic government is accountability. Unfortunately but not unexpectedly with the inclusion of clause 24, we see accountability being lost in favour of expediency. Why has this government seen fit to exempt all materials applied to the CMC from the Freedom of Information Act? What public benefit or good can possibly come from this exclusion? Whose interests are being served by this slap in the face to Queensland voters? In this post-Fitzgerald inquiry era, why has there been such a sharp turn away from open and transparent government? We have already seen the results of information submitted to cabinet being exempt, and now the Queensland public will receive a double hit. If these provisions are passed, it will be all too easy in the future to sweep incriminating and embarrassing information and documents under the Premier's table, to hide behind the cabinet's and the CMC's skirts.

But while this is being done, one can guarantee that we will be told that it is all for our own good, that the government acknowledges there is a problem and is working slavishly to do the right thing. Is the government really starting to believe its own spin? Is this government really so out of touch with its constituents that it thinks Queenslanders will disregard such a barefaced abuse of their trust? The CMC exists as Queensland's watchdog. It is one of the checks and balances that make a democracy, and to see it used for such a political purpose is frightening. And that is exactly what is being proposed here—a removal of one of the checks and balances that keep governments honest.

Sitting suspended from 1.00 pm to 2.30 pm.

Mrs MENKENS: The CMC exists as Queensland's watchdog. It is one of the checks and balances that make up a democracy. To see it used for political purposes is frightening. That is exactly what is being proposed: the removal of one of the checks and balances that keeps governments honest and ensures that Queenslanders have the right to know what is going on in their state and within their government. If this bill is passed, no-one in Queensland—not the opposition, not the press and especially not the public—will be able to access anything that the government wishes to be hidden. Anything the Premier and his government want kept from scrutiny and out of the public domain merely needs to be submitted to the CMC. It does not have to be called for.

It is bad enough that such secrecy is applied to cabinet documents for the very same reason. To use the CMC—the watchdog—to achieve the same result is beyond the pale. I ask: why is this necessary? Is the Premier really so afraid of something that it needs to be kept sealed away from public scrutiny forever? That is what it will be: forever; never to see the light of day and never to be subject to independent review.

This government is increasingly treating the Queensland public with contempt. We see this government increasingly riding roughshod over voters. We witness increasingly this government scrambling around in damage control trying to stop leaks and shore up bulkheads. The ship of state is sinking and the government is soundproofing the stateroom. Through the provision of clause 57, the government adds insult to injury by making this change retrospective. Why? What possible reason can there be for this provision? Is there something that happened in the past that the government now has a need to hide? I cannot think of any possible reason for the inclusion of this provision.

I ask the Premier: what has happened to his support of the recommendations of the Legal, Constitutional and Administrative Review Committee? Does he honestly believe that the inclusion of these two provisions in the bill addresses in any way those recommendations? Does the government not think that this bill will be seen for what it is—a cynical, self-serving attempt to establish authority by might and not by right, an attempt to use and abuse the very processes established to facilitate that right of access?

The specific recommendation by LCARC for reform of the cabinet exemption provisions has not just been ignored; it has been thrown out. Through the provisions contained in this bill, the government can act retrospectively to hide its slip-ups, misdemeanours and blunders. By simply monitoring applications for information under the act, it will be able to ambush any potentially damaging information surfacing. It will be able to decide who gets access to what, making a mockery of the application process and a farce of the act.

The inclusion of clauses 24 and 57 in the bill makes an otherwise supportable bill insupportable. We cannot allow the government the opportunity to further remove itself from the checks and balances that make up a democracy. We will not stand by and watch as Queenslanders are again treated like

fools by a government that is increasingly convinced that it has some self-anointed divine right to rule. We cannot allow this government to hide behind artificial barriers erected solely to remove itself from public examination. We must hold this government to be open, accountable and responsible—something it is increasingly loath to do. I cannot support this bill.

Mr DEPUTY SPEAKER (Mr Fraser): Order! I welcome to the public gallery staff and students from Indooroopilly State School in the electorate of Indooroopilly.

Mr McARDLE (Caloundra—Lib) (2.34 pm): I rise to speak to the Freedom of Information and Other Legislation Amendment Bill 2005. In doing so, I will recap quickly the origin of the FOI Act. It was introduced in 1992 and came about as a result of the 1989 Fitzgerald report. The act and the Freedom of Information Regulation 1992 have been amended on a number of occasions. The act itself has three major components: firstly, it establishes a legally enforceable right of access to documents of any agency and official documents of the minister subject to certain exemptions; secondly, the act confers a right to make an application for an amendment of information of a personal nature; and, thirdly, it requires agencies to make available information about their structure and function.

Clause 4 of the bill inserts a new section titled 'Object of Act and its achievement' and then proceeds in six new subsections to expand upon that title. In particular, new section 4(2) states—

Parliament recognises that, in a free and democratic society—

(a) the public interest is served by promoting open discussion of public affairs and enhancing government's accountability.

Those words are important. But owing to the history of the act and the amendments contained within this bill, they have no effect whatsoever. In an article in the *Courier-Mail* of Saturday, 14 May, Jason Gregory wrote—

Changes to Section 42 of the Act will provide a mechanism to usurp existing FOI powers and stop anything investigated by a prescribed crime body, including the Crime and Misconduct Commission, the former Criminal Justice Commission and the now defunct Queensland Crime Commission, or another agency, from being released.

I note in the same article that ethicist Bill De Maria is reported as stating—

The amendments would disable current FOI provisions.

He stated that it would also—

Preclude evidence given in royal commissions, such as that organised in the wake of the Dr Death scandal.

Should that surprise us and the people of Queensland? Certainly not! This government has a history of taking the FOI legislation and twisting it to achieve its own results. The legislation as it stands is an appalling indictment on the concept of democracy within Queensland. It is an appalling indictment on the words I referred to earlier and to which I refer again—

Parliament recognises that, in a free and democratic society—

(a) the public interest is served by promoting open discussion of public affairs and enhancing government's accountability.

In no way, shape or form can the legislation, the amendments that have been made to it in the past and the amendments that are contained in this bill contribute to accountability or be in the interests of the public.

It is hard to believe that legislation of the nature of this bill could exist in 2005. It is even sadder to see a government prepared to use its power and privileges to twist legislation to protect itself from horrific events that occurred in the past few years and would surface were it not for the contents of this bill.

This bill was considered by the Scrutiny of Legislation Committee in its *Alert Digest No. 6*. The committee made the point that the bill has a retrospective effect in that those persons who made an application under the current legislation may well suffer the consequences of the act negating their application even though at the time they filed their application it was valid. This is simply one more example of why this bill should not be passed. It should be defeated by this House.

It is simply impossible to believe that this government could sink any lower. It is simply impossible to believe that this government would attempt to stymie the citizens of Queensland from accessing critical documents that they have a right to scrutinise. The intent of this bill to restrain and, in fact, strangle access by amending section 42 of the act is a devastating consequence to democracy as we know it in this state. As a consequence, we will not be supporting this bill.

Mr WILSON (Ferny Grove—ALP) (2.38 pm): It is my great pleasure to speak in support of the Freedom of Information and Other Legislation Amendment Bill. I am pleased in a sense that I was not able to sit in the House to hear all of the speeches that have preceded mine. If the tenor of the last contribution from the opposition is any indication, it would have been hard for me to bear.

Mr Shine: From the Liberal Party.

Mr WILSON: That is true. I thank the honourable member for that correction—the last contribution was from a member of the Liberal Party, the disunited opposition. Those on the other side of the House would have us believe that they are the champions of freedom of information in Queensland, but they are the fraudulent champions of freedom of information in Queensland. I will give some further details about that later.

I want to address a range of issues in the bill and then address a number of matters to do with the CMC and witness protection. The significant features of this bill include a new exemption for information that could lead to harassment and intimidation; a new provision restricting disclosure of certain risk assessment documents to prisoners convicted of serious violent offences; a new exclusion for the judicial and quasi-judicial functions of identified tribunals; relocation of appropriate exclusions currently in the FOI Regulation 1992 to the FOI Act itself and repeal of the regulation-making power in a particular section of the act which allows for exclusions of agencies by regulation; amendment to the Public Sector Ethics Act 1994 so that the FOI Act does not apply to conflict of interest issues or ethics or integrity issues about a designated person; an exclusion for the crime and misconduct functions of the Crime and Misconduct Commission; an exemption for secret information under the Witness Protection Act 2000; an exclusion for Golden Casket Lottery Corporation Ltd; and the establishment of a new statutory body, the Office of the Information Commissioner.

If we were to believe what was suggested to us a moment ago, we would be the ruthless destroyers of freedom of information in Queensland. Let us test the essential thrust of the opposition and the Liberal Party contributions to date. Let us take the example of the amendment to the Public Sector Ethics Act 1994 so that the FOI Act does not apply to conflict of interest issues or ethics or integrity issues about a designated person. How in heaven's name would that legislation work if issues raised with the Integrity Commissioner by a designated person—a minister of the Crown or whoever else, seeking advice and guidance—were capable of being put on the front page of the *Courier-Mail*? How would the public policy objective of the Integrity Commissioner's role be achieved if that were a practical outcome? It could not be. As is illustrated by some of the other amendments in this bill, the government is seeking to address the often tension-filled conflict that takes place between two public policy issues—one is openness and accountability in government and the other is protecting privacy and confidentiality of government and related operations. It is often, or at least sometimes, not an easy task to draw an appropriate line when trying to achieve that balance.

The difficulty of addressing those two conflicting public policy objectives is well illustrated by the exclusions that relate to the CMC. The bill exempts information used, obtained or prepared for investigations by the CMC or another agency. This exemption only applies where the investigation is in the performance of the CMC's crime function and misconduct function. A person can seek information about themselves once the investigation is finalised and the exemption will apply to existing FOI applications. Without getting too caught up in the technical detail, the CMC performs its crime function in essentially the same way as the Queensland Police Service performs its functions in relation to serious organised crime or even paedophilia, which are the main jurisdictions within the crime function. I am advised that it is presently not possible for a member of the public to make an FOI application to the Queensland Police Service in relation to criminal investigations. It is certainly not possible for members of the public who are involved in those investigations. And why should they be able to? There is a valuable public policy objective in being able to preserve the sanctity or confidentiality of police investigations. When all sorts of material may be turned up in such an investigation, and none of it tested before a court of law to establish the truth or otherwise of that evidence, how could being able to access that material under freedom of information be fulfilling a valuable public purpose? Likewise we could apply that analysis to the crime function and the misconduct function of the CMC.

The Witness Protection Act is another important area—it is an adjunct to the Crime and Misconduct Commission's functions—that is addressed by the bill. The bill ensures that information subject to the secrecy provisions in the Witness Protection Act 2000 is exempt from the FOI Act. It is essential to the integrity of the witness protection program to prevent disclosure of information that relates to the identity and location of persons under witness protection. Is there anything more self-evident than that statement? Yet the opposition and the Liberal Party would say that this is a totally impermissible exemption. We could apply under FOI to find out, firstly, how the witness protection program that is managed by the Crime and Misconduct Commission works and, secondly, who is on it, where they live, what they do and what false name they have. Who could credibly argue that that is actually a worthwhile outcome from a public policy point of view?

I think it is important to restate that this Labor government has been the true and real champion of freedom of information in Queensland, not the fraudulent champions on the other side—the opposition and the Liberal Party. I have been enjoined to ensure that people understand the distinction between the opposition and the Liberal Party; we should not assume unity when indeed there is not. Not only are we the champions of freedom of information, but this party in Queensland is the champion of accountability within government and across government.

I briefly remind members on the other side of the chamber and also new members to the parliament who may remember what it was like back in the 1980s that the Goss Labor government introduced many of these initiatives. Some of them came out of the Fitzgerald inquiry. The Electoral and Administrative Review Commission was established. A parliamentary committee to oversight and work with that commission was also established. FOI, as I and other speakers have said, was introduced on 5 December 1991 by the current member for Murrumba. Judicial review was introduced by the Goss Labor government. The CJC was set up by the Goss Labor government. The Parliamentary Crime and

Misconduct Committee was set up by the Goss Labor government. Electoral reform in Queensland was introduced by the Goss Labor government. The estimates committee system in Queensland was established by the Goss Labor government. The Goss Labor government not only set up the PCJC but also set up the Legal, Constitutional and Administrative Review Committee, which produced a report whose recommendations are reflected in many respects in this legislation. That is the real history of accountability in government and freedom of information in Queensland.

To underline the point I was making earlier, there is an important public policy issue underlining freedom of information which I think is properly observed in these amendments. I want to quickly take members to the comments made by the Hon. Dean Wells, the member for Murrumba and then Attorney-General, when he made this observation in the second reading speech—

The object of this Bill—

that is, the Freedom of Information Bill—

is to extend as far as possible the right of the community to have access to information held by Queensland Government agencies.

He went on to talk about three basic principles of a free and democratic society and government, and that is openness, accountability and responsibility. Then various principles were accepted or adopted as objects of the bill and they still remain in the act. He went on to state—

The Bill replaces this presumption of secrecy with a presumption of openness. However, the Bill recognises the need to strike a balance between competing interests in determining whether particular information should be disclosed or not. Accordingly, the Bill provides that certain information will be exempt from disclosure because, if disclosed, there would be a prejudicial effect on essential public interests or on the private or business affairs of members of the community to which the information relates.

With respect to the previous Attorney-General, I think that pretty well sums up the approach that the Beattie Labor government has continued to have to freedom of information.

I will conclude by making the observation that, in so many of the previous speeches that I have heard, I have not heard any of the contributions assess any difficulties that they have from the point of view of weighing up the competing interests of openness and accountability in government against appropriate confidentiality for the effective operation of government or its agencies. We have simply had a lengthy list from some members of all of the points of objection but no analysis to say how we have the balance wrong and why we have the balance wrong.

I look forward to seeing whether future contributions by the opposition or the Liberal Party have the capability of addressing that key question. If they say we have the balance wrong, why have we got the balance wrong? In fact, I do not believe they are even thinking about how to work out that difficult public policy issue. I do not think those opposite have got to the point of critically analysing that difficult issue. The reason I believe that is that they have taken a highly opportunistic approach to our attempt to refine the FOI legislation so that it works more effectively. I say 'opportunistic' because when the opposition was in government in the Borbidge years—1996, 1997 and the early part of 1998—and when Mr Springborg was a member of the then government there were 1,963 documents—

Mr Shine: How many?

Mr WILSON: 1,963 documents, illustrated by this pile that I have before me now.

Mr Shine: How long was he the minister for?

Mr WILSON: He was only there for four months, I believe. So there were 1,963 documents hidden from scrutiny in the mere four months when he was a member of the Borbidge government.

Mr Shine interjected.

Mr WILSON: I would say that it does because if we work it out that means he hid nearly 500 documents a month. If we extrapolate that over 2½ years, that is an extraordinary number. I regret to say that I do not think the opposition or the Liberal Party has approached this with any serious challenge to the appropriateness of what we are doing in these important reforms to ensure that FOI still remains relevant and effective in this day and age. I commend the bill to the House.

Ms LEE LONG (Tablelands—ONP) (2.54 pm): I rise to speak to the Freedom of Information and Other Legislation Amendment Bill 2005. This bill is ill-named, ill-intentioned and would be better called the 'Restriction of Information Bill'. The sad fact of the matter is that this bill really has nothing at all to do with the free access or otherwise of the people of Queensland to their own government's information about themselves and matters affecting them; it is all about political gain. This government is expert at loading the wheelbarrows up and trundling them in and out of the cabinet room. The documents then attract cabinet privilege and become exempt from any scrutiny for years to come. Those opposite do not need these amendments to throw a dirty cloak of secrecy over their tawdry backroom dealings; they are already expert at shutting down the flow of information on anything they want to keep to themselves.

While the cabinet room and its revolving doors are a handy method of locking away material, it does have one flaw. That flaw is very simple: while cabinet privilege does protect documents in their thousands, this government cannot hide the fact that it has used that cop-out, that cheap escape, from public scrutiny. When this rort is exposed by the media, by non-government members in here, the public

can see clearly just how often the Teflon crew opposite have been resorting to dirty tricks to keep their grasp on power.

Even that mild measure of scrutiny is too much for them, however, and that is what this bill is about. It is about changing the Freedom of Information Act so that less material has to be taken to the cabinet room. Instead, there will be more excluded by the provisions in the bill before us today. It is true in some very specific instances that this bill serves a purpose. Those amendments relating to the activities of the CMC plug a loophole, which is appropriate, but many are doing nothing more than giving this government more ways to stop Queenslanders finding out what this government is up to.

It is also clear that this government does not want this bill to be subject to one moment more of debate than it can get away with. That is evident by the inclusion, among other amendments, of new provisions for the Legal Profession Act. These amendments relate to section 643 of the act and, as the explanatory notes make clear, that section and any transitional regulations made under it expire on 31 May this year. So, clearly, this bill was always intended to have been taken through this place before that cut-off date.

This government is as transparent as mud. It talks about transparency, it talks about accountability, it talks about responsive government, it talks about accessability, but its actions speak a different story. The true tale is one of smoke and mirrors, misdirection, stonewalling and, when all else fails, the cabinet room and outright denial. We have seen for years denial after denial that anything is wrong with Queensland Health. Some who have raised concerns in this place have been attacked for doing so. Finally, the truth is beginning to emerge. Even those opposite can no longer deny that Queensland Health desperately needs rebuilding, but it took many deaths before they would admit it. However, the actions of this government extend a lot further than denying there are problems with its departments. There are the basic principles that are supposed to underpin democracy in this country and this state. They are traditional and historic basic rights and liberties—things like being innocent until proven guilty, natural justice and so on. They are things that any reasonable Queenslander would believe applied without question, just as they might have once believed they had a perfect right to access any and all government information about themselves.

Under the Beattie regime, the truth is far different. Under the stewardship of a former civil rights protester, this government is riding roughshod over even the most fundamental civil liberties of Queenslanders. I have mentioned before in this place the 53 or 54 bills since 2001 in which the onus of proof has been reversed. That is frightening. That is in each case making Queenslanders guilty unless they prove they are innocent, and now it will be harder for them to access government documents about themselves.

This government is equally busy ripping up a host of other rights that most Queenslanders would think were sacrosanct; this is not just their right to see their own government's documents relating to them. Let me give the House some hard facts. Of the bills tabled between 1 July 1999 and 30 June 2004, the Scrutiny of Legislation Committee raised issues affecting fundamental legislative principles not once or twice or 10 or 20 times but a massive 1,365 times. The rights of citizens in this democracy are not being chipped away, they are being gouged out in an unholy pursuit of power, and today this government has brought a bill before us to extend the tawdry veil of secrecy over even more of its workings.

Of those matters identified by the Scrutiny of Legislation Committee, it found issue 473 times with the way the rights and liberties of individuals could be affected by the proposed legislation. Retrospectivity was raised 135 times; reversal of onus of proof, 90 times; immunity from proceedings without adequate justification, 61 times; natural justice, 41 times; self-incrimination, 49 times; and the list goes on. Of the first 68 bills passed in this place last year the Scrutiny of Legislation Committee raised issues in relation to 53.

Clearly this government does not give a hoot about fundamental legislative principles or the rights of Queenslanders and not just in the area of freedom of information. In many instances these rights are being trampled for no better reason than to save the government money. It does not want to properly resource its departments, it does not want to spend money proving its case and it does not think our basic rights and liberties are worth protecting, not when it can just strip them away as it does time and time again. Freedom of information is a right that we might be able to talk about but certainly no longer exercise in any really useful way. This is the kind of performance that in the past would have seen protesters taking to the streets, as some people in this place used to do in their youth. Perhaps back then they were more fervent about basic rights, or perhaps back then they were more honest.

The explanatory notes gave the reason for these sudden and dramatic amendments as being recommendations from LCARC in December 2001. If that is the case, it should be remembered that it advocated a total repeal of the Freedom of Information Act 1992 and the enactment of a whole new act after community consultation processes. That would have been the course of action that a rational government would have taken if it had the best interests of its citizens at heart. Instead, important amendments, which amount to an uneasy tack on the present act, have been brought on with breathtaking speed, without prior notice and without enough time for community consultation. This will

have the people of Queensland dizzy from a thousand incomprehensible cuts to the original public interest act, which gave them legally enforceable rights. The result is a virtual cat's breakfast of provisions that stop citizens' rights to know about the workings of their government. Fundamental legislative principles have been thrust aside with indecent haste. The bill attempts to bluff electors into accepting many affronts to the FLPs prescribed in the Legislative Standards Act 1992, which in turn enshrines the law and customs governing all other sovereign Western parliaments.

The minister asserts that the proposed retrospectivity prescribed in provisions in this bill may be justified on the grounds that the public interest would be best served. In fact, the reverse is true. It is of paramount importance that citizens' present enforceable right to know whether their government has or has not followed due process—by using FOI to find out—is not tampered with by this peculiar government's excessive secrecy objectives.

I refer the House to the Standards Australia standard on complaints handling, AS4269-1995, which prescribes how complaints against coercive bodies such as the CMC and the QPS should be processed. Here we have the government attempting to muddy this transparent process and further going on to quash a citizen's right to find out about it.

In relation to civil liberties and democratic rights, including the right of access to government information about ourselves, Queensland is less and less a beacon of light and more and more the home of a dark prince and his legion of minions. I will not be supporting the bill.

Mr HORAN (Toowoomba South—NPA) (3.03 pm): When freedom of information was introduced into this place in 1992, about 13 years ago, I well remember the altruistic and wonderful words of the then Attorney-General, the member for Murrumba, and the philosophies and ideals of freedom of information. It was a very dramatic change for the Queensland parliament—something that was designed to bring in an openness and accountability that should be the trademark of modern government.

Ever since that was introduced we have seen the Labor government try to chip away at those freedoms and the principles of FOI. Why? Because they have become a nuisance to the government. They have made government too hard. They are designed to make government harder. They are designed to make it a bit tougher, a bit more accountable, a bit more open and a bit more honest and to get rid of any chance of corruption. But this government has made an art form of whittling away all of those fundamental principles and pillars of freedom, of information and of democracy. I wonder how the member for Murrumba feels about his original piece of legislation and about what has happened to it over the years as it has been chipped away at, until finally there is the disgraceful legislation that we see in this parliament today to take freedom of information away in relation to one whole area.

As the Leader of the Opposition has said, some parts of this bill are quite good but there are some dreadful parts—particularly the part that removes FOI from anything that has been before the CJC, anything that has been before the CMC and anything that will go before the CMC. That will be exempt from freedom of information forever and a day. I note what the member for Ferny Grove said on the issue of witness protection. I agree that that part should be protected, but that can be protected without taking away all of the other aspects of freedom of information. I think we would all agree with the member on issues of witness protection, but that can be done. That can be a chunk that is preserved from FOI.

When FOI first came in, people were able to use it to look at their private files. People wanted to see what had been written about them, what their health files contained and so on. I think that was very commendable. Then there were some issues with trawling, whereby organisations, journalists and others did not really know what they were looking for but just said, 'Well, give us this,' and virtually wanted half a department.

As time has gone by, people have become more educated in how to use FOI and more targeted in what they want. FOI is a legitimate tool of individuals, organisations, the media and members of the parliament, whether they be members of the government or the opposition. I suppose it is logical to say that FOI is of more use to the opposition as the opposition is that part of our Westminster system that provides scrutiny. If oppositions cannot get information they cannot provide accurate and honest scrutiny. What we are seeing is the gradual cutting away of access. The wheeling of documents before cabinet was turned into an absolute art form by the Labor government. Even LCARC has said that there needs to be a far better test of the way in which documents are given protection by cabinet. It should not be a case of the government taking truck loads of documents through cabinet and wiping the lot out from FOI contention.

This government has been absolutely ruthless in its dismantling of FOI. I hope that some members of the media who are involved in in-depth reporting and looking in depth at our systems of freedom and democracy in this state take note of many aspects of this debate. First of all, the government has made an absolute art form of wheeling documents through the cabinet. That has been well documented, particularly by the media and by the opposition. Then we saw the disgraceful episode where the government actually split the position of the Ombudsman—the Information Commissioner and the Ombudsman—and then appointed a Labor mate to be the Information Commissioner. So it has

another form of protection. As we have pointed out in this parliament, there are entire areas that the Information Commissioner cannot touch because of a conflict of interest as she previously worked or had relations with people who worked in senior positions of particular departments. Instead of building public confidence, the government did everything it could to erode public confidence and ruthlessly set about, block by block, getting rid of any freedom of information provisions that might actually affect it and make life harder for it.

The greatest thing in the legislation we are looking at today is the whole issue addressed by clause 24. I will get to that shortly. I will read what LCARC had to say about the overall operation of the FOI Act. It said—

> While personal information access works reasonably well, access to non-personal or policy information has not operated effectively. Furthermore, as the sensitivity of the policy information increases and the level of government at which information is generated or used increases, the chance of successfully accessing the information greatly decreases.

I will read from a letter sent to me. It outlines a personal experience that shows the sorts of inefficiencies that a lot of consumers would consider unacceptable. This person sent a letter of application outlining all of the documents requested. It was mailed off together with the fee of $33.50. The letter reads—

> A letter sent back confirmed and detailed all documents I had requested together with an estimate of fees. This had to be accepted within a period of time. I mailed back a letter of acceptance. Some time later advice was received to make the final payment. I made the payment and the documents were forwarded; however, many documents were missing and some extra documents not requested were included. In other words, I had to pay for documents I did not need or request. Furthermore, I was led to believe that some crucial documents would be provided even though they knew according to legislation they would not be provided. What private enterprise could get away with doing business like this? Let's ask the Minister for Fair Trading.
>
> I made an appointment with the Manager to enquire about future FOI applications. I stated that I would like to call at the office, check documentation and pay for what had been requested. He responded that this would be fine and added that some people presently do just this.
>
> The second application was even noted that I proceeded on the grounds that documents requested were provided.
>
> Unfortunately a second application was handled exactly the same as the first. Documents were withheld and I was instructed to pay what they asked.
>
> I lodged a complaint with the Information Commissioner Queensland. They ruled in favour of the department; thereby affirming legislation currently permits departmental staff to mislead consumers. Please note: Information Commissioner did not address my complaint but chose to rule on their interpretation of a complaint.

Those are the sorts of problems that some individuals are facing with FOI, let alone what the government itself is trying to do in denying FOI information to the opposition, to the parliament and to members of the media.

LCARC recommended that a purpose test be reintroduced into the legislation to limit the cabinet exemption to documents that had been prepared for cabinet. In 2001 the Attorney-General refused to accept this recommendation. It is fairly easy to see why. Rather than applying the exemption strictly to documents prepared for cabinet, the Beattie government has resorted to the cabinet exemption as the principal tool for defending its secret state operations. Take, for example, the wheeling into cabinet of every fuel docket associated with the use of electorate vehicles. We have also witnessed the same abuse of process when every skerrick of material relating to accidents involving these same vehicles was also subjected to the very same treatment.

When parliament became aware of the excesses of the Main Roads Department spending taxpayers' dollars on parties for staff, the report by the internal auditor highlighting who knows how many other abuses went to cabinet. We all wonder what the cabinet decision was that necessitated this document being locked away. Was it to prevent further abuses by this government becoming public knowledge? In any case, they locked that away so no-one could find out. One of the fundamental abuses in relation to the application of the cabinet exemption in these cases was the fact that these documents were trotted off to cabinet after a request under the Freedom of Information Act was lodged.

I will highlight a number of other aspects of the secret state mentality of the Beattie government. After an application was made regarding records associated with accidents involving ministerial and electorate vehicles, on 18 March 2004 the Premier informed the House that the records were taken to cabinet to make changes to policy that abolished electorate vehicles from this year. We know from the public record that that decision was made by cabinet on 10 November 2003. If we are to believe the Premier's statements that these documents were used to make that decision, what then of any documents that were generated or received subsequent to that decision? They could not have been used to make the decision on 10 November, could they?

The opposition requested access to any documents that had been received or generated subsequent to that cabinet decision, and guess what? We have had nine documents involving 32 pages containing relevant material identified as having been received after the cabinet decision but access was still refused to us. Guess why? They went to cabinet. What this means is that even though in this House the Premier told Queenslanders all the documents that had been discovered by us in our FOI request had gone to cabinet as part of the decision on electorate cars, we know that that was not truthful. We know that nine documents were included in that list that could not have gone to that cabinet meeting in November 2003. What we know is that they were obviously put on the trolley after that date

and carted into a subsequent cabinet meeting, not to make a decision because that decision had already been made on the Premier's own admission, but to subject them to the cabinet exemption claim.

Why has the Attorney-General not attempted to address what everyone knows is the abuse of the cabinet document exemption process? Their actions, when the damning Berri documents were eventually released, in gutting the office of the Ombudsman and appointing the notorious Labor mate Cathi Taylor as Information Commissioner show how far they are prepared to go to protect themselves.

This bill is called the Freedom of Information and Other Legislation Amendment Bill. It should really be called the 'Protection of the Attorney-General Bill'. The Attorney-General owes it to this parliament to stand up at the end of this debate and tell this parliament what reports have gone to the CMC about him; what reports are being examined by the CMC now or what reports are going to be examined; and what reports are there at the moment and what is he trying to hide. That is what this bill is about. This bill is a corrupt cover-up of information that the government does not want to become public about a minister of this state. I wonder how Dean Wells, who introduced the principles of FOI in 1992, would feel about a corrupt cover-up like this. This government has shown its corruption in its cover-up over the Bundaberg Hospital and today we are seeing it when it comes to the very pillars of our society in relation to freedom of information and democracy.

This bill is nothing but another example of a government that is corrupt, a government that is cheating on the people of Queensland. This bill has been brought into this House to protect the minister. I wonder how ethical it is for a minister who is going to benefit materially from this particular bill to even have the gall to come into this parliament and give a second reading speech. I think in the days after the Fitzgerald inquiry something like this would never, ever have been allowed. It goes to show how much the standards of corruption within this government have prospered when we see a bill brought in specifically to protect a minister. I hope that the people of Queensland take notice of it and realise what is happening as a result of the massive majority this Labor government has. It is prepared to walk over FOI and walk over democracy like a dirty doormat. It has degenerated into nothing but a corrupt government. It is the sort of thing you would have seen in the eastern states of Europe after World War II.

Dr FLEGG (Moggill—Lib) (3.16 pm): I rise to speak on the Freedom of Information and Other Legislation Amendment Bill 2005. It will have been clear from previous speakers that the Liberal Party will not be supporting this bill. This bill is about reducing the circumstances under which documents can be obtained from FOI. Documents are about information. This government's interest is in entrenching itself as a one-party state. The members of this government have the arrogant belief that information belongs just to them and to their mates and they will go to amazing lengths to ensure that that information is not made available publicly. Make no mistake, an attack on information coming into the hands of non-government parties is an attack on that information coming into the hands of the Queensland public.

The documents and the information in relation to the running of this state and the institutions of this state belong to the people of this state. They do not belong to a one-party government that thinks Queensland is its own plaything. We are here simply to serve the people of Queensland. Documents relating to the administration and running of this state belong to the people, as does the information that is contained in them.

What sorts of reasons can the government find to introduce yet another attack on the freedom of access to information in this state? I think the excuses that the government members have brought up for this lot could best be described as limp. They are worried about a LCARC report from 2001. In four years they have not really noticed the absence of some of these provisions and if there was any serious urgency about them I am sure that the government, with its majority, would have been acting long before this.

I see that in his second reading speech the minister has raised the issue that in certain circumstances people might not commit their true thoughts to paper and create documents if they were fearful that these documents would become discoverable and come into the public arena. What a limp excuse! That excuse could be used in any aspect of government: we will keep it secret so that people can say what they really think.

The reality is that the people of Queensland are entitled to access information about the running of this state. I have occasion from time to time to put in FOI requests. It is not a terribly rewarding procedure by and large. But some of the practices within the operation of FOI show the extent to which the government and the extensions of government will go to prevent information getting into the hands of people who have a perfect right to have it.

In the case of a young man who died unable to access treatment in Queensland public hospitals an official inquiry—an inquiry that the health minister claimed was independent—was conducted into his death. For months Queensland Health refused an FOI application from his mother, his next of kin, to see the documents on the inquiry into his death. It threw up every phony excuse it could think of. It said, 'We will tell you verbally, but not give you the document.' Obviously, that was so the document could not be

passed on. It said, 'There might be somebody else's name in it.' Big deal: names are blanked out of FOI documents all the time.

I put in an FOI request in relation to a patient who suicided whilst on suicide watch in a Queensland public hospital mental health unit. Every time my FOI application came back I was told that there was not enough information to identify the patient. How many patients does it have suiciding on suicide watch in mental health units?

In other areas they simply put financial imposts on people to prevent them accessing FOI information—simple, basic documents that ought to have been released on the public record anyway. An example is a contract with Queensland Parks and Wildlife where the Moggill Koala Hospital was deeded for the purpose of nature conservation. This document really has little political impact at all. Yet after delays and going backwards and forwards they want $500 to lift it off the shelf and photocopy it. They do anything to frustrate the efforts of members of parliament or members of the public or members of the media accessing that information.

Here we have a provision which seeks to prohibit access to information that has been before the CJC previously or the CMC. This is the sort of information that is important. Generally speaking, issues are not going to come to those bodies unless they have elements of public importance. As we have seen on occasions in this House, the Premier has referred matters to the CMC and the CMC then says, 'It's not our area; it's not our jurisdiction.' Any sort of documents could be shovelled across to the CMC and sent back to the Premier with, 'No, that's not our jurisdiction.' Those documents then gain exemption from FOI.

This is an outrageous imposition and abuse of a system that was meant to make government open, more accountable, fairer and more accessible to the people who really own the processes of the state. It is yet another attempt to pull the rug out from underneath free information in this state.

In any case, what is wrong with the system now? In terms of the areas to be closed down, what problems have arisen in those areas for the government to rush this piece of legislation into the House? The reality is that there have not been any problems. If the government feels that there is good reason for not releasing a document that has been to the CMC or elsewhere, or if it is in the public interest that it does not release that, then it refuses to release it and the FOI commissioner then makes a ruling on it.

Ms Nolan: There has to be a legislative basis for that to occur. That is the whole point. The FOI commissioner cannot make that ruling if there is no legislative basis for them to do so. That is the whole point.

Dr FLEGG: There is a legislative base already in place that allows the FOI commissioner to make determinations. We have cases before the commissioner at the present time. Clearly the government—

Ms Nolan interjected.

Dr FLEGG: This is going to take any discretion away from the Information Commissioner because the government is legislating access to documents away. It is overriding the whole system. Once again we have seen the situation where this government, fumbling around and falling around in a whole bunch of areas where it has not administered the state properly, whether it be health or any of the other departments that seem to be so crisis stricken, decides to resort again to legislation to try to prevent what is fair and legitimate access to information and documents that are rightly the property of the people of Queensland and should be available to them to access. We will be opposing the bill.

Mr LAWLOR (Southport—ALP) (3.25 pm): Firstly, I would like to address the issue of the hypocrisy of both the Liberal Party and the National Party, the now champions of FOI. The member for Toowoomba South famously wheeled a barrowload of documents into a cabinet meeting in Mount Isa when he was the health minister in the Borbidge government. He would probably be the gold medallist when it came to pushing barrows of documents through cabinet meetings. Although it is not quite certain whether he was because it was a pretty hot field, but certainly he was in the final. He is certainly in the final today when it comes to hypocrisy.

Certain provisions of the Legal Profession Regulation 2004 are required to be transferred into the Legal Profession Act 2004 before their expiration on 31 May this year. They relate to the power of the Legal Practice Tribunal to make orders as to costs and the custody and control of records by the admissions board.

Section 643 of the Legal Profession Act provides for the making of regulations for transitional matters for which the LPA does not make sufficient provision. This section and any transitional regulations made under it expire one year after the commencement of the section—that is, on 31 May 2005. Accordingly, sections 33 and 34 of the Legal Profession Regulation 2004 made under that section need to be incorporated into the Legal Profession Act before they expire on 31 May this year. An amendment to the Legal Profession Act also allows for directions hearings of the legal practice committee to be conducted by the chairperson or the deputy chairperson rather than by a full committee of the member. This will provide for more efficient management of the committee business.

In relation to applications by and on behalf of children, there are no express provisions in the FOI Act for applications by parents or guardians on behalf of children. This has created inconsistencies in the way agencies deal with these applications, including in relation to charging. The amendments will standardise procedures by, firstly, requiring applications that purport to be made on behalf of a child to clearly state that fact and state the name of the child and the person who is making the application on the child's behalf. This applies to all applications on behalf of a child. Secondly, they will have to state that, for charging purposes, the application is to be treated as an application by the child; that is, if it is for personal affairs information relating to the child no charges will apply. Thirdly, they will have to expressly provide that a 'best interests of the child' test will apply to applications on behalf of a child and for applications by the child themselves. If the application is made by the child, the agency or minister must consider whether the child has the capacity to understand the information and the context in which it was recorded and make a mature judgment as to what might be in his or her best interests.

Some public sector employees are asked to make decisions about a large array of matters, including licences and permits. The government recognises this places some public sector employees in a difficult situation because if the details of a report or recommendation are later released under FOI then the decision maker could be subject to personal retribution. This section of the act is designed to protect public sector employees. The government is taking steps to protect these employees from the release of information in the interests of the decision maker and also to ensure a reliable decision-making process. Amendments are therefore to be made in relation to information that could lead to harassment or intimidation. Information relating to prisoner access to risk assessment documents will also be protected from release.

The bill contains a new exemption for information that could reasonably be expected to result in a person being subjected to serious acts of harassment or intimidation. Under the existing FOI Act, information cannot be disclosed if disclosure could reasonably be expected to endanger a person's life or physical safety. There are some situations where disclosure falls short of endangering life and safety, such as harassment or intimidation, that may arise as a consequence of an FOI applicant gaining knowledge about information provided by a complainant, an informant or a victim. For example, the potential FOI disclosure of information about a victim of an offence could result in harassment or intimidation of that victim by the alleged perpetrator who applies for access to information about the crime. Harassment or intimidation may include the threat of violence. The public interest is in an informant or victim feeling that they can come forward anonymously in certain circumstances.

In relation to prisoner access to personal information held by Corrective Services, the bill prevents prisoners convicted of a serious violent offence from making an FOI application for risk assessment documents. A risk assessment report is used for the assessment of the risk that an offender may pose to the community or to a Corrective Services facility. These reports are used to determine whether prisoners are released into the community or are an acceptable risk, particularly in relation to serious violent offenders or offenders who have been convicted of sexual offences. This exemption will prevent prisoner access to professional reports, for instance by a psychologist used by the parole boards, and to some intelligence information used by Corrective Services. The effectiveness of legislation that seeks to limit the risk to the community of repeat offences, for example, the Dangerous Prisoners (Sexual Offenders) Act, relies on the best information from professionals assigned the responsibility of assessing the risk prisoners may pose on release.

The reports are also relied upon by parole boards in determining whether a prisoner's parole should be suspended or cancelled. Accordingly, a report writer can write frank and fearless reports without fear of retribution from a prisoner who might seek to gain access to documents through FOI. Any compromise to the integrity of these reports may create a risk to the community that is not acceptable to the government. I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (3.32 pm): I rise to participate in debate on the Freedom of Information and Other Legislation Amendment Bill 2005. I have listened to the contributions that all members have made to date in debate on this bill, and I must say that a far-reaching range of issues have been touched on. I also put on the record my appreciation of the minister for allowing me to have a briefing from his departmental staff in relation to some issues and concerns I had with regard to the content and intent of this bill. I also put on the record my appreciation and congratulations to the Attorney-General for the number of times that he has lodged appeals in relation to sentencing. Many people in my electorate on the Sunshine Coast have contacted me because they are concerned about the leniency of some sentences that judges have handed down. They certainly have appreciated the Attorney-General's stance in lodging appeals against some of these sentences.

One of the real issues of concern I have with this bill is that I do not believe there is a great degree of confidence in the Crime and Misconduct Commission and in the appointment of the person to the position of Information Commissioner. I cannot speak from any personal experience. I do not know the Information Commissioner and have not had any direct contact with staff who work at the Crime and Misconduct Commission. One of the concerns we have is that we certainly grant a lot of powers to the Crime and Misconduct Commission. We certainly grant a lot of powers to the Information Commissioner

and the Information Commissioner is going to perform a very important role in the operation and delivery of government and the monitoring of what happens in Queensland.

One of the concerns I have is that, unfortunately, I do not believe there is a perception in the community that this newly appointed Information Commissioner is in actual fact independent. I say that in all sincerity, but I certainly personally do not believe that the Information Commissioner is independent. Rightly or wrongly, that is my view and I put on the record that many of my constituents share that view—that is, at the moment the Information Commissioner is not perceived as being a truly independent person. I put that on the record because, if there are all of these checks and balances, we need to ensure that there is confidence in Queensland, in our community, in the way the government is handling these very contentious issues. There is no doubt that these are contentious issues.

With regard to the ambit of clause 24, which has already been touched on, I do not intend to go over that again. I certainly have some very serious reservations as to how clause 24 may be abused for the purpose of ensuring that certain information does not get released to the community. Members of the opposition have spoken at length about some allegations that they have. I certainly do not intend to go over those. Members of the government have spoken at length about the National Party's history of its behaviour. That is all history. Today what we should be concerned about is what is before us now and how this bill is going to impact on the lives of Queenslanders and, more importantly, impact on the issue of freedom of information or perhaps the curtailing of information which many people in our community might believe should be accessible and available but which in actual fact may, as a result of this bill, be curtailed and may never be able to see the light of day.

I certainly will be listening to the Attorney-General's reply to matters that have been raised in this debate. I am certainly looking forward to this bill proceeding to the consideration in detail stage, where we can further analyse the implications of some of the clauses which certainly are very contentious. I realise that more members want to speak before we rise this evening, so I reserve my final opinion until I hear the Attorney-General's response and we debate the clauses in the consideration in detail stage.

Mr LANGBROEK (Surfers Paradise—Lib) (3.36 pm): I am very pleased to rise to speak to the Freedom of Information and Other Legislation Amendment Bill. In doing so, I reiterate the concerns of my fellow Liberal members. I begin by quoting Dr De Maria, ethicist for the business school at the University of Queensland. He said—

... this is classic behaviour of a third-term government, it is acting with great hubris and arrogance to the great citadels of democracy.

This is one of the most succinct and pointed summations of Beattie government policy I have ever heard. Just imagine the castle of democracy sitting up on the hill above the peasants giving them security and shelter from those outside the city's walls who want to penetrate that serenity and ruin democracy's stranglehold. This time, though, the demon is from within. The ruler sitting in the castle of democracy is the one treating its customs and tenets with reckless abandon.

An honourable member interjected.

Mr LANGBROEK: Poetic! Tenets like freedom of information, openness and accountability—things that the public expect and democracy demands by its very nature—are being slapped around and tortured by the current administration.

Dr De Maria goes on to say that Beattie has come to the conclusion that he does not need democracy to survive. This is a profound statement about the mentality of the Premier and the government. Democracy can simply be collateral damage on the road to victory: 'if anything is going to hurt or damage us, let us just put another rule in place to make sure that this sensitive information cannot get out'.

Dr De Maria continues and says that he is acting like an African dictator. Again, this is such a telling assessment of the situation. The Premier is acting like an African dictator. These amendments ensure that information that is uncovered in investigations which may be sensitive in nature will have their access by the public blocked. Remember, we are talking about the people of Queensland accessing documents and information that are of vital importance to the running of the state in terms of the actions of those in government.

The basic reason for FOI is so that people can, when requested, see the workings of government and ensure that they are to the standards that the people of the jurisdiction require. The only time in which an FOI request should be denied is in circumstances where the government deems something to be too sensitive that it may harm the public if it were released. Aside from all of that, all information should be made available so that the public can be informed participants in the processes of democracy. This legislation will put in place a situation where documents that can only harm the government's reputation will be considered sensitive enough to be kept from the public's view. This is unacceptable. This leads to Dr De Maria's final point. He states—

This type of legislation is not being done in any other jurisdiction in Australia. No other state feels the need to implement these policies, no other state has skeletons lurking in their closets that need to be protected from public view. More to the point the Federal Government has not seen the need to implement these provisions or provisions that provide more secrecy. They are a fourth term Government now, perhaps Labor can take some pointers about the openness and accountability they showed in their third term. A level of openness and accountability that was ratified by the Australian people at the election last year.

As a final point, I would like to refer to the concerns of a Morningside resident who sent a letter to all state members requesting that we look at certain provisions and possible amendments of this bill. I believe she makes some very good and valid points. Perhaps the minister should take some of them on board to ensure the efficiency of the system and the user friendliness of the way in which FOI is carried out. The member for Toowoomba South has quoted extensively from this lady's personal experiences but her summation, owing to her frustration, was that fair trading practices or concepts from contract law are to apply when state government departments enter into an agreement to supply documents and that the state Ombudsman is given authority to investigate complaints about FOI agreements.

When this lady wrote to the Information Commissioner to make a complaint, he basically told her that concepts obtained from contract law are essentially irrelevant. She felt frustrated in her attempts to get some FOI information which came to her incorrectly, even though she paid the fees and was trying to get the correct information. I urge members of the House to vote against this bill.

Mr HOPPER (Darling Downs—NPA) (3.41 pm): I rise to speak to the Freedom of Information and Other Legislation Amendment Bill 2005 and, in doing so, I would stress a few points. The purpose of the FOI legislation was set out by the Legal, Constitutional and Administrative Review Committee as the following—

The primary objective of FOI legislation is to enhance certain key principles underpinning democratic government—openness, accountability and public participation. In a healthy democracy, citizens should be able to effectively scrutinise, debate and participate in government decision-making and policy formulation in order to ensure government accountability and to make informed choices. Information plays a key role in so empowering the citizen. As noted in the Fitzgerald report: 'Information is the lynch-pin of the political process. Knowledge is, quite literally, power. If the public is not informed, it cannot take part in the political process with any real effect'.

Representative democracy, such as exists in Australia, signifies government by the people through their elected representatives. These representatives exercise the power vested in them on behalf of the people and are therefore accountable to the people for their actions. In this light, information created and held by government might be viewed as a state resource which the state, its agencies and officials collect and hold on trust for the people.

…

By providing citizens with a legally enforceable right to access government-held information, FOI legislation can be seen as an important safety net for democracy. In this regard, FOI legislation complements other sources of information about government such as Parliament (and parliamentary committees), judicial and merits review of administrative decisions, and government departments and agencies, for example, through annual reporting requirements.

It is a general tenet of FOI legislation that disclosure under the legislation is to 'the world at large'. It follows that, generally, an applicant does not have to show a special interest or 'standing' to obtain information, and the identity and motives of an applicant are irrelevant to the rights granted.

Some jurisdictions have enshrined a right to access government-held information in their constitutions and/or bills of rights. New Zealand's FOI legislation has been described by the New Zealand Court of Appeal as of 'such permeating importance' that 'it is entitled to be ranked as a constitutional measure'.

…

The basic purposes and principles of FOI legislation might therefore be summarised as promoting democracy and representative government by: Increasing the openness and accountability of government by

- making it more subject to, and more committed to, public scrutiny;
- enabling citizens to understand government decision-making processes;
- enabling citizens to access information that will allow them to effectively participate in the processes of policy making and government;
- and improving the quality of decision-making and record keeping and management systems of government agencies.

A further, important purpose of FOI legislation deriving from these democratic principles is to enable citizens to access government-held information about them personally so they know the basis on which decisions about them are made and they can correct any inaccuracies in that information.

The report then set out the criticisms of Queensland's FOI regime as follows—

While personal information access works reasonably well, access to non-personal or policy information has not operated effectively. Furthermore, as the sensitivity of the policy information increases and the level of government at which the information is generated or used increases, the chance of successfully accessing the information greatly decreases. (Some suggested that this was accentuated by the 1993 and 1995 amendments to the Cabinet and Executive Council exemptions.)

- The culture of some government agencies is not as supportive of open government as it should be;
- The Act too formally prescribes how information should be released and retards the government's discretionary release of information;
- The public is not sufficiently aware of the existence of the FOI Act, and when members of the public do use the Act, the process can be mysterious, cumbersome, overly technical and complex;
- There is no one entity responsible for: Overseeing administration of the FOI regime; monitoring agency compliance with the FOI Act; providing advice to agencies and applicants; and raising community awareness about the Act's existence;
- The breadth of the Act is insufficient—certain entities are inappropriately excluded from the operation of the Act, particularly agencies that have been corporatised or privatised, and it needs to be clear that the Act applies to traditional government services that have been outsourced;
- The Act is inappropriately being used for 'fishing expeditions' in relation to actual or potential litigation;

- Exemptions are invoked too quickly—the exemptions should not be based on technical considerations but should be based on considerations of consequential harm;
- The meaning of 'the public interest', a concept pivotal to the interpretation of the Act, is undefined and mysterious;
- Some particular exemptions are being invoked too often, for example:—the Cabinet documents exemption, in its current form, is too broad and undermines the fine balance of the original Act; and—the government's overuse of the commercial exemptions needs to be addressed;
- It takes too long for agencies to process FOI applications and for external reviews to be completed, at times rendering the information that is sought worthless;
- Review mechanisms are cumbersome;
- The reporting requirements imposed by the Act on agencies should be reviewed;
- The fee structure should be revisited as:—FOI can be too expensive for community groups wishing to obtain documents in the publicinterest; and—conversely, FOI is too costly for agencies to administer (especially small agencies and local governments);
- A disproportionate amount of agencies' resources are expended in processing vexatious applications. The committee addresses these criticisms and other issues in this report.

In an article in the *Courier-Mail* on Saturday, 14 May 2005, Dr De Maria, University of Queensland Business School ethicist, said—

... the document would also preclude evidence given in royal commissions, such as that organised in the wake of the Dr Death scandal. 'Why is this Government needing to increase transparency restrictions when no other government in the nation needs to do this. There is something unusual happening.'

Dr De Maria stated further in that article—

This is classic behaviour of a third-term government. It is acting with great hubris and arrogance to the great citadels of democracy, and Beattie has come to the conclusion he does not need democracy to survive. He is acting like an African dictator.

I ask members to compare these high-sounding words, which reflect the collective view of a committee of this House, with the bill that this Attorney-General and this government has introduced. This morning the Leader of the Opposition outlined that, under clause 24 of this bill, all material sent to the CMC and its predecessor, the CJC, will forever and a day in the future and in the past be protected from ever being open to public or individual scrutiny. Where is the freedom of information in that?

We all heard the comments of the member for Toowoomba South in his contribution. Even the deepest secrets of the cabinet process are released after 30 years, unless they have security implications. Under this bill, cabinet will be less secret than the CMC. This bill was introduced by an Attorney-General who, as the Leader of the Opposition outlined, has a personal vested interest in the introduction and passage of this legislation to cover up matters that may have come to the attention of the CMC. Talk about a abuse of parliament to protect one's personal interest! What explanation is the Attorney-General going to offer this House for the legislation that covers up forever all material sent to the CMC about him or any personal behaviour whether it falls within the jurisdiction of the CMC or not?

Will this government now amend the CMC Act to ensure that its jurisdiction is so wide as to prevent any scrutiny of all doubtful political actions of this government? LCARC also criticised the existing cabinet documents exemption process in its current form as being too broad and undermining the fine balance of the existing act. The report states—

Committee finding 168—Recommendation

In light of the above considerations, the Cabinet exemption (contained in s 36) should provide that:

(1) Matter is exempt matter if:

- (a) it has been prepared for submission to Cabinet (whether or not it has been so submitted);
- (b) it was prepared for briefing, or the use of a minister or chief executive in relation to a matter for submission to Cabinet (whether or not it has been so submitted);
- (c) it is a draft of a matter mentioned in paragraphs (a) and (b);
- (d) it is, or forms part of an official record of Cabinet;
- (e) its disclosure would involve the disclosure of any deliberation or decision of Cabinet, other than matter that has been officially published by government.

(2) Subsection (1) does not apply to:

- (a) a specific record of Ministerial expenses;
- (b) matter officially published by government.

Appropriate amendments will need to be made to the definitions ...

No attempt has been made by this government in this bill to address this criticism. The use of cabinet exemption wheelbarrows continues as the Beattie government continues to cover up at all costs. In recent times this government has taken documents to cabinet for the purpose of hiding them from public scrutiny for the next 30 years. Its sole purpose in doing so has been to avoid accountability to the people of Queensland. How often in the last 12 months have we seen the exact same thing happen with this government? The documents are taken away and locked up for 30 years. By the time they surface the issue is long gone, it is history and it will not get a mention. What a great way to hide things. What a great way to cover guilt.

Whilst there are very good reasons for a genuine cabinet exemption provision to support the principles of Westminster governance and the principle of collective ministerial accountability, the Legal, Constitutional and Administrative Review Committee of this parliament in its report into the freedom of information legislation in Queensland acknowledged that the cabinet exemption provision should not be used to restrict access to material that would undermine the objectives of the Freedom of Information Act itself.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (3.52 pm): I rise to speak to this FOI legislation and to express my concerns about the extent of the exemptions that are proposed. The objects of the FOI Act were to extend as far as possible the right of the community to have access to information held by the Queensland government; to open the Queensland government's activities to scrutiny, discussion, comment and review; to enable people to participate in an informed manner in the policy, accountability and decision-making processes of government; and to increase the accountability of the executive government of the state and public officials. These were achieved by creating a general right of access to documents of an agency and the official documents of a minister; creating a right of access to information relating to the personal affairs of an applicant contained in documents of an agency and official documents of a minister; creating a right to bring about the amendment of documents containing information relating to the personal affairs of an applicant that is inaccurate, incomplete, out of date or misleading; and requiring that certain information and documents concerning the operations of the Queensland government be made available to the public. There are other mechanisms by which those objectives are achieved.

As a thumbnail sketch, my understanding of the Freedom of Information Act is that it was to ensure that all information was available to the community unless there were compelling reasons for it to be withheld. Members of the Labor Party have talked about the precursor to the introduction of the FOI legislation. I have no doubt that those who were in opposition during the late 1980s were frustrated beyond belief by their inability to get what they thought was reasonable review and transparency into the processes of government. More and more that frustration is being felt not only by non-government members but also by members of the community as the FOI process is continually being amended to exclude more and more information that has historically been available to the community since the FOI legislation was introduced. From my perspective and the perspective of many in the community, that information is only now being excluded not to avoid appropriate review by the community but to avoid appropriate scrutiny so that government is not embarrassed. That is not the intention of FOI at all. It was to allow for maximum access to information unless there were compelling reasons why that should not occur.

I was looking forward to reading the Scrutiny of Legislation Committee's report on this bill, but I have to say that it is disappointing in that there is no detail given of the rights and liberties that have been enjoyed up until this point, albeit through legislation, and the loss of rights and liberties of the community that this legislation will bring about. I believe that there was scope within the terms of reference of that committee to report on those quite fundamental changes.

There are a couple of areas about which I am particularly concerned. This bill will amend the Public Sector Ethics Act 1994 to ensure that the FOI Act does not apply to a conflict of interest issue or to ethics or integrity issues about a designated person. I believe that the previous speaker said—I may have misheard or misinterpreted what he said—that one of the reasons for this exemption is to ensure that people, particularly those accessing the Integrity Commissioner, can do so in an unfettered manner. If that is the reason then there are ways of achieving that without compromising the community's ability to get information about government actions, irrespective of at what level, which could give rise to concern about decisions that are being made and by whom.

A further amendment in this legislation will introduce a new exemption for information used, obtained or prepared for investigations in pursuit of the crime and misconduct functions of the Crime and Misconduct Commission. Had that exemption been only for the crime functions of the Crime and Misconduct Commission, I believe there could have been a very strong defence of that process. I do not believe that there would be too many people within the community who would want to see the integrity of the Crime and Misconduct Commission investigations into crime, crime syndicates and paedophilia undermined. I believe most people would be happy to know that intelligence collected by the CMC could be held in a secure way so that people who would be seeking to access that information for illegal or mischievous reasons would be prohibited from doing so.

The fact that there will be an exemption introduced for the misconduct functions of the Crime and Misconduct Commission should and does give rise to concern for me and for members of the community. It is my understanding—and I am sure I will be corrected if I am wrong—that that means that information in relation to investigations that have occurred into the conduct of members of parliament in recent times will not be accessible through FOI and, indeed, probably will not be accessible to the community in much detail at all. I believe there are two problems with that. The first is the issue of the community fairly being expected to access information so that they can make judgments about the conduct and decision making of members of parliament. More importantly, when issues such as these do get into the public arena and the CMC investigation subsequently clears that member of parliament

of any suspicion, that clearance will not see the light of day in the public arena. At least it should not if this exemption is applied fairly.

I do not support the exclusion of the misconduct functions of the Crime and Misconduct Commission. I do support the exemptions in relation to crime because I do not believe people who have committed crimes should be able to access information so that they can get their jollies in jail after they have hurt somebody. But I do believe that the misconduct functions should not be exempt.

Additionally, I would support the exemption for information under the Witness Protection Act, because those people have put themselves in a position of vulnerability usually to further justice and therefore should be given a high level of protection without any risk of the integrity of that protection being undermined.

Because of the extent of the broadening of the exemptions, I will not be supporting this legislation. There was an interesting lapse by one of the previous speakers who supported the legislation who said that they supported the 'Freedom From Information Bill', and that is exactly what it is. From the community perspective, it is a freedom from information; a denial of access to information that in many cases should be available to the community as they make up their minds about the actions, judgments and decisions of government. On that basis, I will not be supporting the legislation.

Debate, on motion of Mrs Liz Cunningham, adjourned.

TERRORISM AND ORGANISED CRIME SURVEILLANCE BILL 2004

Second Reading

Resumed from 21 October (see p. 3137).

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (4.01 pm): The clarity of thought in relation to the Terrorism and Organised Crime Surveillance Bill, as far as I am concerned, needs to be reassessed. Let us start by setting out one thing very clearly. The title of this opposition bill is misleading. It is not about terrorism and organised crime. That is a misnomer. This bill is about one thing only—telecommunications interception powers. The government has already introduced a swag of legislation that genuinely counteracts terrorism and organised crime, and we are on the public record as being strong on both of those issues. I will return to that later and advise the House how legislation initiated by the government has bolstered Queensland's defences against terrorism and organised crime.

The only point of the bill before the House is to enable the Queensland Police Service and the Crime and Misconduct Commission to access the telecommunications interception powers under the Commonwealth's Telecommunications (Interception) Act. So let us be really clear about that. The government has consistently stated that we will not grant additional phone tapping powers unless and until they are covered by appropriate safeguards such as the Public Interest Monitor. That is our position. We want to protect the public. That is our concern. The public needs protection.

In response to a Crime and Misconduct Commission report last year, the government established a high-level interdepartmental committee on telephone intercepts. Cabinet has recently considered the issue and maintained the view that the power should be extended only if there are front-end safeguards of the Public Interest Monitor. I have indicated to cabinet in my discussions in relation to this matter that I will consult further with the Attorney-General and with the police minister in relation to this matter. Over the next few months we will revisit the issue and we will consider it again before the end of this year at cabinet.

I have had meetings with a number of people, including you, Mr Acting Speaker, who have raised issues with me, as have a number of other people such as Geoff Wilson. There is a string of people who have cornered me and talked to me about this. I am prepared to take on board all of the things they have said. I respect the views that have been expressed to me. I need to give this further consideration.

My concern about this is very simple, and I stress it again: we are tough when it comes to fighting organised crime and terrorism but we do believe in people's basic rights. We are not going to have a police state. It is very simple. We need to make sure that there is appropriate protection. It is all very well to get caught up in the language of this and say, 'Let us have these powers without protecting the community.' I am not opposed to the powers. We understand that powers apply already at a federal level, but I cannot for the life of me see why we cannot have the Public Interest Monitor involved every step of the way. What is wrong with that? We have to ask that very fundamental question: what is wrong with that? The Public Interest Monitor is there to protect the rights of individuals. That is what it is about. If people wonder why I have been reluctant about this, it is because I do believe in people's personal rights. Just because a person is committed to strong civil libertarian positions and they want to go out and express those views, they should not be the subject of a phone tap.

Mr Mickel: Or the Special Branch.

Mr BEATTIE: Exactly. I grew up in an era—and many of us did—of the Special Branch and it has left an impression on me that has not yet disappeared—and it will not for some time, I have to be frank. That does not mean that we are prepared to say no forever. That does not mean that we are prepared to close the door on this. What it means is that we are prepared to do this only if there is protection for individuals. That is what we are about. That is why I cannot for the life of me understand why it is not a given that in categories 1 and 2—or whatever they are—in the federal legislation there is not a requirement for the Public Interest Monitor or something equivalent to be involved in every stage. The opposition leader has also advocated—

Mr Hobbs interjected.

Mr BEATTIE: You cannot do that. It is under the federal legislation.

Mr Hobbs interjected.

Mr BEATTIE: To be perfectly frank, the member has no idea what he just said. That is legally incorrect.

Mr Hobbs: I do.

Mr BEATTIE: Oh, he does not. We have had a look at this and that is incorrect. The federal legislation does not allow us to opt in or opt out.

Mr Hobbs interjected.

Mr BEATTIE: Please do not waste the time of the House. The member has not read the legislation. He has no idea what he is talking about.

The opposition leader has also advocated for safeguards. On 12 May 2004 in a debate on the Terrorism (Community Safety) Amendment Bill, the opposition leader claimed to have an interest in civil liberties in relation to phone taps. He said—

In no way am I suggesting that we give the Crime and Misconduct Commission or the Queensland Police Service an absolute free-for-all in relation to any telephone tapping powers that may come about.

He referred to the debate about listening devices when Russell Cooper was police minister and the setting up of the Public Interest Monitor to maintain the public interest and advocated taking this process further with phone interception. As Mr Springborg said then—

There are ways of dealing with this to ensure that the public interest is properly reflected and properly respected.

The problem with this bill is that it does not contain those safeguards, and that is why we will not support it. We will not support it while it does not contain those safeguards. There is no point in the Leader of the Opposition talking about safeguards and not putting them in the legislation. He cannot say that he agrees with protecting people and then not put it in the legislation. The problem with this bill is that it does not contain those safeguards on the public interest because it has no role for the Public Interest Monitor when applications for warrants are being made. Where are they? They are not in the bill. He cannot say that he believes in people's rights and then he does not put it in the bill. He has to be consistent. The rhetoric has to be followed by what is in the bill. He cannot just say it and then not put it in the bill.

I just say to the member for Warrego: if he listens to what I am saying here, this is the point I am trying to make in relation to what he said before. I respect his position, but this is why I said what I said before. The difficulty is that, owing to constitutional constraints, the Queensland parliament cannot unilaterally introduce telephone interception powers without an appropriate safeguard such as the Public Interest Monitor. The only way Queensland could independently introduce these important safeguards is if the Commonwealth amends its legislation to permit it. That is the point I am trying to make to him.

We followed this up. On 30 September 2003 the Attorney-General and Minister for Justice, Rod Welford, wrote to the Commonwealth asking it to consider amendments to allow the states to introduce additional safeguards in the warrant application process. This is the way to solve the problem. Recently, the Commonwealth started a review of the regulation of access to communications under the Telecommunications (Interception) Act 1979. In announcing the review, the Commonwealth Attorney-General stated that the federal government would review the policy options for regulation of access to telecommunications with particular emphasis on new and emerging telecommunication technologies such as email, internet browsing, short messaging services, or SMS, and other developing means of telecommunication. The terms of reference for the review require it to have particular regard to protecting the privacy of users of the Australian telecommunication system and to address other issues that necessarily arise in a broad examination of the most appropriate means of access to communications.

Our Attorney-General has now written to the Commonwealth inquiry outlining Queensland's position on telephone intercepts. The report of the review is due to the Commonwealth Attorney-General by 30 June 2005. This review is timely and I welcome it, not least for its emphasis on privacy. I look forward to considering the outcomes of the review. In the meantime, there would be no point in

Queensland pursuing legislative changes that would complement federal legislation that is under the microscope. It remains a fact that Queensland police have extensive surveillance powers and can access information about Queensland offences obtained by another state or a federal agency. You cannot pull some crimes out of the federal legislation and then at a state level say, 'You can have intercept powers for those.' Unfortunately, you have to do the lot. If you do not do the lot, then you cannot apply it. That is the problem. If some could be pulled out, we could actually say, 'We will allow telephone intercepts in Queensland for bang, bang, bang, bang but not for those,' but that cannot be done. That is what is wrong with the federal legislation—unless they agree to do it.

Let us talk about government actions against terrorism and organised crime. I alluded earlier to the fact that the government has introduced legislation and policies to improve Queensland's security from threats of terrorism and organised crime. Much of this work has been done in close cooperation with the federal and other state and territory governments. For example, the government strengthened the powers and ability of the police and the Crime and Misconduct Commission to protect the community when it introduced the Terrorism (Community Safety) Amendment Act 2004. That act bolstered the police and the CMC's powers to use surveillance devices, including listening devices, visual surveillance devices and tracking devices.

The Terrorism (Community Safety) Amendment Act 2004 followed a raft of legislation responding to the new threat of terrorism. I will table that string of legislation in a minute. We have also introduced laws for the civil based recovery of proceeds of crime, covert investigations and witness protection which have proven to be an effective weapon against organised crime. Our reforms also give Queensland police more power to track down organised criminals who work across state borders. Police can now better target cross-border networks such as drug cartels and criminal motorcycle gangs. We have created new offences of sabotage and attempted sabotage.

We had a leading role in developing a national regime to regulate ammonium nitrate. New regulations came into force in Queensland on 1 November last year declaring ammonium nitrate to be an explosive and establishing a licensing regime imposing standards on the import, manufacture, export, transport, storage, supply, possession or use of security sensitive ammonium nitrate. Queensland will soon become one of the first jurisdictions to enact nationally agreed cross-border investigative power legislation.

I have also flagged that this year we will amend legislation to improve the Crime and Misconduct Commission's witness protection powers. This will strengthen the CMC's arm in the fight against organised crime. Earlier this year the government opened a $10 million emergency response hub and was Australia's first state government to release a comprehensive counterterrorism strategy. I table the legislation that was included that I referred to before. We oppose this bill.

Time expired.

Mr SHINE (Toowoomba North—ALP) (4.12 pm): At first glance I thought that the Leader of the Opposition was on to something in this bill. The bill has as its object the ability of the QPS and the CMC to use telecommunications interception as a tool for the investigation of particular serious offences prescribed under the Commonwealth act; that is, telephone-tapping powers for police and the CMC when and where they need or want it. The justification is that it is essential to the effective disruption of organised time and acts of terrorism. The instances of Bali and Madrid were given. Why the Twin Towers were not given as an instance is undisclosed. The Leader of the Opposition acknowledged that that use of the power does exist currently anyway, in a sense, albeit in joint operations.

As I said, initially I felt that the Leader of the Opposition's speech was somewhat persuasive, particularly as, during the last parliament, I served on the PCMC and became cognisant of the arguments by crime fighters and crime-fighting organisations with respect to the utilisation of telephone-tapping powers. However, there existed in my mind an inherent concern, perhaps because I have the advantage of some legal training and practice.

Since the bill's original introduction—and this goes back some years now—I have had the benefit, along with the member for Ferny Grove and others in this House, of hearing a speech by Baroness Helena Kennedy, an eminent UK advocate and member of the House of Lords. I have also enjoyed the opportunity to read a part of her book, *Just Law: the changing face of justice—and why it matters to us all*. I commend it to all members. It is available in the Parliamentary Library. I acknowledge that I have drawn liberally from that publication in this speech.

In her work the baroness takes to task modern governments, particularly those she describes as 'benign' democracies with respect to their record on essential democratic values. She argues for a return to essential democratic rights and fundamental values of equality, fairness and respect for human dignity. She looks in detail at what has happened; what has been eroded—for example, an increase in electronic surveillance; the erosion of the right to privacy; questions raised by advances in genetics; erosion of the principle of double jeopardy; reduction of trial by jury; reversal of the onus of proof; attacks on the presumption of innocence; attacks on the independence of the judiciary; cuts in legal aid; limitations on the right to silence; neighbourhood curfews against the young; expansion of state invasion of privacy; 'pre-emptive strike' incarceration of the mentally ill; and the list goes on.

Baroness Helena Kennedy reminds us of the importance of the 'rule of law', that it is—

... one of the tools we use in our stumbling progress towards civilising the human condition: a structure of law, with proper methods and independent judges, before whom even a government must be answerable.

It is important to realise that the rule of law is not simply what a government says it is. The baroness argues that when there is high political excitement—for example, at the moment with the current circumstances of the Bundaberg Hospital royal commission—

The controlling power of the judiciary and lawyers become so important. Judges curb governmental excess, they are the guardians of the rule of law.

In the light of an incident like the Twin Towers—say that were to happen in Sydney or in Brisbane—it would be perfectly understandable for quite reasonable people to be prepared to jettison civil liberties, for example, the right to silence. To hell with cool reason and the rights of the accused. Most people would concentrate on the tragic loss of life and its effect on loved ones. Woe betide anyone remotely suspicious with Arab looks. Here we see a concentration on the victim, quite understandably. We can easily put ourselves in the same shoes as the victims, but the case for civil liberties here is—

Not to stand in the opposite corner to victims, but to caution against the creation of more victims.

But it is difficult for people who have never had an adverse experience with the criminal law to be the young Arab in these circumstances. It is much easier to put yourself in the same boat as the victim—the burning flesh, the leaps from the skyscrapers, the smoke and the collapsing concrete. On the other hand, those arguing for upholding civil liberties here are up against it. It is easy to rely on images of the falling, the burnt and the dying, to wrap oneself in the flag. It is much harder to make headway with a plea on rights, which seems cold and legalistic. Baroness Helena Kennedy says—

But that is the law's purpose: to introduce reason and rationality into the passionate stuff of human existence.

What does all this have to do with the bill at hand? It is about telephone tapping—a sure invasion of privacy—an obvious abandonment of a basic human right; a civil liberty lost. Kennedy referred to the dangers of this type of legislation when she said—

Ill-considered laws introduced in the face of subversion or clamour about perceived levels of crime can be seriously counterproductive because they help to keep alive, and in some cases exacerbate, distrust amongst sections of the community. In fact, they make people less safe. A climate can be created where any dissent is deemed unsupportive, soft on crime or terrorism, even unpatriotic.

She goes on to state that often in the case of the powerless and marginalised—and she gives the example of the Jews in Europe, the Irish in England, black people, homosexuals and other minorities—the law may be their only shield.

I know that there are some members opposite who would not recognise a civil liberty if they tripped over it. I appeal, however, to the opposition to re-think—or, more accurately, to think for the first time—their attitude to this bill, to think beyond politics, to think beyond short-term populism and to consider what really is in the public interest. Many, many good Australians fought often enough for our freedom. Let us not let them down and let us always remember the words of Thomas Paine—

He that would make his own liberty secure must guard even his enemy from repression.

Mr JOHNSON (Gregory—NPA) (4.21 pm): It is with great pleasure that I speak to this Terrorism and Organised Crime Surveillance Bill 2004 that was introduced into this parliament by the Leader of the Opposition. I just heard the contribution from the member for Toowoomba North. I have a great deal of respect for the member for Toowoomba North but I do not think civil liberties stand a mention when it comes to giving our police the powers to protect the society of Queensland. In 2005 we have to move forward with the other police jurisdictions and crime-fighting bodies around this country. Their respective governments are giving them the tools to be able to fight crime on a daily basis with modern technology that is available to police forces right around the world today.

Recently I was privileged to go with the minister for police and a trade delegation to the United States and Canada.

A government member: It was a privilege to go on the trip with you, too.

Mr JOHNSON: Thank you very much. I take that compliment. On the international scene, none of us ever dreamt there could be an attack such as September 11 where we saw such destruction of life and property. We should not think that cannot happen in Australia. I hope it does not happen in Australia or in any other part of the world again. But we have to do what the Leader of the Opposition is endeavouring to do with this piece of legislation: give our police the tools to be above the crooks who are out there. They are playing us at a break. It is an embarrassment. I have spoken to police in Queensland and they are somewhat embarrassed that they do not have the surveillance tools, the interception and telephone-tapping technology that all their state and federal colleagues have. I really believe, and I say it to the House this afternoon, that this is terrorism security in 2005 not 1905. Terrorism does not have a front line; terrorists do not let people enjoy a front line. They are gutless cowards. They will attack anywhere. Women and children do not rate a mention with them. That is why we have to make absolutely certain that our Police Service is equipped and has the technology and the vehicles to be able to counter any attack that we may see come across our shores.

When members look at the Queensland Police Service there is no doubt in the world that it is a wonderful police service and is guided by very good people. But at the same time we want to make certain that it continues to be guided by having the technology available to it to keep it at the forefront of what is really going on. We have seen what has happened in Bali in recent times. It is unfortunate that we have the grubs of society taking advantage of those young kids who could face who knows what penalty. The other side of the equation is the baggage handlers at Qantas who are trying to make a fast dollar and do not value human life. We have to make certain that we have the surveillance and technology in place to counter this.

When members look at all the containers that come into Australia every year, only three per cent are inspected. Our services are not good enough. I have said it in this House before, and I quote a policy initiative of a former federal opposition leader Simon Crean when he said that we need a coastguard in this country. No truer words were ever said. We have to move with the times.

Mr Reeves: We need a Labor government to do it.

Mr JOHNSON: I hope that the current government will do it. The point I make is that when speaking with the police commissioner in New York who was in charge of trying to get rid of contraband going out of America and protecting the United States from contraband coming into that country from the golden triangle, it was interesting to see how their surveillance and coastguard work there. We are in this together and we have to make certain that we counter it.

We have to make our general public aware of what the situation is so that they do not fall into the trap, too. There are people out there today whom we think we can trust but whom at the end of the day we cannot trust. This is an unfortunate situation. I heard the Premier's contribution here this afternoon when he made reference to the federal Attorney-General wanting to have a discussion on phone-tapping powers and wanting a contribution from this government by 30 June 2005. It is fairly obvious that we will see phone-tapping powers introduced into the Queensland crime-fighting bodies of the Police Service and the CMC after 30 June, but because the Leader of the Opposition has introduced it into the House it is no good. The government is not going to support this bill because the Leader of the Opposition or the opposition has thought it through. But if it comes from the government, and we support it, that is okay. I would have thought that this is a very concrete, sane and responsible piece of legislation that is about protecting our society from that unwanted terrorist element that I made reference to a while ago. It is a bit like the war in Vietnam. There was no front line in Vietnam and I can assure members that there is no front line in the war on terrorism. Terrorists do not respect anybody. I do not think they even respect themselves. Look at the way that part of the world respect their women. They do not have any respect at all for women, families of other people or even their own families, so how are they going to respect our families and our people.

Mr Reeves: You are stereotyping terrorists.

Mr JOHNSON: That is where the majority of terrorists are coming from. I take the interjection from the honourable member for Mansfield. Do not get me wrong, I am a tolerant person, I am an understanding person. We live in a multicultural society but that is where that element is coming from. I have seen recently people from this country going over there, being apprehended by terrorists in Iraq and held for ransom. I believe that whether they are Muslims, Catholics, Lutherans or whatever we have to have that tolerance and understanding of each other. But we are talking here about terrorism laws and organised crime surveillance.

In relation to the drug scene, six tonnes of cocaine and heroin come into this country every year from western Europe and probably Asia. The point I make is that we have these kids up in Indonesia who have been caught with a few kilograms of cocaine, so six tonnes is a fair amount. Look at all those young lives that will be lost or ruined because of this element. The ones who are the pushers of the drugs do not even take the drugs. All they do is pocket the coin and live the life of Riley while these young kids are out there on the streets entering into prostitution, breaking and entering or robbing someone.

Look at the case of that poor unfortunate women in Sydney a couple of days ago who was stabbed in the back and had her spinal cord severed by a gutless wonder who robbed her of her handbag. That poor lady could spend the rest of her life in a wheelchair because of some thug who, more than likely, just wants to support his drug habit. The police tell us that that is the case.

The greatest proportion of people in our jails in this country are there for drug related crime. When we consider that 80 to 85 per cent of people in jail are there for drug related crimes, we realise that the piece of legislation that the Leader of the Opposition has introduced will save the taxpayers of this state a lot of money. If we give the police that power that will happen. If police could direct their energies into other areas of society we could have the protection that most times we take for granted—that is, the blue line of the law.

I trust that the government can see merit in this legislation. I know that this bill will be defeated. I heard what the Premier had to say this afternoon. I hope that this government and the parliament see merit in this piece of legislation and precisely what we are trying to achieve. We are trying to put the

tools that the police need into their hands so that they can apprehend these people. I urge government members to support this piece of legislation.

Mr HOBBS (Warrego—NPA) (4.31 pm): I am pleased to rise to speak in the debate on the Terrorism and Organised Crime Surveillance Bill 2004. This is a very important bill and a very interesting debate. I was interested to listen to the Premier address the chamber earlier and express his reasons why we should not put telephone interception powers in place in Queensland. That is rather interesting because Queensland is the only state in Australia that has not got TI powers. Quite clearly he is a conscientious objector to it.

The Premier mentioned the Special Branch and so on. He is probably thinking of the pre-Fitzgerald era where he was very actively involved in certain movements around the place. I can see where he is coming from. However, we cannot remain in a void for the rest of our lives. We have to move on. I respectfully say to the Premier that he has to move on in this regard. There are safeguards that can be put in place to address any issues of concern that he has. I am sure his concerns are genuine. But we are the only state in Australia that has not got TI powers. The crims are coming over the border. The problem we have is that Queensland is an easy place for criminals to operate because we do not have these powers.

In the southern states they use these powers all the time. I have been down south with other members of this House and talked to numerous people about this issue. They assume that we have these powers. When we talk to them about crime fighting and so forth and they ask how our TI powers work, we have to say, 'We have not got those up here,' and they say, 'Oh, you have not got them. That is interesting.' That is how bad it is.

The Premier talked about the Public Interest Monitor not being able to monitor these powers. I am assuming a little in terms of what he said. The bill before the House today mentions the Public Interest Monitor on page after page after page. It is an important and essential part of this bill that the Public Interest Monitor, an inspector or whoever, has the powers to ensure that everything is done correctly.

I assume that the Premier is talking about having the Public Interest Monitor intervene at an earlier stage—that is, during the approval process. Under this bill and under all legislation throughout the Commonwealth, an application has to be approved by a Supreme Court judge, a Federal Court judge or a tribunal chairman. The reality is that those initial checks are there. The Public Interest Monitor or the inspector could do this. Every other state has this power now.

The second PCJC, the third PCJC, the fourth PCJC and now the fifth PCMC—a committee made up of people from all parties—have all agreed with this proposal. The Public Interest Monitor in Queensland agrees with it. The CMC agrees with it. It appears that everyone except the Premier agrees with it. We cannot stay in a void and not have this crime-fighting tool that is so desperately needed.

For the interest of members I will refer to the report of the three-yearly review of the Crime and Misconduct Commission. It states in that report that telecommunications interception in Australia is principally governed by the Telecommunications (Interception) Act. The Telecommunications (Interception) Act permits state law enforcement authorities that are eligible authorities to apply for a warrant to conduct telephone interception. In order for state law enforcement authorities, such as the Queensland Police Service or the CMC, to be declared as eligible authorities, the state must pass complementary legislation complying with the requirements in section 35 of the Telecommunications (Interception) Act 1979 relating to record keeping and destruction reporting and inspection by an independent state authority.

Queensland is the only Australian jurisdiction without telephone interception powers. Accordingly, the CMC in its submission reiterates its previous call for the introduction of telecommunications interception legislation in Queensland and funding for the CMC to establish its own secure and effective interception facility.

The fourth PCJC stated at recommendation 3—I do not have time to go through them all—that every consideration should be given to the establishment, if possible, of a scheme providing for involvement by the entity given the inspector role at a stage prior to the application for an interception warrant being made, along the lines set out in the report. Recommendation 4 stated that the inspection role be given to the PIM. The PIM can do that. If an application for a TI is approved by either a Federal Court judge or a tribunal judge, the PIM then has the ability to inspect that and make sure that everything is right. That is terribly important. Quite frankly, the checks and balances are there.

In a submission the CMC argue that telephone interception has certain benefits. They are that it minimises the need to use covert operatives, who are often exposed to high levels of risk, particularly without the benefit of intelligence obtained through telephone interception; in contrast to listening devices, telecommunication interception consistently produces high-quality product which is often far more effective because it records both sides of the conversation; it allows specific targeting of an individual and, in fact, protects civil rights—as the member for Toowoomba North mentioned a while ago.

The system we have now is more intrusive on people's civil rights than would be the case with TI. TI powers specifically target the person. These people are so sophisticated at this type of thing. People with mobile phones in the drug game will talk on the phone in the middle of the street or in between the rows of traffic to try to muffle the sound. They then throw the phone away and get another phone. They are getting very good at this.

The reality is that in Queensland there is nothing to stop this. All they have to do is walk around and pick up a phone and talk to their drug lords. It is quite ridiculous. The submission goes on to say that telephone interception removes any potential concern regarding limitations on the use of data surveillance devices on computers connected to the internet. The Parliamentary Commissioner, the PIM and the opposition gave unqualified support to the introduction of TI powers.

The report also notes that a report to the Commonwealth Attorney-General on the operation and use of named person warrants under the Telecommunications (Interception) Act is also interesting reading in that it identifies two further important features of telecommunications interception as an investigative tool. First, it is safe. It limits the need to expose law enforcement operatives, particularly those involved in undercover operations, to considerable danger. Second, telecommunications interception makes a significant contribution to the more effective utilisation of other investigative resources and enables complex investigations to be conducted more efficiently and more cheaply than would otherwise be the case. It also helps to avoid reliance on less satisfactory forms of evidence from sources such as informants and witnesses who may be exposed to threats or intimidation. That is particularly important as well. It is going straight to the source, and we can do that.

This bill might not be perfect, but there is no reason why the government cannot amend it. If the Premier has some concerns in relation to the Public Interest Monitor, let us hear what they are. I do not necessarily think that there is a great problem in relation to the Commonwealth legislation. If there is, we can try to get that fixed as well. In the meantime, let us do something. Let us not wait around and wait around. We have been hanging around for a long time in terms of trying to get something done with regard to an efficient and effective crime-fighting tool. The report of the fourth PCJC also considered what safeguards should be contained in the state legislation and further said that the inspection role under the state legislation should be given to the PIM. The recommendation quite clearly says—

The committee recommends that the Queensland Government introduce legislation to enable the CMC and the QPS to intercept telecommunications.

That is what it recommends. That is quite clear. There is one other aspect that I want to mention. The telecommunications interception power is generally regarded as one of the most effective investigative tools for law enforcement agencies.

Time expired.

Mr ENGLISH (Redlands—ALP) (4.41 pm): Telephone interception is an important crime and corruption-fighting tool. I do not believe anyone in this House disagrees with that. In his contribution to this debate the member for Warrego said that we should not sit in a void. It is important to highlight that the government is not sitting in a void. The government is currently undertaking a review in conjunction with the Queensland Police Service. This issue is on our radar. It is on our agenda. We will be looking closer at this issue, and the Premier indicated as much in his contribution.

I must disagree with some comments made by the honourable member for Gregory. He said that crime and corruption override civil liberties concerns. I must vehemently disagree with this. The attitude that the end justifies the means unfortunately results in abuses like those seen at Abu Ghraib Prison. That attitude put forward by the member for Gregory would condone the assault and torture of a terrorist suspect to get a confession. The crime-fighting, terrorist-fighting powers that we give law enforcement agencies must always be balanced against the civil liberties of the citizens. We should never wish to see a laissez-faire attitude where the end justifies the means as presented by the member for Gregory. Where that line is drawn, our side of politics and the opposition may disagree. But I cannot agree with this free-for-all mentality proposed by the member for Gregory. We need to have a balance between powers given to our law enforcement officials and the civil liberties of our citizens.

I agree with some comments made by the member for Warrego. I personally believe that listening devices are more intrusive than telephone intercepts. Listening devices are put in people's houses and are indiscriminate in what they pick up. They hear people having domestic fights. They hear people having sex. They hear people going to the toilet. Listening devices are extremely intrusive into people's lives. However, they are an important crime-fighting and corruption-fighting tool. Listening to a conversation on the telephone is less intrusive to the target of the operation. It is, however, important to note that applications for listening devices are heard ex parte—that is, without the suspect being there, and this is quite right and logical. Applications for telephone intercepts will be heard in the same manner without the suspect—without the target—being present.

This parliament has decided to give police the right to install listening devices but has put in the protection of a front-end role for the Public Interest Monitor. The Public Interest Monitor is there when the application is heard. The Public Interest Monitor is there to ask the tricky questions of the police and the law enforcement agency making that application. Any legislation looking at giving police the powers

of telephone interception should have a front-end role for the Public Interest Monitor. If the front-end protection of the Public Interest Monitor is good enough for listening devices, then it is also good enough for telephone intercept applications as well.

As members will have detected, I am a supporter of law enforcement officials having the power to intercept telephones. I do not agree with the member for Gregory that civil liberties should be trampled underneath the foot of those powers to enforce laws or to fight terrorism. I will never, ever condone the 'end justifies the means' kind of mentality; otherwise, we will just have a rampant free-for-all by law enforcement agencies. We have seen across the globe abuses by police and by security forces. Again, with regard to the mentality proposed by the member for Gregory, I do not want to see that replicated here in Queensland. I do believe, however, that this bill is fatally flawed. I hope the minister's and the government's discussion and review with the police department leads to a good outcome. I cannot support this bill.

Mr COPELAND (Cunningham—NPA) (4.47 pm): I rise to speak to the Terrorism and Organised Crime Surveillance Bill 2004 and commend the Leader of the Opposition for introducing this bill, because it is a very important one and one that is very necessary for Queensland. I have had the somewhat dubious pleasure of sitting on the PCMC this term and the previous PCJC last term. One of the things that it has enabled me to do is get a much better understanding of telecommunications interception than I would have ever had otherwise. I remember when I was on the fifth PCJC during the last term we were able to visit New South Wales. That was my first exposure to the detail of what TI means. I have to say that I was very impressed with the way it was operating. Certainly, with this sort of technology there is always the potential for intrusion into civil liberties. There have to be safeguards. I agree with the member for Redlands, who sits on the current PCMC with me, when he says that listening devices are far more intrusive than telecommunications interception. That is a very real difference and that is one of the desirable attributes of having TI.

The one small area where I disagree is that the PIM has an important role to play in the bill introduced by the Leader of the Opposition. It is not an upfront role, but it is a very strong monitoring role. The approval process regarding an application for an intercept has very stringent requirements, whether it be approval by a Federal Court judge or a Supreme Court judge or the other bodies that are able to do it. That is a very strict requirement, and the PIM is involved in a very detailed way throughout it. To be honest, if the PIM was not involved, I could not support the legislation. But the PIM is involved. The PIM is involved in a very detailed way. I think that that is a very important safeguard for civil liberties, because I do think that we need to take account of individuals' rights. That is something that we all have to maintain. But we do have to strike a balance, as the member for Redlands said. I actually fall on the other side: I think the balance is right in this bill. There is balance for those safeguards. Importantly, it gives our law enforcement agencies, particularly the CMC and the QPS, the ability to move into the 21st century.

Queensland is the only state where the law enforcement bodies do not have telephone interception powers. In speaking with people in New South Wales, I found they were astonished that Queensland still does not have TI. In talking with the monitors, the inspectors and other people who were concerned about upholding the public interest and safeguarding citizens' rights in New South Wales—people one could hardly regard as seeking to destroy civil liberties willy-nilly—even they conceded that TI was a very important tool in the arsenal against organised crime, against corruption and against a range of other criminal activities. In New South Wales a lot of criminal and corruption busts simply would not have occurred and prosecutions simply would not have occurred or been successful if it was not for telecommunications interception.

In this modern world criminals operate in a very, very sophisticated manner. For our law enforcement agencies to not have an essential piece of their arsenal is really tying one hand behind their backs. It is really limiting their ability to do what we want them to do and that is to crack down on drug dealers, to crack down on organised crime and to crack down on corruption to make sure that our state is a good state for everyone. I believe that we simply cannot expect our police and the CMC to do their job effectively and efficiently without telephone intercept powers, even though it is only one of the tools that is available to them.

The Premier has made a range of claims in the past and again today about why we do not need telephone interception powers in Queensland. One is obviously for civil liberties reasons, to which he referred tonight. I disagree with that. I think that a balance has been struck in this bill and civil liberties are protected. In the past the Premier has also stated quite often that Queensland law enforcement agencies can use TI in conjunction with their federal or interstate counterparts. That is an erroneous statement, because it is only when those bodies want to investigate something in Queensland that TI has been used in Queensland. If the law enforcement bodies in Queensland want to conduct an investigation off their own bat, they are unable to use TI.

In my view, this bill contains more stringent requirements and safeguards under which the CMC and the QPS would have to operate if they operated in conjunction with an interstate or federal body. For the Premier to say that it is okay for the QPS to use TI when it is operating in conjunction with the ACC or the Federal Police in Queensland, then he must accept that safeguards are in place for those bodies

to use TI in Queensland. Logically, it follows that the Premier must accept that it is okay for those bodies to use TI in those circumstances and that there are safeguards in place.

The Premier cannot have it both ways. He cannot say that it is okay for Queensland law enforcement agencies to use TI in cooperation with their federal counterparts or with their interstate counterparts and that the safeguards are fine and then not accept that the bill to enable the CMC and the QPS to have TI powers off their own bat with, I believe, more stringent requirements is not feasible. I do not think that argument washes at all. It is one that we have heard trotted out by the Premier on numerous occasions.

Unfortunately, Queensland is known as the amphetamine capital of Australia. There is no doubt in my mind that criminals come to Queensland because they know that the QPS and the CMC operate without this tool in their armoury. I do not think that we should be encouraging those people to come to Queensland. I do not think that it is an attribute for our state to say that we are an attractive place for criminals. We must do everything we possibly can to discourage that.

The member for Warrego, who was also a member of the former PCJC and has been a member of the PCMC with me, outlined a number of recommendations that several PCJCs have made over the years. Those bipartisan committees have recommended the introduction of TI into Queensland since the second PCJC handed down its report in May 1995. Tom Barton and Darryl Briskey were members of that committee and they are still members of this parliament.

I do not know whether the third PCJC considered this issue, but certainly the fourth PCJC did in December 1999. That committee was chaired by the now Minister for Transport and Main Roads. The member for Barron River, Lesley Clark, and the member for Algester, Karen Struthers, were also members of that committee. They are all still members of this parliament. So a number of members have considered this issue very closely and have an understanding of the need for it.

The fifth PCJC, of which I was a member during the parliament's last term, was chaired by the member for Ferny Grove. He chairs the current PCMC. I note that the member for Ferny Grove is listed to speak in this debate. I am sure he will have some disagreement with what I have said.

Mr Wilson interjected.

Mr COPELAND: I look forward with interest to the contribution of the member for Ferny Grove. Kerry Shine, Andrew McNamara, Desley Boyle and Howard Hobbs and I were the members of the fifth PCJC. We all still sit as members of this parliament.

So a large number of members have participated in those bipartisan committees. I believe those committees have worked extremely well. There has been a lot of robust debate. We challenge each other—we do a whole range of things. Over the years all of those PCJCs and PCMCs have come to the same agreement in their reports that have been issued publicly, that is, that telephone interception be introduced into Queensland.

Mr Wilson: With the PIM.

Mr COPELAND: With the PIM. I agree totally. As I said at the beginning of my contribution, if the PIM was not so heavily involved in the provisions of this bill, I certainly would not have supported it. It is very important to make sure that safeguards are in place and that civil liberties are protected. But it is also important to strike a balance where the QPS and the CMC are able to access what is a very important tool in fighting crime and corruption.

We live in a very modern and nasty world. This bill strikes a very good balance. I urge all members of the parliament to support it. I certainly hope that we see it passed. The Premier has said that is not going to happen. I urge members to recognise that this bill is a good idea and that it should not be opposed just because it has been introduced by the opposition. We see that time and again with private member's bills. Regardless of whether it is a good idea or not, it is rejected. I think this is a good bill. I think it is a sound bill. I think that it is certainly consistent with safeguarding civil liberties.

Mr WELLINGTON (Nicklin—Ind) (4.57 pm): I rise to speak in support of the Terrorism and Organised Crime Surveillance Bill 2004. I listened to the Premier's contribution to this debate in which he gave the reasons his government was not prepared to support the bill. I am still not convinced that there is any valid reason why the Premier could not have addressed his concerns by introducing amendments during the consideration in detail stage. That way the intent of this bill could have been maintained and we could see improvements to the level of policing in Queensland.

It is interesting to note that a number of members have spoken in this debate about how Queensland is the only state that does not have telecommunications interception powers and has to rely on its federal or interstate colleagues for those powers. I am very disappointed—and I know that many of my constituents are also very disappointed—with the Premier's apparent weakness in his willingness to stand up against organised crime, against drug trafficking and against other corruption activities that can be targeted by these sorts of powers. I am not afraid of putting that clearly on the record.

On the other hand, while the Premier has been the Premier of this state, time and time again in this parliament and in previous parliaments we have seen how he has responded with amazing speed when he thought there was an issue that people were concerned out. The Premier has either come into

this House or called a media conference and said, 'This is what I am going to do. This is where we are going. This is my blueprint.' He will walk down Queen Street or walk through the mall. He would have the media there, he would have his wife there, he would have the minister there and he would have the police there to show Queenslanders how quickly he wants to respond to an issue that is occurring in his backyard. I say to the Premier that the matters to which this bill relates are also occurring in his backyard—in Brisbane and in other parts of our state of Queensland.

I am very disappointed that the Premier has chosen to take such a soft position. I know there are some problems with the bill and I share some of those concerns. But the Premier has already demonstrated that he is prepared to respond quickly when he believes that people are concerned about issues. In this instance, about which I know the community is concerned, the Premier is again taking the soft option and simply saying, 'It is not a matter of priority at this moment.' At some later date he will come back into this House—perhaps during the life of this parliament or a future parliament if his party is returned to power—and consider introducing similar legislation. If that ever happens and if National Party members are still in parliament, hopefully they will stand up and claim credit for prompting the Premier and the government to think a little more about this bill.

I do not intend to take any more time in speaking to this bill. Again, I put on the record my disappointment with the Premier and his inability to grasp the nettle and his inability to give credit where credit is due. Quite frankly, I believe that he could have supported this bill, he could have introduced amendments at the consideration in detail stage and, at the end of the day, we would have seen significant changes that improve the law in Queensland. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.00 pm): Whenever this parliament considers legislation that is intrusive on the rights and liberties of Queenslanders, we need to consider the proposals very carefully. A previous speaker said that the power the police and the CMC already have in relation to using listening devices is far more intrusive than that relating to telephone intercepts. In a generic sense that is true. I have a lot of concerns about the appropriate use of listening devices and the processes that are followed in the installation or removal of listening devices.

It must be remembered that people's most intimate discussions and activities are caught on those listening devices and other people listen to those recordings. Human beings, being what they are, are likely to intrude very much on people's sensitivities. I have a general aversion to such things as listening devices and telephone intercepts simply because of that intrusion on people's privacy. However, I also understand the reality of the criminal element in our society and the need for police, on behalf of the law-abiding citizens of this state, to properly investigate and, wherever possible, arrest and detain these criminals. I am in a quandary over this legislation. I can understand the logic and reasoning behind it, yet I have grave concerns about further intruding on the rights of the people of Queensland.

It is wrong to say that we are the only state without powers and that that is a justification for bringing in new legislation. Many members in this House have had children. When children are growing up we repeatedly say to them, 'Just because somebody else does something it doesn't mean to say that it is right.' Therefore, to say that we need to have this legislation because another state has this legislation is an invalid basis on which to agree to it.

It is true that the CMC can use telephone intercepts when there is a coordinated operation with the Commonwealth. That opens up the spectra for the use of telephone intercepts in a number of situations. I do not have the statistical information and I apologise for that. But I know that for a lot of big criminal investigations into organised crime, paedophilia and drugs there is a coordinated approach across Australia. We have seen the benefits of that approach in recent mass arrests in relation to paedophilia not only in Australia but also overseas. I am not convinced that the CMC and police are disadvantaged in those major crime investigations because it is my understanding that in many instances it is a joint operation and so they do have access to those powers.

I, like the member for Nicklin and others, express my disappointment at the Premier's rejection of this legislation simply because, I assume, it is not of his hand and not quite to his structure. The government has a majority in this parliament and could very easily move amendments at the consideration in detail stage to shape the legislation into a form that better suits the government's needs. It is also a fact that this legislation is not newly introduced. It has been sitting on the table since 21 October last year. So there has been more than ample time to generate amendments in consultation with the Leader of the Opposition, who sponsored this legislation. There has also been time to ensure that interest groups in Queensland who may have a vested interest in changes to this proposed legislation were satisfied with any amendments the Premier might wish to put forward. Therefore, the Premier's stand is disappointing to say the least.

Because of my concerns about the privacy interests of the community, I am not supporting the legislation. My opposition to this legislation is certainly not to support the Premier because, as I said, he has had plenty of time to move appropriate amendments. I believe that our police and our crime investigation organisations have access to quite significant intrusive powers. On that basis I will not be supporting the legislation.

Mrs PRATT (Nanango—Ind) (5.05 pm): I rise to speak on the Terrorism and Organised Crime Surveillance Bill. On first reading the explanatory notes and the second reading speech, I tended towards supporting this bill. On further reading, I found that there was cause for concern that led me to question the bill. Overall, I have gone through quite a process in my own mind as to which way I should go.

I recognise that the police, in the course of crime fighting, would find phone tapping a very valuable aid. I also know that many people believe that if people have nothing to hide then they have nothing to fear. Unfortunately this is not the reality, as we have witnessed over the last few years. I have had people recount their experiences to me. A couple of them have even gone to prison for reasons that were not factual and were later proven not to be factual. Perhaps it could be argued that if phone tapping were permitted during investigations of them they might not have gone to prison at all and perhaps might never have even been accused of anything, but we do not know that.

There is a fine line between protecting people against crime and terrorism and infringing on people's rights. The second reading speech states—

The objective of this bill is to establish a recording, reporting and inspection regime to complement the Telecommunications (Interception) Act of 1979 of the Commonwealth so that the Queensland Police Service and the Crime and Misconduct Commission may use telecommunications interception as a tool for the investigation of particular serious offences prescribed under the Commonwealth act.

My understanding on reading that and after doing a little investigation is that the Commonwealth had considerable powers to intercept and investigate and that the state could rely on those powers and that they could be called on at any time. The member for Southern Downs can correct me if that is not the case.

I have done some research and I have listened to other speakers tonight. One of the arguments from the Leader of the Opposition that just does not wash with me is that Queensland is the only state that does not have this legislation. The member for Gladstone made this point very well. We do not allow our children to do things just because everyone else does them and that should not be a reason for introducing such powers. I believe that the only reason to adopt such powers is if there is a proven need to do so—if the various bodies dealing with crime and terrorism believe there is a need to do so, and it appears they do. Other members have stated that there are checks and balances to ensure that the powers are not abused. I am not totally confident that they will not be abused. Then again, perhaps consideration has to be given to the greater protection of all rather than the protection of the individual.

Listening devices, as was stated, too, were not selective. Every aspect of a family's life is there to be heard. I personally do not like that idea. I have talked to a private detective who had some listening devices. He sits on the edge of the road with one pointed at a house and it seems to work very well. You can hear everything—

Ms Struthers: That is illegal.

Mrs PRATT: It is illegal.

Ms Struthers: It is highly illegal.

Mrs PRATT: It is highly illegal. It does not mean it does not go on.

Ms Struthers: Does he know that?

Mrs PRATT: Yes, he does know that. The point is that this item is easily available. They make them everywhere, they can get it and they do know that it is illegal. They do not seem to care. If these people have such devices, the police probably need to have the same devices in place.

Ms Nolan: You are a member of parliament. You ought to report this to the police.

Mrs PRATT: I personally would not have liked to have had that pointed at my house. If people would just be quiet and listen to the speech, perhaps they will learn a little bit more in due course.

There has to be protection for the individual and the wider population. I personally would not like to be violated in any way, shape or form, and the police do need to have the possibility of obtaining a listening device—or TI as it is being called—but, by God, there has to be such a tight regime governing who does what and where.

I have also been forced to think about the other side of the equation, where people are given protection, due to the fact that certain powers are not available in Queensland, to engage in illegal activities because they cannot be intercepted. I am primarily thinking of paedophiles who visit chat rooms or prey on very young children. Again, the argument arises that the protection of one child from these people is well worth it, and as a parent I would have to agree with that.

After September 11, I believe everyone has basically returned to their complacent state. I doubt that very many people still have that fridge magnet on their fridges to contact emergency departments in the federal system if needed. Does anyone in here still have their fridge magnet? I doubt it very much. I do. I have always been very careful about such things and abuses in that way. When the September 11 tragedy occurred, everyone accepted that measures needed to be adopted. We saw airports tighten their security, high-wire fences sprung up around just about every bit of infrastructure that one could possibly think of and there were designated no-go areas which people accepted because they knew

that damage to these facilities was possible. It happened in my area, around and over the Tarong Power Station, and in lots of other places. Security around the Wivenhoe Dam was initiated after threats were made against Brisbane's water supply. These were later proven to be a hoax but the security remains. I know throughout Queensland there are explosive magazine storages. They need to be secure. Their location does not need to be advertised, and I will not go into that. But there are so many things that do need protection. People can be living right next door to something and not know how vulnerable they would be if some sort of infiltration occurred at those particular sites.

I personally do not have a lot of confidence in the Federal Police in that at various times I have endeavoured to contact them because someone has given me a tip which you are told to pass on ASAP. I have found that in a 24-hour period I could not even get through on the phone simply because no-one seems to be manning it. So I do not have a lot of confidence there. I personally believe that in all instances we should be looking after ourselves first, not relying on other people to protect us.

I have really grave concerns about the Premier's rejection of this particular bill. Yes, it could be flawed. I do not think I have ever seen one bill that came before this House that has not been flawed or that could not have been done better. As has often been stated, because it has come from the opposition benches it will be defeated. One of the government members stated in here that this bill probably will be put forward in time, but because it did not come from their side of the House it cannot be any good, full stop. I find this is putting self-interest above the interests of the people, and that is clearly reprehensible.

I did have a lot of thoughts about this bill. I did have a lot of arguments in my own mind about the infringement on people's rights but, quite simply, I believe it is something that is necessary and I support the bill.

Mr WILSON (Ferny Grove—ALP) (5.15 pm): I rise to speak against the Terrorism and Organised Crime Surveillance Bill 2004. At the outset, let me say that it is ridiculous for anyone in this place to suggest that the government's opposition to this proposal comes merely, or at all, from the fact that the proposal comes from the opposition. The debate tonight, especially from government members—and may I say from most members—is trying to address the merits of the proposal before the House.

The bill raises rather starkly two sometimes difficult issues—on the one hand, effective law enforcement and the maintenance of public safety and, on the other hand, the protection and enhancement of our freedoms and civil liberties and the privacy of all citizens. For a modern democratic society to satisfy high standards of decency, fairness and respect for the interests of all people in our diverse communities, we must achieve the right balance between these two often competing requirements. The challenge to get the balance right is not unique to Queensland, or Australia for that matter, as was superbly illustrated by Baroness Helena Kennedy QC of the Shaws whom I was fortunate enough to hear address the Brisbane Institute a couple of weeks ago. I was accompanied by the member for Toowoomba North, and I think the Attorney-General was there as well.

Baroness Kennedy is a life peer in the British House of Lords and is one of Britain's leading lawyers specialising in civil liberties, human rights and social justice issues. Based upon the British experience of attempting to deal with the threat of terrorism over the last 30 years—and not from the modern terrorism that might be sourced in the Middle East but also from the IRA—she proposed to us that we should remember very well that it is important to be wary of the incremental and sometimes imperceptible reduction of our freedoms in the name of protecting our society from terrorism and crime. She so ably argued her case that through so diminishing the rule of law and the consequent loss of freedom in our society we significantly and irretrievably diminish the very society we are seeking to protect and all of the things about that society we dearly cherish. The treatment of the Guantanamo Bay prisoners by the United States government is a classic case in point.

There is no serious dispute about the importance of addressing the challenges of modern terrorism and organised crime. The fundamental flaw in the opposition bill, and indeed the Howard telephone interception legislation which it seeks to invoke in Queensland, is that it has not got the balance right between law enforcement and protecting our freedoms. The key flaws are several in my view. Firstly, the accountability requirements are merely record-keeping obligations—valuable as they may be—that occur after the event of the grant of the warrant. There is no protection prior to the grant of the warrant. I will elaborate on that further in a moment.

Secondly, the inspection proposed in this bill by the Public Interest Monitor is misleading if it is to convey that there is an effective civil liberties protection achieved by the PIM, because in this legislation the role of the PIM is simply substituting the role of the state Ombudsman that is played in all of the other states and is reflected in the template federal legislation.

Thirdly, as I say, there is no defender of the public interest that is involved at the point of the ex parte application. In other words, there is no counterparty in the application when it goes before the Federal Court judge or the member of the Administrative Appeals Tribunal. Fourthly, there are a range of other deficiencies in the TI legislation.

I want to give members some practical background from the research, which is quite illuminating, in relation to telephone interception. In 1997 to 1999, when the number of telephone interception

authorisations in Australia exceeded 600, in the United States there were 1,329 interceptions authorised nationwide. Given that the population of the United States is well over 10 times larger than that of Australia, the frequency of the use of telephone interception in Australia far outstrips that of the United States. Longer term trends confirm that 1998 was not an atypical year in interception.

Secondly, in 2002 to 2003, 3,058 warrants were issued for law enforcement agencies in Australia, which represents an increase of 22 per cent of the total number of warrants issued over the previous year. That figure is drawn from the Telephone (Interception) Act report of 2003. Further, the number of warrant applications refused in 2001 to 2002 was quite small. Out of 2,518 applications that year only four were rejected. That is an illustration of the problem of what is called the ex parte application where only the party seeking the order gets to go before the Federal Court or the member of the AAT to hear their case. There is no counterpoint given at that juncture. That is one of the major flaws in the federal government legislation.

These following figures are from the United States. In 1998, 1,329 TI warrants were granted, as I indicated earlier. This is important, and I want to draw members' attention to this. The average number of people whose conversations were recorded for each TI warrant was 190. So forget about the idea that when someone gets a TI warrant they are only recording the conversation of the person who is the target and one other person. The average number of people whose conversations were recorded was 190 for every TI warrant. An average of 1,858 conversations were intercepted per telephone tap. Nineteen per cent of conversations produced incriminating evidence. The average cost per interception was $58,000. Some 3,450 people were arrested on the basis of TI evidence, and the conviction rate was approximately 26 per cent.

In the United States between 1985 and 1995 over 12 million conversations were intercepted. All were deemed innocent except a handful. In 1995, two million conversations were taped. From 1991 to 1998 only one wire tap application was turned down by an authorising judge.

That brings us back to the major difficulties with this legislation. It is misleading—and I accept that it is perhaps innocently misleading—for the opposition to be talking so strongly about the role of the PIM in this legislation. Do not be deceived: the Public Interest Monitor has no role in this legislation. It is different from the state Ombudsman in each of the other states. That role is for the state Ombudsman—and, in this case, if we were to carry the bill, the PIM—to essentially check whether records that are required to be kept after the grant of warrant is made are kept. For example, how many arrests were made, how many prosecutions were undertaken, how many convictions were recorded, how many applications were approved and what their duration was. There is a whole schema of record keeping that gives some measure, but a very limited measure, of accountability. That is what is checked by the state Ombudsman in the other states; that is what would be checked by the PIM in this state. There is no role in this state for the Public Interest Monitor to challenge the application at the point of it going before the federal government judge.

The difficulty with that is that it means, as I said earlier, there is no counterpoint put at that point about whether or not the warrant should be granted. It is not constitutionally feasible to follow the suggestion of the member for Gladstone to say, 'We can amend the bill in this House.' The only bill that we can pass in this House, to link with the federal TI legislation, is in identical form to what is required by the federal government. The federal government template legislation will only allow it to approve state legislation that is identical to what is happening in the other states and does not include a role for the Public Interest Monitor at the time of making the application for the warrant.

If we have surveillance device legislation in Queensland that builds in, as it rightly should, the role of the Public Interest Monitor at the time of the application being made to the Supreme Court judge, then that is good, civil liberties privacy protection law in Queensland. We should have it in this legislation. We cannot have it in this legislation because at this point the federal government will not change the federal legislation to enable state mirror legislation to operate. The review that the federal government has conducted, the Blund review, is under way. Hopefully that review will show that we can improve the accountability by having front-end accountability, as well as back-end accountability, by changing the federal legislation to pick up the role of an institution like the Public Interest Monitor. It is a unique feature in Queensland, and we should have it throughout the rest of the state. I oppose this bill.

Debate, on motion of Mr Horan, adjourned.

OFFICE OF THE SPEAKER

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (5.26 pm): I move—

That this House notes the failure of Speaker Hollis to comply with the requirements of the guidelines for the financial management of the Office of the Speaker in relation to overseas travel and refers all issues relating to this noncompliance to the Members' Ethics and Parliamentary Privileges Committee for consideration and advice to the House.

Mr Acting Speaker, you would recollect that when parliament last sat I wrote to you asking you to refer this matter to the Members' Ethics and Parliamentary Privileges Committee. You considered the matter and in a response to this House indicated that you did not have the authority to do so and that the

authority, by and large, lay with this chamber itself to decide the appropriate form of conduct with regard to such a reference. In giving notice of my motion of dissent at the time I took into consideration what you said and also studied that afterward. I came very much to the conclusion that the advice that you provided this chamber was, in fact, probably correct; that there was little chance that that advice was incorrect. However, we must address this issue in this chamber, there is no doubt about that. The great difficulty that this place has is that this is probably a precedent. This is the first time that we have seen a Speaker under such a cloud and this is the first time that a parliament has been confronted with this issue and on how we must deal with that particular issue.

Usually we find that members of parliament write to the Speaker seeking to raise an issue of potential contempt or abuse of the rules of this place and the Speaker then has to adjudicate on whether that matter should go before the Members' Ethics and Parliamentary Privileges Committee. Of course if this chamber itself is dissatisfied with the ruling of the Speaker then a dissent motion may follow. However, the difficulty that we all face—and I make the point again—is that we have never been challenged by this before; we have never been confronted by this issue in the past. The difficulty is, of course, how we deal with it.

We have to make the point up front that this parliament is the master of its own destiny. There are certain matters over which we have sovereign responsibility and which we have not handed over to outside tribunals, courts or other investigative bodies. That is basically the behaviour and conduct of members of parliament within this place and certain other matters. If the matter in some way impugns the Financial Administration and Audit Act or a criminal code, then of course it can be dealt with by the Crime and Misconduct Commission, the police or some other law enforcement body. The issue here is a matter of the potential abuse or the abuse of the official guidelines for Speaker's travel.

That is the concern that we have. What we have to do is to establish the facts in order to be able to move forward. I just ask honourable members tonight to consider the text of my motion and to balance this in their minds. It says that this House notes the failure of Speaker Hollis to comply with the requirements of the guidelines for the financial management of the Office of the Speaker in relation to overseas travel. Can anyone stand up here tonight and honestly say that the Speaker has, in fact, complied with his own guidelines for official travel? He has not. That has now been established beyond doubt. Even the Premier himself has indicated quite clearly that the Speaker did not comply with those guidelines and did not seek approval from the Premier before undertaking overseas travel.

A review of the records of this parliament at the Table Office will also indicate that on no occasion did the Speaker report on his overseas travel. The Speaker is required, under the guidelines which were brought into this place in 1997, to (a) seek the approval of the Premier before undertaking overseas travel and (b) report back to the parliament when he completes his overseas travel. Did the Speaker do either of those two things? No, the Speaker did not. That is irrefutable; that is fact.

I hope that honourable members opposite do not vote on party lines tonight if they are going to oppose this and seek to deny what is in fact a reality. If we are going to have any sort of credible guidelines for official travel, if we are going to have any standing orders or sessional orders which have any effect, respect or credibility then we must be prepared to stand up and enforce them. Members have to be prepared to stand up and enforce them. Tonight the honourable members opposite cannot afford to vote on party lines and just believe that the Speaker is over and above his own guidelines for official travel. What would that say to any other member of parliament who has to seek the approval of the Premier before undertaking overseas travel or has to report to this place or in some other way has to follow the rules of this place? There cannot be one rule for MPs and another rule for the Speaker.

It is established beyond doubt that the Speaker did not, in fact, comply with his own guidelines regarding overseas travel. What is the only body that is able to really deal with this particular issue? The Members' Ethics and Parliamentary Privileges Committee is the only properly constituted committee of this parliament that can properly investigate this issue, that can consider whether there may have been a contempt or a breach of those guidelines. It is the only body that can appropriately consider that in a bipartisan way, balancing all the precedents from within our own country and also within Westminster jurisdictions, and report back to this parliament with whatever recommendations it may have to make about the Speaker and whether the Speaker should have to repay moneys or should in some way be held accountable or reprimanded. The MEPPC could consider this obvious and glaring deficiency and then decide to make recommendations about the appropriate course of action for this parliament as it seeks to overcome any deficiencies.

I again say that it is a conclusive fact that the Speaker did not follow his own rules for official travel—that is, to seek the Premier's approval, to get that approval and to then report back to the parliament. Given that failure, the MEPPC or the parliament itself must appropriately address that issue. That is what my plea is to the parliament today. It is quite clear to me that when one looks at other rules that we have in this place, such as the Members' Code of Conduct and Ethical Standards, there are issues with regard to enforcement. With regard to 3.5.2, 3.5.3 and probably even 3.5.4 there are guidelines which are established from time to time by the Speaker, the Clerk and the parliament and there must be some way to enforce them. It is how we actually deal with that enforcement that is important. If honourable members in any way voted against this tonight then what would happen,

frankly, is that this place would spiral into disrepute; we would have a completely political response to dealing with this issue.

What the Premier is hoping is that the Director of Public Prosecutions will in some way come back and find that the Speaker has no case to answer with regard to the alleged breaches of his official entertainment allowance. That is a matter for a body outside of this place. The Premier, in my mind, will be hoping that he can obfuscate that particular issue whereby if there is a clearance he would say, 'See, there is no case to answer.' This has always been clearly demarcated in two areas: one is an alleged breach of criminal provisions; the other is a breach of the rules of this parliament. That is what I am concerned about tonight: how this parliament enforces compliance with the rules and standing orders that it sets itself. Members should also be aware that whatever they do here tonight will be seen clearly as a precedent in other jurisdictions around Australia. If a parliament is prepared to stand up and say that a speaker can flagrantly disregard his own official guidelines without any form of sanction whatsoever then that will be used in some way by a jurisdiction elsewhere and will bring this place into disrepute.

I have confidence in the Members' Ethics and Parliamentary Privileges Committee. I served on that committee for a period of time. The members of that committee, whether they be government or opposition, always clearly balanced the rights of members and always established beyond reasonable doubt the intentions of any person before it made any adverse recommendations against them. The committee was always very aware that you could not operate politically, because if you operated politically and in some way used the numbers of that committee to fit up another member on another side and you did that unfairly or unjustly, it would not only be a travesty of justice; it would also be an unfortunate precedent that would be abused by other jurisdictions within the Westminster system. Tonight the right thing to do would be to refer this to the MEPPC, to have them look at the issue, to have them appropriately report back to the parliament so that the parliament has the appropriate guidelines, the political hyperbole is taken out of it and we can establish what the facts are and the appropriate way forward.

Mr HOBBS (Warrego—NPA) (5.36 pm): I would like to second the motion moved by the Leader of the Opposition. For a long time Australia and Queensland have been under the Westminster system. It is a centuries old system. Over that time eight speakers have been beheaded in the Commonwealth for delivering the wrong message. Tradition, as we have it even in this chamber, is that a speaker, when elected, is dragged into the chamber. We have seen that every time. That is part of the tradition, and we all know why. The role of Speaker has stood the test of time. The position of Speaker is and always has been, in fact, a very eminent position. The Speaker is a role model. A speaker should never put himself or herself into a position of suspicion or ridicule.

Quite clearly, the rules of the Office of the Speaker have been broken. The Speaker must oversee other members to make sure that they comply with the regulations of the parliament in the chamber and on financial matters in relation to the operations of members of parliament. Quite clearly, when members look at the guidelines for the financial management of the Office of the Speaker, it is stated in the very introduction—

These detailed guidelines for the Office of the Speaker have been developed to assist in the financial management of this Office in respect of what constitutes official expenditure and how such expenditure is accounted for and reported.

These guidelines relate only to the Office of the Speaker. They do not apply to the operations of his/her Electorate Office.

The guidelines also state that the Clerk of the Parliament, being the accountable officer with respect to the appropriation of the Office of the Speaker is, in fact, the financial management/personnel support person.

The Speaker must acknowledge the duties and obligations imposed upon The Clerk of the Parliament as the Accountable Officer under the Financial Administration and Audit Act.

It also states in relation to allowable expenditure—

It is the Speaker's responsibility to ensure the validity and veracity of claims charged on the Office of the Speaker and to establish appropriate checks and balances for such purpose.

All vouchers must be properly approved and certified as being in accordance with the Financial Administration and Audit Act and these guidelines before being processed.

Speaker's expenditure does not include that expenditure where the primary purpose for incurring the expenses of the Speaker relates to the discharge of the duties and responsibilities of the Speaker as a Parliamentary representative of his Electorate. Such expenditure shall not be a charge against the Office of the Speaker.

A test which may be used to assist in determining whether an expense is related to electoral responsibilities is—Would the Speaker have incurred the expense had the Speaker not been a Member for the area?

If the answer is yes, then the expenditure may well be a Speaker's expense.

This is the part that is important to the debate tonight. It says in relation to overseas travel at 5.9(1)—

Approval

- All overseas travel must have prior approval of the Premier. The submission for approval must incorporate:
- The objectives of the visit.
- The Countries to be visited.
- The approximate length of travel.

- Full details of accompanying persons whose costs are to be met from public funds.
- Total estimated costs.
- The Parliamentary Service or other programs or activity expected to benefit from the visit.

Administration

In addition to complying with the Standards of Documentation (Section 5.4), the Speaker needs to:-

- comply with Part B of Section 10 of the 'Determination and Rulings' made under the Public Service Management and Employment Regulations 1988 for the payment of allowances and expenses of overseas travel.

...

- table in Parliament within one month of return or the next available sitting, where the Parliament is not in session at the time of the Speaker's return, a written report on the overseas travel undertaken. Such report shall contain in addition to the benefits obtained for such travel, the details contained in Section 5.9.1.

There are a number of issues that are particularly important to us. The Premier has referred this matter to the CMC. He, as well as everyone else, knew that it was not the role of the CMC to determine whether the money should be paid back. It is purely a matter for the Premier and for a body that we believe has some jurisdiction in relation to this particular issue. We believe that the parliamentary ethics committee is the one to go to.

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (5.41 pm): I move—

That all words after 'notes' be omitted and the following words inserted—

'That the Director of Public Prosecutions and Crime and Misconduct Commission are currently considering a range of matters in relation to the guidelines for financial management of the Office of the Speaker.

Further that this House notes that it would be more appropriate to wait for the outcome of these considerations and the decision of the Premier before this matter is considered further.'

What a tortured path we have gone down to get to this motion here this evening. I think it is probably instructive to go through the steps that it has taken to get to this point. In the last sitting of the parliament the Leader of the Opposition wrote to the Speaker seeking the Speaker's view about whether the matter warranted the consideration of the Members' Ethics and Parliamentary Privileges Committee. The Speaker ruled on that proposition. The Speaker's ruling is recorded in *Hansard.* The Speaker ruled to the effect that the alleged failure of a member to comply with financial guidelines is not a breach of privilege or a contempt in itself and there was therefore no basis to refer the matter to the Members' Ethics and Parliamentary Privileges Committee.

I would like to draw the attention of the House to standing order 269. Standing order 269 is the provision under which complaints about a member's behaviour are dealt with. At point (7) of that standing order it is made clear that if the Speaker makes a determination about a matter going to the Members' Ethics and Parliamentary Privileges Committee another member may immediately move that the matter be referred to the ethics committee. Of course, the opposition did not choose to do that. Those opposite had the option, when the Speaker made his ruling, of immediately jumping to their feet and moving a motion so that this matter could be considered and sent to the ethics committee. I can only assume that they did not have their wits about them at the time and did not do this.

Ms Nolan: That is a wild accusation!

Ms BLIGH: It is just a wild guess that nobody on that side of the House had their wits about them to immediately move a motion along those lines. Some hours later, I understand, those opposite came back into the chamber and moved a motion of dissent from the Speaker's ruling.

Yesterday members would have noted that, two weeks after it moved a motion of dissent from the ruling of the Speaker, the opposition withdrew the dissent motion. It decided not to dissent from the Speaker's ruling. A reasonable conclusion to draw from its withdrawal of the dissent motion is that it agrees with the ruling. That is not an unfair conclusion to reach. The day after withdrawing the motion of dissent from the Speaker's ruling the opposition has moved a motion to send the matter to the Members' Ethics and Parliamentary Privileges Committee.

This motion tonight is effectively another dissent from the Speaker's original ruling. If those opposite agreed with the original ruling then they would not be back in here doing exactly what the Speaker ruled could not be done. It is times like this that we wish for one moment that we could spend a couple of minutes in the National Party's tactics room. What a powerhouse of intellect and strategy! I would like to be there, except that one has to join the Queensland National Party to be part of it.

The issue here is very straightforward. Those opposite do not want to talk about the standing orders. They do not want to talk about what they do not know anything about. The Speaker ruled that it was not contempt and it was not a breach of privilege. Those opposite did not dissent from the ruling but they are back in here tonight having another crack. It is effectively, as I said, another dissent motion. This is amateur hour.

I remember a long time ago, in the dim mists of time, a thing called the student union. This sort of nonsense never happened there, and that was when we were 18 years old. This is absolute amateur hour. I do think it is important to put on the record that the matters at the heart of this motion are serious.

Mr Springborg: Anna, you have more brains than that. It has nothing to do with the CMC and they have already said so. You have got more brains than that. You know that. The CMC has passed it back to the Premier.

Ms BLIGH: I draw the attention of the Leader of the Opposition to the fact that the CMC has yet to report.

Mr Springborg interjected.

Ms BLIGH: The CMC has yet to report. It has issued a press release about some matters.

Mr Springborg: This matter. Don't be evasive.

Ms BLIGH: The DPP has not reported. This motion suggests that that is what we should wait for.

Time expired.

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (5.46 pm): I second the amendment moved by the Leader of the House. The primary functions of the Members' Ethics and Parliamentary Privileges Committee are very clear. They are to look at the code of ethical standards, including the code of conduct for members of the Legislative Assembly, and matters of parliamentary privilege. Without wishing to praise you or to embarrass you, Mr Acting Speaker, your ruling was correct.

The opposition members know that that ruling was correct. That is why, in one of their ham-fisted attempts at shooting themselves in the foot, they came back later on and thought they might change it and go this way or that way. It is a little bit of this or a little bit of that. They realised that Mr Acting Speaker was correct. Now they have come back. They have had another think about it. They have realised that they cannot achieve their nefarious ends without trying to criticise the Acting Speaker's ruling in relation to the matter.

Mr Springborg interjected.

Mr LUCAS: The Leader of the House and I listened in silence to the Leader of the Opposition's diatribe. Notwithstanding the fact that it had no probative or evidentiary value at all, we shut up. I suggest that the Leader of the Opposition and his colleagues do the same.

The financial entitlements of the Speaker are not a matter of practice before the Members' Ethics and Parliamentary Privileges Committee. They are quite a legitimate matter. The Premier is indeed addressing those issues. He has indicated that he is addressing those issues. Those issues are matters that are under active consideration not only by the CMC but also by a number of other bodies with which the Premier has consulted. The Premier has been very open and clear about the documents that he is circulating in terms of future entitlements. We could not get someone who is more open than the Premier in relation to this.

Let us look at the contents of section 4.3 of the *Members' Entitlements Handbook*. The standing orders provide 22 examples of contempt such as: breaching or interfering with any of the powers, rights and immunities of the House; deliberately misleading the House or a committee—I will leave out the parts in brackets, but they are there—by way of statement, submission, evidence or petition; serving legal process or causing legal process to be served within the precincts of the parliament without the authority of the House or Speaker; removing without authority any documents or records belonging to the House; falsifying or altering any documents or records belonging to the House as a member receiving or soliciting a bribe to influence a member's conduct in respect of proceedings in the House or a committee; or as a member accepting fees for professional services rendered. They go on and on and on. There are some 22 of them.

It is not covered there. The opposition may wish it to be covered there, but the simple fact of the matter is that it is not. What have we had, Mr Acting Speaker? We had your ruling in relation to the matter—a lucid and cogent ruling. The opposition did not like it but did not do anything. Later in the day it said, 'Oh, gee whiz, we'd better say something about this.' For form's sake, it moved a motion of dissent.

Ms Bligh: Light went on!

Mr LUCAS: Yes, the light went on. Hello! Then later on it said, 'Hang on. We're not going to do that. Now we're going to remove that motion of dissent. Now we're going to try to refer it to the Members' Ethics and Parliamentary Privileges Committee.' The minister for local government was a clinical psychologist prior to entering parliament. There are a good two dozen PhDs on the other side—one for each of them in relation to their veritable schizophrenic view of the way that their parliamentary tactics ought to be interpreted.

The Premier, as I said before, has consulted extremely widely in relation to these guidelines and they are a matter, as the Premier recognises, of considerable community concern. This morning we sat in this chamber and saw the Cyphis for the National Party, the Leader of the Liberal Party, get up and call this the inquiry state. It is a very interesting tactic that the opposition and its cohorts pursue in this

place. They have an inquiry when it suits them. They want to have an inquiry when it suits them, and when we do not have an inquiry they have a go at us. This morning we had the Leader of the Opposition having a go at the government for having the inquiry into health when those opposite had suggested to the government that that is exactly what it should do. The Premier took the matter extremely seriously and dealt with it. This is also a matter that the Premier is treating seriously in relation to the future entitlements. This is a matter that the Premier is very clearly and squarely examining.

It is a pity that the opposition cannot get its act together in relation to these things. It is a pity that the opposition wants to deal with matters that are currently before the CMC. It wants to deal with matters—

Mr Springborg interjected.

Mr LUCAS: Yes, it is; the matter of the entitlements. The member does not know what is in the CMC's report unless he has some advance copy that I do not have. I do not have an advance copy of the CMC's report, but if the honourable member has some method of determining what will be in the CMC's reports before it is handed down perhaps he might want to inform the House about that. With regard to the general entitlements, the CMC is looking at that. Let us see what its report says. Let us see what its report covers and then we will comment on that.

Mr COPELAND (Cunningham—NPA) (5.51 pm): I rise to support the motion moved by the Leader of the Opposition and oppose the amendment moved by the minister for education. That was an extraordinary contribution by the member for South Brisbane, the minister for education, treating this as a joke. It is not a joke; it is very serious. There is a very serious question to be asked. If we have guidelines in place, regardless of who they apply to—whether it is a minister, a member of parliament or indeed the Speaker in this case—and those guidelines are not followed, what actions are to be taken? That is the question, a very simple question.

The question surrounding the activities of Speaker Hollis has been a difficult one to contend with, as the Leader of the Opposition said, because it is not something that has confronted us before. We have not before had Speakers about which these allegations have been made. So it is a difficult thing to do. Mr Acting Speaker, your ruling last week was in fact, after the Leader of the Opposition had a chance to look at it, correct. You did not have the authority to refer the matter to the Members' Ethics and Parliamentary Privileges Committee. The responsibility for referring it to the Members' Ethics and Parliamentary Privileges Committee lies with this parliament—no-one else, this parliament. So it is up to this parliament to ask the question if someone has breached the guidelines—in this case, the Speaker: should that activity be referred to the MEPPC? I think it is a clear yes. It is a very, very clear yes.

Since the very beginning of this issue the Premier has tried to muddy the waters. But we will not allow that to happen. There are a number of issues that have surrounded that whole sorry saga really. The first is the potential criminality that has been referred to the DPP, and quite rightly the DPP is looking at it. That is the role of the DPP, and the CMC has referred those questions to the DPP. There are no problems at all with that. The DPP will make the decision whether in fact there is a case to answer, and we will await that decision with interest. The second is the question of whether the guidelines have in fact been breached. The Premier referred that to the CMC. The CMC reported back and said that it is not up to the CMC to make an ethical or moral judgment about a breach of guidelines; that is a matter for the parliament. That is what the CMC said regarding the breach of guidelines, so do not let the Premier, do not let the minister for education and do not let the member for Lytton try to muddy the waters about that. It is a very clear difference.

The third issue—and another attempt by the Premier to try to muddy the waters—is when he said, 'I am going to refer to the CMC the issue of new guidelines for the Speaker.' That is fine. That is for the future. What we are asking is this: if the Speaker has breached the existing guidelines, what action is therefore to be taken? At the moment, the government would be saying no action at all—no action at all. It says, 'We'll just let that go. The CMC's got to reply. The CMC's got to investigate.' That is quite incorrect, and the CMC has said that it is incorrect. The CMC has said to the Premier that this is an issue for the Premier and for the parliament. Moral and ethical issues regarding breaches of guidelines are a matter for the parliament itself, and that is why this motion has been moved by the Leader of the Opposition tonight.

It is a very, very simple question that the government will try to muddy and continually muddy during this debate tonight: has there been a breach of guidelines? Clearly the evidence is yes. Clearly the evidence is yes as outlined by the Leader of the Opposition. There needed to be approval sought for overseas travel, and that was not done. There needed to be reports produced at the end of it. That was not done. It was not done once. It was not done twice. It was not done three times. It was not done four times. So now we as a parliament have to ask ourselves in very extraordinary circumstances what action this parliament takes. Does the parliament say it is okay to breach guidelines? Is it okay for the Speaker to breach guidelines? If that is what we are saying, then the next thing is that it will be okay for ministers to breach guidelines. It is okay for members of parliament to breach guidelines. It is okay for statutory authorities to breach guidelines.

It is going to set a very, very bad precedent if this parliament does not support referring this issue to the MEPPC. The MEPPC has proven itself to be an independent committee over the years, as the Leader of the Opposition said, and we respect its right to examine this issue. It is a very clear question. There are guidelines in place. The Premier is trying to muddy that by saying that we are going to have new guidelines. That is fine; let him introduce new guidelines down the track. It is the existing guidelines that have been breached. We ask the question: what happens now? Clearly, this parliament has to refer this issue to the MEPPC.

Mrs LAVARCH (Kurwongbah—ALP) (5.56 pm): I rise to support the amended motion and oppose the original motion as moved by the Leader of the Opposition. The Leader of the House and minister for education in moving the amendment to the original motion and the minister for transport in seconding the amendment certainly demonstrated to the House the tortured way in which we have come to this motion tonight, or the awkward way in which the opposition has brought this motion before the House tonight. Unlike them, in that they see this as almost amateur hour or look at it from a comical point of view, I happen to give the opposition credit for being more inventive and showing more initiative.

This week celebrates eight years since I was elected as the member for Kurwongbah in a by-election. I came to this place at a time when we were in opposition, the time of the Carruthers inquiry and the Connolly-Ryan inquiry. I was appointed as a member of the Members' Ethics and Parliamentary Privileges Committee when it had referred to it a resolution of this House that the House had no confidence in then Attorney-General Denver Beanland and he refused to accept the resolution of the House. Although the Leader of the Opposition was no longer on the committee at that time because he had been appointed to cabinet, his coalition colleagues argued strenuously that a notice of motion of the House was a mere resolution and was only an opinion and did not in any way represent an order of the House or something which had to be adhered to.

I will not go into the full details of that or I might come back to that in a minute. Because of that and because we were then elected to government in 1998, the actions of the former Leader of the Opposition, the former member for Surfers Paradise, Rob Borbidge, were time and time again disruptive of this parliament. We have even seen it here today. Each parliamentary sitting we see a disruption of this parliament. Instead of that being amateur hour or comical to me, I think it actually goes to the very unprincipled position of the members of the National Party in this House in that they have no respect whatsoever for the institution of parliament.

Back in 2000 the opposition moved 10 motions of dissent against the Speaker's ruling over matters it well knew were outside the guidelines when asking questions. The opposition insisted that it have the opportunity to ask those questions. The opposition then moved dissent motions against the rulings of the Speaker.

Mr Acting Speaker, what happened during the last parliamentary sitting and during this sitting with the moving of motions of dissent against your rulings once again demonstrated to this House that the opposition has no respect whatsoever for the Westminster system of parliament, for the conventions of parliament and for the institution of parliament. The opposition will do anything and take any measure to undermine the Westminster system. The opposition will do anything and take any measure to once again show that it lives up to the image that people in Queensland have of the Queensland Nationals as a pork-barrelling political party that would grasp and use public moneys for personal short-term political advantage. That image came from the years when Joh Bjelke-Petersen was the Leader of the National Party.

I find it galling that the National Party, which has no credibility on matters of integrity or accountability or any demonstrated ability of good governance, comes into this place and lectures us about these matters. Mr Acting Speaker, this very motion, by virtue of it being moved by the Leader of the Opposition when you had already made a ruling, once again is a demonstration of the Nationals' lack of respect for this parliament or for the conventions of this parliament.

Ms Nelson-Carr: It's a lack of understanding.

Mrs LAVARCH: No, I think it is more deliberate than a lack of understanding. I think the National Party goes out of its way to be as disruptive as it can be. In some ways, the Leader of the Opposition acts like butter would not melt in his mouth.

Time expired.

Mr JOHNSON (Gregory—NPA) (6.02 pm): I rise to speak to the motion moved by the Leader of the Opposition. We talk about the conventions of parliament and we talk about the guidelines, rules and regulations that are set down by the parliament for all the members of the parliament—not just for the government members and not just for the opposition members. The member for Cunningham illustrated that point fairly well.

The Leader of the House and the minister for transport ought to go outside and say to the general public that $53,000 in overseas travel has not been signed off. Isn't that a nice how-do-you-do! A lot of people would love to take four or five trips overseas and not have to worry about who is going to pay for it. The taxpayers paid for it! Yes, that is very good!

The convention of this place is that we abide by and uphold the rules and regulations as set down by the Members' Ethics and Parliamentary Privileges Committee, the *Members' Entitlements Handbook*, or whatever it may be. They are the rules and regulations. We know what happened after the Fitzgerald inquiry. People went to jail for misappropriating paltry sums of $3,000 or $4,000. In recent times we have seen other scourges against members.

The point I want to make is that Speaker Hollis has not done the right thing by the conventions of parliament and by the rules and regulations that govern this House. In terms of accountability, the Table Office has confirmed that Speaker Hollis has never tabled a report to this parliament on his overseas travel. That smacks of total arrogance.

I have heard the hypocrisy from the mouths of some of the speakers on the government side this evening. It sickens me. The members opposite can yak and ha-ha about the National Party, but I can assure them that if a member of the National Party did the wrong thing the bloke sitting on my right would certainly haul that member over the coals. One thing we do not condone is breaking the rules and regulations and blatantly abusing the system. I believe nobody in this House should condone that.

If the members opposite do not support the motion moved by the Leader of the Opposition, they condone the abuse of the public purse. That is precisely what we are debating. I have been in this place since 1989. During that time there have been three Speakers. I have never witnessed morale as low as it is in this place right now. One only has to walk around and talk to the staff and they will say, 'Mate, there has to be something wrong here.'

There is total arrogance in this place. There should be one set of rules that applies to everyone—whether you are the Premier, whether you are the Leader of the Opposition, whether you are a backbencher on the government side, whether you are a frontbencher on the government side, or whether you are a backbencher on the opposition side. For credibility to return to this place, we have to abide by those rules.

The Crime and Misconduct Commission has advised that the failure to comply with the guidelines does not amount to official misconduct. That is funny. This afternoon we debated FOI legislation. This motion relates to the lack of accountability of the Speaker. In terms of FOI, who are we protecting? Is the Speaker being protected? Who is going to be the next cab off the rank? I bet that if there is an investigation into a member from this side of the House, there would be a full-blown investigation. That member would be hauled over the coals and thrown out of the place or put in jail. There are two sets of rules in this place. The government abides by its own rules and regulations and comes and goes as it pleases. There is another set of rules for this side of the House.

I say to the members opposite that they should try to sell that situation to the public. They will not sell it to the public, because the public has had an absolute gutful of the hypocrisy and the arrogance of this government, which says it is accountable and transparent.

Time expired.

Mr TERRY SULLIVAN (Stafford—ALP) (6.07 pm): I rise to speak in support of the amendment moved by the Leader of the House. This government takes very seriously the matters that have been considered by the CMC. They are weighty matters. We understand that they are important to this parliament and to the people who elected members to this parliament. That is why the amendment is important as it allows the bodies that are considering the matters the time to do their job.

The Leader of the Opposition gave great weight to what is in the guidelines for the financial management of the Office of the Speaker. He said that that is what controls what happens in the parliament. He told only part of the story. As he knows from his time in this place and as all members know, what controls the running of this parliament is both the prescription and the practice. As I will detail shortly, there is some disparity between the prescription and the practice in these particular guidelines and in these particular circumstances.

Another issue that I want to touch on is the independence of the Speaker. The Leader of the Opposition wants to refer these matters more and more to the executive government. He is saying that the executive should have control. He is saying that the parliament should not be the master of its own destiny. Tonight the Leader of the Opposition started his speech by saying that the parliament is the master of its own destiny. Yet for political purposes, the action that he has taken is to take the running of the parliament away from this House and to give it to the executive government. There is a problem: if we hand more power to the executive government, then parliament itself will lose control of what it is doing.

The 1997 guidelines were proposed by the Borbidge government. I do not recall the exact details of when they were adopted, but I will follow that up in the coming days. If the Leader of the Opposition and his colleagues say that the guidelines must be followed word for word, then we have to ask some questions. Why has there not been one question at estimates? Why has there not been one question in the parliament? Why has there not been one notice of motion about this issue? I hear the member for Mirani say that the issue has just arisen. No, it has not. The guidelines were proposed effective May 1997, so those opposite are effectively saying that this situation has been in place for eight years.

Mr Hobbs: You've lost the plot.

Mr TERRY SULLIVAN: That is a nonsensical interjection. These guidelines on the internet are dated May 1997. There has been no question raised in estimates, no question raised in the media, no question put to anyone in this House and no notice of motion about Speaker Turner from Labor in opposition and no notice of motion about the Labor government from the National Party in opposition. There have been no questions about anything that has occurred in the past eight years. So we have the guidelines as prescribed and then there is the practice that has occurred in this House. The practice in the past has been that the Speaker has not asked permission or written such a report. The former Speaker of the House would know that.

I found it interesting when the Leader of the Opposition said that this has been the tradition. I asked the Table Office staff how many reports have been tabled in the 14 years I have been in parliament. The answer was one—seven paragraphs, 10 sentences—by Speaker Turner. If those opposite say that this is the practice and has been the practice ever since 1997, why, when the annual financial reports are tabled every year in this parliament, has there been no question? Are they simply the best resourced but laziest opposition or are they simply using something for political purposes that has no basis? I am confident that when the CMC and the DPP hand down their reports this matter will be cleared up and the Speaker will be able to clear his name against the opposition's grubby accusations.

Time expired.

Miss SIMPSON (Maroochydore—NPA) (6.12 pm): The previous speaker should dig himself a big hole and bury himself because he was so far off the planet on a number of points. First of all, Speaker Turner did comply with the guidelines. He introduced them. They were published and they are available. Speaker Hollis has not complied with the guidelines and the apologists on the government benches are saying, 'It is okay because we didn't know about it.' The opposition's motion is seeking to have this matter dealt with by the parliament by referring it to the Members' Ethics and Parliamentary Privileges Committee. The previous speaker has not even read the motion because he said that we want to refer this matter to the executive. My word! If he truly cared about the rules and the standing of this House, he should have at least read the motion of the Leader of the Opposition.

The CMC has said that there are certain matters that are up to the parliament to determine. When the opposition sought to have these matters referred, through the Acting Speaker, to the Members' Ethics and Parliamentary Privileges Committee we found that the powers were not available to the Acting Speaker to do so. At first we sought to dissent from that decision but we understood that his ruling was in fact correct. It is up to the whole parliament to deal with this issue and the Members' Ethics and Parliamentary Privileges Committee, with the responsibilities that are available to it, should determine the matter.

The Crime and Misconduct Commission has advised that the failure to comply with the guidelines does not amount to official misconduct unless it can be constituted a criminal offence. A breach of the guidelines is not a criminal offence. The Premier himself knew this to be case even before he referred the matter to the CMC. Section 90 of the Parliament of Queensland Act 2001 charges the Members' Ethics and Parliamentary Privileges Committee with responsibility for the ethical conduct of members and parliamentary powers, rights and immunities. That is why we are seeking to have the matter of Speaker Hollis's breach of guidelines referred to this committee.

It is disappointing to hear Labor MPs laughing and joking about this issue as if it is some trite, insignificant matter. They are so comfortable that they were laughing and joking in this chamber and ridiculing the raising of this issue. We are saying that it is a serious issue that this parliament has a responsibility to deal with. Ministers of the Crown have gone to jail for misspending a few thousand dollars of their ministerial allowances. It is interesting that when the law was applied to them Labor MPs were critical. We are saying that if people do something wrong they should pay the penalty. But there is a double standard in this parliament.

We see Labor backbenchers laughing and joking as if the allegations against Speaker Hollis are somehow trite and not worthy of consideration by the relevant bodies, one of those being the parliament. I am quite frankly amazed at the comfort they take in their significant majority. They think they are not responsible to the public or to the parliament, and that brings this place into disrepute. It is not only the actions of Speaker Hollis that have brought this parliament into disrepute but also the behaviour of Labor members during this debate in the parliament tonight. That will taint them beyond the debate tonight. We will not forget the way they have behaved or the way they have trivialised these serious issues to do with Speaker Hollis's expenditure. Questions need to be answered not only in other bodies but also in this parliament because responsibility for moral and ethical issues and the conduct of this parliament is vested in the parliament and it should take these issues seriously. I am quite frankly disgusted with the actions and behaviour of Labor members who think that because they have the numbers they can railroad us on this matter and bury the responsibilities of this parliament.

Time expired.

Hon. RJ MICKEL (Logan—ALP) (Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy) (6.17 pm): We understand the seriousness of this issue. We do not take it lightly and that is why the matter was referred to the CMC. We do not take it lightly and that is why we have not sought to interfere with the Director of Public Prosecutions in her investigation of this matter. It is a bit rich to hear the comments of the member for Maroochydore, the Leader of the Opposition and the member for Robina. Remember the member for Robina's delightful contribution this morning: 'What we really need in this state at the moment is an inquiry into why we are having so many inquiries.' In other words, he was attacking the very process arrived at tonight—an inquiry that we set up. That is no good, according to the member for Robina.

It is a dysfunctional opposition. That is why we were ridiculing those opposite. We were not ridiculing the raising of the issue; we were ridiculing the opposition's complete dysfunction. The member for Robina was complaining about having inquiries and the Leader of the Opposition has moved a motion demanding another inquiry. Those opposite do not need an inquiry; they have already found the Speaker guilty, which is not in the spirit of an independent inquiry at all. That is why they are so dysfunctional. They behave more like guests on the Jerry Springer show than a serious opposition. They are all over the place. The Leader of the Opposition wants one thing and the member for Robina wants something else.

We regard these issues as very serious. That is why we will not interfere in the conduct of the inquiry. Why do I talk about interference of an inquiry? The member for Robina, the Leader of the Opposition, the member for Maroochydore and the member for Gregory were all members of a government that interfered in an inquiry into their corrupt activities in the way they obtained government in 1996.

Do the words 'Connolly-Ryan' mean anything to them? They should. They interfered in the Carruthers inquiry. They have form when it comes to interference. That is why we are smirking at their hypocrisy tonight. It is no good the Leader of the Opposition shaking his head. Where was he enjoining the Borbidge government to behave with just a little bit of decency all that time ago? They have form when it comes to interfering with inquiries—$14 million down the shoot. Do not get up here tonight and talk about expenditure. They wasted $14 million on an inquiry, and we know it. We know it because it was burned into our memories. We know from 1996 to 1998 that they had not recovered at all from those years of corruption under the Bjelke-Petersen government and the Fitzgerald inquiry that had to be set up. There they were sneaking illegally back into power in 1996 with a corrupt deal. When an inquiry was set up into it, there they were again nailing that inquiry and undermining that inquiry.

We know this mob have form but what is their reaction to everything? They call on ministers to resign and then they go to lunch. They call for an inquiry and then they are troubled when an inquiry is set up. Why? Because they are the laziest and best resourced opposition in Australia. If they call for a minister to resign or they call for an inquiry, they can hide their laziness. They do not have to do the hard muscle work of developing an alternative policy. Have we ever heard this lot opposite ever once come up with an alternative policy on anything? Have we ever once heard them stand up and say what they would do? Of course we have not because that requires hard work. It requires a little bit of decency. It requires dragging themselves away from the canteen and doing a little bit of work. Remember last year when I offered a briefing to them? We could not find them. Why not? Because it clashed with lunchtime. There they go with the big chaff bags over their heads. When it comes to competition, a bit of hard work, or a chaff bag over their head, we can bet the National Party will pick lunch every time.

Time expired.

Question—That the amendment be agreed to—put; and the House divided—

AYES, 52—Attwood, Barry, Barton, Bligh, Briskey, Choi, L Clark, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Purcell, Reeves, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Nolan

NOES, 25—Copeland, E Cunningham, Flegg, Foley, Hobbs, Horan, Johnson, Knuth, Langbroek, Lee Long, Lingard, McArdle, Menkens, Pratt, Quinn, Rickuss, E Roberts, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Mr ACTING SPEAKER: Order! Any further divisions will be of two minutes duration.

Question—That the motion as amended be agreed to—put; and the House divided—

AYES, 52—Attwood, Barry, Barton, Bligh, Briskey, Choi, L Clark, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Purcell, Reeves, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Nolan

NOES, 25—Copeland, E Cunningham, Flegg, Foley, Hobbs, Horan, Johnson, Knuth, Langbroek, Lee Long, Lingard, McArdle, Menkens, Pratt, Quinn, Rickuss, E Roberts, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

ADJOURNMENT

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (6.32 pm): I move—

That the House do now adjourn.

Discover Sarina Festival

Mr MALONE (Mirani—NPA) (6.32 pm): Discovering what Sarina has to offer is the focus of the week-long third annual Discover Sarina Festival, which starts on Friday. The events begin with the gala opening of the 16th annual Scope visual art show on Friday night and culminate in a grand finale fair at the Sarina Leagues Club on Saturday, 4 June. Coordinators have a program jam-packed with bus tours, historical displays, art exhibitions, family activities and entertainment.

One of the festival highlights is a welcome-home ceremony at Sarina's historical centre for Charlie, Sarina's very first fire engine. Bus tours taking in various locations of the shire will be held daily. Festival coordinator Ron Allwood said that residents and visitors to the shire were advised to collect a program of events because they are extensive. There is a lot of see and do in one week, so the program will help to prepare people for things that are of most interest to them. Events will cater for all ages and include many events aimed at Sarina youth and visiting youth.

The mayor of Sarina said that this year's festival was promising to be one of the bigger and brighter events of the year. He said—

The community involvement and expertise that has come to light in putting this festival together has been overwhelming.

When the first festival was conceived it was said to be the one that helped us rediscover ourselves and share the special things that people within our shire enjoy.

Sarina Beach's new 400-metre walking track will be opened in that week. On Sunday I will join the mayor of Sarina to open that. The trail was constructed earlier this year and connects Sarina Bench township with Johnsons Beach, which is undeveloped and fronts Sarina Inlet. It provides one kilometre of beach walking and leads into Salisbury Point and the mouth of Plane Creek. Previously, people were accessing Johnsons Beach through mangroves which was causing environmental damage.

Following the official opening at 10.30 am, invited guests and the public will walk along the trail. This is one of the trails that was constructed by Green Corps. It is very heartening to see that David Wray and his group have done magnificent work around the Sarina area in relation to that. A young participant from Sarina, Errol Malcolm, who is 21, was awarded a special commendation for his contribution to the environment at the Queensland Young Achievers Awards in Brisbane. David Wray attended that investiture with Malcolm. The unusual part about Errol is that he is a 21-year-old Sarina resident who has cerebral palsy. Errol was awarded for the contributions he made while he was a member of the Sarina Green Corps. The Sarina Green Corps coordinator, David Wray, was his mentor during that time.

Coolum Quota International Conference

Ms MOLLOY (Noosa—ALP) (6.35 pm): I would like to begin my speech tonight with a little quotation from an Italian proverb. It will set the scene for me to talk about a lovely, delightful evening that I spent with the Coolum Quotarians. It says, 'One who finds a friend finds a treasure.'

Last Saturday night Ivan and I happily attended the Coolum Quota International conference dinner. The Coolum Civic Centre was transformed into a delightful dining venue catered for by none other than Princess Lorna O'Connell, who was assisted by her fab team of caterers extraordinaire. Presiding District Governor Jan Olde from Maleny, Lieutenant Governor Denise Rowell and Coolum Beach secretary and treasurer Lyn Moore were in attendance.

To my very great pleasure we were seated with a group of Quotarians from none other than Minister Margaret Keech's electorate, who sent her very warm wishes. I realised that I was sitting with a couple of scallywags, and I hope to meet them again. These lasses were from Beenleigh. Then there was Jan and Chris Grossland, one-time residents of Townsville, who sent a cheerio to their old friend Len Zell, a marine biologist and author now residing in Armidale, and to their old friend Mike Reynolds. What a small world! Other Quotarians from Gympie, the Gold Coast, Kenilworth and the length and breadth of Queensland were in attendance.

What a wicked night we had! Lorraine Cush, Denise Rowell, Barbara Barrett, Jan Olde, Pip Beris Pritchard, Susan Carolan, Pat Pullingeer and I all spoke and performed our duties with aplomb. We were treated to some delightful entertainment. One of the ladies said to me that she was interested to know why I managed to always attend their functions and hang out with such a funny bunch of old girls. It was all said with good humour. I gave these comments some thought and replied that of course if my diary allowed I would naturally attend the changeover dinner. On reflection, I added how very warm and friendly the Quotarians have always been and I really admire their ability to band together to raise funds for charitable causes. But, apart from that, they give so much to one another, and I hope they realise this. They had quaint little rituals involving lighting candles, chanting a little prayer of grace and singing the national anthem. Being with them is an uplifting experience.

This brings me to the point that when women in parliament are subjected to smut by the opposition all women are affronted. It is wrong for a woman or a man to be subjected to the types of jibes that are directed to me by members opposite and their sidekicks who would like to sit beside them in this House. They should just remember that I will not back down on my right to speak in the public and private arenas as I see fit to support my constituents. I may wish to speak on any number of matters that are brought to me, and I shall. They should just remember that when they catalyse into smirking, smutty little 13-year-old boys they say far more about their own minds than they may wish to disclose but they are too dumb to realise it. We women will not be bludgeoned into subservience by their gutter tactics. The 21st century has no place for them in modern day politics. How can the members opposite hold their heads up when they visit their schools and all those youngsters know how they treat the women in this House? Yes, I can go anywhere and hold my head up because I have represented my community as duty dictates.

Gladstone Base Hospital, WorkCover Claim

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (6.39 pm): A worker from the Gladstone Base Hospital has been absent from work on stress leave for months. She applied to WorkCover for acceptance of her claim as work related. She had had a previous claim accepted several years ago. In spite of a clear history at the hospital of bullying by a previous district manager and her allegations with documentation of a continuation of that treatment, she was advised that her claim would most likely be refused.

In complying with the requirements of WorkCover she attended a number of medical and psychological appointments, as well as her own personal medical appointments organised by herself and paid for by herself. One such appointment organised by WorkCover was to be in Rockhampton and was transferred to the physician in his rooms at the Gold Coast as the worker was receiving other medical treatment in Brisbane. Even though she had a heightened sensitivity to stress this lady was required to travel to the Gold Coast by taxi and arrived at a gated community. The WorkCover appointed doctor picked her up in the car park in a golf buggy and proceeded to his rooms, which turned out to be his private residence. Approaching the front door the doctor asked her, 'You are not afraid of dogs, are you?' This increased her anxiety, which was already elevated due to the circumstances she found herself in. He took her into his home; no-one else was present, she felt isolated and vulnerable, and she feels that she did not present her circumstances well.

On her behalf I rang WorkCover Rockhampton and arranged a meeting last Friday afternoon with the caseworker and her senior person. Bruce had worked in Gladstone and I had always found him to be open, honest and direct and had assured my constituent of that prior to the meeting as she had very real concerns. I now hold a differing point of view. We met at Rockhampton WorkCover and talked for an hour and a quarter, presenting information to Cathryn Marsden and Bruce England which my constituent felt had not been given proper consideration.

In regard to information considered by WorkCover, my constituent requested that WorkCover get copies of reports from the internal mental health practitioner who had seen her as a Queensland Health employee after she began sick leave and also from ITIM who had been counselling her before and after her sick leave commenced. Neither of these people had been contacted by WorkCover in their investigation of the claim. We left the meeting with an impression that either Cathryn or Bruce would genuinely review the information provided. On Saturday she rang me to say that she had just collected her mail and had been formally advised that the WorkCover claim had been rejected one week earlier. Throughout the meeting on the previous day neither Cathryn Marsden nor Bruce England mentioned or even hinted at the fact that formal rejection had been signed and sat and listened to the grounds on which my constituent would base her appeal.

I find these actions completely unacceptable. If this is an example of the way WorkCover handles these cases of stress, the lack of appropriateness regarding medical appointments, the devious and deceptive manner used to liaise with applicants and the additional stress applicants have to face, we will see many more—

Time expired.

Education Week

Mrs DESLEY SCOTT (Woodridge—ALP) (6.41 pm): In celebrating Education Week, the schools in the Woodridge electorate staged displays, musical performances, back to school visits, principal for a day, morning and afternoon teas, student/teacher sporting matches, art displays and the very popular My Favourite Teacher award. It was indeed a week of celebrating what is positive and good in our Queensland schools and offered an opportunity for parents, past students and community members to visit our schools, and for all of us to thank our principals, teachers, teacher aides and staff for their superb effort.

The week commenced with the first ever gala performance of over 500 young musicians, singers and dancers in the Queensland Performing Arts Centre, Creative Generation—State Schools on Stage. I can only say that our schools have a fantastic array of wonderful performers who absolutely thrilled the

packed auditorium with their professionalism and simply their ability to entertain. With a full orchestra from State High, a massed choir as well as backing singers, and myriads of dancers, the special solo artists and groups had their performances enhanced and elevated to the level of any professional presentation.

I would like to single out for special commendation Mina Aiolupo, a year 11 gospel singer from Woodridge High who absolutely won the hearts of her audience with her rich and beautiful voice, singing *When you believe*. I can attest to many people being moved to tears at the sincerity and clarity of her voice and message. And so it was fitting that Mina, with all performers on stage to join her, concluded this magnificent evening with the grand finale *Everybody*. Mina was cheered on by 15 or so staff, including principal Ken Kennedy, two deputy principals, very proud head of the music department Dave Stuart, and even prouder family members, as well as a very enthusiastic and proud local state member. I am sure that next year we will need more than one performance to meet the demand for tickets as word spreads.

On Thursday evening it was my privilege to attend the Education Week celebration at Parliament House where Mina was once again featured along with several other artists and the winners of the My Favourite Teacher awards were presented. Marsden Primary School year 7 teacher Karyn Gooding—who, in the words of her students, is 'absolutely fantastically great'—received a very well-deserved award,

On Monday this week I attended Marsden Primary and I can attest to the fantastic relationship Karyn has with her class; they think she is simply 'the best'. Principal Dennis Howard, who attended the function, speaks highly of his entire staff and their ability to engage with their students and the difference they are able to make in the lives of their young students.

May I also commend Woodridge North Primary School, which the previous week won the Primary School Division of the Premier's Multicultural Awards. This school, under the direction of principal Muriel Colling, fosters an environment that recognises and values and, indeed, celebrates the diversity of its students, coming from 34 different cultural groups.

Time expired.

Ipswich-Boonah Road

Mr RICKUSS (Lockyer—NPA) (6.45 pm): I am disappointed today about a road in the Lockyer electorate, the Ipswich-Boonah Road at Gooloman just past Purga. Unfortunately, Shane Allen was killed there on his way home from work last September. There have been two other accidents on the road since then. One went over a culvert 40 metres up the road past the bend, and the other collected a fence post about 50 metres up the road. That is one fatality and two near misses in seven months on the same corner.

I contacted the transport department in November about this very same issue. I received a response in March which stated that the main roads department was looking at signs and remarking the road. Then on 16 May I received a letter from Main Roads Metropolitan advising that the Ipswich Road at Gooloman from T. Morrow Road to Elisorl Road will be resurfaced. The corner at Band Road and Ipswich-Boonah Road is right in the middle of that section of Ipswich-Boonah Road. I have stood at this corner with Len Allen and the Main Roads engineers, and a large percentage of traffic crosses the centre line. There are two light poles on the western side of the Ipswich-Boonah Road and a large drop-off to the dish drain on the eastern side.

What is so disappointing is that the staff did not seem to know that the resurfacing was about to happen. I spoke to the main roads department a number of times over six to eight months before the resealing was about to start, but no-one from the department mentioned it to me until about a week before the resurfacing was about to start. I am sure the users of the road will be happy with the resurfacing, but I am sure that they would have preferred the corner fixed up.

This corner has been in the road for over 50 years and over that period the world has moved on. The corner is dangerous. The number of accidents at the corner prove this, and they are not all from fatigue. I have written to the Minister for Transport asking him to fix the road. Unfortunately, the timing is bad. The resurfacing of the road is going to cost hundreds of thousands of dollars and still the corner is a dangerous corner. Unfortunately, this should have been rectified before the road was resurfaced. I will take the resurfacing, but I would much prefer the corner to have been fixed.

Torres Strait Treaty

Mr O'BRIEN (Cook—ALP) (6.47 pm): On 5 May I travelled to Daru in Papua New Guinea with Bob Sercombe MHR, shadow minister for pacific affairs, and Queensland Senator Jan McLucas. The primary purpose of the trip was for the Commonwealth representatives to analyse and study the workings of the Torres Strait Treaty between PNG and Australia.

I attended as the only member of the Queensland parliament who shares a border with another country but also because the Torres Strait Treaty has an effect on the operations of a number of state

government departments, particularly Queensland Health and the Queensland Police Service. Prior to entering PNG we met with the border treaty liaison officer Susy Wilson on Thursday Island. She was able to provide us with background information on the workings of the treaty from the Australian perspective. The party also met with AQIS officers and the Torres Shire Council but, unfortunately, not the Australian Federal Police.

On Daru we were met by the Mr Tom Sima, the deputy town mayor of Daru, Segewo Kame, the Kiwai local level government president, and Mrs Wimo, the South Fly nominated member.

We were advised that there are approximately 48,000 official crossings a year, 98 per cent of which are Papua New Guineans visiting Australia. The number of visits has been increasing every year, although last year there was a small decline. While the discussion was wide-ranging, one of the most interesting aspects, with the potential to affect Queensland government operations, was the desire by 18 inland villages to come under the auspices of the treaty. Currently these rights are only available to certain coastal villages. These coastal villagers have access to the Torres Strait for traditional family and trading visits, the exact allowable nature of which is included in the details of the treaty.

One of the consequences of the treaty is that Papuans are sometimes treated by Queensland Health at the clinics on Sabai, Dauan and Boigu Islands as well as other islands like Badu and Yam. There was a general discussion on the trade between the two countries and the pressure for the nature of trade to evolve from the traditional items narrowly prescribed under the treaty to include more modern items.

We also spoke about the trade of illegal drugs. It is no secret that quantities of marijuana come into Australia from PNG. I have previously spoken to Queensland Police Service officers about these matters and they are certainly aware of it. Unfortunately, the PNG police have few resources to deal with the matter from their side. While AusAid has recently built a new police station on the island, at the time of our visit the police boat was not serviceable, making patrol and detection impossible.

While unfortunately the Australian Federal Police have just exited PNG en masse, if they were ever to return it would certainly be in Australia's interest to have some presence in the Western Province, not just in Port Moresby and Bougainville. The visit to Daru also included a trip to the island hospital, which is in very poor condition. Local officials informed us that the hospital was built prior to independence. That certainly showed on our visit.

Clearly the request for other villages along the southern coast of Papua New Guinea to be included in parts of the treaty would have wide-ranging consequences on the Queensland government's operations in the Torres Strait and needs to be considered very carefully. Unless the federal government is prepared to improve support for either health clinics in the Torres Strait or rebuilding health clinics in Papua New Guinea through AusAID then such a decision would have significant resource implications on the Queensland government. Notwithstanding this, Queenslanders are comparatively rich and it is in our interests to assist them in any way we can with matters like health care and access to basic food goods.

Education Funding

Mr LANGBROEK (Surfers Paradise—Lib) (6.50 pm): I rise tonight to raise an issue of deep concern to me and I certainly hope an issue of deep concern to my parliamentary colleagues on both sides of the House. Yesterday in this place the minister for education stood up and made the following comments, recorded on page 1511 of *Hansard*, when fielding a question about applications for Commonwealth grants. The minister said that the federal government found that it had no legal basis bases to do that—that being dealing directly with parent bodies. She said that it could not do it, so we the states have to do it for them.

If one then reads the outline of the Investing in Our Schools program—I table a copy of that for the benefit of members along with a copy of the Australian government's state school application form for that program; a program run by the federal government—one will read the following passage in paragraph 6 of the introduction. It states—

Under the 'Investing in our schools' program communities can apply directly to the Australian Government for funding. Either a 'Government School Community Organisation' or a school body in conjunction with the school principal can apply for funds for projects that they consider a priority to improve and enhance the educational amenity of their school.

These words in the grants outline are diametrically opposed to the assertion by the minister that the federal government found it could not do this. There are two possible scenarios. The first one that I would like to believe is that the minister simply did not understand the Investing in Our Schools program to the level that she should have, thus inadvertently misleading parliament. This is nonetheless disturbing because we are talking about the education minister for the state of Queensland. If she does not know the details of the programs run by the federal government—programs that are available to schools in Queensland—then there will be a number of schools in Queensland not receiving all of the funding that they could receive. I also would have thought that an answer to a question asked by the member for Stafford, a member of her own party, would have yielded a response that was factually correct. If the minister cannot even get dorothy dixers correct, how will she address the myriad other problems in the education department?

The second possibility is that the minister simply misled the House because she did not want the issue to be discussed any further; she wants to obfuscate the federal government's contribution to Queensland state schools to overcome the poor allocations by this government.

While the first scenario shows that there is a level of incompetence on the minister's part, it was by no means deceitful. If, however, the second scenario is the case and the minister deliberately misled the House, there are serious issues regarding ethics and the minister's ability to perform her tasks appropriately.

It is up to the minister to stand up in this place and tell us which it was. We know that the minister was incorrect and that her statement was misleading. That is evidenced when comparing her words in *Hansard* with the words of the very application form and outline of the program she was talking about. It is now a matter for the minister to stand up in this place and tell the parliament whether she misled the parliament because she did not know the program well enough or whether she misled the House deliberately.

National Day of Healing

Mr CHOI (Capalaba—ALP) (6.53 pm): Tomorrow is the eighth anniversary of National Sorry Day or the first National Day of Healing, a day on which we offer the community the opportunity to acknowledge the impact of previous policies of forcible removal of Aboriginal and Torres Strait Islander children from their families. It is my opinion that there are still far too many people who are yet to comprehend the significance of the facts of those dreadful policies of the past and resolve in admitting it is wrong by saying sorry. The two most common reasons are: firstly, it was not me, I did not do it; and, secondly, it was a long time ago and can we not just move on.

As a new migrant to this beautiful land almost 30 years ago, I was naturally very keen to learn and observe the ins and outs of being Australian. One morning my neighbour found that her cat had been killed on the road, most likely by a passing car. As an old lady she was emotionally shaken by sight of the remains of her beloved companion. I then observed with a degree of fascination as my other neighbours in nearby houses came out in an attempt to help her, although clearly nothing could have been done for either her or the cat. One after another they put their arms around the old woman and said how sorry they were for her loss. None of them had anything to do with the death of the cat. None of them had any reason to say sorry, but all of them did so to identify themselves with the pain and loss, knowing full well that the clock could never be wound back.

We will say it because of the loss of a cat, we will say it because of the loss of a dog or the loss of a bird. It is the Aussie thing to do. But when it comes to our Indigenous brothers and sisters, for some reason we just cannot manage it.

As to the fact that it was a long time ago, I noticed with interest the comments made by our Prime Minister when he was in Japan recently. He was questioned by the media regarding the public uproar from China and Korea on the allegation of Japan's alteration of the history book concerning the Second World War. He was asked for his opinion, and I quote—

I think it is necessary for all countries to be frank about past events.

I ask the Prime Minister: does his reference to all countries include Australia? Does the necessity for being frank apply to his government? Is it not a cherished Aussie notion that what is good for the goose is good for the gander? We must as a nation be able to acknowledge at times in the name of religion, in the name of doing good deeds and even in the name of looking after the wellbeing of the native peoples of our land that we have caused some terrible suffering in our Indigenous brothers and sisters.

I am pleased that National Sorry Day from now on has become the National Day of Healing. It is not only high time to heal the wounds of the past but also necessary for the collective advancement of our nation. It is never too late to say sorry and accept the lessons of history from a proactive position so that we can all move forward as a nation of one people with the courage to face the past and unity to confront the challenges of the future. No, saying sorry is not for the bleeding hearts—an Aussie heart will do.

Ethanol

Mrs MENKENS (Burdekin—NPA) (6.57 pm): Brazil leads the world in ethanol production, churning out as much as its sugar crops can produce. American output of maize based ethanol is rising 30 per cent a year. China has built the world's largest ethanol plant and plans to build another just as big. Germany, a big producer of biodiesel, is raising production output by 40 to 50 per cent a year. France aims to triple output of the two fuels, ethanol and biodiesel, by 2007. Britain has a small biodiesel plant but is building another as big as Europe's largest. Canada has plans for a full-scale ethanol plant that will replace today's grain or sugar feed stock with straw.

Where is Queensland in this? Queensland is still behind the door. Why are we not leading Australia and the world? What has Queensland got out of the Premier's taxpayer-funded trip to Brazil except rhetoric?

There is nothing new in biofuels. In 1900, Rudolph Diesel, at the world exhibition in Paris, showed his engine running on peanut oil. I understand one can run one's diesel engine today on cooking oil, but the filters gunge up. Henry Ford was an enthusiast for crop based ethanol in the 1920s.

Oil companies are not happy about this current upsurge, but biofuels are growing in popularity all over the world. Europeans are large users of biodiesel. More than half the cars in Germany are diesel fuelled and pure biodiesel is used in some areas, and escapes fuel tax. In Europe, according to the *British Economist*, oil companies have come to a truce and are now possibly forming an alliance for biofuel production. Australian oil companies may need to take a leaf out of their book.

In America, the environmentalists favour clean green fuels. America's antismog laws require a clean burn fuel, which ethanol blended with an additive called ETBE can produce. State laws also support and mandate ethanol. The detractors say that ethanol can damage standard gaskets and hoses in cars. In America and Brazil, car makers have risen to this challenge, to the extent that cars can run on 100 per cent ethanol. Up to E85 is in common use today in America and Brazil.

What about the cost? Brazil's ethanol production has been competitive with petrol at pretax prices since 2002. Brazilians claim that American ethanol costs 50 per cent more to make than theirs and European costs are 150 per cent more than Brazil's. Brazilian ethanol is produced totally from sugar cane and its costs of ethanol production are competitive with oil based fuels.

Queensland farmers' production costs of sugar are on a par with those of Brazil. Brazil currently exports one billion litres of ethanol a year to the EU. Brazil hopes to be producing eight billion litres by 2007. Where are we in this equation? Queensland can produce sugar and grain as economically as Brazil, and we should playing our part in producing clean, green fuel to become a major player in the world ethanol market. I challenge the Premier to put Queensland on the map as the Australian leader in ethanol production.

Ipswich Residents

Ms NOLAN (Ipswich—ALP) (6.59 pm): It is the privilege of a local member to mark the milestones in the life of their community. In a community like Ipswich, which has such a powerful spirit of contributing, that is sometimes an all-consuming task. In recent weeks Ipswich has lost three magnificent souls and I would like to note the contribution that they made.

Claude Stone was a long-time member of the ALP and an active member of the RSL, having served his country in World War II. Claude was proud of his war service and would willing show you his medals if you visited him in the Spengler Street home he shared with his wife, Beryl, for 47 years. Claude also fought many political battles. He was active in the ALP, working hard for the election of Bill Hayden in the federal seat of Oxley, and helped David Hamill to reclaim the seat of Ipswich from the Liberals.

Myra Jones was an extraordinarily talented musician and a life-long member of the Blackstone Welsh Church and Soccer Association. Myra was the organist at the Welsh church—a beautiful small church at Blackstone—and she did a great deal to support local young people, teaching music and, along with her husband, Eric, running the Welsh Soccer Association. Myra's funeral was the biggest the historic Blackstone Welsh Church has ever seen, and she was also honoured there for her community work with a guard of honour from the Booval over 50s.

Finally, Clare Dwyer's life was quintessentially Ipswich. In her whole life she lived in two houses, both at Woodend. Her world was her family and the Catholic community of St Mary's—the church in which she was baptised, married and ultimately where her funeral was held. The third part of her life was the ALP. In all of those places Clare was the heart and the soul, putting everyone's interests before her own and providing a foundation from which many were able to shine.

Clare's husband, Kev, was Labor deputy mayor of Ipswich, and I can well recall Kev's public recognition of her that when he was an alderman he would often come home from work in the afternoon—he was a part-time alderman—to find that a constituent had called during the day, but he did not even have to ring them back because as the day had passed Clare had taken their issue, sorted it out for them and gotten back to them. She also played a real community role of her own, visiting nursing homes and providing care for many people. Ipswich is greatly weakened for the passing of these three wonderful souls, but their work and their spirit of giving to the community will long live on.

Motion agreed to.

The House adjourned at 7.02 pm.