



# RECORD OF PROCEEDINGS

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## TUESDAY, 16 OCTOBER 2007

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Mr SPEAKER (Hon. MF Reynolds, Townsville) read prayers and took the chair at 9.30 am.

Mr SPEAKER (Hon. MF Reynolds, Townsville) acknowledged the traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state.

### SPEAKER'S STATEMENTS

#### Appointment—Reappointment of Parliamentary Crime and Misconduct Commissioner

**Mr SPEAKER:** Honourable members, I report that, pursuant to the provisions of the Parliamentary Service Act 1988 and the Crime and Misconduct Act 2001, I have approved the reappointment of Alan MacSporran SC as Parliamentary Crime and Misconduct Commissioner. This reappointment is for a period of one year from 13 December 2007 to 12 December 2008. It was made following advice from the chair of the Parliamentary Crime and Misconduct Committee.

#### Commonwealth Parliamentary Association Queensland Branch

**Mr SPEAKER:** I remind honourable members that the annual general meeting of the Commonwealth Parliamentary Association Queensland Branch will be held in the Legislative Assembly chamber at 1.00 pm on Thursday, 18 October. I encourage members to stay or to come back to the chamber for that 1.00 pm meeting of the Commonwealth Parliamentary Association Queensland Branch.

### SPEAKER'S RULING

#### Privilege, Explanatory Notes

**Mr SPEAKER:** Honourable members, section 22(1) of the Legislative Standards Act 1992 provides that a member who presents a bill to the Legislative Assembly must, before the resumption of the second reading debate, circulate to members an explanatory note for the bill. In reality, in all cases explanatory notes are presented with the bill.

Section 23 of the act outlines the material required to be included in an explanatory note. It includes matters such as the bill's short title; a brief statement of the policy objectives of the bill and the reasons for them; a brief statement of the way the policy objectives will be achieved by the bill and why this way of achieving the objectives is reasonable and appropriate; a brief statement of any reasonable alternative way of achieving the policy objectives and why the alternative was not adopted; a brief assessment of the administrative cost to government of implementing the bill, including staffing and program costs but not the cost of developing the bill; a brief assessment of the consistency of the bill with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency; a brief statement of the extent to which consultation was carried out in relation to the bill; and a simple explanation of the purpose and intended operation of each clause of the bill.

In short, explanatory notes are meant to assist in understanding the bill and not to be a substitute for debate. Unlike the bills themselves, the drafting of explanatory notes is not—and I underline that—the responsibility of the Office of the Queensland Parliamentary Counsel. In respect of government bills, explanatory notes are usually drafted by the responsible department and forwarded to the government printer at or around the same time the bill is printed. In respect of private members' bills, the member is responsible for drafting the explanatory notes although the Table Office, as a service, usually makes copies of the explanatory notes for the member prior to the bill being introduced.

Explanatory notes are published with bills and placed on the parliamentary counsel's web site with the bill. The responsibility for content of the explanatory notes is for the member introducing the bill, not staff who may act for the member, including departmental staff acting for a minister, or opposition staff acting for an opposition member or parliamentary officers who simply distribute the explanatory notes.

I have previously made rulings regarding inappropriate matters being in material incorporated in the parliamentary record. The basic rule is that incorporations should not contain any matter not able to be spoken in the House. In accordance with this principle, Speakers have previously ordered material containing sub judice material and unparliamentary language to be expunged from the parliamentary record and a second reading speech redistributed and the record so amended. Given the nature of

explanatory notes and the fact that they are published with the bill and placed on authorised web sites, I intend to apply similar rules and approaches to explanatory notes as I would to material incorporated in the parliamentary record.

I have received complaints from two ministers about the content of the explanatory notes to the Criminal Code (Assaults Against Police and Others) Amendment Bill introduced by the member for Burnett. Both ministers have found references in the explanatory notes offensive. I have considered the explanatory notes and agree that if the matters contained in the explanatory notes had been said in the House then the ministers could have properly asked for their withdrawal in the House.

On an objective view, the comments made in the explanatory notes are offensive and not what is expected in a document of this nature. Whilst not a matter extending to a particular member of the judiciary, I also find that the explanatory notes have been generally offensive in tone against the judiciary. I note the Leader of the Opposition's offer last week to cooperate in having the explanatory notes replaced. I thank him for that gesture.

I did order that the explanatory notes be removed from circulation until I considered the matter. I believe that the appropriate procedure now is for the House to order that the explanatory notes be withdrawn, that the notes no longer be a tabled document and that the member replace the explanatory notes with new explanatory notes with offending material removed. I have asked the Clerk, who is aware of the offending portions, to liaise with the member.

## MOTION

### Criminal Code (Assaults Against Police and Others) Amendment Bill, Explanatory Notes

**Hon. RE SCHWARTEN** (Rockhampton—ALP) (Leader of the House) (9.37 am), by leave, without notice: Mr Speaker, I thank you for your decisive and comprehensive ruling in this matter. I note that no Speaker before you has ever had to make such a ruling. As such, it is without precedent in this parliament. I move—

That the House direct that the explanatory notes to the Criminal Code (Assaults Against Police and Others) Amendment Bill, introduced by the Member for Burnett on Wednesday 10 October 2007, be withdrawn and no longer be considered a tabled document, and the member be ordered to replace the explanatory notes with new explanatory notes with offending material removed.

**Mr SEENEY** (Callide—NPA) (Leader of the Opposition) (9.38 am): Mr Speaker, I will second the motion. As I indicated in the House last week, I will cooperate with the ruling that you have made.

**Mr SPEAKER:** Thank you, Leader of the Opposition.

Motion agreed to.

## TABLED PAPERS

### PAPERS TABLED DURING THE RECESS

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

12 October 2007—

- Report by the Minister for Transport, Trade, Employment and Industrial Relations (Mr Mickel), pursuant to s56A(4) of the Statutory Instruments Act 1992, in relation to the Transport Operations (Marine Pollution) Regulation 1995
- Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (835-07) presented by Mrs Pratt from 817 petitioners requesting a 40km/hour zone in front of Woodford State School
- Response from the Minister for Main Roads and Local Government (Mr Pitt) to paper petitions (840-07 and 846-07 presented by Mr Hobbs and 841-07 presented by Mr Malone) from 12,188 petitioners, 1,185 petitioners and 2,505 petitioners respectively regarding the forced amalgamation of Queensland Councils
- Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (804-07) presented by Mr Wellington from 237 petitioners requesting a pedestrian crossing on Mapleton Road, Nambour Heights
- Scrutiny of Legislation Committee, Report No. 33, titled Local Government Amendment Regulation (No.2) 2007, SL No. 219 of 2007
- Queensland Law Reform Commission Report titled Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System, Volumes 1 and 2
- Queensland Audit Office, Annual Report 2006-07
- Response from the Minister for Main Roads and Local Government (Mr Pitt) to a paper petition (842-07) presented by Mr Pearce from 285 petitioners regarding local government reform and the amalgamation of Duaringa Shire Council

15 October 2007—

- Report by the Minister for Mines and Energy (Mr Wilson), pursuant to section 56A(4) of the Statutory Instruments Act 1992, in relation to the Fossicking Regulation 1994
- Reports by the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (Mr Shine), pursuant to section 56A(4) of the Statutory Instruments Act 1992, in relation to the Criminal Offence Victims Regulation 1995, the Recording of Evidence Regulation 1992 and the Trustee Companies Regulation 1996 and Report, pursuant to section 56A of the Statutory Instruments Act 1992, in relation to the Security Providers Regulation 1995

## STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Police Powers and Responsibilities Act 2000—

- Police Powers and Responsibilities (Gold Coast Lexmark Indy 300) Regulation 2007, No. 246 and Explanatory Notes for No. 246

Education (General Provisions) Act 2006, Education (Overseas Students) Act 1996, Education (Queensland College of Teachers) Act 2005, Education (Queensland Studies Authority) Act 2002, Higher Education (General Provisions) Act 2003, Vocational Education, Training and Employment Act 2000—

- Education Legislation Amendment Regulation (No. 1) 2007, No. 247

Transport Operations (Marine Safety) Act 1994—

- Transport Operations (Marine Safety) Amendment Regulation (No. 4) 2007, No. 248

Local Government Act 1993—

- Local Government (Internal Boundaries) Regulation 2007, No. 249

Rural and Regional Adjustment Act 1994—

- Rural and Regional Adjustment Amendment Regulation (No. 6) 2007, No. 250

Plant Protection Act 1989—

- Plant Protection (Approved Sugarcane Varieties) Amendment Declaration (No. 3) 2007, No. 251

## MINISTERIAL STATEMENTS

## Gas Rebate

**Hon. AM BLIGH** (South Brisbane—ALP) (Premier) (9.39 am): I am very pleased to announce today a new \$2.7 million rebate scheme to help pensioners who have been hit by price increases for their reticulated natural gas. The government will provide a \$55-a-year rebate to pensioners who use reticulated natural gas in their homes, and we expect that more than 50,000 Queenslanders will benefit from the new scheme. The cost of supplying gas has risen right around Australia. Queensland is not alone in this regard but we want to make sure that pensioners are not unfairly disadvantaged, and that is why they will receive a rebate of \$55 a year to help them with these costs. The independent regulator, the Queensland Competition Authority, sets the price for the gas distribution network which retailers pass on to their customers. Legislation was passed by state parliament late last year that paved the way for reticulated natural gas prices to become more closely linked to the cost of supply.

Historically, natural gas prices paid by customers had been set at an artificially low level. Since 2005 there has been a gradual increase in reticulated natural gas prices to align them better with the true cost of supply and to ease the price transition over time. From 1 July this year gas prices have been deregulated. In the past, a regulatory cap on the gas price has limited investment. Gas is a key weapon in our battle against climate change. It is part of our ClimateSmart 2050 strategy and we believe that investment in this energy source and investment in expanding the networks and making gas available to more people will deliver long-term benefits both to the economy and to the environment.

By moving to a more cost-reflective pricing structure, industry can invest in new natural gas networks with a greater degree of confidence. This has led to initial increases in prices, but over time we expect that greater industry investment and competition will lead to more competitive prices and services. In the meantime, our new rebate scheme, which will be backdated to 1 July this year, will provide a helping hand to pensioners in need. I want to thank those members of the parliament who have brought this issue to my attention and who have so diligently represented the interests of their constituents, particularly the member for Chatsworth, who has been particularly active in this area and I do thank him for that. This is an area where we are seeing economic reform having an unreasonable effect, particularly on pensioners. There will be the \$55-a-year rebate in addition to the electricity rebate that they are eligible for, and we think that that will go a very long way to easing that burden.

## Water Management

**Hon. AM BLIGH** (South Brisbane—ALP) (Premier) (9.42 am): Queensland is a world leader in water management. No other state or province that we are aware of is undertaking such a significant investment in water infrastructure via the unique concept of a water grid. The figures are amazing—a record \$9 billion of expenditure, more than 3,000 workers working on our water grid and a staggering three million hours of employment on this project. Our water grid has captured both national and international attention. For example, our western corridor recycling scheme is the biggest in the Southern Hemisphere and the third largest in the world. We must capitalise on the world-class knowledge and expertise that has underpinned the planning, the design and the construction of our water grid—world-class knowledge and expertise in areas such as water recycling, desalination and groundbreaking water demand measures; world-class knowledge and expertise that will be in increasing demand as the rest of the world seeks to adapt to climate change.

There is a golden opportunity here for exporting these hard-won skills and leveraging the innovative solutions learned locally to establish a major new export industry for the state. That is why I am very happy to announce today the formation of a Smart Water cooperative joint venture. We are going to bring together the talent, the expertise and the knowledge of government with water utilities and universities in terms of research and teaching and the growing private construction, financial and water services sector to market our experience to the world. We believe that Queensland can become a global leader in the planning, design, construction and operation of innovative water services. This will be about leveraging our own home-grown and hard-won knowledge about water infrastructure and management and taking it to the world. We do not want to lose this knowledge when construction stops.

The joint venture will play a coordinating role, ensuring that our water industry can benefit by continuing to sell this significant expertise into a growing world market. Selling our water know-how will become a focus of future trade missions for our government, particularly into the Asian region. We have already had preliminary discussions with a number of private sector organisations that are working on the water grid, and I will now be writing to formalise those agreements with business, universities and water utilities inviting them to join the joint venture. I would expect the first meeting to be held by the end of next month with the exact form and scope to be decided by consultation with all parties. I will continue to advise the parliament about this.

It will be the commercial know-how and the entrepreneurial spirit of the private sector working with government and our research facilities which will be the key drivers of the success of this concept. I see this group as fundamentally important to achieving our goal of making sure that the hard work and the unique thinking that has gone into building the water grid pays off—pays off not only in terms of water supply and water security here for the south-east into the long-term future but also in terms of jobs and business growth, not just for this generation of Queenslanders but for decades into the future.

### Schoolies Week

**Hon. AM BLIGH** (South Brisbane—ALP) (Premier) (9.46 am): I am very pleased today to announce that after consideration by cabinet the state government will continue to implement a wide-ranging strategy to ensure the highest standards of safety during schoolies week celebrations next month. Since the state government became involved in schoolies week in 2003, our focus on improving safety and security has resulted in the stabilisation of the number of arrests, which accounted for less than one in 200 of the 35,000 people who attended the first week of last year's event. Thankfully, the overwhelming majority of arrests related to minor offences that will not be a long-term stain on the character of young people with their whole life ahead of them. My government will continue to promote important safety messages and work to keep young Queenslanders on the right track as they enjoy the rite of passage that is schoolies week.

Our response to schoolies week is a major cross-agency logistical feat involving police, Emergency Services, Health, Liquor Licensing, Transport and Communities that now costs taxpayers an estimated \$4.5 million a year. The Department of Communities alone estimates its contribution to the events across the state at \$1 million, including seed grants of \$100,000 for activities in regional schoolies sites such as Magnetic Island, Airlie Beach, Yeppoon and the Sunshine Coast. On the Gold Coast \$460,000 has been provided to Surfers Paradise Management to get more school leavers involved in activities that help reduce the focus on excessive alcohol consumption. Red Frog Australia—

**Mr Reeves:** Hear, hear!

**Ms BLIGH:** It has some fans here. Red Frog Australia has received almost \$80,000 to provide outreach support services with more than 1,200 volunteers on the beat providing mediation, referral and visitation services throughout the year.

**Mr Reeves:** A great service!

**Ms BLIGH:** It is a great service and I am pleased to have the chance to recognise that today. In addition, we have doubled the number of education panels that are visiting schools in the south-east in the lead-up to schoolies week talking to students about personal responsibility and safety. Schoolies has grown into a major event that now injects \$60 million a year into the Gold Coast economy. Initially, the state government planned to work in the first instance to stabilise and get the event on a secure footing and then hand over the running of the event to the Gold Coast City Council. However, given the magnitude of the event, my government has decided that it is the state government that is best placed to coordinate the response needed to ensure that our young people can gather in safety. I have also been formally advised by the mayor of the Gold Coast City Council that the Gold Coast City Council believes that full responsibility for this event is frankly beyond it and the Queensland state government is not prepared to see this event go backwards. We are committed to continuing a very strong presence, and we will continue to support this event. I wish the class of 2007 all the best for their future. I urge them to have a fun time but also a very safe time at schoolies this year.

### Bravehearts

**Hon. AM BLIGH** (South Brisbane—ALP) (Premier) (9.49 am): Over the past 10 years many people in this House would have had cause to deal with the child protection group Bravehearts. This group has grown from virtually a one-woman campaign into an organisation that helps people across Australia as it fulfils an unfortunate need in our society. Bravehearts offers hope and comfort to the most vulnerable members of our communities each year, counselling hundreds of children who have been the victims of sexual assault.

As the organisation's role and breadth of services that it provides has grown, so too has Bravehearts outgrown its original home at Springwood, which is bursting at the seams. Bravehearts now has harnessed the tremendous goodwill that it inspires in the community to build a new \$1 million headquarters at Arundel on the Gold Coast, with almost every single component—right down to the light bulbs—donated by companies and individuals from the Gold Coast community. The 480-square metre building will provide a modern national base for expanded counselling, support and advocacy services while allowing the Springwood centre to be used solely for counselling. As the founder of Bravehearts, Hetty Johnston, says, 'We will finally be able to make a dint in our growing waiting list.'

The generosity of Bravehearts' band of benefactors does not end there. They have already pledged to build a national distribution/storage warehouse on the site next year and to add a storey on the original building in 2009. That is a tremendous effort by the community. I congratulate those who have been such good supporters and I congratulate Bravehearts for harnessing that goodwill in the community. Every cent of the money saved by those generous donations of goods, services and labour can now be channelled into helping the victims of child sexual abuse and their families.

All levels of government have a role to play in supporting the essential work performed by organisations such as Bravehearts. The Queensland government recognises this and is pleased to provide \$600,000 in operating funds this financial year through the departments of Child Safety and Communities. The Gold Coast City Council has showed its support by donating the land on which the national headquarters is being built.

Now there is a need to provide the last piece of the jigsaw that will mean that the headquarters will open next month without diverting one dollar away from Bravehearts' service delivery program. I am very happy to advise the House today that I have approved a one-off payment of \$68,000 to cover council infrastructure charges to ensure that Bravehearts can open a new headquarters built entirely on donations. I wish it all the best and I commend it for the work that it does.

### Central Queensland Gas Pipeline

**Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Minister for Infrastructure and Planning) (9.52 am): Following on from my advice to the House last week about the good progress that is being made on the delivery of the south-east Queensland water grid, I am able to provide an update on another piece of critical infrastructure, and that is the plans for the central Queensland gas pipeline. I am pleased to inform the House that the proposed high-pressure pipeline has received sign-off from the Coordinator-General, meaning that the project can proceed subject to environmental conditions being met. The proposed pipeline will run 450 kilometres from Moranbah to Gladstone. It is designed to provide an alternative gas supply into Gladstone and link Townsville to the state and national gas transmission grid via the north Queensland gas pipeline, which runs between Moranbah and Townsville.

It will initially carry 20 petajoules per annum when constructed and is designed to have the capacity to carry 50 petajoules per annum in the future, which is enough to meet the power needs of more than 300,000 houses. The pipeline will promote further development of the coal seam gas reserves of the Bowen Basin and will help ensure competitive energy pricing that will, in turn, encourage further development in the region. The final cost will be between \$220 million and \$400 million, depending on the final pipe size chosen for the project.

This project was originally put forward by the government owned corporation Enertrade, which proposed to build, own and operate the pipeline. As the House would be aware, the state government has decided to sell the gas assets of Enertrade, with Treasury advertising the sale process on 10 August this year and indicative bids closing by 30 September. Treasury has requested that binding bids for the project be in by the end of this month. The Coordinator-General's recommendation that the pipeline can proceed makes the proposed sale all the more attractive because it means that the successful bidder will take over a project that has been provided with a clear pathway through the state government approvals process.

The Coordinator-General has put in place recommendations designed to minimise the potential impacts of the project, including the need to ensure appropriate environmental offset to compensate for the long-term removal of about three hectares of brigalow scrubland along the pipeline easement. Other specific recommendations relate to soil erosion, air quality, water crossings, waste management, traffic, noise and social factors. The report will go this week to the federal government for assessment of the project's impact on matters of national environmental significance. Given the current federal election campaign, it is unlikely that the report will be considered before the new federal government is sworn in.



In his report the Coordinator-General also found that there was as yet not enough information to conclude that a second, low-pressure pipeline beyond the Gladstone city power station can proceed. Should a proponent wish to proceed with this separate project at some time in the future, they would need to make fresh application, which would include the need for a new environmental impact statement.

This project will provide significant benefits for central Queensland's homes and businesses. It builds on the success of the north Queensland gas pipeline. It also proves that this government is about not only building infrastructure to secure Queensland's water future but also securing its economic future as well.

### Queensland Economy

**Hon. AP FRASER** (Mount Coot-tha—ALP) (Treasurer) (9.54 am): The timing of yesterday's release by the Commonwealth of its mid-year economic and fiscal outlook was not its only interesting aspect. Despite upward revisions of forecasts by the Commonwealth, its projections still remain below the forecast growth of the Queensland economy. The Commonwealth has revised upwards its growth forecast from 3.5 per cent to 4.25 per cent. A projected increase in household consumption growth, similarly revised upwards from 3.5 per cent to 4.25 per cent, underpins this revised forecast. The Australian Treasury has argued that the upgrade in consumption growth is largely due to a more positive outlook for growth in household incomes due to stronger than expected employment growth.

Meanwhile, as I have advised earlier, Queensland remains ahead of the national growth rates. From the latest state accounts we see growth in the first three quarters of 2006-07 recorded at 5.9 per cent and year on year—that is, from March to March—at a stunning 6.6 per cent. Queenslanders can anticipate greatly the release of the final state accounts for 2006-07—a blockbuster chapter in the story of our stunning economic performance. Our employment growth remains ahead of the rest of the nation and our unemployment remains at a generational low after last week's release of the latest labour force statistics which recorded unemployment steady at a revised 3.6 per cent.

It must be noted that the Commonwealth's forecast, underpinned by growth in consumption, is accompanied by a forecast upward revision in inflation. The CPI forecast is to rise to 2.75 per cent, which is acknowledged widely as towards the upward limit of the target range for inflation set by the Reserve Bank. As the Governor of the Reserve Bank, Glenn Stevens, has noted, 'There is also the possibility that ongoing strength in a fully employed economy might leave us with inflation pressure that is harder to manage than expected.'

Queensland's growth, however, is broad based and its composition is its real strength, not just its headline quantum. With strong business investment, a robust property market and continued population growth, the stage is set. For the government, the challenge is to build the platform for prosperity. As we reach capacity points through this growth, the obligation is upon the government to invest in infrastructure and future capacity to sustain and deepen this prosperity.

### Queensland Waste Strategy

**Hon. Al McNAMARA** (Hervey Bay—ALP) (Minister for Sustainability, Climate Change and Innovation) (9.56 am): Sustainability is the crucial social and economic issue facing Queensland today. Responding to the challenge is not just a simple energy and resource conservation question; the solution also lies in finding new ways to do the same things better. Dealing with waste is no different. Indeed, it is a critical part of the sustainability cycle of extraction, use and disposal.

That is why I am pleased to release today a discussion paper on innovative new options for improved waste management and resource recovery in Queensland. I table a copy for the benefit of all members.

*Tabled paper:* Document, dated October 2007, by the Environmental Protection Agency, titled 'Let's Not Waste our Future—Queensland Waste Strategy—Discussion Paper for Public Comment'.

The discussion paper is available for public consultation from today on the EPA web site at [www.epa.qld.gov.au](http://www.epa.qld.gov.au). The Queensland Waste Strategy discussion paper is part of our whole-of-government push to ensure that Queensland is not just the Smart State but also the sustainable state.

To secure long-term sustainability we need to shift our thinking towards treating waste as a resource rather than as a problem. The paper puts forward a range of options to stimulate debate on how we can best manage and control waste into the future. Issues covered in the discussion paper include setting targets for achieving landfill diversion of particular waste streams, such as construction and demolition wastes, to achieve stated recycling rates; special treatment of priority wastes and end-of-life products which have ongoing recyclable or reuse value; landfill bans to prevent the disposal of specified wastes to landfill; and the development of a new performance based system to provide financial incentive to reward landfill facilities which implement sustainable waste treatment practices.

Better waste management practices are crucial to sustainability. Queenslanders have embraced actions such as kerbside and public place recycling and there has been a substantial improvement in the environmental performance of landfills and other waste management facilities. But much more can be done. The way in which we consume products and materials will affect whether we have a sustainable society that leaves resources available for future generations to use. To give just one example, making an aluminium can from new aluminium uses 95 per cent more energy than making one from recycled cans.

More integrated approaches to waste handling that link to resource conservation, energy and water efficiency, climate change and planning policies will be central to the Bligh government's sustainability strategies. I encourage all Queenslanders to have a say in developing a new direction for waste management for a sustainable Queensland.

### **Water Smart Buildings**

**Hon. RE SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (9.59 am): Despite rain and storms last week, Queensland remains in the grip of the worst drought on record. Queenslanders have risen to the challenge of reducing their water usage at home, and I am proud to report that the Queensland government is achieving fantastic results in its efforts to slash water consumption in government buildings.

The government buildings water conservation program, known as Water Smart Buildings, aims to reduce water consumption by at least 25 per cent in Queensland government buildings, facilities and parks. I am delighted to inform the House that the program has not only met that target but bettered it. When comparing 2006-07 to 2004-05 results, an average water saving of 44 per cent was achieved across 38 government buildings, which is well above the original target.

Water data recently received from Brisbane City Council for this year's third quarter shows that the results we are achieving just keep getting better. When comparing results from the July-September quarterly periods of 2004-05 and 2007-08, water savings of approximately 59 per cent or 83 million litres have been achieved in 37 retrofitted buildings. Among the buildings to record major savings this last quarter are Education House at 66 per cent, Police Headquarters at 70 per cent and Forestry House at 65 per cent. Education House, for example, has recorded savings of more than 8.5 million litres. I congratulate the minister for education on his personal commitment in that regard.

To date, major retrofit works have been completed in 55 buildings in south-east Queensland, Toowoomba and Rockhampton. Buildings were retrofitted with water-saving technologies such as flow restrictors, water-efficient shower heads, dual-flush toilets and smart-flush urinals. Chemical enhancement systems, data loggers and meters were installed in cooling towers in 23 government buildings to collect water usage data and increase water efficiency.

In addition, the Department of Public Works developed and implemented an internal Water Efficiency Labelling and Standards, or WELS, policy for plumbing fixtures for all new buildings, retrofits and refurbishments and for corrective maintenance works. It is only fair that everyone, including the Queensland government, does their bit to reduce water consumption. I commend the Water Smart Buildings initiative to the House and look forward to reporting further successes to this parliament.

### **Seat Belts on School Buses**

**Hon. RJ MICKEL** (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (10.01 am): The safety of school students is of paramount concern and the Queensland government leads the nation in measures to ensure safe travel on buses. Statistically, the safest way a child can travel to school in Queensland is by school bus—safer even than being driven in the family car. The safety of children is important.

However, recently we have seen the Prime Minister promising to fund the installation of seat belts on all Australian school buses, offering a miserly \$10 million a year for four years. To put that in perspective, in Queensland alone it would cost close to \$1 billion to install seat belts on all school buses. John Howard's funding means that only about 400 buses a year would be fitted with seat belts—that is, 400 Australia-wide. Many older buses simply do not have the anchorage points for seat belts anyway. Those buses would need to be replaced and extra buses purchased.

In contrast, for years the Queensland government has been working hard to improve the safety of the school bus fleet. Our SchoolBUS program provides grants to operators to retire old buses and replace them with new or newer vehicles. So far, the government has provided \$20 million for operators to purchase 292 buses and this year is spending another \$8 million to purchase a further 75 safer school buses. This includes providing \$12 million to support operators on very steep routes to ensure that all buses have not only seat belts but also rollover protection and secondary braking systems by 31 December 2009.

While the Queensland government is doing all that, the federal government offers an embarrassingly inadequate sum in an insulting attempt to woo voters. In addition, it is doing nothing about the far more important provision of rollover protection and replacing older buses. I want to ensure that the Prime Minister does not penalise Queensland because we have already rolled out our own program to protect our kids. While the Prime Minister goes on about the need for safer school buses, he is secretly taxing the grants the state government gives to operators for just that purpose. The federal government has rejected approaches to declare grants for school transport safety equipment exempt from taxation. It just wants the money.

### **Play by the Rules Ad Campaign**

**Hon. JC SPENCE** (Mount Gravatt—ALP) (Minister for Police, Corrective Services and Sport) (10.04 am): Today I will be launching a new community service advertising campaign called Play by the Rules. The advertisements will go to air on all commercial channels from tonight. The launch of these ads today is the last layer in this campaign aimed at discouraging overcoaching and putting a stop to unrealistic expectations being placed on our children. The ads send a clear message to parents: relax, because sport should be fun. They pose the question: what would it be like if children pressured us the way we pressured them?

The message here is very serious: sport is supposed to be fun and violent or abusive behaviour on or off the field is unacceptable. Unfortunately, we continue to witness inappropriate incidents at junior sporting matches including violence, racism, verbal abuse towards referees and players, win-at-all-costs mentalities from coaches and overbearing pressure from parents on the sidelines. This kind of behaviour on the sports field can easily overflow into other areas of a child's life. With the current attention on the prevalence of youth violence, it is essential that we look at all ways to prevent such negative behaviour.

This government has provided more than \$25,000 for the Play by the Rules program, which also incorporates a web site with detailed information for clubs dealing with issues such as child protection, inappropriate touching of athletes, abuse of referees, abusive coaches and parents, racism and complaints. Over the past 12 months the web site has received more than 3½ million hits. It is a vital tool in the fight against inappropriate sport conduct. More than 5,000 sporting clubs have registered to complete online learning programs.

Encouraging kids to be involved in sport is one of the most important goals in society today. We must help kids to be active so we can fight rising obesity rates and create a lifelong passion for sport and recreation. By setting the right examples about enjoying sport and having fun, we can increase the rates of participation among our young athletes.

Today Rugby League legend and father of five Steve Renouf is joining me for the launch of the Play by the Rules ads. Steve is also one of our True Sport Ambassadors in the True Sport Lives Here campaign. Having sporting heroes like Steve supporting these campaigns helps to get kids on board, and parents too. Awareness campaigns like this are the first step towards making a positive change which will have major benefits for the community.

### **Tarong Energy Corporation, Meandu-Kunioon**

**Hon. GJ WILSON** (Ferry Grove—ALP) (Minister for Mines and Energy) (10.06 am): Tarong Energy has signed off on a multimillion-dollar project that will power one of the state's biggest electricity generators and secure jobs for workers in the South Burnett. Tarong has entered into a \$500 million contract with industry leader Thiess to operate the Tarong mine near Kingaroy from next year.

Tarong's fuel project will not only create hundreds of jobs in the region but will also deliver a reliable and secure power supply for Queenslanders well into the future. Tarong had been looking at a number of options for a new long-term coal source. Its decision to take over ownership of the Tarong mine from Rio Tinto and to develop the nearby Kunioon coal deposit came after widespread consultation over 18 months with stakeholders and the local community. The project will create 750 jobs across the state, including jobs during construction, and it will secure 550 jobs for workers at the power stations and the mines.

The South Burnett has been severely affected by the drought and this project is a real shot in the arm for people who live and work in the region. It is going to give them job security. Not only that, it will also deliver a long-term, reliable and secure power supply for all Queenslanders.

Tarong Energy has advised me that, together with Thiess, it will work with Rio Tinto over the next four months to ensure a smooth transition. Tarong Energy has also provided an assurance that all Tarong mine employees will be offered positions by Thiess on no less favourable terms than they currently have. What we are putting in place here is not only an investment in the South Burnett but also an investment in the long-term future of each and every Queenslanders. It reaffirms the Bligh government's commitment to regional Queensland.

### Sustainable Schools

**Hon. RJ WELFORD** (Everton—ALP) (Minister for Education and Training and Minister for the Arts) (10.08 am): The uptake of sustainable practices across government, industry and the community is increasing. In particular, schools across our state are making significant inroads to becoming environmentally sustainable and contributing towards long-term changes in their local environment, economy and community.

Yesterday I presented the Keep Australia Beautiful Council—Queensland's Greenest and Healthiest School Award to far-north Queensland school Wonga Beach State School. Wondai State School in the Wide Bay-Burnett region won the minister for education's Young Legends Award. These schools are great examples of the sustainable practices being adopted by our schools and students. But they are just the tip of the iceberg.

Along with my department, Education Queensland, the Keep Australia Beautiful Council is one of 17 key partners in the government's Queensland Environmentally Sustainable Schools Initiative—QESSI. A total of 914 schools—or approximately half of all schools in the state—have participated in one or more of the QESSI Alliance partner programs during the past four years. Schools have demonstrated significant financial savings through many sustainability initiatives.

Between 2003-04 and 2004-05, the water consumption of state schools across Queensland was reduced by eight per cent in that year alone. In the subsequent year—2004-05 to 2005-06—there was a further reduction of more than 20 per cent. In stage 1 of the school Water Efficiency Management Plan, \$3.5 million was allocated to retrofit all taps and showers in 381 schools in areas under level 5 water restrictions with flow control devices. In stage 2 this year another \$8 million has been allocated for water-saving measures in south-east Queensland schools, including dual-flush toilets and water efficient urinals. Across the state 827 schools have installed, or are planning to install, water tanks and 2,200 tanks have been installed in schools in recent years. Under the Solar Schools Program, 78 schools have incorporated photovoltaic solar panels over the past six years.

I would like to congratulate our schools across Queensland on their achievements to date and I look forward to further advances in the environmental sustainability of our schools. If the enthusiasm and accomplishments of our students are a strong indication of statewide attitudes, then the future of our environment is in safe hands.

### SES Floodboats; Cyclone Summit

**Hon. N ROBERTS** (Nudgee—ALP) (Minister for Emergency Services) (10.11 am): Last week the SES received hundreds of calls for assistance as a result of the severe storms across Queensland. On behalf of the government and all members, I want to take this opportunity to thank those SES volunteers who were involved in that response. We also saw the good work of our SES volunteers in the recent events of flooding in and around Noosa. Much of that work was undertaken using floodboats. These boats are often the only way to work in areas affected by flooding and are a valuable resource for our SES units.

I can announce today that the government has bought 10 new state-of-the-art floodboats for the SES at a cost of \$287,000. The new boats will boost SES resources in Redcliffe, Richmond, Clifton, Goondiwindi, Thallon, Miriam Vale, Mackay, Blackall, Logan East and Logan Village over the next four weeks. These new vessels have been purchased as part of the organisation's annual floodboat program. The new boats will be 4.75 metre Jabiru V-nose punts and will come complete with trailers, safety equipment and motors. Rescue boats form a vital part of our response during flooding and inland waterway emergencies. Currently the SES has a fleet of over 200 boats, which are primarily used for search and rescue and supply operations.

On a related matter, the former Premier asked the Department of Emergency Services to hold an annual Cyclone Summit in the wake of Cyclone Larry in 2006. I can announce today that the first summit following the Cyclone Larry forum is planned to be held in April next year—at the end of the current cyclone season. Holding the forum at the end of the season rather than at the beginning will enable us to learn from the lessons of the previous season. This will give state agencies and local councils the time to implement any required changes to disaster preparedness and response programs prior to the next season.

### Drought Assistance

**Hon. TS MULHERIN** (Mackay—ALP) (Minister for Primary Industries and Fisheries) (10.13 am): With the drought showing no real signs of abating in the immediate future, the Queensland government is providing unprecedented levels of assistance. There are currently 82 shires and two part shires that are drought declared under the state processes—the equivalent of 62.3 per cent of the land area of the state. There also are 17 individually droughted properties in a further five shires.

According to the Queensland Climate Change Centre of Excellence, the chance of long-term median rainfall from now to December is 40 per cent to 50 per cent for most of Australia. As a result, our primary producers will continue to be under pressure. Freight claims are averaging around 135 per week through the Drought Relief Assistance Scheme. More than 1,600 freight subsidy applications have been processed by the department this financial year, providing \$2,379,000 in assistance to our state's primary producers. Since 1 January 2002, nearly 24,500 claims have been paid by the department to the value of \$44.484 million.

Substantially, direct financial assistance is not all that is provided by the department. Other departmental initiatives include grazing land management nutrition workshops; officers from the West Region are planning drought information sessions in the far west exceptional circumstances areas of Boulia, Winton and Longreach shires during October and November, similar to the successful sessions held late in 2006; and state and Australian government agencies including DPI&F, Communities, Queensland Health, Centrelink and QRAA have agreed to expand the Rural Assistance Information Network, or RAIN initiative, to a statewide level and have commenced an upgrade of the site to include information and links with statewide relevance. The RAIN web site draws together the resources of major drought information and support providers in one web site. It contains information and options to support and sustain people living and working in rural and remote areas of southern Queensland. DPI&F officers will also partner with the Centrelink Drought Bus with a series of planned activities across drought-affected areas of southern Queensland.

This government is very aware of the invaluable role played by our primary producers in the prosperity of Queensland and quite rightly provides the assistance they deserve.

### **Great Artesian Basin, Bores**

**Hon. CA WALLACE** (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (10.16 am): The Great Artesian Basin covers an area of 1.7 million square kilometres, with 70 per cent of it lying under Queensland. It stores over 65,000 million megalitres of water and has played a major role in the development of outback Queensland. Many members here would be familiar with the Great Artesian Basin Sustainability Initiative, or GABSI. The state government has committed \$22.5 million over four years to the GABSI program, which encourages landholders to participate in the capping of bores and bore replacement.

Today I am pleased to announce that later this month work will start on controlling the first of nine particularly difficult bores that tap into the Great Artesian Basin in Queensland. We have allocated a further \$500,000 under the Queensland government's Blueprint for the Bush project to help landholders control these nine high-priority bores. The project will have significant environmental benefits, saving about 7,000 megalitres of water each year and improving water pressure in the area of the basin where the works are being carried out. I have been hassled by the member for Mount Isa since she was elected over this particular project. So I am pleased to inform the House and the member for Mount Isa that we will start work on the first of these bores, located approximately 130 kilometres north of Julia Creek, in the next few weeks. The rehabilitation of this bore alone will result in an estimated saving of approximately 235 megalitres of flow from the Great Artesian Basin each year.

The nine bores were put down in the early 1900s and over time they have deteriorated so much that no bore casing can be seen—only large pools of water. The first bore that will be tackled was constructed in 1912 and originally flowed at nine megalitres a day into bore drains. Today it is estimated to be flowing at about three megalitres a day. It was constructed of steel casing, none of which is visible within a five-metre diameter pool. These bores will take a lot of labour and money to cap. However, some landholders were initially reluctant to start rehabilitation work as they had no idea how much they might have to spend. I am pleased to inform them that, under this initiative, landholders will pay a maximum of \$20,000 for the initial access work on each bore.

### **Yeppoon Western Bypass**

**Hon. FW PITT** (Mulgrave—ALP) (Minister for Main Roads and Local Government) (10.18 am): Residents of the Capricorn Coast are now enjoying substantially improved traffic conditions thanks to the significant completion of the 18-kilometre Yeppoon western bypass. I wish to thank the member for Keppel for his consistent and long lobbying on this issue. As a result of this work, safety for residents and visitors in Yeppoon's central business district and urban streets has been improved by directing heavy commercial vehicles to the west of the town.

The Yeppoon western bypass was part of a multimillion-dollar election commitment made by this government in 2004 to improve the road network around Yeppoon. Construction of the \$19 million western bypass commenced in June 2006. The project will ensure a wider, safer and delay-free alternative for commercial vehicles accessing industries north of Yeppoon.

This particular road project was funded by the Queensland government and it highlights the abysmal record of the federal coalition government when it comes to road funding. Indeed, so grossly has Queensland been underfunded over such a prolonged period that the program of works needed on national roads has reached massive proportions.

Some months ago Queensland was required to submit to Canberra its forward program of works for the national road network in this state. The projects specified in Queensland's AusLink Network Forward Strategy are an assessment of necessary new projects and maintenance needs across the state for the five-year period from 2009 to 2014. The projects total \$23.5 billion. The scale of the Queensland submission highlights the shocking inadequacy of federal government funding for national road infrastructure in Queensland. While I am acutely aware that not all of the projects nominated in the Queensland submission will receive federal funding, the list of projects demonstrates how Queensland has suffered from chronic underfunding.

These are all essential transport projects on the national network and are needed to manage Queensland's growth and support the national economy. However, because of the federal coalition government's habitual short-changing of Queensland on road funding, many of the projects will be delayed or remain stranded on the drawing board. Queensland, and especially south-east Queensland, is the fastest growth area of Australia. This is Australia's economic powerhouse and the Commonwealth government needs to invest in building on this growth to benefit the entire nation.

### **Wine Industry**

**Hon. D BOYLE** (Cairns—ALP) (Minister for Tourism, Regional Development and Industry) (10.21 am): Over the past three years Queensland wines have been exported to 16 countries. This includes two of our most important emerging markets, Japan and South Korea, which are experiencing growth in their consumption and appreciation of wine. While French and Italian wines dominate, importers from Japan and Korea are looking for new and interesting products that offer consumers more diversity.

To help showcase Queensland wine in these important Asian markets, last week my department led a successful trade mission to Tokyo and Seoul. Representatives from two wineries, Sirromet and Wedgetail Ridge Estate, joined the trip. Six other wineries—Clovely Estate, Robert Channon Wines, Mason Wines, Kominos Wines, Rangemore Estate and Warrego Wines—sent wine to be presented.

An impressive range of importers, distributors, supermarkets and wine industry experts, including a prominent South Korean wine magazine, sampled Queensland wine. All importers were interested in one or more of the wines presented. An order for two wines has already been made and more orders are expected. Our wine was considered equal or superior to other imported products. Some interesting points were that in terms of packaging there was a preference for wine to be bottled under cork rather than screw caps and wines presented in tall bottles were often considered superior. Students from Korea's finest wine education school completed a detailed questionnaire. That feedback is currently being translated and will provide valuable market intelligence.

There is a good connection between tourism and wine industry development. Importers are looking for wines from wineries close to the Gold Coast that they can feature in their mail-order businesses targeting Japanese and Korean tourists. Much follow-up work will be done as a result of this trade mission. Over the past 12 months total Queensland wine exports have increased by 30 per cent to total \$1.3 million and this is just the start.

### **Foster and Kinship-Carers**

**Hon. MM KEECH** (Albert—ALP) (Minister for Child Safety and Minister for Women) (10.23 am): During my short time as Minister for Child Safety I have been impressed by the passion and commitment shown by foster and kinship-carers. These caring, compassionate people are the backbone of Queensland's child protection system. The Department of Child Safety could not do its job without them. I know the work of foster and kinship-carers is often difficult, but it brings wonderful rewards. Because of their dedication and generosity, more than 7,000 Queensland children are now in a place where they are loved, cared for, safe and nurtured.

I have heard of examples of how the love and support of carers is helping vulnerable Queensland children reach their full potential. In one case I was advised how a child who had come from a home in which he was sexually, emotionally and physically abused has grown from a frightened little boy into a competent and confident young man. After seven years with the same foster family, he is doing very well at school and working towards a trade career. His carers and teachers say that he is well behaved, stable, responsible and healthy. That is why he is among a number of students at his school selected to travel overseas on an excursion as a reward for good attendance and excellent behaviour. It is an opportunity this young man may never have had if not for the kindness and love of his long-term foster family.

Carers give so much to so many Queensland children. If not for the compassion of one foster family, three sisters sent into care would have been forced to separate. These generous and loving people had not planned to take on so many foster-children, but seeing how important it was for them to remain together, they opened their hearts and their home. The girls say they have grown into happy, healthy young women because their foster-parents gave them the chance to grow up together in a loving environment.

I also give special thanks to those heroic carers who take on the often difficult job of caring for children with profound disabilities and illness. On behalf of the Bligh government, I applaud Queensland's foster and kinship-carers who give our most vulnerable and at-risk children the chance to live happy, healthy, fulfilled lives.

### **Multicultural Festival**

**Hon. LH NELSON-CARR** (Mundingburra—ALP) (Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth) (10.26 am): An estimated 45,000 people celebrated Queensland's rich cultural diversity at the Multicultural Festival on Sunday. The full day of activities showcased more than 66 different cultural groups across five stages, with vibrant entertainment including children's activities and sport.

I am delighted to say that the day had a very memorable start for 166 people from 33 countries who took part in a citizenship ceremony that I was delighted to host. We had a very good MC on that day in Michael Choi, my parliamentary secretary. Premier Anna Bligh officially opened the festival, reinforcing just how important multiculturalism is to the future of the Smart State.

People from so many different birthplaces and religions came together at the festival in the true spirit of friendship, acceptance and goodwill. Participants included our first people, Aboriginal and Torres Strait Islanders, newly arrived migrants and refugees and people whose forebears came to this country over the last two centuries. Not only did we have didgeridoo players, African drummers, Indian tabla players and South American dancers; we also had Surf Lifesavers, the RSL, the Country Women's Association and an Aussie bush band. Events like Sunday's festival show us that Queenslanders want a community where everyone is valued, irrespective of where they come from. It also sends out a very clear message that the Queensland government is strongly committed to multiculturalism.

Finally, I would like to place on record my appreciation for the generous support of our sponsors. I commend all those who have been involved behind the scenes because they have made this year's event the best yet.

### **Justice McMeekin, Central Judge**

**Hon. KG SHINE** (Toowoomba North—ALP) (Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland) (10.27 am): This morning I had the pleasure of attending the swearing in of Justice Duncan McMeekin to the Supreme Court. He will work in Brisbane until the end of the year before taking up his appointment as Central Judge based in Rockhampton in January. The Central Judge is also responsible for circuit courts in Mackay, Bundaberg and Longreach and sits on the Queensland Court of Appeal each year.

Justice McMeekin has had a distinguished career as a barrister over the last 30 years working in Rockhampton and Brisbane. His areas of practice have included criminal, family and civil law, recently concentrating on civil law, principally personal injury, commercial and insurance law. Justice McMeekin's appointment as Central Judge will, in many ways, be a homecoming. Justice McMeekin practised in central Queensland from 1977 until 2002 and during his time there was heavily involved in the community. He was chairman and trustee of the Rockhampton Girls' Grammar School, a trustee of the Rockhampton Art Gallery, chairman and member of the Rockhampton and Districts Rugby Union Judicial Committee, and a vice-chairman and committee member of the Rockhampton Club. He has also served as a country member on the committee of the Bar Association of Queensland. Justice McMeekin obtained Bachelor of Economics and Bachelor of Laws (Honours) degrees from the University of Queensland.

This government is committed to increasing the number of judges and magistrates in Queensland to ensure that our court system can cope with the increasing case load our growing population provides. We have increased the number of District Court judges by three in the last two years and have increased the number of magistrates by five in the last three years. We also appointed one extra Court of Appeal judge earlier this year. We will continue to increase judge and magistrate numbers as required to ensure that our court system runs smoothly despite an increase in workload.

**Mr Schwarten:** An excellent appointment!

**Mr SHINE:** I take that interjection from the honourable member for Rockhampton.

## QUESTIONS WITHOUT NOTICE

**Nuttall, Mr GR**

**Mr SEENEY** (10.30 am): My first question without notice is directed to the Premier. I refer to the application by the Director of Public Prosecutions to freeze an extra \$100,000 in assets belonging to former health minister Gordon Nuttall pending the outcome of charges laid against him by the CMC and the Premier's provision of additional documents to the CMC for its ongoing investigation into corrupt payments. Can the Premier tell us whether those ongoing investigations involve any current or former member of her government?

### **Speaker's Ruling—Questions Concerning Matters Sub Judice**

**Mr SPEAKER:** Order! As the House would be aware, the former member is currently before the courts. He is also currently before the ethics committee. I will allow the question to be answered by the Premier as long as we do not in any way, shape or form go into the matters that are presently before the court.

**Ms BLIGH:** I am pleased to have an opportunity to answer this question and to put the facts on the record, but I will heed the ruling of Mr Speaker and ensure that I do not touch on any details that are before the courts. This is a matter that has had substantial airplay in the public arena over the last 10 months or more. I have confirmed in relation to a question from a journalist that the government was requested to provide further cabinet documents. I, as Premier, have authorised the provision of those cabinet documents.

There was some suggestion that the previous Premier, Peter Beattie, may have in some way failed in his duty to fully cooperate with the CMC. I can absolutely assure the House that that is completely without foundation. Peter Beattie provided every single document that the CMC requested of him during his time as Premier in relation to this matter, and to my knowledge every other matter that it has ever requested of him. The CMC has asked subsequently for further documents, and those documents have been provided.

I do not have any concern about the details of this matter being put into the public arena at the suitable, appropriate, available opportunity, but I am not the person who should put those details into the arena. That is properly the role of the CMC. The CMC has requested documents in relation to a matter it is currently investigating. I am not at liberty to give any details about that investigation and, frankly, nor should I be. Anybody who knows anything about the way that the police, detectives and investigatory agencies go about their business would understand that for me to put details into the arena could very well jeopardise those investigations.

I think it is fair to say that the CMC has been very open about this matter. I would expect that it will be in the future in reporting these investigations. As I said, I have no concern about the CMC putting these matters into the public arena when it believes its investigations have reached a suitable point where it would be appropriate for it to do so.

I am being asked this morning by the Leader of the Opposition to comment and to confirm people who may or may not be the subject of these investigations. It would simply be inappropriate for me to confirm or deny because I am not in the business of narrowing the field. That is properly the role of the Crime and Misconduct Commission to talk in the public arena about its investigations when it is able to do so. Frankly, I wish the CMC could do so today, because I have no concerns about it putting these details into the public arena. I have every confidence that the CMC will do so as soon as it is able to do so, but as Premier I will not be doing anything that will jeopardise an investigation into a matter that invites the jurisdiction of the CMC.

### **Prisons, Air Conditioning**

**Mr SEENEY:** My second question without notice is also directed to the Premier. We have previously raised in this House the issue of air conditioning of some of the state's prisons while Queensland kids still face summer classes in oppressively hot classrooms. This government is currently spending \$110 million on the Sir David Longland prison at Wacol. How does the Premier justify not only air conditioning but cable television and broadband connections to the new five-star prison cells at Wacol?

**Opposition members** interjected.

**Mr SPEAKER:** Order! The question has been asked and I would like the Premier to be given the chance to answer it.

**Ms BLIGH:** This is an old hoary chestnut that we expect the National Party to kick around every time it runs out of another story. Air conditioning in our prisons occurs because it was one of the recommendations, as I understand it, of the Aboriginal deaths in custody report. Air conditioning in prisons is the only safe and reliable way to remove hanging points in prison cells.



**Mr Hobbs:** What about the kids?

**Ms BLIGH:** It would also be useful for the opposition to remember that prisoners in prison cells are locked down for a very substantial part of the day—12 hours a day.

**Mr Hobbs:** Kids are, too.

**Ms BLIGH:** We do not lock down children in our schools. They are free to run about at lunchtime to get fresh air. Their windows are open, as they should be.

**Mr Seeney:** How many schools haven't got broadband?

**Ms BLIGH:** I can also confirm that prisoners in Queensland prisons do not get broadband.

**Ms Spence:** They don't get access to the internet.

**Ms BLIGH:** They do not get access to the internet. They do not get broadband and they do not get cable television. I do not know where the opposition leader is getting this information, but I can advise the parliament that prisoners in Queensland prisons do not get access to the internet, they do not get broadband—

**Mr Seeney:** What about the new cells at Wacol?

**Ms BLIGH:** They will not get broadband.

**Mr SPEAKER:** Order! Leader of the Opposition!

**Mr Hobbs** interjected.

**Mr SPEAKER:** Order! Member for Warrego, you have interjected three times now and it is quite repetitive, and I would ask you to desist.

**Mr Johnson** interjected.

**Mr SPEAKER:** No, it is the third time. I beg to disagree, member for Gregory.

**Ms BLIGH:** Mr Speaker, they are all so badly behaved I can understand it is difficult for you to choose between them. I can confirm, as I said, that prisoners in our prisons do not get some kind of dream home. What they get is a prison cell in which they are locked down 12 hours a day. They are there to serve a sentence, and that is exactly what they do. But we have an obligation to keep people in our prisons safe from harming themselves and from harming others, and we will continue to do that within reasonable bounds and within reasonable budgets. It is not the case that prisoners are getting access to the sorts of benefits that the member opposite has suggested.

As I said, it is an old hoary chestnut. Whenever the National Party hits the bottom of the barrel, it pulls out some rubbish about a holiday home in a prison. I would suggest to the Leader of the Opposition that, if he thinks it is such a good place to be, I am sure that the minister for corrective services would be happy to give him firsthand experience. He can go and visit one of the cells. He might like to give the member for Burnett a little time out there. After the efforts of the member for Burnett over the last few days, I am sure the Leader of the Opposition would like to give the shadow minister some firsthand experience of the portfolio of corrective services, and we can arrange it if it is needed.

**Mr SPEAKER:** Before calling the member for Capalaba, I welcome to the gallery today teachers and students from St Joseph's School at Cloncurry in the electorate of Mount Isa, which is represented in this House by Betty Kiernan. It is always very pleasing to welcome students from western Queensland.

**Mr Johnson:** They know about hot schools out there, I can tell you.

**Mr SPEAKER:** Order! Member for Gregory!

### Federal Government, Funding

**Mr CHOI:** My question without notice is also directed to the Premier. Can the Premier outline the real impact on Queensland of the drop in total payments to the states and territories by the Howard government?

**Ms BLIGH:** I thank the member for his question. The Treasurer last week outlined some interesting facts that have now come to public light in relation to the share of Commonwealth funding that has gone to the states of Australia over the last five years. The *Australian Financial Review* has, in some detail, revealed what I think are some very stunning and amazing realities.

The total payments from the Commonwealth to the states and territories have fallen from a high of 7.2 per cent of gross domestic product in 2001-02 to just 6.5 per cent in the past financial year. On the face of it 0.7 per cent of gross domestic product may sound like a small proportion. What does it actually mean for Queensland? What is the real impact of that decline in the Commonwealth's share of revenue back to the states?

If the Howard government had maintained payments at the same level in 2007 as they were in 2001 then we would have approximately \$1.25 billion this year and every year. What does that mean using our spending allocation across different portfolios as a guide? It would have meant an extra \$564 million pumped into our health system for a start. It would have seen an extra \$450 million pumped into our education system. That would air-condition a lot of schools.

If those opposite want to come in here and talk about school air conditioning then I point out that it is this government that has air-conditioned the hottest schools in Queensland. We have done it systematically and affordably through the budget. If we had had our fair share of Commonwealth funding—an extra \$459 million for education in a year—then, yes, we could have done more with it. I look forward to the day when we do have a federal government that wants to fund Queensland schools.

We would have seen an extra \$132 million pumped into roads. We would have seen a staggering \$50 million pumped into disability services and \$48 million pumped into public housing. What we are going to see—

**Mr Lucas:** Replaced state taxes.

**Ms BLIGH:** We have replaced state taxes. What we saw last night is the beginning of a dishonest campaign from John Howard who is saying that we have all the money from GST. What he never says to the people of Australia is that GST replaced state taxes. At the same time, he had his hand in the other pocket taking money out of the states. What has he done with it? He has put it into an election war chest.

Over the next five weeks as we see Mr Howard attack the state governments people should just remember what he has taken out of the state coffers, what he has taken out of schools in our electorates, what he has taken out of hospitals in our electorates and what he has taken off the roads of Queensland.

### Goods and Services Tax

**Dr FLEGG:** My question without notice is to the Treasurer. Last year in reply to the state budget the Treasurer advocated reserving a portion of income tax for the Commonwealth with the balance of income tax being set by the states. He further told the House that 'this would permit the states to give back the GST with all its dripping odium'. How far has the Treasurer got with his proposal to return levying income tax to state governments and giving back the GST? Can he tell the House: is this the reason Wayne Swan and Kevin Rudd have been unable to publicly release their tax policy?

**Mr FRASER:** I thank the member for Moggill for the question. The point I was making then and the point I was making in my first speech in this place was that, in any instance and on any measure, no-one could conclude that the financing of the Australian Federation is world's best practice. Who has been saying things like that recently? Well, people from the Business Council of Australia, for instance. The member for Moggill would be well advised to read their recent musings on it.

The point I was making back then is this: at present in Australia any state government, whether it is the opposition's stripe or our stripe, could head off to the voters and gain a mandate on a series of policies. Thereafter, because the Commonwealth holds a disproportionate share of overall revenues and it becomes, if you like, the fiscal bullies, it can say, 'We are not going to fund your housing agreement or put money into education or into health unless you do a range of things.' Those things might be diametrically opposed to the basis upon which the party sought and gained election.

The point remains this: what the federal election represents is a small window of opportunity, a window of great optimism, to elect a federal government that is truly interested in stopping the blame game, truly interested in stopping the buck passing and truly interested in talking about the sensible reform that is required to Commonwealth-state financial relations.

The GST is dressed up by the federal government to be something other than what it is. It is always dressed up to be something more than what it was. In 2007-08 we will receive about \$8.3 billion in GST. The Commonwealth government would like people to believe that that is enough to do everything; no matter what it is, whatever the cost, that is enough to do anything. This year we are spending \$7.7 billion on health. That is just one of the initiatives. The GST was never meant to replace everything. It was never meant to be the answer to anything. Why? Because it cannot be.

Ultimately what is required in this country is a debate over the next six weeks about the way in which we undertake sensible economic reform and sensible taxation reform that will ensure that, rather than just living off the fat of the land, we take the benefit of our growth, the benefit of our prosperity and make decisions both in terms of investment in capacity and infrastructure, but also reform taxation systems at a state and Commonwealth level to ensure that we provide the future platform. I have to tell the member for Moggill that I am voting Labor at the next election—Kevin had me at hello.

### Water Tanks, Tax

**Mrs LAVARCH:** My question without notice is to the Premier. The Local Government Association is questioning what is behind the Queensland government's move to ban councils from taxing water in home tanks. Can the Premier elaborate as to why there is uncertainty, who is fuelling concerns and why the government has moved to ban taxing residential tanks?

**Ms BLIGH:** I thank the honourable member for the question. I am pleased to have an opportunity to outline the government's concerns in relation to persistent stories that we have a secret plan to charge or tax the water in people's rainwater tanks. I was very amused this morning to hear the Local

Government Association indicate that it had no idea why we were worried about this. I was even more amused to hear the Lord Mayor of Brisbane say that he did not know where this concern was coming from.

I am very pleased to advise them of one of the people who raised this issue more recently. It was raised as a question in the House with the Premier. It was followed up in August this year by an article in both the *Australian* and the *Courier-Mail* with the federal environment minister, the Liberal minister, Malcolm Turnbull, who said—

... households did not necessarily own rainwater that fell on rooftops.

State and territory governments could establish entitlement regimes in order to regulate the use of water that falls on a person's roof ...

An entitlement regime is simply code for tax or charge. Democrat Senator Andrew Bartlett said he was very concerned about a possible water grab. Lest there be any doubt about what the Liberal Party of Australia believes on this issue, I will quote from the *Hansard* of the House of Representatives and that giant among men the member for Moreton, Gary Hardgrave, where he said—

A report in today's *Courier-Mail* outlines the fact that the Queensland government could very easily steal the water out of people's water tanks ... people have no legal ownership of the water ... The Queensland government will put a meter on people's water tanks and take control of those tanks. There is no legal impediment to stop that from happening.

I say to the Lord Mayor of Brisbane and to the Local Government Association that it is the federal Liberal Party of the Australia which is peddling the view that water in rainwater tanks should be taxed or charged. I regret to inform the House that it is not an original idea. This idea has, in fact, been put on the public record since about April this year. If members go to [paulinehanson.com](http://paulinehanson.com) they will find, 'I believe people who declared those tanks for a rebate will now be charged. You will end up paying for the water that falls on your roof.'

This is a nonsense. It was knocked on the head in this House months ago. It continues to simmer because it is being fed and fuelled and flamed not only by Pauline Hanson and One Nation but also by the federal environment minister and federal Liberal members of parliament. This is madness. I am not going to have householders in any way discouraged from putting in water tanks by these sorts of suggestions. We will put this issue to bed once and for all. The legislation that will be introduced later today will ban the charging for water in water tanks.

### Water Infrastructure

**Miss SIMPSON:** My question is to the Deputy Premier and Minister for Infrastructure and Planning. I table a government report showing the minister's plan to drain up to 84 per cent of the Sunshine Coast's main water storage which has not yet scheduled the installation of two-way pumping stations.

*Tabled paper:* Document, dated 14 March 2007, by Kellogg Brown & Root Pty Ltd titled 'South East Queensland Regional Water Supply Strategy—Levels of Service—Discussion Paper (draft)'.

Sunshine Coast residents willingly share natural resources with Brisbane like their pristine beaches and crisp hinterland and they do not mind helping out in an emergency water crisis. However, since the minister cannot give a time frame for the construction and operation of the two-way pumping stations on the northern interconnector, should the water grid not be renamed the 'water siphon'?

**Mr LUCAS:** I thank the honourable member for the question. The honourable member has all the economic literacy of a Balkans dictator. The honourable member would be well aware that she is not just the shadow Deputy Premier of the Sunshine Coast; she is the shadow Leader of the Opposition in relation to all of Queensland. One thing that we on this side of the House do is ensure that we govern for everybody. The good news of course in relation to Target 140 is that again for the 12th week in a row residents have exceeded that. Our current average usage is 133 litres per day. Last week I announced that work was about to start on the northern pipeline interconnector which will connect the Sunshine Coast into the water grid.

The honourable member said in one of her, as I said, great Ceausescu edicts that the Sunshine Coast's water was being robbed by a greedy state with callous regard for that region's water security. Let us have a look at what the dam levels are on the Sunshine Coast at the present time—93 per cent! The largest one, the Baroon Pocket Dam, is 100 per cent full. What will the member for Maroochydoore do with the water? I suggest that she has a chat to the member for Kawana. The member for Kawana has a great suggestion, because on 30 August the member for Kawana issued a media release calling on the Maroochy shire council to lift the current level 2 water restrictions. So get out the hose and let her rip! That is the coalition's policy when it comes to water security in south-east Queensland.

The member for Maroochydoore is such an expert on the Sunshine Coast that she might care to tell the House what the average water use is per person per day in Caloundra. Does the honourable member know that? If she looks at the water grid and at the Caloundra council web site, it is 330 litres per day, and I table that.

*Tabled paper:* Copy of a page from the Caloundra City Council web site titled 'Calaqua'

That is what they are using on the Sunshine Coast. I also table the member for Kawana's media release.

*Tabled paper:* Media release, dated 30 August 2007, by Steve Dickson MP titled 'Our dam's running over—let's lift restrictions'.

The QWC monthly report makes it very clear that that pipeline will be built with a capacity to be reversed the other way and that it takes about six months to do that.

There are members in this House such as the member for Ipswich and the member for Nanango who have substantial electricity generation industries in their electorates but not a lot of water. In fact, we are doing work in relation to both of those electorates. What would happen if people in Kingaroy or people in Ipswich got up and said, 'We're not sending any electricity to the Sunshine Coast,' based on the scintillating logic of the member for Maroochydore? What if they said, 'We're not going to send any electricity there because you haven't got any generation there!?' This just shows exactly why members opposite will never be fit to operate on the treasury benches. We will have a water grid that they opposed at every opportunity. We will have desalination. We will have dams. We will have water recycling. Those opposite sit there and put their heads in the sand. We will not let the people of south-east Queensland go begging for water. We will make sure that there is a water grid in place, because you never know—one day the Sunshine Coast might need water, and it certainly needs electricity. The more that we operate for them, the better it is in terms of the whole of south-east Queensland. It is about time the member opposite got economically literate.

### Water Infrastructure

**Ms CROFT:** My question is also to the Deputy Premier and Minister for Infrastructure and Planning. Can the Deputy Premier inform the House of the continuing efforts of the residents of south-east Queensland in saving water to beat the worst drought on record? Is the minister aware of any other plans to develop a water grid that addresses the needs of all of south-east Queensland?

**Mr SPEAKER:** I call the Deputy Premier.

**Mr LUCAS:** Thank you, Mr—

**Mr Hobbs:** Spit it out!

**Mr Hopper:** Give us another one!

**Mr LUCAS:** Well, the member for Darling Downs would not last one minute with his scintillating intellect. He makes the member for Maroochydore look like an economic giant. That is why he is on the front bench: he is on the front bench so other people look good compared to him!

I saw something in the *Courier-Mail* today about water recycling and the level of recycling in south-east Queensland and the opposition having us believe that the western recycling water pipeline has a design flaw. I have never heard more ridiculous claptrap and rot in my life. The logic of the member for Maroochydore and the opposition is that because people are being so effective at saving water and therefore reduced flows are happening into that pipeline there is a problem, so what we should all do as soon as we finish question time is get into the bathroom and turn the tap on! We should turn the tap on and let more water run down the drain so we can recycle more! That is the sort of logic that we are hearing from those opposite. We are building a water grid and a water system that will last us 50 years—not 10 minutes! Those opposite do not have a water policy at all. They voted against the water grid. They voted against the dam. They voted against water recycling. Again, we will make sure that we cater for the people of south-east Queensland.

There was also some discussion in the article about the price of water in relation to the western recycled corridor. Obviously—and it is grade 1 stuff to understand—consumers of water, like consumers of electricity, do not pay the dispatch cost of the particular asset that the water or the electricity comes from. I can tell the House what it means in terms of costs, and we will see the Traveston EIS released in the not-too-distant future: it will show us what happens if we let people like those opposite in power who do not deliver on water. We will deliver on water to ensure the continued economic—

**Opposition members** interjected.

**Mr SPEAKER:** Order!

**Mr LUCAS:** Mr Speaker, they do not like it. They do not like it when people point out that they opposed giving people in my electorate, people in Brisbane Central and people in other parts of south-east Queensland water reliability and security. They are not interested in it at all. We will make sure that this western recycled pipeline has sufficient capacity not just for now but for the future as water recycling grows. There were also some ridiculous comments, I might add, about greywater and the like. One of the things about residential greywater is of course the ability to put that on your garden et cetera. It is not a large diversion of water from the system. The big users of greywater are industry. Of course, the more they are using that, the less they have to draw potable water from our dams. It is pretty simple stuff: what goes in comes out. If you take more out then you will get less in. It is very simple stuff. I will write it out in a diagram for members opposite later.

**Nuttall, Mr GR**

**Mr McARDLE:** My question is to the Premier. The Premier has recently sent documents to the Crime and Misconduct Commission relating to its investigation into corruption charges against former health minister Gordon Nuttall. Will the Premier tell the House, firstly, what is the date of these documents; secondly, is the author of the documents a member of parliament or a state government employee; and, thirdly, did the documents initially come from a government department and, if so, which one?

**Mr SPEAKER:** I indicate once again to the Premier that this will be handled in the same way as I have ruled in the past.

**Ms BLIGH:** I thank the member for the question. Probably the most staggering feature of this question is that it is asked by someone who aims and aspires to be the Attorney-General of Queensland. It comes on top of public comments from the same member on the weekend in which he called upon me to release all details surrounding documents provided to the Crime and Misconduct Commission. What a remarkable thing for someone who has some passing experience in the legal profession—not much but some.

Let me try to answer the questions as I recall them. The only question that I can answer in detail is one that, really, I have already answered. He asked whether the author of the documents was a state government employee or a member of the government. They were cabinet documents. I am not sure how the member for Caloundra thinks that documents get to cabinet other than being authored by a member of the government or a public servant employed by the government.

These were documents related to the cabinet process. Of course it was authored by somebody who works in the Public Service. I am not entirely sure what it is the member is trying to get at in that regard. What we have had with these two questions over the last half an hour in question time is simply the same old, same old, same old from the Queensland coalition, which still does not understand the separation of powers. We have a separate investigatory process—

**Mr Hobbs:** It's an old chestnut!

**Ms BLIGH:** I take the interjection from the member for Warrego who says that it is an old chestnut—not unlike himself. One would think that if it is such an old chestnut those opposite would get it eventually. And he is right: it is so old that we are still waiting for those opposite to get it. Catch up!

**An opposition member** interjected.

**Ms BLIGH:** Again I hear allegations being called out from the other side about a cover-up. You do not cover up something by sending it to the police. That is not the way to cover up something. When the police ask you for something and you provide it, knowing that it will eventually go into the public arena, as has been the case all the way along with this matter, then that is hardly the basis of a cover-up. How did the Gordon Nuttall matter come to the attention of the CMC in the first place? It was referred by the former Premier on behalf of the government. So the investigation that is being conducted was started in relation to matters that the former Premier sent there. So again, if you want a matter covered up, do not ask the CMC to investigate it. That is not the way to cover up something. We are not in the business of covering up; we are in the business of cooperating fully. That is exactly what I have done and I have been honest about that.

**State Schools of Tomorrow**

**Ms PALASZCZUK:** My question is to the Minister for Education and Training and Minister for the Arts. In recent days there has been media coverage about the government's \$850 million State Schools of Tomorrow program and plans to create super schools. Can the minister tell the House how this program will work and what consultation is being undertaken with school communities to take their ideas on board about how our schools should be redeveloped?

**Mr WELFORD:** I thank the honourable member for her question and for her interest in this important issue. In July and August I announced four separate projects that have been chosen to be part of our government's initial projects within the \$850 million State Schools of Tomorrow program. These are Brisbane bayside—Wynnum and Manly—Inala-Durack, East Ipswich and Innisfail. We will be spending millions of dollars in each of these areas to modernise and redevelop groups of state schools in these communities with the communities' support.

Our government understands that one of the most important influences on children's education is the quality of the schools in which they learn and the facilities that teachers have available to them with which to teach. But many of our schools were built in an era—some more than 50 years ago, some more than 100 years ago—when education was very different from what it is today. Chalkboards, blackboards and wooden desks in a row have been replaced by modern classrooms complete with computers, electronic whiteboards and group learning both inside and outside the classroom.

Many of the classrooms in our older schools are not suitable for modern learning. There is no room for computers. They are not adaptable for group learning. There is not the space for the sorts of resources and equipment that teachers use in a modern classroom. When I travel throughout the state I am struck by the extraordinary contrast in facilities between our newer schools and our older schools.

The inequity of this situation cannot be allowed to continue. That is why the Tomorrow's Schools program is about bringing together clusters of schools, particularly in the oldest areas with the most depleted student numbers and the poorest classrooms, and giving them the opportunity to develop brand-new schools with 21st century, state-of-the-art facilities.

It does not mean that we will necessarily be building super schools with huge enrolments. That is in no-one's interests in the primary school sector, and I do not intend to do that. But I want to build high-quality facilities with the resources and technologies that schools can share not only with their neighbouring schools but also with the broader community. That could mean building a new secondary school and relocating some schools to larger, more convenient sites. It could mean creating specialist study centres or multipurpose auditoriums and performing arts complexes that can be shared with other schools. It is about building stronger partnerships between neighbouring schools and their surrounding communities.

School communities are playing an important role in shaping the schools of tomorrow. School communities are integrally involved in how we take the existing sites and redesign the availability of education and how it is delivered in those communities between the resources that are available. That consultation will lead school communities to come up with their new design ideas.

### **Research Involving Human Embryos and Prohibition of Human Cloning Amendment Bill**

**Mr FOLEY:** My question was to the Minister for Health, but I will direct it to the Premier. Now that the controversial Research Involving Human Embryos and Prohibition of Human Cloning Amendment Bill has been passed by this House, how will the government police the 14-day rule? Could the Premier outline her audit process for this rule?

**Ms BLIGH:** I thank the honourable member for the question. I should start by advising the House that the Minister for Health is not in good health and unfortunately is taking a period of sick leave this week. I understand the opposition was advised of that this morning. I am sorry if the member was not advised.

**Mr Seeney:** He is not part of the opposition.

**Ms BLIGH:** No, the Independents were not advised. Specifically, in relation to the details of the question—

**Mr Welford:** She understands it is not your fault.

**Ms BLIGH:** Most things are, but in this case I accept responsibility. In relation to the specifics of the question, I hope that the member appreciates that the details of it are not something on which I would normally have specifics. But I accept that the member has an interest in this matter.

I understand that in order for scientists to access this form of research they will have to be licensed by the NHMRC. My understanding is that the conditions of the licence—for example, the 14-day rule—will then have to be enforced by the NHMRC, which is a federal body. I am happy to get the full details from the health department and advise the member. I have every confidence that it will have a very rigorous process around this.

The NHMRC, along with Queensland Health, understands that not only is this an important area of research but also it is one in which many people, not just those inside this chamber, are very concerned about, have very strong views on and, quite understandably, would want to see scrutinised. I expect that they would anticipate the need to report on this regularly. I am happy to get further details on the matter for the member, but my preliminary understanding is that regulation of this is conducted by the federal government through the NHMRC.

### **Home WaterWise Service**

**Mr HOOLIHAN:** My question is to the Minister for Main Roads and Local Government. The government's Home WaterWise Service has been in place for 12 months now. Can the minister inform the House of the progress of this service thus far?

**Mr PITT:** I thank the member for the question. As members of the House would be aware, the Queensland government has developed a quite comprehensive response to the worst drought in recorded history in south-east Queensland. One of the key planks of that response is the extremely popular Home WaterWise Service. Under this scheme a house receives plumbing services and goods worth \$150 for only \$20. Plumbers retrofit a water-saving shower head and other devices to help reduce household water consumption. That not only saves 21,000 litres for each house each year but also saves each customer about \$100 a year in water and energy bills. Put simply, this service saves customers both water and money.

As the member said, the Home WaterWise Service, which was launched just over a year ago, reaches a major milestone this week. During this week the number of retrofits that have been completed in drought affected south-east Queensland will reach 150,000. That means that 150,000 households are now each saving an average of 21,000 litres of water a year, which is a total saving of more than 3.1 billion litres every year. To put that figure into perspective, it is the equivalent to the annual yearly usage of more than 21,500 average Queensland homes.

This is an outstanding result and one of which the people of south-east Queensland should be very proud. Even more pleasing is the fact that this milestone has been achieved two months ahead of schedule. The reason that the Home WaterWise Service has been so successful is that it is a simple concept that has been well implemented with outcomes that are very real and very appealing to consumers. To further encourage the uptake of this service a new television advertising campaign will be introduced this week. The campaign is designed to further increase the uptake of the Home WaterWise Service by asking new customers to plug into the savings already being made by 150,000 fellow Queenslanders.

With the water savings already made and those that we hope to make with the new advertising program, I am confident that the Home WaterWise Service will continue to play its important role in ensuring a secure future for the water supplies in our region.

### **Smartcard Ticketing System, Newsagents**

**Mr NICHOLLS:** My question is to the Minister for Transport, Trade, Employment and Industrial Relations. Local newsagents are major contributors to the success of public transport as they are part of a network that provides almost 300 access points for the sale of discount tickets to the travelling public. Why, then, is the government not stopping the actions of Cubic Transportation and TransLink in disenfranchising newsagents by their refusal to negotiate with both the Queensland and Australian newsagents federations to allow newsagents to sell the new Smartcard electronic ticket?

**Mr MICKEL:** This year the total budget for TransLink is \$956 million and the budgeted revenue is \$239 million—that is, the TransLink subsidy is four for one. The honourable member specifically asked about newsagencies. Since I became minister it has been my intention to ensure that Cubic is in discussion with a variety of newsagencies.

Last week in this House the honourable member said that we are still waiting for an operational smartcard. I do not know what he thinks this is, but the member for Sandgate has one and the Deputy Premier has one.

**Mr McNamara:** I have one.

**Mr MICKEL:** The minister has one as well. A member of my staff used a smartcard to travel from Brisbane Central station to Landsborough Train Station and from Landsborough Train Station to Caloundra on Sunbus, and then made the return journey from Caloundra to Brisbane also using the card. They used a card that last week in this House the honourable member said was not operational. The honourable member misled the House.

To get to the substantive part of the question: yes, I have asked Cubic and TransLink to undertake negotiations with the different newsagencies to make sure that this product is widely available. It will depend on the negotiations as to whether or not newsagents want to take up that offer.

The point is this: we are working with the newsagencies. Last week the member was wrong when he said that there had been no rollout. There has been a rollout since 2006. I do not know where the honourable member gets his information from, but his information is wrong. I assure him that we will continue those discussions with newsagencies.

### **Dangerous Sex Offenders**

**Mr WELLS:** My question is to the Minister for Police, Corrective Services and Sport. I refer the minister to recent public debate on the public release of details of sex offenders. Will the minister advise the House of the government's policy relating to disclosure and how the safety of the community is served by this policy?

**Ms SPENCE:** I thank the member for Murrumba for the question. Last week I gave a lengthy ministerial statement outlining how the government manages sex offenders in the community. I thought it was a pretty good statement. I thought I did a pretty good job of it. Therefore, members can imagine my incredible disappointment when over the weekend a number of media organisations chose to run an ill-informed and plainly wrong letter to the editor written by none other than the member for Burnett.

The member for Burnett is a recidivist performer. His letter begins—

Police Minister Judy Spence is reverting to Labor form once again and resorting to personal attacks in order to deflect attention away from some frightening truths that this government would prefer the mums and dads did not know.

Mums and dads know that when looking for the only person who makes personal attacks we need look no further than the member for Burnett and his shameful, disgraceful, unparliamentary explanatory notes, which this morning had to be rejected by the parliament.

In his letter, the member for Burnett does give a couple of accurate figures—and we know that they are accurate because I have detailed them many times in this parliament—namely, that under the sex offenders act we supervise more than 30 dangerous prisoners in the community. He then states that in the next couple of years this number is going to explode to 100. I have put those figures in the parliament. However, then he gets it wrong.

The member for Burnett states that it is a fact that it is illegal for police officers and corrective services officers to warn mums and dads if sex offenders move into their area. That is an absolutely wrong statement. The member for Burnett should not peddle such untruths in the public domain.

Under the law both police and corrective services officers do have the ability to disclose information about where sex offenders live or their movements if they believe that someone in the community is going to be in danger. This morning I table the commissioner's guidelines which clearly outline that many police in our community have this right and this authority.

Every day, police and corrective services officers are out there, telling people if they believe a sex offender is engaging in inappropriate relationships or is forming relationships that are inappropriate. However, they do not tell the member for Burnett because of the confidentiality agreements in the disclosure. While officers are out there disclosing this information, people are not allowed to give that information to other persons or to the media.

I ask the member for Burnett to please find out the facts and stop peddling untruths and frightening people in the hysterical manner that he continues to use. I table those guidelines for all members to look at.

*Tabled paper:* Copy of Commissioner's Guidelines issued pursuant to section 69(2) of the Child Protection (Offender Reporting) Act 2004.

*Tabled paper:* Copy of a delegation, dated 27 November 2006, made pursuant to Section 69(1)(a) of the Child Protection (Offender Reporting) Act 2004, titled 'Access to the Child Protection Register'.

*Tabled paper:* Copy of a delegation, dated 27 November 2006, made pursuant to Section 69(1)(b) of the Child Protection (Offender Reporting) Act 2004, titled 'Disclosure of Information in the Child Protection Register'.

### Local Government Reform

**Mr HOBBS:** My question is to the Minister for Natural Resources and Water. Under forced council amalgamations, the control of the Deed of Grant in Trust for each Torres Strait Island can be taken away from the island communities and moved to a centralised regional council. This completely destroys the concept of native title in the region since the identity of the trustees of the Deed of Grant in Trust is linked to the identity of the people on each island. Each morning in this House we pay respect—

**Government members** interjected.

**Mr SPEAKER:** I ask members on my right to be silent while the question is being asked.

**Mr HOBBS:** Each morning in this House we pay respect to the traditional owners of the land on which we stand. Why has the minister's government lost respect for the Torres Strait Islander people by taking away the trusteeship of the land on which they stand?

**Mr O'Brien:** You don't know what you're talking about.

**Mr Hobbs** interjected.

**Mr WALLACE:** I take the interjection of the member for Cook. It is nonsense.

**Mr Hobbs** interjected.

**Mr SPEAKER:** Member for Warrego, you have asked the question.

**Mr Hobbs** interjected.

**Mr SPEAKER:** Order! I warn the member for Warrego under standing order 253.

**Mr WALLACE:** The member for Warrego is completely wrong because a DOGIT has nothing to do with native title. Indeed, any first-year law student would know that native title is a Commonwealth act. Any first-year law student, and maybe even the member for Caloundra, would know that state legislation cannot override a Commonwealth act.

**Mr Mickel:** Why don't you talk to one another?

**Mr WALLACE:** I take the interjection of the honourable minister for transport: why don't you talk to one another?

**Ms Bligh:** Because they can't bear each other.

**Mr WALLACE:** Indeed, they cannot bear each other. The fact is that the National Party simply does not understand the difference between DOGITs and native title. Again, I go back to the separation of powers debate.



**Government members** interjected.

**Mr WALLACE:** Mr Speaker, I ask for your protection against the excesses of the opposition.

**Mr SPEAKER:** I think that you are asking my protection from your own side, by the way.

**Mr WALLACE:** This is a very serious issue because the government is committed to local government reform across Queensland. We make no apologies for that, be it in my neck of the woods or in the Torres Strait. We make no apologies for our strong plans to develop strong local government right across Queensland, be it here or in the Torres Strait.

Unfortunately, I fell ill the day that I was due to go to the Torres Strait with my colleague the member for Mulgrave to talk to a lot of the mayors and local government representatives. I am informed by my colleague the member for Mulgrave that they were very fruitful discussions about the future trusteeships of those island communities. We have a plan to ensure that those transitions take place in a smooth manner.

**Mr Hobbs:** You have not got a plan.

**Mr WALLACE:** I ask the member for Warrego to not interject while I am speaking, please. I am on my feet.

**Mr SPEAKER:** Member for Warrego, you are aware that I have warned you.

**Mr Johnson:** I protected him, Mr Speaker.

**Mr SPEAKER:** I know how good you are at protecting people, member for Gregory, but let us hear the minister. I will give the minister an extension of time for one minute.

**Mr WALLACE:** Thank you, Mr Speaker. I am confident that we can work with communities right across Queensland, be they in the Torres Strait or be they in my neck of the woods, on this local government transition. We are working very hard. It will be a successful local government. I say congratulations to this government on having the courage to go through with it.

### Workplace Ombudsman

**Ms DARLING:** My question is for the Minister for Transport, Trade, Employment and Industrial Relations. Is the minister aware of any evidence of political interference in the operation of the federal Workplace Ombudsman?

**Mr MICKEL:** This is a very serious matter because thousands of Australian workers depend—and, I might say, so do businesspeople—on the advice given to them by the federal Workplace Ombudsman. In fact, my office has referred cases to them of matters that come under federal jurisdiction.

Honourable members can imagine my surprise, therefore, when I referred Mr Hockey to a constituent from the electorate of Albert—a Labor electorate. What did the federal minister say to me about the Ombudsman? He said—

... I am unable to direct the Workplace Ombudsman regarding specific cases. The Workplace Ombudsman is empowered to ensure that these employers are complying with their relevant industrial instruments.

...

You may also wish to encourage your constituent to lodge a claim with the Workplace Ombudsman.

So that is a Labor electorate and that is the advice I was given. However, when we referred a case to him from the electorate of Burnett, which has received a lot of comment this morning, what did I get? He said—

As you are aware the role of the Workplace Ombudsman is to impartially assist and enforce compliance...

So rather than drift it off to the Ombudsman, he said—

... I contacted the Workplace Ombudsman directly.

I am advised that the Workplace Ombudsman has been in contact with Mr Rob Messenger and informed him that the Workplace Ombudsman has contacted ... and is in the process of commencing an investigation into his claims.

In other words, when it is a Labor electorate people are whisked off to the Ombudsman; when it is a coalition electorate Mr Hockey interferes personally in this matter. How could it be that a constituent of a coalition member receives one type of service from a supposedly impartial officer and a quite different service is received when it is directed to a Labor constituency? This is supposed to be an independent service. Mr Hockey needs to explain why he intervened in one process for one person when the Ombudsman is supposed to be an impartial service. What faith, what confidence, can we have in this sort of service, in this sort of intervention, when it is done so politically from Canberra? What we need Mr Hockey to do is to make sure that the fairness test that applies to workers also applies to the treatment of matters that are raised on behalf of constituents by me as the relevant minister and by people in this House.

### Emergency Services Volunteers, First Aid Course

**Mr DEMPSEY:** My question is to the Minister for Emergency Services. As the minister would be aware, rural fire brigade volunteers and volunteer marine rescue members are required to have up-to-date first aid skills. A first aid course is being held in Bundaberg this weekend for local volunteers, and for the first time volunteers are expected to pay for the instructor's accommodation and meals. Minister, why is your government forcing these volunteers to pay costs that they have never had to pay before?

**Mr ROBERTS:** I am not aware of the details of that particular issue. I can say that the government does provide a significant amount of support for our volunteers. Indeed, in the budget before last a \$52 million package was announced—\$10 million per year—to provide a whole range of services and support for our volunteers across the state, including training, provision of uniforms, access to equipment et cetera.

As I said, I am not aware of the particular course that the member has referred to. I will investigate that matter and get back to him. I reiterate this government's commitment to continue supporting our volunteer network across the whole range of emergency services in my portfolio. As I said, that \$52 million, which was announced in the budget before last, covers a range of areas. It is not just equipment and training; it is providing communications equipment and so on to our rural fire brigades, our SES et cetera. We are committed to ensuring that we not only support our volunteers but we also continue to recruit appropriate volunteers for these networks. Emergency services across Queensland rely heavily on our volunteer network. It is critical as a government that we properly resource and train them and that we support efforts for them to carry out the work in their communities. I thank the member for the question and I will get back to him with some more detail about that specific question.

### Housing Affordability

**Mrs SMITH:** My question is to the Minister for Public Works, Housing and Information and Communication Technology. Minister, the availability of affordable housing on the Gold Coast is at an all-time low, with rents now being amongst the highest in the state. Can the minister advise if tenants have had any relief from sky-rocketing rents?

**Mr SPEAKER:** Before I call the minister for housing, I welcome to the public gallery today the teachers and students from the Woodhill State School in the electorate of Beaudesert, which is represented in this House by Mr Kevin Lingard.

**Mr SCHWARTEN:** I thank the honourable member for the question and for her ongoing commitment to organisations on the Gold Coast that provide emergency accommodation as well as the stability offered by public housing. There is not one project, whether it be buying a motel in her electorate or setting up St Vincent de Paul—along with the other Gold Coast members—that she does not support, and I thank her for that. She is unlike the member for Currumbin, who rails against any bit of affordable housing that we try to put down there.

The reality is that there is no good news. The statistics that have come out from the RTA are very sobering indeed. What we are talking about here is the private rental market. That is the Howard government's rental market. That is the one that is supposed to replace public housing. I might add that we have increased the stocks of state government provided housing by 12,000 since I have been minister, not the 120 about which the shadow minister willfully misled the parliament last week.

The reality is that the Howard government tells us that the answer to this problem lies with the private sector. Rent assistance has gone up \$8 in that period—in five years—the pension has gone up by \$54 and the minimum wage has gone up by \$64 over the past five years. What has happened to rent? On the Gold Coast, as the honourable member knows, it has gone up by 72 per cent. In other words, it has gone up by \$120. So none of those figures, whether it is the \$8, the \$54 or the \$64, go nowhere near covering the rent increase over that period.

Let us have a look at some of the tory electorates. I know the honourable member for Gregory, Mr Johnson, actually does care about this. He has written to me about these sorts of issues and he has taken the federal government on. The rents in Emerald have gone up by 86.8 per cent, or \$165. How far do honourable members reckon the \$8 in rent assistance goes for the poor people there? How far do they think the \$54 goes if people there happen to be on a pension or the \$64 if they are on a minimum wage? Not very far! Obviously, those people are well behind the eight ball.

That is why I was amazed when I heard John Howard last night talking about opening the purse strings. He would want to open them very wide to make up for this sort of poverty that he has entrenched in people in Queensland. I am told that it is Poverty Week this week. I heard last night that 85,000 people are living in private housing stress in Queensland. We have only to look at this table to see that rents in my own electorate have gone up by 73 per cent. In the electorate of the member for Mackay they have gone up by \$175, or 100 per cent. In the electorate of the member for Toowoomba they have gone up by 29 per cent, or \$50. The people up there are doing pretty well, although I am sure the people—

Time expired.

### Corrective Services, Uniforms

**Mrs CUNNINGHAM:** My question without notice is to the Minister for Police, Corrective Services and Sport. In relation to allegations that Queensland Corrective Services purchased new uniforms for their staff from overseas suppliers and that these uniforms were unusable, what effort was made to procure these uniforms from an Australian based manufacturer and when will the uniforms be available to prison staff?

**Ms SPENCE:** I am pleased to have that question from the member for Gladstone because it gives me the opportunity of tabling in the House a letter to the editor that my director-general will send to the *Sunday Mail*. There were a number of inaccuracies in the article that was in the *Sunday Mail*. This letter outlines all those inaccuracies.

*Tabled paper:* Copy of draft text for a letter from the Director General of Queensland Corrective Services to the Editor of the *Sunday Mail* relating to prison uniforms.

I do not know whether we tried to provide an Australian supplier. I am happy to find that out. It is the same supplier who supplied the uniform last time, so we have gone with the same supplier, but this time the uniform that was supplied was not up to the standard required and that is why we have delayed the project. The uniform will be properly rolled out in the third week of December.

The union was involved in the process of designing the new uniform and was on the committee which was involved in delivering it. I know that they are quite satisfied with the actions taken by the department.

**Mr SPEAKER:** Time for questions has expired.

## MATTERS OF PUBLIC INTEREST

### Economic Management

**Mr SEENEY** (Callide—NPA) (Leader of the Opposition) (11.30 am): Despite the infrastructure bottlenecks and the red tape that are the end result of the failures of the state Labor government to properly plan for Queensland, the Queensland economy, Queensland business and Queensland industry are thriving in the economic climate that has been created by a decade of Howard government in Canberra. I make it quite clear today that one of the Queensland coalition's highest priorities as an alternative government here in Queensland will be to complement the Howard government's superb management of the economy. We will achieve this by paying back Premier Bligh's \$52 billion worth of debt, just as the federal coalition paid back Paul Keating's \$98 billion worth of debt. We will achieve it by ensuring that small businesses—the backbone of our economy in Queensland—are properly supported. We will achieve it by fixing Labor's infrastructure bottlenecks and we will achieve it by clearing endless red tape and inefficiencies that have become the hallmark of this Labor government.

Queenslanders know that the coalition has and always will deliver in economic management. They only have to look at the experience federally to reinforce that. One of the implications of over a decade of strong national economic growth is that Queenslanders and Australians now take the strong economy created by the coalition government in Canberra for granted. No longer are young people worried about Paul Keating's Banana Republic, no longer are they worried about 20 per cent interest rates; they are not worried about unions running the show and they do not know about a broken and shrinking economy. Rising wages, record housing prices and a buoyant sharemarket have made many people relaxed and comfortable about their economic future, but those of us who were burnt by those years will remember well.

The comfort today, however, is causing people to turn their minds to fairness questions, to our values and to the people who I will call 'forgotten Queenslanders', those who Labor has left behind. There is a growing feeling that Labor under the Beattie and Bligh governments is cold and heartless towards an increasing number of Queenslanders. The Labor government has been all too willing to turn a blind eye to glaring social problems until there is a crisis or a media story that embarrasses the government into action that is often too little, too late. That action is usually in the form of a committee, an audit or a task force. That is the government's way: all talk and no action. The Labor government's focus on spin, celebrity and glib media opportunities, and the new affluence being enjoyed in some quarters, are hiding too many forgotten Queenslanders, Queenslanders who are missing out on these good economic times.

The Queensland Council of Social Services released a report this week which should be sobering reading for us all. Poverty is not something that only occurred in industrial England in the 19th century or in the Third World countries of today. There are 347,500 people in Queensland who are struggling to afford the bare necessities—65,000 are children; 85,000 Queensland renters are currently in housing stress, their housing costs taking more than 30 per cent of their income; and 40.2 per cent of

unemployed people are likely to be living in poverty. This was followed by single adults aged over 65 at 39 per cent, single adults on Social Security, single adults of workforce age and sole parent families. As the QCOSS president said yesterday—

At the moment we are just hiding behind the facade of being a prosperous booming country and using the rhetoric of a fair go.

Despite big houses, new cars, overseas holidays and designer clothes, there are many people missing out in Queensland today; there are many Queenslanders who struggle every day of their lives. Labor, the so-called social justice champion, has sat and watched as some communities, some groups and many individuals are left behind in the progress that we make. Queensland children in the 21st century still arrive at school unfed and without shoes as their parents plough what little money they have into poker machines. It is Queensland teachers who have to take up the slack. There is dangerous binge drinking among teenagers that is becoming the norm. Violence at schools is on the increase with some students thinking it is acceptable to establish fight clubs and post this violence on the net. The ice epidemic is out of control as this insidious drug continues to destroy young lives in a way that no other drug has previously. Assaults on police officers are on the increase as basic respect for our police continues to erode away, particularly among the younger generation. Highly sexual advertising, videos, magazines and TV shows seem to flourish in a way that would have been illegal, and certainly unacceptable, 15 to 20 years ago. Relationship breakdowns continue to rise, leaving children to suffer as they struggle to come to terms with what it all means. And, of course, kids are still dying in state care—the greatest tragedy of all.

Labor has failed in providing the most basic infrastructure and the most basic services to too many Queenslanders. Labor is plunging the state into unprecedented and dangerous levels of debt. The Bligh government is failing to care for the most vulnerable in our society. What does the Labor state government do? It shifts blame. We will see plenty of that in the weeks ahead. Members can be certain that Premier Bligh will blame every social ill that impacts on Queenslanders and Queensland communities on the Commonwealth. But one thing is for sure, big government with Labor hacks at the helm, slick advertising campaigns, endless media releases and crisis management are not the answer. Celebrity politicians delivering glib media grabs that attempt to hide their cynical short-term motives are certainly not the answer. The answer is substance, not spin. The answer is a government made up of real people with real experiences and a proper understanding of people regardless of their station in life and the pressures that they are under. That is what is needed: an alternative government that understands these things and can fix the problems. That is the coalition's strength—action not words.

We need a strong, decent and caring culture in Queensland. We need to care more about people than we do about ideologies. We need stronger emphasis on the values that we all hold dear and that guide the way we live our lives. We need to instill into our young people the importance of those values and the importance of participating in a decent and caring society. We need to support families, people with disabilities, carers and the volunteers and community groups to help government mend the broken society we are part of. Local action and local understanding will always be better than the Labor way of bloated George Street bureaucracies that are always out of touch and always struggle for answers.

The elderly need more help in too many of the communities that I represent; carers need more respite; kids at risk from drugs and mental health problems need access to crisis care; and the homeless and the needy, regardless of the circumstances, need a hand up, not a handout. People with disabilities in all of our communities in Queensland need some special help.

The cornerstone of the Queensland coalition's priorities is developing a culture of care. This involves reinvesting in the departments that deliver services to Queenslanders in need and changing the culture to enable these departments to work effectively and more efficiently. It also requires decentralisation of services and providing support to those at risk and the tireless carers who receive little or no help or recognition from the state Labor government. Just because carers, people with disabilities, youth, seniors or those in need in our community do not have well-funded lobby groups to advocate on their behalf should not mean that they are forgotten. The Queensland coalition, as an alternative government, will redress this balance as a matter of priority.

As we emerge from the fog of the federal election campaign and move towards the halfway mark of this electoral cycle, Queenslanders will see the coalition talking more about these many forgotten Queenslanders; they will see us putting forward real answers and real solutions to helping those in need who have been ignored by this cold and heartless government; and they will see those people who cannot be heard now being listened to.

Over the coming months the Queensland coalition will announce initiatives that support our six priority policy areas as an alternative government. Supporting a caring culture and governing for all those Queenslanders forgotten by this cold and heartless government will be one of our highest priorities. Queenslanders will see that our alternative government will be more than a match for Labor. We will match them economically, we will match them environmentally and we will match them socially. We will support a caring culture and putting real meaning into giving Queenslanders a fair go.

### Yeppoon Western Bypass

**Mr HOOLIHAN** (Keppel—ALP) (11.39 am): I have great pleasure in informing the House today of the successful completion of a major capital road project in my electorate of Keppel which shows the strong commitment of our state Labor government to regional communities. It was mentioned by the minister for main roads this morning and I fully support his comments. It is a pity that the federal government does not allocate sufficient funding to roads in Queensland. For 11 years we were threatened with no road allocation unless we met the philosophies of the federal government. Imagine the scepticism of the electorate when \$2.8 billion was allocated for the Bruce Highway. I am not quite sure what part of the Bruce Highway that will be wasted on, but the federal government ought to realise that it is 2,000 kilometres long.

People on the Capricorn Coast know the commitment of our government and last week commenced using the western bypass at Yeppoon, which is to be known as Neill's Road. This was a \$16 million election commitment, being part of a total of \$26 million, by me in 2004. This was generally outlined by the minister in his statement today, but the overall impact on our community by this major government funding needs to be fully outlined. We hear so much from critics that funds are spent in the south-east corner of our great state but not in the regions. The amount of funding secured for my electorate puts the lie to that criticism. The \$10 million portion of this road network, being the Tanby link road, was opened for use in 2006 and the final major portion was recently completed and is now in use. I look forward to the minister for main roads officially opening this great new road system. That will be the new minister but I would be remiss if I did not also thank the previous minister, Minister Lucas, who is now the Deputy Premier, for his strong support for this project.

The people of Yeppoon had experienced large heavy vehicles carrying logs travelling through their beachfront and CBD, and some aspirational wish list was touted by the local council but nothing was done about it. No proposals were put to my predecessor or to me, and other than to gain public relations kudos nothing else was done by the Livingstone Shire Council. I was supported by the Hon. Robert Schwarten in lobbying the then Treasurer, Terry Mackenroth, and the then Premier, Peter Beattie, to fund these access roads. The lobbying resulted in an election commitment for its construction in my campaign in 2004. That funding was over three years, but as it happened the final funding was committed during this term after the 2006 election.

The work was undertaken by the Livingstone shire workforce and RoadTek, the construction arm of Main Roads. I believe that the many people who will benefit from these two roads will thank the Labor government for its substantial investment in their safety and time-saving use of the roads. The design reflects the latest achievements in road safety. The Tanby link has cut about 10 minutes off the time to travel from Emu Park to Yeppoon, and the new road will cut approximately 15 minutes off the time to travel from north of Yeppoon to Rockhampton. It commences from the intersection of Farnborough Road and Byfield Road, with some work between Bungundarra and Farnborough roads and further north still to be completed. It intersects with Adelaide Park Road, Limestone Creek Road and Barmaryee Road, which are major access roads that used to channel traffic into the centre of Yeppoon but which will now allow the option to travel direct to Rockhampton.

After the opening of the road, the timber trucks which formerly travelled through the CBD and the fruit growers will be able to direct their trucks along this bypass. The Scenic Highway and Farnborough Road will revert to the control of Livingstone Shire Council but certain further funding has been approved for some intersections, notably at Rosslyn Bay and Statue Bay. The final road area from Kinka Road turn-off to Pybus Street, Emu Park has funding approval and will complement the Kinka link road, and that is to commence shortly. Funding of approximately \$19.6 million has also been earmarked for the Rockhampton-Emu Park Road over the current five-year plan and that further enforces the Bligh government's commitment to regional and rural communities.

**Mr DEPUTY SPEAKER** (Mr English): I would like to acknowledge in the public gallery students, staff and parents from Woodhill State School in the electorate of Beaudesert, represented in this chamber by the Hon. Kevin Lingard.

### Housing Affordability

**Ms STRUTHERS** (Algeria—ALP) (11.44 am): Under the watch of the Howard federal government, housing stress has increased to unprecedented levels right across Australia. Nine consecutive interest rate rises under Mr Howard have added fuel to the housing affordability crisis. Yet Mr Howard says that working Australian families have never been better off. Since 1996 and the election of the Howard government, the average mortgage repayment to income ratio for typical first home buyers has risen from 17.9 per cent to 30.8 per cent, the highest ever on record. Since 1996, the income needed to service a mortgage has more than doubled in Brisbane from around \$38,000 to \$93,000 in 2007.

Since 1996, the Howard government has failed to index funding to states in the Commonwealth-State Housing Agreement. If indexation had been maintained, approximately 2,000 more houses each year could have been added to the total public housing stock across Australia. This week Tanya

Plibersek, the federal shadow minister for housing, met with residents and housing groups in the southern suburbs of Brisbane to promote the comprehensive housing affordability strategy that federal Labor has announced. Tanya Plibersek heard from local people, many of whom expressed concern that their rents were consuming something like 60 per cent or more of their income. One of the comments Tanya made was that there are enough bedrooms in Australia to house every Australian comfortably but not enough houses or units. What she was meaning is that many houses are underoccupied because we have a growing number of single-person and single people with dependent households in Australia. The 2006 census data showed that only 45.3 per cent of family types in Queensland were couple families with children. The rest were a variety of household types without children.

Federal Labor, like the Bligh Labor government in Queensland, has a comprehensive plan of action to reduce housing stress and improve housing affordability. We have developed policies to better match housing design to need, increase land supply, reduce development costs and red tape, and increase the stock of social and public housing. When elected, a Rudd Labor government will establish a national rental affordability scheme with tax incentives and financial support for private sector investors to build up to 50,000 new affordable rental properties across Australia. A Rudd Labor government will also set up a housing affordability fund to invest up to \$500 million in infrastructure levies and incentives to local governments to cut red tape and reduce planning and development delays that further add to the cost of building new houses.

Based on housing industry figures, the federal Labor policy will reduce the cost of a new house for 50,000 new homebuyers by up to \$20,000. At the state level, the Bligh government has established the Urban Land Development Authority and the Queensland state government Housing Affordability Strategy to ease housing stress in Queensland.

In Queensland we are not sitting around waiting for the Howard government to deal with housing issues. We have injected a \$719 million boost for housing into this year's state budget, assisting more than 250,000 Queenslanders with a housing solution to best meet their needs. We are supporting private partnerships such as the Brisbane Housing Company and the Gold Coast Housing Company. In stark contrast to Labor governments and the Rudd Labor government if elected, the Howard government has not placed a high priority on housing policy or the supply of public housing. The Howard government does not have a dedicated minister for housing, nor has the Howard government ever developed a comprehensive national housing policy. It just is not an area that it has shown a lot of interest in, yet it is one of the greatest concerns to families. Many families in my area are finding it extremely stressful to meet their mortgage payments or their rental payments. I know who I am voting for on 24 November.

### Climate Action Campaign

**Dr FLEGG** (Moggill—Lib) (11.48 am): I rise to speak in support of Brisbane City Council's, especially Lord Mayor Campbell Newman's, house by house, street by street and suburb by suburb climate action campaign. Last Sunday I took the opportunity to go out and visit Brisbane's second CitySmart neighbourhood fair at Real Park in East Brisbane. These CitySmart community events are all about water conservation, energy efficiency, responsible and efficient use of natural resources, and repairing and restoring our natural environment to ensure that the legacy we leave for future Queenslanders is the prized quality of life that we enjoy today.

Our cities must adapt to more extreme climatic events, both drought type events and inundation type events. Campbell Newman's CitySmart climate action campaign is about a real house-by-house cultural shift in the way we use and value our natural resources here in Brisbane. It is about south-east Queensland, it is about Queensland and it is about Australia. Most importantly, it is about us taking responsibility for what we do and how that impacts on the environment. Councils are already doing things to increase resource efficiency and reduce waste. This stands in stark contrast to state Labor's long-established water policy of pray for rain.

The state government amended the Water Act in 2000 to reinvest itself with powers relating to planning for bulk water supply. Then it forgot that it had this responsibility for planning and delivering bulk water. It defies belief that this government should still be trying to shift the blame onto local councils.

If anyone does a historical search of when water conservation first became an issue in south-east Queensland, they would find that it was August 2004 when a young and active lord mayor start talking about a serious water sustainability issue. More importantly for a political leader, he started doing what he was talking about. The irony of it all is that this man inherited a very serious water supply problem.

Back then does anyone remember what we thought about water or what a few people in this House whispered in the corridors about this fellow from City Hall who was being melodramatic about a potential water supply crisis? Back then Campbell Newman was saying something about needing to create a cultural shift in the way we all thought about water. He said something really interesting at that time. He said—

Water is more than something that comes out of a tap and goes down a drain.

Back then this was a revolutionary concept. What the council of mayors has done, including all mayors in south-east Queensland from all political persuasions, is create a cultural shift in the way we think about and use water.

That is probably the best point at which to return to Campbell Newman's house by house, street by street and suburb by suburb CitySmart climate action campaign. Do members remember four years ago when Campbell Newman breathed a breath of fresh air into Queensland politics and blew into City Hall? Does anyone remember whether they actually cared let alone knew about their own water consumption? That is a change that was initiated by Campbell Newman. We walk around now aware of the water that we use. Four years ago even members of this House would not have been able to describe their own water use.

Through Brisbane City Council's water smart campaign our cultural change towards water sustainability will be applied to energy consumption, greenhouse gas emissions and the environment. Again, this is a Campbell Newman initiative on a house-by-house basis. It will change the way people think. At the end of the day, the only way we are going to make a serious impact on climate change and emissions is by a house-by-house awareness not just of our water consumption but of our carbon footprint due to our energy consumption. For those not aware of the CitySmart program, it is a one-stop shop for everyone to go and learn about what they can do to reduce their own environmental footprint.

Time expired.

### Broadband

**Mr MOORHEAD** (Waterford—ALP) (11.53 am): Australia is looking for a government that can build a nation, with infrastructure that will promote economic growth and productivity improvements well beyond the commodities boom. Australia has fallen behind many other countries in the provision of a high-speed broadband network. The information and communications technology industry contributes about six per cent of Australia's gross domestic product which is more than the mining industry. Some estimates credit ICT innovation and capability, with up to 80 per cent of productivity gains in Australia in the past 10 years.

A high-speed broadband network is not simply about giving people quicker download times when they are looking for the latest football scores on the internet. Faster broadband means that businesses can communicate and exchange with suppliers, customers, government and, for larger businesses, other parts of the same company.

That is why any plan for broadband must be a long-term plan. High-speed business and government service bandwidth is doubling in Australia every 18 months. That is why it is so disappointing that the federal government's broadband proposal is so short-sighted. While this proposal may provide 12 megabits per second bandwidth in the short term, it does not have the ability to continue to expand to meet the demands of a growing business sector. Building for our future means that we need a broadband network that can move to 50 megabits per second and beyond.

Like most other policies from the federal government, short-term political opportunism has won out over nation building—a chance to build economic infrastructure with dividends for all Australians has been sorely missed. When it comes to Queensland, the state with the most dispersed population in Australia, large geographical areas will be serviced by wireless technology under the federal government's proposal. The telecommunications industry has raised serious concerns about whether this technology will be able to provide such a service. As well, I am sure the cost of broadband in the bush will soon outstrip the \$2,750 broadband subsidy proposed.

The federal government has been in such a rush to be seen to be doing something about this that it has risked crulling the pitch for future development by granting almost \$1 billion to the Opel consortium to start work on its half-baked proposal. This lack of forward planning and vision for the future, a hallmark of the federal government, is in stark contrast to the nation-building proposal for a new national broadband network put forward by Kevin Rudd. The fundamental difference is that the Rudd policy provides a long-term plan to promote and meet demand from business. As well as business, this policy will also make telemedicine and videoconferencing a reality for more and more people. The fibre to the node network proposed by federal Labor has the potential to go well beyond 12 megabits per second to be upscaled to 50 megabits per second and maybe more.

The federal government has done nothing for the last 11 years. It has put up a short-term option at the last minute. Kevin Rudd has brought a visionary, nation-building proposal to the Australian people before the election. The contrast could not be clearer. This is not simply a matter for those in the bush. This affects the people in my electorate. The people of Bethania currently cannot get broadband access because of the poor infrastructure and lack of investment by this federal government. When they sought advice from the federal member about the lack of infrastructure, the advice they got from the federal government was, 'You should buy wireless broadband.' That is simply not going to cut it for people who are trying to study, run businesses or use technology to move forward. It is about time there was some decent investment in broadband in this country. I think Kevin Rudd and Labor can do it.

## QPRIME

**Mr MESSENGER** (Burnett—NPA) (11.57 am): This government's bungled attempt to install and establish a new master police computer system, QPRIME, for the Queensland Police Service is in a \$100 million-plus mess. QPRIME is behind schedule and experiencing massive cost blow-outs. In practical terms, this means that front-line police officers are forced to spend many extra hours unnecessarily fighting government red tape while they could be on the street catching criminals, responding to 000 calls and protecting more Queensland families.

This message has come from a number of different expert sources, including the police themselves. Mark Ballin, executive member of the Queensland Police Union central region, stated in a Queensland Police Union journal in March 2007—

QPRIME has not helped one little bit and will push good officers over the edge ... Get the Police back on the streets where they are supposed to be and not sitting there for hours just to do their job.

I was recently approached by an IT expert and business analyst Rebecca Glover, who was employed by this government to work on QPRIME. Rebecca is in the gallery. I acknowledge her presence and her courage. Rebecca has come to me out of frustration and anger at a Labor government system which she alleges has failed to listen to her warnings and tried to make her cover up fraudulent behaviour by the management of the Queensland Police Service. She has blown the whistle in a folio of comprehensive technical documents and letters which I now table.

*Tabled paper:* Statement, dated 8 October 2007, by Rebecca Jayne Glover and other documents, relating to QPrime.

This morning I have referred the matter to the CMC, and I also table that letter.

*Tabled paper:* Letter, dated 16 October 2007, from Mr Messenger to Mr Robert Needham, Chairperson, Crime and Misconduct Commission, and to Mr Glenn Poole, Auditor-General, relating to QPrime.

I asked the CMC to ensure that Rebecca's allegations and termination by a Queensland Police Service contractor be independently investigated. In my letter to the CMC—

**Mr LEE:** I rise to a point of order. The honourable gentleman has just indicated to the House that he has referred this matter to the CMC. I am not entirely sure of the standing orders, but I would imagine it is possibly not appropriate for him to be discussing it in the House if it is a matter for the CMC.

**Mr DEPUTY SPEAKER** (Mr English): No, that is not the case. However, we are making inquiries in relation to standing orders and issues to do with whistleblowers which the member may have breached. I will allow the member to continue at the moment while we make further inquiries.

**Mr MESSENGER:** Thank you, Mr Deputy Speaker. In my letter to the CMC I asked Mr Needham that he audit and investigate allegations involving the purchase, rollout and a subsequent cover-up by certain persons involved in the Queensland Police Service of the QPRIME system. The first allegation involves the process that was used to purchase the QPRIME system from Niche systems. It is alleged that, despite the system achieving poorly the desired outcomes needed to meet the Police Service outcomes, certain members of the Queensland police pushed through this purchase. An independent investigation into this process of purchase is required to ensure that public money was used to purchase the most appropriate system for the service's needs.

The second allegation rests with the fraudulent reporting of system rollouts and delivery of set phases. It is alleged that the required dates for the delivery of service were altered or not completed as stated on business plans. This is evident in the so-called split phrase rollout as it became clear that the system was incapable of delivering its original objective. Further allegations have arisen over the QPRIME unit's cover-up of major delays and faults in the system's rollout. When this was brought to her superior's attention, contracted business analyst Rebecca Glover's contract was terminated for speaking out although her work review indicated that her performance was satisfactory.

There is a need to investigate the state government's claims of overseas experience as a way of misleading the people of Queensland about the effectiveness of QPRIME. I also bring to the House's attention the fact that Niche systems were only ever meant to be used as an intelligence-gathering and coordinating system as used in Canada and parts of the UK. The vast array of systems that have been attempted in Queensland have not been attempted, nor could they be, anywhere else. It is also alleged that Niche systems has since cut off communications with the Queensland Police Service, stating that the outcomes expected by the service are not achievable without a substantial increase in cost.

Consequently, I believe the Crime and Misconduct Commission and the Auditor-General need to thoroughly investigate Ms Glover's allegations under the Whistleblowers Protection Act. Ms Glover has on a number of occasions brought her concerns to the attention of the police minister, who failed to investigate properly Ms Glover's serious allegations and take action to fix the horrible mess that QPRIME has become. It is now time for an independent investigation to uncover the truth. Why was QPRIME purchased in the first place? Is this system appropriate for Queensland police?

Time expired.



### Residential Tenancies Act

**Ms JONES** (Ashgrove—ALP) (12.03 pm): Last year the minister for housing, Robert Swarten, initiated a review of the Residential Tenancies Act. This act establishes the legal framework to provide a balance between the interests of tenants and lessors through the regulation of the tenancy, otherwise known as the rules for renting in Queensland. As around one-third of Queenslanders live in rental accommodation, the act has a wide application and its review is particularly well timed considering the significant increases we have seen in rental costs across the state. As the minister indicated this morning, we have seen increases of around 100 per cent. Over the last three years Queensland has been experiencing a severe tightening of the rental market, with vacancy rates below three per cent and in some communities as low as one per cent.

As I said, Minister Swarten considered it timely to conduct the first wide-ranging review of the Residential Tenancies Act and its operation since 1996. This significant review being undertaken by the RTA has seen extensive consultation, with the release of a policy review paper in April this year. In total, more than 100 formal submissions have been received by the RTA from stakeholders. I understand that the submissions have now been analysed and a consultation report is being considered by the RTA board. During the course of this major review there has been significant media attention to two particular issues relevant to the act: rent increases—that is, the rapid and steep increases in rents in some parts of Queensland such as coastal towns like Mackay and Cairns; and, secondly, the new and emerging phenomenon of rent bidding.

As a result of the reporting of these issues, Minister Swarten requested two of his government backbench committee members—the member for Kurwongbah, Linda Lavarch, who I must say brought extensive legal expertise, and myself—to specifically investigate these two matters and to report back to him directly. This process has happened concurrently with the independent RTA review. The two specific issues the minister asked us to investigate were whether there should be further regulation of the private rental market by establishing and prescribing rents—for example, by way of tribunal or lease conditions or other means—and the regulation of the advertising of rents to outlaw the practice of rent bidding. The member for Kurwongbah and I will be reporting to the minister this week on our findings.

Over the months we have held meetings in Brisbane with Fergus Smith, Manager of the RTA; John Battams, Chair of the RTA; Commissioner Brian Bauer, the Commissioner for Fair Trading; Chief Magistrate, Judge Marshall Irwin; the REIQ; the Property Owners Association; the Tenants Union of Queensland; and the Tenants Law Reform Subcommittee representing all major housing and tenant advocates. We also visited four regional centres to hear firsthand local experiences of the rental market, particularly in booming towns. This entailed meeting with housing workers from FEAT in Townsville; TASQ workers in Townsville, Mackay and Rockhampton; REIQ representatives in Cairns; Bev Smith from Prime Properties—Rockhampton, a real estate agency with a large rent roll; the Access Community Housing Association in Cairns; Marilyn Rowler from the QPTA; and the Mackay Regional Tenant Group. In addition, we took the opportunity to meet with magistrates and court registry staff in Townsville, Rockhampton, Mackay and Cairns.

Throughout our consultations it was apparent that striking the right balance between lessors wanting to protect their investments and a tenant's desire for security and quiet enjoyment of their property requires clear and consistent rules of governing. It was notable that each group criticised the current act as unfairly treating their side of the lessor-tenant relationship and favouring the other side. Tenants argue that the act is weighed heavily in favour of the lessor, and in the current extremely tight market some lessors were ignoring the act and were setting their own rules. On the other hand, lessors argue that the act gives too much power to tenants and imposes too many obligations on the property owner. The main issues raised in addition to rent bidding and rent increases throughout our consultations were the operation of the tribunal, dispute resolution processes, time frames for notices to leave, tenancy databases, right of entry, retaliatory evictions without grounds, holding deposits, methods of rent collection, state of rental properties, and entry condition reports.

We commend the minister for undertaking this review and for giving regional stakeholders the opportunity to meet with government representatives face to face through our investigation, and I know that they genuinely appreciated this opportunity. The member for Kurwongbah and I look forward to working with the minister as part of the review and implementing changes to the act which meet the current and future challenges in the Queensland rental market.

### Local Government Reform

**Mr CRIPPS** (Hinchinbrook—NPA) (12.08 pm): On Friday, 27 July 2007 the Local Government Reform Commission delivered its report to this state Labor government. Notwithstanding the deeply held objections and concerns that I have in relation to the process and manner in which this legislation has been implemented, it is clear that the new Premier and the new minister for local government are not willing to listen to the people of Queensland in many communities right across the state who have voiced their strong objections to these forced amalgamations and reconsider this destructive policy. As such, I turn to the circumstances and problems arising in relation to the recommendations of the Local

Government Reform Commission with respect to the proposed amalgamation of the Johnstone shire council and the Cardwell shire council to form the Cassowary Coast Regional Council. I understand that the state Labor government maintains that the aim of this Local Government Reform Commission is to deliver a stronger, modern and financially viable local government system that has a greater ability to provide services and infrastructure for all Queenslanders. If this is indeed the stated aim of this reform process, then with respect to the creation of the Cassowary Coast Regional Council it has been an unmitigated failure.

Both the Cardwell Shire Council and the Johnstone Shire Council were rated by the Queensland Treasury Corporation. The Cardwell Shire Council was rated as moderate and the Johnstone Shire Council was rated as financially distressed. The Local Government Reform Commission in its report stated that it was likely that the amalgamated local government would be rated no better than weak. The commission stated that the state government ought to give consideration to what assistance can be provided so that the amalgamated local government is not unnecessarily burdened with the old Johnstone Shire Council's debt. That was recommended by the Local Government Reform Commission itself. Since that report has been lodged there has been no concrete indication of what support will be provided to the Cassowary Coast Regional Council by the state government.

It is now apparent that the information used by the commission to formulate its recommendations was inaccurate. The commission listed the total operating revenue of the Johnstone shire in 2006 as \$46 million. However, this figure includes the \$23 million in natural disaster relief assistance payments following Tropical Cyclone Larry in March 2006 and it is not an accurate reflection of the normal annual operating revenue of the Johnstone shire. This distorts the real financial position of the Johnstone Shire Council and compromises the basis on which the Local Government Reform Commission formulated its recommendations.

The well-publicised infrastructure debt of the Johnstone Shire Council—that is, the forecasted necessary borrowings that are required to fund the basic infrastructure requirements of the Johnstone Shire Council over the next 10 years—is in the order of some \$184 million. Those are figures from the Johnstone Shire Council itself. The question is: what is this government going to do to address this situation? I am aware that the administrator of the Johnstone Shire Council and the mayor of the Cardwell Shire Council met with the former minister for local government, now the Treasurer, and that he gave an undertaking that the state government would support the new Cassowary Coast Regional Council but gave no specific commitments that have been put on the public record about the nature of that support.

It is not good enough for this state Labor government just to try to placate the residents and ratepayers of the Johnstone shire and the Cardwell shire with a wink and a nod and say, 'Don't worry, everything's going to be okay. We'll look after you.' That is unsatisfactory when it is clear that the newly amalgamated Cassowary Coast Regional Council is going to have some very difficult decisions to make in the near future. Those councillors who are successful in March next year will be under some serious pressure.

The new minister for local government has launched a media campaign calling for people interested in becoming local councillors to come forward. Those councillors ought to be given the courtesy by the state government of announcing exactly what the size and scope of the financial support to the Cassowary Coast Regional Council will be. It is not good enough just to offer verbal assurances that support will be forthcoming. There should be full disclosure from this state Labor government about what support there will be.

I call on the new minister for local government and the new Treasurer, who was formerly the local government minister, to publicly disclose their plan to ensure that residents, ratepayers and potential local candidates can have some certainty about what their future holds. This state Labor government imposed forced amalgamations on the Cardwell and Johnstone shires and it has a clear responsibility to ensure that these communities are not disadvantaged as a result.

### **Robina Hospital; Federal Health and Aged Care Policies**

**Mrs REILLY** (Mudgeeraba—ALP) (12.12 pm): Recently I was delighted to join the Premier, Anna Bligh, and the Minister for Health, Stephen Robertson, at the official opening of the new accident and emergency department at Robina Hospital. This \$40 million, 40-bed emergency department and 10-bed intensive care and coronary care unit is the first of a two-stage expansion that will see Robina Hospital grow by an extra 180 beds to a 364-bed teaching hospital by 2009.

In its first three weeks the Robina emergency department treated 1,100 patients—it opened on 3 September—with between 60 and 70 patients being treated daily. That number should increase further to up to 100 patients per day over the next two months. The new emergency department is expected to treat more than 30,000 patients in its first year. Its world-class design complements current models of care and provides a refreshing and practical environment for emergency patient care. The new emergency department also includes a special decontamination area equipped for biohazard emergencies or patients suffering from infectious diseases. A special care area will treat patients with minor bumps and bruises and that will reduce waiting times for all patients.

For the first time the Gold Coast has two public hospital emergency departments. The pressure is expected to ease on the other end of the coast at the Southport Hospital emergency department, which saw more than 65,000 patients last year. It is the busiest emergency department in the country.

The 10-bed ICU and coronary care unit at Robina is also providing much-needed intensive care services, complementing the 11 ICU beds at Southport Hospital. The Robina Hospital redevelopment also included a new 14-bed renal unit, which will see 56 patients receive haemodialysis every week and there is also additional training for patients to be able to undertake their own dialysis at home.

Robina Hospital now employs more than 1,000 staff and Queensland Health is the largest employer on the Gold Coast with more than 4,000 staff. The state government is currently spending \$1.2 million each and every day providing health services to the Gold Coast community, and this investment will only increase. The Robina Hospital expansion and continued development represents the very best in health planning and delivery, because it is being done and has been done in close consultation and collaboration with the clinicians and the doctors who use it.

This is in stark contrast to the federal government's ad hoc, knee-jerk reactionary policy which sees opportunistic takeovers of small hospitals in marginal seats for political purposes, such as the takeover of the Mersey Hospital in Tasmania. Just today we have heard confirmed what we always suspected: the federal government ignored advice from independent and objective clinicians and health professionals and jumped in to take control of the Mersey Hospital just to try to win a few votes and save a local Liberal member.

The Abbott and Costello health policy may be slapstick, but it is hardly funny. It is a policy that pits one community against another. It places a higher value on the health needs of people in marginal electorates. It is a policy that ignores the health needs of Australians in safe seats, such as Moncrieff and McPherson. It is a blame-shifting, cost-shifting, responsibility-shirking approach and, frankly, Australians are sick of it.

It is a very small policy, too, may I add, if the coalition's policy document, which I have just found on the internet, is anything to go by. I have four pages here, but one page is the cover and one page is the contents outlining what is on the other two pages. That is the sum total of the coalition's national policy, dated October 2007, titled 'Australia: strong, prosperous and secure'. The federal government's health and aged care policy takes up a good half-page of this lightweight document that details all of the coalition's policies.

Interestingly, it does not include reference to the coalition's policy cornerstone: the reintroduction of community boards to administer local hospitals. Queensland experimented with local hospital boards during the Bjelke-Petersen era and they were a disaster. Maybe the federal government knows that, because it is not prepared to commit that to paper as a policy. The local hospital boards were financially inept. They borrowed heavily. They racked up a debt of borrowings of \$313 million by the time they were scrapped by the Goss government in 1992. The independent Forster report into the Queensland Health system was scathing of any suggestion that we return to local government hospital boards, saying that they were politically appointed and no longer relevant or appropriate.

I ask members to contrast that to Labor's \$2 billion health and hospitals reform plan. It is a visionary reform plan for the nation and it is for all Australians. It is about working in partnership with the state. It is about focusing on prevention, promotion and early intervention. It is about delivering alternatives to acute hospital admission and it is about delivering primary care and aged care to take pressure off our hospitals.

A Kevin Rudd-led federal government will retain the Medicare safety net and invest \$220 million in GP superclinics where they are most needed, because the Australian Labor Party believes that all Australians deserve access to quality health care, not just those in marginal seats.

### **Sunshine Coast Train Services**

**Mr WELLINGTON** (Nicklin—Ind) (12.18 pm): This morning I joined the many other people from the Sunshine Coast who travel to Brisbane by train. It was a great trip. By the time the train pulled into Brisbane there were certainly no spare seats. So there is a great need for more train services to the Sunshine Coast.

Many people caught the train at railway stations all along the way to Brisbane. Of prime interest to me were the people who caught the train at railway stations at Woombye, Palmwoods, Eudlo and Mooloolah. The reason I speak about this today is that currently Queensland Transport is undertaking a study into how the government can upgrade the railway line between Nambour and Landsborough to a double-track railway with the new corridor to have room for extra tracks if required in the future.

Since the government announced the investigation of this new corridor, I have received many calls from my constituents who are concerned about the little Eudlo Railway Station in my electorate perhaps being closed and lost in the planning for a new upgraded railway line. I have raised these concerns with the minister's office and I am pleased to inform members and my constituents that the minister has assured me that the government has no plans to close the Eudlo Railway Station and that these rumours are unfounded.

I was advised that, while investigations are currently occurring into land use around the Eudlo Railway Station, there are no plans to close it and, if a new corridor is chosen by the government necessitating a new Eudlo railway station, appropriate facilities will be provided at the new Eudlo railway station site.

I thank the minister for organising another briefing for me tomorrow on the investigations into the Nambour to Landsborough corridor progress. I can also confirm that many people living in the 22-kilometre long by three-kilometre wide railway line study corridor are anxious and concerned about the investigation and possible impact the new corridor may have on their properties and their lifestyles. I look forward to announcing in the near future the dates and venues for public meetings to be held in the towns of Mooloolah, Eudlo, Palmwoods, Woombye and Nambour so that further community discussion can be held about the proposed corridor.

While on my feet and talking about our railway line, I use this opportunity to ask the minister for transport to convey my appreciation to his departmental staff for the efforts they have put into allowing heavy transport vehicles to temporarily cross the railway line near Hill Street in Woombye while the local railway line bridge undergoes major repair and is closed to all traffic. I believe this solution is a common-sense outcome that will minimise heavy transport vehicles travelling on inappropriate local roads during the bridge closure.

Another issue I wish to share with members is the need for the state government to support specialised aged-care facilities for elderly members of our community who suffer from permanent mental and physical disabilities. It has been put to me that the current range of nursing homes are not suitable for elderly residents who have suffered for many years with a mental and physical disability.

Recently I attended the annual general meeting of a not-for-profit association that caters for residents suffering from a mental disability. I was concerned to hear about the lack of available facilities for residents on the Sunshine Coast when they age and their current carers are no longer able to care for them. I understand that the association is currently preparing a submission for me to take to the state government to see what state government support is available for the elderly members of our community. I look forward to taking that submission to the government.

### Reconciliation

**Mr CHOI** (Capalaba—ALP) (12.21 pm): Last week, Prime Minister John Howard submitted to a change of heart and announced a referendum on recognising Indigenous Australians in the Constitution. The Prime Minister has spent more than a decade rejecting any role for symbolism in reconciliation with Indigenous Australians. However, now, weeks away from a federal election, he says that he will hold a referendum within 18 months of his re-election.

I absolutely welcome this announcement by the Prime Minister. Indigenous Australians, often referred to as the first Australians, continue to be one of the most disadvantaged, most marginalised and most misunderstood communities in our nation. Their sufferings continue to be underestimated, their plight continues to be overlooked and their contributions continue to be neglected.

I sincerely hope that the Prime Minister's comment—although, in my view, it is too little too late—is at least a step forward in bringing reconciliation to our nation. In my view seven years ago, in the year 2000, the Prime Minister had a golden opportunity to bring real hope and reconciliation. The beginning of a new millennium would have provided an excellent opportunity to face the wrongs of the past, take stock of the present and move on together as one nation of people into the future. But that was not the case. Even today the Prime Minister still refuses to face the wrongs of the past, refuses to apologise and refuses to say sorry.

Saying sorry does not necessarily mean that we are personally guilty of the wrongs of the past, but it does serve two very important purposes. Firstly, saying sorry acknowledges the past so that people can move on. One of the most common excuses I have heard for people refusing to say sorry is: 'It happened such a long time ago, why can't people just move on?'

On 26 May 1998, Emperor Akihito of Japan visited England. It was the first time an emperor of Japan had visited Buckingham Palace since before World War II. Australian diggers, including one Harry Rysenberg of Brisbane, travelled to London so that they and their mates could turn their backs on the emperor as he and the queen rode in a royal carriage down the Mall. Their purpose was to make a gesture of contempt for Japan's refusal to say sorry for its actions during the Second World War.

Contrary to the inaction of the past Japanese governments, almost immediately after World War II Germany apologised and every nation that suffered under Nazi Germany accepted the apology and moved on. The same could not be said about Japan until a few years ago. I warmly welcome the apology of successive Japanese governments since 1998. I believe that it has meant tremendous progress in the reconciliation process between Japan and its neighbours. This example clearly highlights one of the purposes of saying sorry, which is so that people can have some closure of the matter and, therefore, are able to move on.

The second important purpose of saying sorry is to identify with people who are suffering because of injustice, current or in the past. In the late seventies I was living in Sydney. One Sunday morning I heard a car tyre screeching to a halt, followed by a low thump and then came the screaming. I rushed outside of the front door and in the middle of the road I found my next-door neighbour, an elderly woman, holding her cat in her hands. All my neighbours rushed out to comfort her. My neighbours put their arms around her and said, 'I'm sorry.'

I was totally astonished. As a new migrant, I did not understand it. Were any of my neighbours guilty of killing the cat? No. Were any of my neighbours driving the car that killed the cat? Not at all. My neighbours were trying to identify with a fellow human being about her loss. That is the Australian way. It is the only decent way.

We are prepared to say sorry for a cat. We are prepared to do it if our neighbours lost a bird. We can say sorry to them to identify with their loss. However, because of this Prime Minister, as a nation we are unable to say sorry to our Indigenous brothers and sisters.

I say this to the Prime Minister: it is not about feeling guilty; it is about acting decently. It is not about responsibility; it is about reconciliation. As Sir John Elton wrote in a song, for some people 'sorry' seems to be the hardest word.

### **Wallace Street North Park**

**Mrs SULLIVAN** (Pumicestone—ALP) (12.26 pm): Recently I was delighted to officially open the redevelopment of the Wallace Street North Park, Caboolture East, where I represented housing minister, Robert Schwarten, and sports minister, Judy Spence. Three years ago this park was largely grassed open space. Now, thanks to the state government, it has been transformed with semimature trees, new shade structures, barbecue facilities, playground equipment, walking paths, murals and mosaics.

A sum of \$332,462 has been spent on the redevelopment of the park. It has provided a renovated basketball court, which can cater for street soccer, basketball, netball and volleyball. Not surprisingly, the court has become the envy of many local neighbourhoods as it provides such a broad range of activities.

To celebrate the fact that Caboolture East now has this fabulous new court, the panels creating the partial fence around the court will be painted by community members. The painting will bring more colour to the park and will give community members an opportunity to put their own special stamp on this wonderful new facility. In addition, the new playgrounds with soft play areas will enable children to play in a safe and stimulating environment. The playground equipment is diverse and unique and is proving very popular with younger children.

This state government is committed to providing amenities that promote a healthy and active life. I have no doubt that this redeveloped park will be embraced by the local community, as well as visitors to the area.

This project has taken about two years from the community consultation with Caboolture East residents to completion. I remember meeting people in the area and hearing their hopes for the park and what they wanted to see. I am pleased to say that those are the things that they wanted and that met their needs.

While the project was mainly funded by the state government through the Community Renewal Program and sport and recreation grants, congratulations must go to Caboolture East residents who have been great advocates for this project. Thanks also go to the local community groups that have encouraged people to become involved in the project. The support of the local community has resulted in a dynamic open space for community recreation and sports activity, which has taken a wide variety of needs into consideration.

Finally, I publicly thank Councillor John McNaught, who is a tireless worker for his area. John and I have developed a good working relationship and the community has benefited from that cooperation. I look forward to working with John and the community for more outcomes in the near future and I also look forward to seeing more work done. Congratulations again to everyone involved in this project for their hard work and achievements, and for their commitment to it.

## MESSAGES FROM GOVERNOR

**Mr SPEAKER:** Admit the messenger.

*Messenger admitted.*

Mr Speaker read the following message from Her Excellency the Governor—

Message

Appropriation Bill (No. 2) 2007

Constitution of Queensland 2001, section 68

I, Quentin Bryce, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for departments for the financial year starting 1 July 2006.

Quentin Bryce  
Governor

Mr Speaker read a further message from the Her Excellency the Governor—

Message

Appropriation (Parliament) Bill (No. 2) 2007

Constitution of Queensland 2001, section 68

I, Quentin Bryce, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act authorising the Treasurer to pay an amount from the consolidated fund for the Legislative Assembly and parliamentary service for the financial year starting 1 July 2006.

Quentin Bryce  
Governor

Tabled paper: Message from the Governor relating to the Appropriation Bill (No 2).

Tabled paper: Message from the Governor relating to the Appropriation (Parliament) Bill (No 2).

## APPROPRIATION (PARLIAMENT) BILL (NO. 2)

### First Reading

**Hon. AP FRASER** (Mount Coot-tha—ALP) (Treasurer) (12.31 pm): I present a bill for an act authorising the Treasurer to pay an amount from the consolidated fund for the Legislative Assembly and Parliamentary Service for the financial year starting 1 July 2006. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. AP FRASER** (Mount Coot-tha—ALP) (Treasurer) (12.31 pm): I move—

That the bill be now read a second time.

I rise today to introduce a supplementary Appropriation (Parliament) Bill for the Legislative Assembly and the Parliamentary Service for the 2006-07 financial year. The government remains committed to the independence of the Legislative Assembly and this extends to the means by which public moneys are appropriated to ensure its continued functioning. We are, therefore, adhering to the convention that the Legislative Assembly's appropriation be contained in a bill separate from the Appropriation Bill for the other activities of the government.

The Appropriation (Parliament) Bill (No. 2) 2007 provides supplementary appropriation for unforeseen expenditure incurred by the Legislative Assembly and the Parliamentary Service in the 2006-07 financial year. The total amount mentioned in the schedule is appropriated for the Legislative Assembly and Parliamentary Service for application to its departmental outputs, equity adjustments and administered items in the 2006-07 financial year. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

## APPROPRIATION BILL (NO. 2)

### First Reading

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That the bill be now read a first time.

Motion agreed to.

## Second Reading

**Hon. AP FRASER** (Mount Coot-tha—ALP) (Treasurer) (12.33 pm): I move—

That the bill be now read a second time.

The Appropriation Bill (No. 2) 2007 provides supplementary appropriation for unforeseen expenditure incurred by departments in the 2006-07 financial year. This bill appropriates funds for departments as stated in the schedule attached to the bill. Unforeseen expenditure is calculated after relevant transfers of appropriation allowed under the Financial Administration and Audit Act 1977 have taken place. These transfers include transfers of appropriation reflecting machinery-of-government changes and transfers of appropriation between headings within a department's overall appropriation amount.

The supplementary appropriation sought is based on the Consolidated Fund Financial Report 2006-07, which is prepared by the Treasurer and reported upon by the Auditor-General in accordance with the Financial Administration and Audit Act 1977. The Consolidated Fund Financial Report 2006-07 details additional appropriation requirements by departments and provides explanations of those requirements. I table that report for the information of the House.

*Tabled paper:* Report, by Queensland Government Treasury, titled 'Consolidated Fund Financial Report 2006-2007'.

The largest requirement for supplementary appropriation is sought for the Treasury department, which reflects the transfer of proceeds from the sale of the state's retail energy assets to the Queensland Future Growth Corporation. The next largest requirement is for the Department of Infrastructure for investment in the South East Queensland (Gold Coast) Desalination Company Pty Ltd, financing transactions with special purpose vehicle companies for the procurement and/or delivery of south-east Queensland water infrastructure projects and Airport Link and funding for the Queensland Water Commission for drought strategy investigations and the south-east Queensland water asset audit.

The quantum of supplementary appropriation sought for the 2006-07 financial year is more than the previous years primarily as a result of the sale of the state's retail energy assets, which needed to pass through Treasury's account to the Queensland Future Growth Fund. For each department, the total amount mentioned in the schedule is appropriated for the department for application to its departmental outputs, equity adjustments and administered items for the 2006-07 financial year. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

## VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT AND OTHER LEGISLATION AMENDMENT BILL

### First Reading

**Hon. RJ WELFORD** (Everton—ALP) (Minister for Education and Training and Minister for the Arts) (12.35 pm): I present a bill for an act to amend the Vocational Education, Training and Employment Act 2000 and other acts. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. RJ WELFORD** (Everton—ALP) (Minister for Education and Training and Minister for the Arts) (12.35 pm): I move—

That the bill be now read a second time.

The primary objective of the Vocational Education, Training and Employment and Other Legislation Amendment Bill 2007 is to create a legislative framework for the establishment and operation of TAFE institutes as statutory authorities. In doing so, the bill implements the government's commitment under action 2 of the Queensland Skills Plan to move TAFE Queensland to a more commercial governance model. This aspect of the bill represents another key step in the reform of the vocational education and training sector, and the revitalisation of TAFE in particular, to continue to meet the current and future skilling needs of Queensland.

Ensuring we have a vibrant and robust public provider, alongside a thriving private sector, is the cornerstone in ensuring Queensland's workforce matches the needs of industry and our vocational education and training system remains world class. The bill also amends the acts that establish the Library Board, the Queensland Art Gallery, the Queensland Museum, the Queensland Performing Arts

Trust and the Queensland Theatre Co. The bill limits the terms of appointment of the chief executive officers of these statutory authorities and requires their terms and conditions of appointment to be decided by the Governor in Council. Currently, the arts acts only require the appointment itself to be approved by the Governor in Council, on the recommendation of the relevant statutory authority.

The terms and conditions of the appointment are determined by the relevant statutory authority. In making this change, the bill recognises the continued role of the relevant statutory authority in negotiating and settling the proposed terms and conditions of appointment of its CEO, with whom it will maintain an employment relationship. The bill also makes transitional arrangements to enable the contracts of employment of the current CEOs to operate so that they can complete their current terms of office. The bill does not operate to prevent any of the current CEOs from being reappointed; it merely requires the reappointment—including the terms and conditions—to be determined by the Governor in Council. These amendments achieve consistency of approach in relation to the appointment processes for chief executive officers of statutory authorities under the education, training and the arts portfolios.

I seek leave to incorporate the remainder of my second reading speech in *Hansard*.

Leave granted.

### **Queensland Skills Plan**

Last year our Government launched the \$1 billion Queensland Skills Plan, a reform blueprint for Queensland's vocational education and training system.

High-quality training is more important than ever as we work to overcome the challenges of Queensland's tight labour market, skills shortages and the lowest levels of unemployment in 30 years.

Our Government must ensure that the training and employment needs of a quarter of a million Queenslanders are being met, that our workforce matches the needs of industry and our training remains world-class.

In response to these challenges, the Queensland Skills Plan is reshaping our training landscape, including improving the way TAFE institutes operate.

Our Government is determined that TAFE institutes continue to play a major role in meeting Queensland's skilling requirements, alongside the thriving private sector.

To achieve this, some key aspects of the TAFE Queensland system need to be changed.

Already as part of the Skills Plan initiatives to revitalise TAFE, our Government has reorganised TAFE offerings in the Brisbane metropolitan area by creating a specialist trade institute, SkillsTech Australia, to focus on the critical trade skills requirements of Queensland's burgeoning economy.

Additionally, Southbank Institute of Technology with its state of the art facilities, and progressive partnership with Axiom Education Queensland Pty Ltd, is well positioned to deliver on the high end skills needs of industry and business.

To complement these initiatives, we are moving to ensure TAFE is as flexible and responsive as possible at the local level by introducing new governance arrangements that allow for location specific operational plans.

Currently under the Vocational Education Training and Employment Act 2000, the chief executive of the Department of Education, Training and the Arts is responsible for ensuring the provision of vocational education and training services in Queensland.

The chief executive administers TAFE institutes, which are known collectively as TAFE Queensland.

TAFE Queensland is the largest VET service provider in the State, delivering approximately 850 programs and courses to around 240,000 students each year.

TAFE Queensland is part of the Department and comprises 13 TAFE institutes in metropolitan and regional centres.

The Queensland Skills Plan acknowledged that the rapidly changing training market posed real challenges for the responsiveness of the current TAFE delivery model.

It outlined the need to revitalise the TAFE system to enable more flexibility and greater responsiveness to industry and business needs.

Effectively responding to the changing requirements of local industry and individual student needs demands increasingly sophisticated management of TAFE institutes.

This Bill implements a statutory authority model for TAFE institutes, with the objective of establishing more flexible, cost effective and autonomous governance arrangements.

This will enhance TAFE Queensland institutes' capacity to develop industry partnerships and grow the commercial component of their business in a competitive vocational education and training market.

The Bill inserts a new Chapter 6A in the Vocational Education Training and Employment Act 2000, which contains a mechanism by which one or more TAFE institutes can transition from the current operating model to become a statutory authority known as a 'statutory TAFE institute'.

The Queensland Skills Plan noted that the governance change would occur through a phased transition.

In practice, an institute's readiness to transition to the statutory authority model is contingent on the institute meeting certain operational pre-conditions.

These pre-conditions address sound governance practices and competitive business performance attributes expected in the education and vocational education and training sectors.



This assessment will be made through an administrative pre-condition validation process overseen by a committee chaired by DETA chief executive.

Once approved, the institute will be established as a statutory TAFE institute by regulation.

The Queensland Skills Plan anticipated that the first institutes would be ready to transition by early 2008 and the remainder would follow over time.

Currently, the Southbank Institute of Technology and the Gold Coast Institute of TAFE are both working towards the pre-condition validation process, with a view to at least one institute being established under the new operating model by 1 January 2008.

Both institutes have a strong commercial focus. Southbank Institute of Technology generates 35 per cent and Gold Coast Institute of TAFE generates 37 per cent of their revenue from user charges including the domestic fee-for-service market, the international market and other commercial ventures.

However, the Department is currently giving consideration to the most appropriate model for the TAFE system moving forward.

Consultation with key stakeholders will inform the model to be developed throughout the remainder of this year.

Southbank Institute of Technology is a key part of Queensland's first Public Private Partnership, Axiom Education Queensland Pty Ltd.

Under the partnership the institute has significant revenue obligations which require a flexible, autonomous, decision-making model to respond to emerging opportunities.

The institute also has a major focus on existing workers who are upgrading their skills and qualifications for employment purposes and who have the capacity to pay either independently or through employer sponsorship.

Their current ineligibility to provide FEE-HELP will be alleviated under the proposed model, enabling growth in their professional qualification streams.

FEE-HELP is a loan scheme administered by the Australian Government to assist full fee paying students in higher education.

The Federal Government recently passed legislation to extend FEE-HELP assistance to full fee paying VET students undertaking diplomas and advanced diplomas, vocational graduate diplomas and vocational graduate certificates. This is expected to come into effect on 1 January 2008.

The higher level VET fee-for-service market is expected to grow substantially as a direct result of the expansion of FEE-HELP to the VET sector.

Under the current legislative model, TAFE institutes cannot offer FEE-HELP to students. To obtain provider approval of FEE-HELP under the Higher Education Support Act 2003 (Cth), TAFE institutes are required to have body corporate status, or the equivalent under the law.

I have negotiated an agreement with the Federal Minister for Vocational Education and Training, to ensure eligible TAFE Queensland students are not disadvantaged.

The first institute established under the statutory authority model will act on behalf of all TAFE Queensland institutes as the eligible VET FEE-HELP provider for a transitional period of 12 months while the remaining institutes transition to the new governance arrangements.

Under the new model, the functions of statutory TAFE institutes will ensure continued provision of vocational education and training services in accordance with Government priorities.

The key difference is that statutory TAFE institutes will be established with greater autonomy and flexibility to drive commercial outcomes at the local level.

Under the current operating model, TAFE institutes have an advisory council.

However, consistent with the Queensland Skills Plan commitment in relation to institute boards, each statutory TAFE institute will have a governing board constituted by members nominated by the Minister and appointed by the Governor in Council on the basis of their corporate governance expertise, commercial experience, knowledge of local business or industry, understanding of public accountability or other relevant expertise.

The institute's governing board will be accountable to the Minister and my department's chief executive for the institute's performance.

Each institute will also employ an executive officer (subject to the Minister's approval), who will be responsible for the institute's day to day management.

The executive officer will not be a member of the board, but will be able to attend board meetings, at the board's discretion. The executive officer will be subject to the board's direction.

The governance arrangements under the statutory authority model represent the key change from the current operating model and will deliver a significant degree of autonomy and flexibility for decision making at the local level.

Existing and new staff will remain as public servants employed by the Department.

This arrangement will be implemented through a work performance arrangement between the institute and my department's chief executive.

However, each statutory TAFE institute will have capacity to employ a small number of staff directly.

It is expected that this may include senior management and some commercial positions such as business development, sales and marketing personnel.

I will monitor an institute's use of these direct employment arrangements through a requirement for the institute to provide an outline in its operational plan of its overall staffing arrangements.

The intention is to monitor this provision closely and consult with relevant unions, where appropriate, on the institute's intention regarding direct employment for commercial positions.

The Bill also makes provision for the preservation of rights of any public service officer who is employed by or seconded to a statutory TAFE institute.

TAFE Staff are our greatest asset. We need to be conscious as we change governance arrangements, that we include staff as a part of this change.

We can't just focus on senior management and lose sight of the great value that our teachers, tutors, and administration staff in institutes bring.

Boards will need to ensure they focus on staffing needs and particularly, ensuring staff are actively engaged in business processes like planning and budgeting. A mandated committee of the Board, Staff, Student and Community Voice, will be one key mechanism for engaging with staff.

The Queensland Skills Plan articulated a commitment that each institute will ultimately be accountable to the Minister through the Department and stringent performance targets and performance monitoring arrangements will be established.

The Bill gives effect to this by requiring each statutory TAFE institute to operate with a prescribed accountability framework, which has five key elements.

Firstly, each transitioned institute will have a governing board that is accountable to the Minister and the department's chief executive for the institute's performance.

Secondly, each institute will be a statutory body for the purpose of the Financial Administration and Audit Act 1977 and the Statutory Bodies Financial Arrangements Act 1982.

Thirdly, each institute's operational plan under the Financial Administration and Audit Act 1977 must be approved by the Minister and must address matters including the institute's financial and non-financial performance targets, the nature and scope of its proposed activities (including commercial activities both within and outside Australia), its community service obligations, major financial undertakings and an outline of its staffing arrangements.

The institute will be subject to Ministerial direction in relation to its operational plan, if necessary.

Fourthly, each institute will be required to enter into an agreement with the department's chief executive to give effect to:

- (a) arrangements to enable the chief executive to monitor and assess the institute's performance against targets specified in its operational plan;
- (b) the institute's obligations to deliver government funded training priorities, including arrangements for the performance of the institute's community service obligations. This part of the agreement will strengthen current purchasing arrangements by incorporating incentives to drive performance and efficiencies, including the withdrawal of funds for under-delivery. It will also articulate the institute's lead accountabilities in particular industry sectors for product development and quality assurance;
- (c) arrangements for the institute's participation in core operating, information and data management systems and compliance with public sector policies. This part of the agreement will require the institute to use certain existing departmental systems as a transitional measure; and
- (d) financial and non-financial reporting arrangements with the DETA chief executive.

Negotiation of this agreement will be subject to Ministerial direction, if negotiations are not completed in a timely manner.

In addition to this, statutory TAFE institutes will be required to notify the Minister of anything that may prevent or have a significant adverse effect on the institute performing its functions.

The institute will also be required to notify the Minister prior to entering into a transaction to sell or purchase property or to supply vocational education and training or enter into other arrangements to generate revenue or commit expenditure, with a value exceeding a prescribed threshold amount.

Institutes will also be subject to Ministerial powers of direction in the public interest, to request information or documentation regarding the performance of its functions and to notify compliance with public sector policies.

To ensure transparency, Ministerial directions and notifications must be included in the institute's annual report.

The accountability framework and the degree of Ministerial oversight required by the Bill will facilitate proactive monitoring of an institute's performance under the new operating model.

Whilst the Bill establishes grounds for removing individual members of an institute's board from office, the Bill also provides triggers for dismissal of the entire board.

These include failure to comply with a Ministerial direction or notification, statutory requirement or the institute's operational plan or its agreement with the department's chief executive or where the Minister is satisfied that the board is no longer functioning effectively or is acting in a way that is prejudicial to the interests of the institute.

In the event that there is no board in office, the Bill gives the Minister power to appoint either the department chief executive or another suitably qualified person to administer the institute, until a new board is appointed.

Alternatively, the Minister will have power to dissolve the statutory TAFE institute and bring it back in under the current operating model. The Bill also makes provision for the amalgamation of statutory TAFE institutes.

The Bill also requires the Minister to review the operation of a statutory TAFE institute after the third anniversary of its establishment to ensure the institute is operating efficiently and effectively under the statutory authority model. The review report will be required to be tabled in the Parliament.

One key objective under the Queensland Skills Plan is to increase the level of qualifications within the Queensland workforce, particularly at the paraprofessional level.

Currently, full qualifications in this area are predominately offered through publicly funded arrangements.

These new arrangements position TAFE institutes to deliver more training places particularly at the higher level qualification levels.

Additionally, the institutes will be positioned to improve their flexibility and responsiveness to increase commercial revenue to support the Queensland Skills Plan objectives.

The statutory authority model will enable TAFE institutes to develop more collaborative partnerships with the private training sector, as well as position them to compete with private training providers in the fee-for-service market to drive better outcomes for students, employers and industry.

The Queensland Skills Plan outcomes are dependent on growth by both the public and the private training sectors to ensure capacity in the training system for future skills development.

The transition to statutory TAFE institutes will ensure a flexible training system that is responsive to market demand.

The reform will maximise the opportunity for Queenslanders to enhance their skills by ensuring a world-class training system and providing student access to Commonwealth FEE-HELP assistance.

Statutory TAFE institutes will be enabled to grow their commercial business in the training market, meet the demand for skills identified in the Queensland Skills Plan and engage with, and respond to, industry and individual student needs.

The objectives of the statutory authority model for TAFE institutes are consistent with the overarching goal of the Queensland Skills Plan to enhance the VET system's training capacity while better meeting industry demands for more flexibility and timeliness.

Our Government is committed to building both the public and private training sectors to ensure Queensland is positioned with the skills it needs for continued economic growth.

I commend this Bill to the House.

Debate, on motion of Miss Simpson, adjourned.

## **WORKERS' COMPENSATION AND REHABILITATION AND OTHER ACTS AMENDMENT BILL**

### **First Reading**

**Hon. RJ MICKEL** (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.40 pm): I present a bill for an act to amend the Workers' Compensation and Rehabilitation Act 2003, the Electrical Safety Act 2002, the Industrial Relations Act 1999 and the Workplace Health and Safety Act 1995. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. RJ MICKEL** (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.40 pm): I move—

That the bill be now read a second time.

The bill before the House will implement a package of improved rehabilitation and return-to-work initiatives, providing improved benefits for longer term and severely injured workers. It will further strengthen the performance of the Queensland's workers compensation scheme.

The Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2007 follows the announcement earlier this year of a further reduction in the average premium rate for workers compensation insurance for the 2007-08 financial year. The new cut brings the rate down to \$1.15 per \$100 of wages paid—the lowest average premium rate of any state in Australia for the eighth year running. For employers in this state, this means a further saving of approximately \$34 million per annum in premium payments.

This outcome is the result of sound management of the workers compensation scheme in the face of deliberate and increasing incursion by a federal government bent on undermining the stability of the state schemes. This incursion, which encourages large national employers to self-insure for workers compensation with the federal Comcare scheme, also extends coverage under Commonwealth occupational health and safety legislation to those employers.

In keeping with the government's commitment to maintaining the balance in the workers compensation scheme between employer costs and worker benefits, the bill removes the step-down in benefits from 75 per cent to 60 per cent of Queensland ordinary time earnings for workers still incapacitated 12 months post injury. This means that the only reduction in benefits applying for longer term injured workers will be the present step-down after the first six months of incapacity. This change will provide injured workers with 75 per cent of their normal weekly earnings every week they are off work between 26 weeks and up to five years. Further enhancements lower the work related injury threshold from 50 per cent to 30 per cent for which severely injured workers can access additional lump

sum payments and an increase in the lump sum total to a maximum of \$218,400. This means more workers with life-changing injuries can readily access funds to make changes in their home and lifestyle necessary to meet their changed circumstances.

New provisions will now provide WorkCover or a self-insurer with the express ability to provide advances of lump sum compensation on account of a worker's financial hardship, whereas previously the law was unclear on this issue. Other provisions will reduce the time for a decision to be made on claims by insurers from the present 40 days—60 days for psychological injury—to 20 days for all claims. This change will shorten the timeframe for payment of benefits and access to rehabilitation for injured workers or, alternatively, provide for an earlier review of decisions where claims are rejected.

I seek leave to incorporate the rest of my speech in *Hansard*.

Leave granted.

This brings Queensland into alignment with other jurisdictions in regard to decision-making time frames. WorkCover's average times for claims decision are already well within this time frame.

I am particularly pleased to point to the provisions of the Bill which break the nexus between weekly benefits and lump sum entitlement in the tragic case of the death of a worker. Dependants of injured workers who die from their injuries will no longer have their lump sum entitlement reduced by the amount of weekly compensation paid to the worker while still alive. This provision will provide additional financial support to the deceased's dependants at this most difficult time.

The Workers' Compensation and Rehabilitation and Other Acts Amendment Bill will also facilitate improvements in workers' compensation proceedings under common law.

The requirement under common law provisions for the inclusion of multiple injuries resulting from a single event has been simplified by removal of the need for a statutory assessment of each separate injury. The entirety of the injuries related to the one event can now be dealt with in the proceedings without the delay associated with statutory assessment.

Overall, the major focus of the workers' compensation amendments contained in the Bill provide better support and recovery rates for severely injured and long-term injured workers.

There can be no doubt that earlier and improved access to, and participation in, rehabilitation is fundamental to an earlier recovery and return to work. This in turn must be supported by adequate compensation and access to common law damages where appropriate, and this Bill introduces amendments which support this goal.

There are several other minor administrative and drafting changes included in the Bill which will enable more efficient management of the scheme by WorkCover.

### **Workplace Health and Safety**

I now refer to a number of amendments to the Workplace Health and Safety Act 1995 as introduced in the Bill.

These strengthen the governance arrangements surrounding occupational licensing to provide a more robust, transparent and effective system of dealing with occupational licensing issues.

A recent review of the disciplinary framework for occupational licences revealed that the current system does not provide a variety of responses to suit the possible causes of a licence holder performing work in a manner creating health or safety risks.

The Bill proposes the establishment of a Licensing Review Committee, with employer, employee and community membership, to decide and review appropriate disciplinary action against licence holders.

The committee could, for instance, review situations where there is a high incidence of disciplinary proceedings against licence holders who have received training or assessment from a common trainer.

The wide ranging powers of the committee will include the power to order further investigations, conduct hearings, and initiate disciplinary actions—for example, cautions, orders to undertake training, fines, suspension, and licence cancellation.

The committee will review all disciplinary decisions by inspectors with the power to ratify, overturn or make some alternative orders for disciplinary action.

The establishment of the Committee also brings the disciplinary system for occupational licences more into line with that provided for in the Electrical Safety Act 2002.

In addition, the Bill addresses limitations in relation to the sharing of occupational health and safety information between jurisdictions.

Investigations and other functions are occasionally relevant to, or overlap with, similar activities undertaken by other agencies or other jurisdictions. This provision will assist in sharing information about incidents involving amusement devices that travel interstate on the show circuit.

The current inflexibilities compromise occupational health and safety and hamper agencies working together.

It is essential for information to be shared between jurisdictions and similar provisions, already enacted in Victoria, are currently under development in NSW and WA.

Earlier this year Queensland implemented the National Standard for Persons Performing High Risk Work which all state and territory jurisdictions agreed to adopt by 1 July 2007.

Implementation of the national standard is part of the states' harmonisation process and ensures mutual recognition arrangements and transportability of licences across jurisdictions.

In relation to occupational licenses, the Bill introduces a head of power to limit the approval of occupational licence holders to persons over 18 years of age.

This provision, which is outlined in the national standard, simply codifies existing administrative arrangements and does not affect current arrangements where apprentices or trainees commence training at an earlier age using supervision and log books.

Previously, this age limit was enforced through contractual arrangements in relation to the training of people in high risk occupations. These arrangements are no longer in force as a result of the adoption of the national standard.

This measure is necessary because the conduct of particular activities involving plant and equipment such as cranes and hoists, scaffolding, fork-lift and pressure equipment can represent a significant risk to health and safety if not authorised and conducted appropriately.

Incidents associated with the use of this equipment can affect the health and safety of the equipment operator, other workers and members of the public.

There are also a number of amendments of a housekeeping nature and amendments to the construction related provisions that ease administrative requirements for employers and further harmonise the implementation of the National Standard for Construction Work across the country.

### **Electrical Safety**

The Bill amends the Electrical Safety Act 2002 by requiring that electrical work is supervised or performed only by someone with a relevant electrical work licence. It requires employers to set up and maintain a register of work licences of their electrical workers.

This will help obligation holders meet their duty to ensure the currency and adequacy of all workers engaged by them as supervisors or electrical workers.

Also included is an increased range of disciplinary action available to the Electrical Licensing Committee for holders of work licences, and to holders of electrical contractor licences no longer in force.

Disciplinary actions available include disqualification from holding an electrical work licence or electrical contractor licence or both, and that a licence cannot be renewed or reinstated while the disqualification applies.

Provisions are introduced to clarify options in the event of seizure by an inspector of electrical equipment that causes or has the potential to create an electrical risk.

This will enable the return of seized goods of significant value where it is established that any electrical safety risk has or will be mitigated by modification or repair.

### **Industrial Relations**

In respect of industrial relations, the Bill clarifies that employers must keep time and wages records for both existing and former employees employed under an industrial instrument.

This amendment is necessary as the definition of employee under the Act is stated to include a former employee with respect to proceedings for payment or recovery of unpaid amounts.

In summary, the Bill introduces a range of workers' compensation initiatives designed to assist those workers doing it tough because of serious and lingering injuries.

As well, it improves the administration and application of workplace health and safety, electrical safety and industrial relations laws.

I commend the Bill to the House.

Debate, on motion of Mr Nicholls, adjourned.

## **WATER AND OTHER LEGISLATION AMENDMENT BILL**

### **First Reading**

**Hon. CA WALLACE** (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.43 pm): I present a bill for an act to amend the Water Act 2000, and for other particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. CA WALLACE** (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.43 pm): I move—

That the bill be now read a second time.

South-east Queensland, SEQ, is currently experiencing the worst drought on record, with the combined level of the region's major water supply storages at historic lows. Despite modest inflows following recent rainfall in August and September 2007, the combined regional dam water level for SEQ remains extremely low.

Queensland's extreme variability and seasonality of rainfall, along with predicted climate changes, present many water resource management challenges. At the same time, Queensland is the fastest growing state in Australia, which puts further pressure on our very vital water resources.

The Water Act 2000 sets out a framework for the sustainable management and allocation of the state's water resources principally through a comprehensive water planning framework, including the release of water resource plans. The Water Act also established the Queensland Water Commission in May 2006, an independent, statutory authority responsible for achieving safe, secure and sustainable water supplies in SEQ and other designated regions. The Queensland Water Commission, focusing on SEQ, is developing long-term water supply strategies, including a regional water grid, implementing water restrictions, managing water demand, providing advice to government and reforming the water industry.

This government is also continuing to implement a wide range of measures to address water security issues in SEQ and across the state. Regional water supply strategies are currently being developed in the south-east Queensland, Wide Bay Burnett, north Queensland, Mackay, Whitsunday and the far-north Queensland regions. The Central Queensland Regional Water Supply Strategy was finalised and released late last year. These strategies provide a comprehensive approach for meeting regional, urban, industrial and rural water needs, both in the short term and long term, addressing supply and demand issues.

In SEQ, in relation to infrastructure, the Queensland government is undertaking a range of projects including new dams, weirs, recycling and desalination. In addition to infrastructure, the government is working to reduce water consumption through a range of measures. These include the Home WaterWise Rebate Scheme, mandated water efficiency standards for new homes, education programs and managing water losses through reducing mains pressure and fixing leaks. In particular, the Home Waterwise Rebate Scheme has processed rebates for rainwater tanks and other appliances to a value of more than \$148 million. The scheme has also provided more than \$14 million for water efficient washing machines and more than \$2.5 million for dual-flush toilet suites. The Queensland Water Commission has introduced the One to One Water Savings program. This forms a part of the level 5 water restrictions and is designed to assist households identified as high water users to use water more efficiently. In light of the time, I seek leave to have the rest of my speech incorporated in *Hansard*.

Leave granted.

The Queensland Water Commission has also achieved significant water savings through the Target 140 campaign which focuses on achieving an average residential water usage of 140 litres per person per day or less.

Since the introduction of Level 5 restrictions and the Target 140 campaign, residential water consumption in SEQ has dropped from an average of 171 litres per person per day to as low as 122 litres per person per day.

Not only are south east Queenslanders the most efficient water users for a large urban population in Australia, they have also been leading the world.

In line with the focus on achieving water savings, this Bill is essential to implement a range of demand management measures developed through a collaborative partnership between the Government and the Queensland Water Commission.

In response to the current drought situation, these demand management measures will address SEQ as a priority. Additional measures will also provide for long term sustainable water use both in SEQ and in regional Queensland.

This package of demand management measures involves a suite of amendments to the Water Act 2000, the Local Government Act 1993, the Plumbing and Drainage Act 2002, the Residential Tenancies Act 1994 (the Tenancies Act) and the Body Corporate and Community Management Act 1997.

Most measures for SEQ will commence to coincide with establishment of new retail water businesses for the region. For regional Queensland, many measures will be phased in over a longer period.

The first demand management measure addressed in this Bill concerns water use information. Water users, including tenants of residential rental properties, need to be well informed about their water usage, so that they can manage their water consumption wisely. A Water Act amendment will require water service providers to provide information about the volume of water consumed, to all residential rental properties. This will apply only to individually metered residential properties connected to the reticulated water supply. For most parts of the SEQ region, this information is to be provided for the billing period after 1 January 2008. However, for the remainder of SEQ and regional Queensland commencement will be phased in.

A second measure will also promote awareness of water consumption through regionally consistent residential water billing. Water service providers will be required, through amendments to the Water Act, to produce water bills consistent with guidelines specifying bill content and regular billing cycles. Water bills will include graphs showing water consumption and comparisons of water use with previous billing periods and the local area average. This measure will apply only to individually metered residential premises connected to the reticulated water supply. Standardised billing will commence in SEQ on 1 July 2009. However given that substantial changes in billing practices, technologies and systems upgrades may be required, water service providers in regional Queensland will have four years to comply with the measure.

A third measure concerns water charging for residential rental properties. Amendments to the Tenancies Act will allow lessors to seek full reimbursement of water consumption charges from tenants in individually metered properties but only where water efficient devices have been fitted. Lessors will continue to be responsible for paying any fixed costs of supply of water to the premises.

To ensure that water leaks in rental properties can be swiftly dealt with and water losses minimised, amendments to the Tenancies Act will allow tenants to arrange for repairs to premises involving water services to be dealt with as 'emergency repairs'. This means a repair can be carried out by a suitably qualified person if the landlord or their nominated emergency repair person cannot be contacted. This provision will commence State-wide in April 2008.

Another measure will make it mandatory, from 1 January 2008, to install meters on each individual unit in new multi-unit developments. This will allow for the delivery of personalised water use information to households and businesses. This will be achieved through amendments to a suite of relevant Acts, regulations and codes. Water service providers will own and maintain the meters, and be able to directly charge the owners of separate lots in all new community title schemes for their actual water consumption. For multi-unit buildings under single title, this measure will enable an itemised bill to be issued based on individual meter readings, so that the owner may pass on the cost of water used to the individual water user.

In recent years, there has been a significant increase in the number of 'backyard' bores sunk in many urban areas. This has the potential to affect town water supply in situations where the reticulated supply is partly or wholly dependent on groundwater sources. Amendments to the Water Act will give the Queensland Water Commission or a water service provider the power to impose water restrictions on the use of groundwater taken from backyard bores that are equivalent to existing restrictions on use of water from the reticulated supply.

This power will be subject to approval by the chief executive of the Department of Natural Resources and Water and subject to clear evidence that taking groundwater may affect the reticulated supply from the aquifer. The Department will continue to be responsible for the overall resource management of groundwater. This amendment is proposed to commence State-wide on the date of assent.

Currently, greywater re-use in sewered areas is restricted to lawn and garden watering. A further water saving measure involves expanding the allowable uses of treated greywater (except kitchen greywater), to include outdoor uses such as washing cars, and indoor uses such as flushing toilets. The types of buildings eligible to install greywater re-use facilities will also be broadened. These arrangements will apply to greywater systems with a capacity of less than 50 kilolitres per day, subject to council approval and appropriate treatment standards. This measure involves amendments to the Plumbing and Drainage Act, subordinate legislation, and the Queensland Plumbing and Wastewater Code, and will be effective State-wide from 1 January 2008.

I want to reassure people who have installed rainwater tanks that they will not have to pay for the water they collect from their roofs. Therefore, the Water Act will be amended, to make it quite clear that where water is collected from roofs for rainwater tanks, water service providers cannot impose any charge for the water.

Long-term water conservation measures are needed across Queensland to ensure water supplies are managed prudently throughout the State. A Water Act amendment will provide the Department of Natural Resources and Water with the authority to direct water service providers to apply permanent, low-level water conservation measures in areas under their jurisdiction, regardless of current water availability. The Queensland Water Commission will also have the power to impose such water conservation measures. This will help to ensure water efficient practices are implemented at all times, and contribute to reducing the risk of water shortages in the future.

It is important to address the continuing drought and the continuing security of supply in areas outside the Queensland Water Commission's jurisdiction in SEQ. Water service providers may encounter severe water supply issues in the near future unless sufficient alternative supply or demand management measures, including water restrictions, are in place. Water Act amendments will enable the chief executive of the Department of Natural Resources and Water to direct service providers outside the SEQ region to apply water restrictions in urban areas where there is a critical water supply issue.

Currently water service providers have the power, under the Water Act, to reduce flow to domestic premises following continued breaches of service provider water restrictions. This power will be extended to cover continued breaches of water restrictions imposed by the Queensland Water Commission. This power could only be exercised following a warning notice being issued to the owner or occupier to allow them an opportunity to comply with water restrictions. Importantly, flow cannot be reduced below the minimum requirement for health and safety.

Local governments need to be able to monitor compliance with water restrictions to ensure their continued effective implementation. Currently they can do so through an Approved Inspection Program by passing a council resolution and publishing a notice. This gives authorised council officers the power to enter properties (but not inside premises) at any reasonable time of the day or night without agreement from the occupier or a warrant, to gather information and evidence, and to ask persons on the property for reasonable help in exercising such powers.

As an alternative, and to streamline this process for gaining access to existing powers of entry, the Local Government Act will be amended to allow SEQ local governments to exercise those powers already afforded under an Approved Inspection Program to enforce Queensland Water Commission water restrictions, without the need for a council resolution or publication of a notice. The amendment is considered acceptable for the management of the current water shortage in the SEQ region and the fact that Queensland Water Commission water restrictions are very widely publicised.

A further Water Act amendment will allow water service providers to recover the costs of approving water efficiency management plans, rather than charging a 'nominal application fee' as the Water Act currently states.

Finally, there is the issue of re-use of treated sewage or blackwater. Currently, the harvesting, treatment, storage and dispersal of recycled blackwater are prohibited in sewered areas. Further research is needed before on-site blackwater re-use could be considered in Queensland's urban areas. To conduct the trials needed to underpin an effective regulatory framework, amendments to the Plumbing and Drainage Act will allow for a small number of strictly controlled trials over two to three years, after 1 January 2008.

Blackwater systems approved for trial will be required to meet rigorous standards and be reliably maintained. This will allow any inherent risks associated with blackwater re-use to be clearly identified. Expansion of blackwater re-use will not be permitted until the controlled trials have been completed and fully evaluated.

This package of demand management and water savings measures is critical to ensure the future security of water supplies in the SEQ region and across regional Queensland.

The Bill also includes some essential but minor amendments to the Water Act and Schedule 8 of the Integrated Planning Act 1997. These amendments will enable the full and effective implementation of a number of resource operations plans due to commence in late 2007 or early 2008, and will contribute to the continued effective management of water resources in Queensland.

The Water Act will be amended to improve existing processes for dealing with applications to change water allocations under resource operations plans. These amendments will assist water users to better identify the issues they will need to address before a water allocation change application can be considered. The amendment will also significantly cut the costs of making an application for a water user and reduce departmental resources necessary to process the application.

Other minor but essential amendments are proposed to Schedule 8 of the Integrated Planning Act to provide for low impact operational works in watercourses, lakes or springs to be dealt with through a self-assessable development code rather than the full development assessment approval process.

Minor amendments to the Lake Eyre Basin Agreement Act 2001 are included. These are necessary to implement an intergovernmental agreement to expand the South Australian catchments included in the basin under this agreement.

Minor operational amendments to the Murray-Darling Basin Act 1996 will give effect to the Murray-Darling Basin Agreement Amending Agreement of 2006. In particular, these will clarify that Queensland does not bear any liability for River Murray works, in which Queensland has had no direct involvement. I should point out that these amendments are not related to the National Plan for Water Security.

In addition, a minor amendment to the Land Act 1994, relevant to native title land use agreements, is included. This is simply to ensure that section 18 of the Land Act is consistent with the Commonwealth's Native Title Act 1993.

I must emphasise that everyone in Queensland should be responsible for saving water, there should be no exceptions. These proposed demand management measures are a necessary element of the Government's strategy to achieve the water savings that are required to see us through the worst drought on record. To this end the Government is committed to ensuring that the responsibility for achieving water savings is shared across all sectors.

The Bill will ensure that appropriate demand management and water efficiency measures are implemented in Queensland. These measures will contribute to the Government's existing strategies to ensure that the essential water needs of Queensland continue to be met through the current drought and into the future.

I commend the Bill to the House.

Debate, on motion of Mr Hopper, adjourned.

## MINISTERIAL STATEMENT

### Volunteer Marine Rescue Association Queensland

**Hon. N ROBERTS** (Nudgee—ALP) (Minister for Emergency Services) (12.47 pm), by leave: In question time today the member for Bundaberg raised the issue of training for members of the Volunteer Marine Rescue Association Queensland. Let me re-state the government's commitment to support the work of the Volunteer Marine Rescue Association Queensland.

The government reaffirmed its commitment to the Volunteer Marine Rescue Association Queensland and the Australian Volunteer Coast Guard Association in the last budget, 2007-08, by allocating \$2.12 million for both organisations. In 2006-07, the government also allocated a one-off funding of \$1 million to assist the Volunteer Marine Rescue Association Queensland's vessel management program. A further \$50,000 was also provided last financial year to assist with training related activities.

I am advised that a first aid course has been organised by Emergency Management Queensland in Bundaberg and it will be conducted this weekend, 20 and 21 October 2007. I understand that the costs of the course, including accommodation for instructors, course materials and meals, are being shared between Emergency Management Queensland, Rural Fire Service and Volunteer Marine Rescue Bundaberg. There are three qualified instructors and one course coordinator. I am advised that the rural fire volunteers and VMR volunteers in the course are not paying for the course.

## MINING AND OTHER LEGISLATION AMENDMENT BILL

### Second Reading

Resumed from 7 August (see p. 2277).

**Mr KNUTH** (Charters Towers—NPA) (12.49 pm): I rise to speak to the Mining and Other Legislation Amendment Bill. Our state's wealth and growth are due largely to the strength and diversity of our resources industry. It contributes \$25 billion a year to the Queensland economy and employs thousands of people, with estimates of the flow-on effects showing that the sector accounts for more than one in every eight Queensland jobs.

A Queensland Resources Council survey in 2004 showed that the resources sector spent \$4.2 billion on goods and services sourced in Queensland, more than \$1.3 billion on wages and salaries, over \$22 million on community and Indigenous programs in Queensland in 2003-04, and regional communities were the major beneficiaries. According to the survey, \$11.7 million was spent by the state's resources sector on community programs in Queensland in this period in areas such as school based activities, sporting donations and sponsorships, welfare initiatives, improving access to education and training and medical services.

The contribution of the resources sector to employment, infrastructure and services in rural and regional areas cannot be underestimated, and it is our responsibility to make sure that further development of this sector is not impeded. We must do everything we can to drive the viable and environmentally sustainable use of our resources and ensure that the benefits flow back to Queensland. Exports of lead, copper, zinc, gold, silver, bauxite, tin, oil and gas provide the income and stimulate the



investment that we rely on. The export of coking and high-quality thermal coal in particular is vital to the Queensland economy. We export to 31 countries, with Japan being our major customer and forecasts show future demand of up to 235 million tonnes by 2010.

Our state's debt is now approaching \$52 billion, with no repayment plan in place. Now more than ever our future depends on the efficient and timely exploration, extraction, processing and transport of our natural wealth. I welcome any initiatives that will provide a positive benefit to the industry, but we have to remember that legislative changes are only a part of what needs to be done.

Queensland receives a \$2.3 billion contribution in the form of revenues from the minerals and energy sector, including \$1.4 billion in mineral royalties and \$900 million in dividends from government owned rail, port and energy enterprises. However, we are finding growth is stifled because of transport infrastructure constraints, lengthy permit approval processes, a lack of skilled and professional staff as well as layers of bureaucratic and interdepartmental red tape. According to Michael Roche from the Queensland Resources Council—

... as Australia enters its sixteenth consecutive year of growth, the sector's export capacity constraints are in sharp evidence. Infrastructure constraints—both physical and social—are limiting Australia's export potential and overall economic growth.

The Queensland Resources Council's 64 full member companies operating in Queensland had identified widespread deficiencies in physical infrastructure including rail, ports, water and energy. Mining and minerals processing in Queensland is also forecast to need another 15,000 employees by 2015 to satisfy double-digit industrial growth in countries including India and China.

There is also a major review of the Mineral Resources Act 1989 in progress. This is principal legislation that regulates mining exploration, extraction and processing in the state, and therefore the results and recommendations of this review will be of vital importance to the mining and resource industries in particular as well as to Queensland.

I understand from a briefing that I received from the department that issues such as native title are complicating the legislative responses to issues within the mining industry. I am nevertheless still concerned that so much effort is being directed to drafting, introducing, amending and implementing legislation when so many other constraints have been identified as impeding the growth of our mining industry.

While I welcome the introduction of this bill, I am concerned that not enough is being done in other areas. Industry is generally satisfied with the existing legislative and regulatory framework in Queensland but believes that there is a more urgent need to focus on the operational aspects of the current policy framework. According to Michael Roche, 'Queensland's rich natural endowment of minerals and energy must be complemented by concerted and coordinated efforts to maintain and enhance the sector's competitive advantages.' While there is no doubt that changes can and should be made to streamline and consolidate the legislative and regulatory environment in Queensland, these should complement the urgently needed overhaul of the entire operating structure and not be remote from it.

This bill itself proposes changes to nine different acts and is designed to address administrative, operational and compliance issues, some coming from yet another review, this time into the operation and effectiveness of changes made to petroleum and gas legislation in 2004. While none of these particular amendments are in themselves a problem, I have to wonder just how many reviews need to be conducted and how many amendments introduced before we see some results.

I am very pleased to see the amendments relating to safety provisions within the Petroleum and Gas (Production and Safety) Act 2004 clarifying the definition of 'operating plant'. Clearer and more defined definitions of 'operator' and a clarification of the relevant responsibilities will be a positive contribution to enhancing mine, pipeline and gas works safety. The adoption of generic safety management plans by small operators and, in particular, the upgrading of such plans for larger industry participants will simplify the bureaucratic burden without compromising the safety of our workers.

Workplace health and safety penalties have also been increased in line with those contained in the Workplace Health and Safety Act 1995, which was the original intention of previous acts. The maximum penalties under the duty of care provisions in the Explosives Act 1999 have also been increased from 400 to 500 units to reflect the severity of the possible events and are now consistent with penalties in the Dangerous Goods Safety Management Act 2001.

I am happy to see the provisions relating to the restructuring of the Mines Inspectorate, introducing different levels or grades of inspectors and putting in place a career path for this vital service. Queensland has suffered from a lack of suitable and available inspectors, and I congratulate the minister on this positive step. It will also allow for the appointment of other specialised personnel to investigate and address specific health and safety issues. These authorised officers and investigators will broaden the skills and knowledge within the inspectorate and hopefully work in conjunction with appointed inspectors to investigate issues of concern, and provide workers with a safer working environment. I strongly believe we owe a huge duty of care to workers involved in such potentially dangerous occupations and fully support these provisions.

The future benefits from developing geothermal power, especially in our more remote regions, I believe will prove to be of immense value. We are all familiar with the need to expand our sources of alternative energy and power, and I encourage further investment in this exciting area. The amendments enabling renewal of exploration permits for a further three years will give companies more security and the ability to better manage their activities. They will also be required to adhere to a strict set of conditions that will ensure that all reasonable work under the permit is carried out.

Information sharing between government departments has always been a problem. Interdepartmental bureaucracy is one of the major hurdles to be overcome for any development or enterprise. Providing for a freer exchange of information held on the register across departments is a positive step. However, we must be sure that these changes are not just cosmetic and only a part of a greater effort to streamline bureaucracy.

The proposed changes to the Coal Mining Safety and Health Act 1999 are primarily about the leadership, structure and operations of the advisory council, and aligning penalties for failures to discharge obligations with the Workplace Health and Safety Act 1995. This not only strengthens the act but also provides clarity for companies operating under this legislation. It will also allow for the retention of experienced council members by removing the maximum period for membership and allow for their reappointment after the three-year term has concluded.

There are considerable revisions proposed for application requirements within the Mineral Resources Act 1989, with sometimes frightening complexity of the applications for mineral development and mining on different or overlapping leases for different minerals, oil and gases. This is an area that certainly needs revision. However, again, I hope that the revision will lead to considerable improvements in the processes, rather than making them even more complex.

The proposed new reporting requirements of the Petroleum Act 1923 and the Petroleum and Gas (Production and Safety) Act 2004 do seem to achieve this result, with the elimination of the need to submit duplicate reports that were required under the existing act. The amendments to the Petroleum and Gas (Production and Safety) Act 2004 also include a considerable number of requirements for the notification of government and local councils of proposed petroleum facilities and pipelines.

With the rapidly increasing level of activity with regard to our petroleum and gas industry, this will hopefully serve as a means for both levels of government to be able to monitor and, where necessary, control the effects of such facilities. New definitions of 'operating plants' and 'operators' in this bill will impose a greater level of responsibility on plant operators, with the responsibility clearly defined. This includes preventing anyone at the workplace from directing any worker to carry out work on a plant that they are unlicensed or unqualified to do.

Sitting suspended from 1.01 pm to 2.30 pm.

**Mr KNUTH:** This is a huge project with the potential to inject a huge amount of capital into the north of the state and is to a degree a special case. I would be greatly reassured if the minister could assure the House that this project as well as the associated processing facilities in Queensland are still on track and on time. The mining itself holds a great deal of promise for Queensland but it seems we need further commitments from Chalco as to where and when the ancillary facility will be constructed.

The coalition fully supports this project but we are concerned about the long delays in making these announcements. There was a rock solid commitment from the government that the success of the project and the awarding of the lease to Chalco would be entirely dependent on the further processing of the resource taking place in Queensland and not offshore. I ask the minister to confirm that that is still the case and I ask what is being done to hasten the final decision on the location and timing.

I now turn to the amendment circulated by the Minister for Mines and Energy. The object of the amendment is validation of the inclusion of additional surface area No. 2 mining lease No. 4761 made by the Governor in Council on 29 March 2007 and granting of the associated environmental authority made on 8 March 2007 in order to remove any uncertainty about the validity of those grants and to secure the future of the mining lease operation conducted under those grants. This amendment will ensure certainty of the mining industry and sends a message to the Queensland Conservation Council that the livelihood of mine workers and the economic future of the state are more important than some highly contentious and emotional arguments put forward by the radical green movement.

The legislation had to be developed in response to the Queensland Conservation Council's appeal to the Supreme Court of Queensland relating to Xstrata's project in central Queensland. The mine in question is an extension of the Newlands coalmine at Suttor Creek approximately 130 kilometres west of Mackay. It is known as Newlands Wollombi No. 2 project.

While the appeal was in fact based on a legal technicality, the original objection was based on the potential environmental impact of the emission of greenhouse gases and its consequent effect on global warming, topics that even the most prestigious scientists cannot agree upon. It is a sad day in Queensland when legislation has to be passed to prevent Queensland falling to its knees financially because of the controversial warnings regarding global warming.

The Queensland Land and Resources Tribunal in its summary recognised the alarmist views put forward by the Queensland Conservation Council in its objections. The Queensland Conservation Council contended that the greenhouse gas emissions from mining, transport and the use of coal from the mine will contribute significantly to global warming and climate change. The terms 'global warming' and 'climate change' are both emotive terms designed to frighten people into accepting unsubstantiated facts.

We as a state cannot allow the future of our industries and our economies to be held to ransom by redundant threats from extreme conservation groups, the extreme greens. I applaud the government for amending the legislation to ensure the smooth sailing of the extension of Newlands mine and safeguarding not only the investment made by Xstrata but also the livelihoods of hundreds of workers who will now be able to continue supporting their families.

Other issues that need to be raised are the closure of the Moonie-Brisbane pipeline in July which placed a huge impost on small oil producers. This needs to be addressed urgently. These producers now have to truck their oil to the Lytton refinery in Brisbane in vastly reduced quantities or truck it to Moomba and then pay large fees for it to be pumped to South Australia. It is costing small producers dearly. The oil that now goes to South Australia means a loss in state oil royalties. The state loses revenue and the companies lose business. In such a competitive business environment we cannot afford to lose a single day or a single dollar waiting for the wheels of bureaucracy to turn. We have received almost no information on what repairs are needed or when they will be completed. That leaves the companies affected by the closure with no idea of how long operations will be suspended for or even indeed if they will be restored at all.

I must also raise my concerns about the increasing amount of legislation coming before this House that may breach fundamental legislative principles. In this case it is argued that any breaches are minor but that does not excuse the fact. As the term implies, these are fundamental principles. We must be very cautious about any potential breaches, minor or otherwise. I will concede that in some rare cases this may be unavoidable but in an area that is already facing considerable changes and is subject to numerous overlapping reviews this practice needs to be carefully monitored.

As indicated earlier, I am fully supportive of any measures that help our petroleum, mining, gas and processing industry to grow. I will be supporting the bill. I want to draw attention to the non-legislative changes that need to take place to allow our resource industries to develop to their full potential.

It is absolutely no use amending legislation if our exports are blocked from export because of the failure to properly plan for transport infrastructure. It is no use reducing reporting requirements if, because of massive delays in permits, exploration is being stifled. It is no use talking about the future development of the north-west mineral province if there are not sufficient skilled workers to bring it on. It is no use talking about increasing the onshore processing of minerals from this area if there is a severe lack of readily accessible, affordable power. In other words, it is no use constantly introducing amending legislation if the fundamentals are not looked after. It is disappointing to see that the value of royalties received in Queensland actually fall at the time of record demand and prices. This cannot be allowed to continue.

I do not doubt that the minister sincerely wishes to help our resource industry deliver and strengthen our competitive advantage in the sector. But major customers have already signalled they are ready to look elsewhere if they do not lift their game. I support the legislation but would support even more a coordinated and comprehensive response that addresses all the aspects of the industry, not just the deck chairs. I commend the bill to the House.

**Mr CRIPPS** (Hinchinbrook—NPA) (2.38 pm): I rise to make a contribution to the Mining and Other Legislation Amendment Bill 2007. This is an omnibus bill which proposes amendments to nine pieces of legislation including the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999. It is the proposed amendments with respect to these two acts that I would like to confine my remarks to.

The proposed amendments will provide for penalties for failure to meet obligations relating to safety and health to be increased to realign with those in the Workplace Health and Safety Act 1995. The amendments will also provide for the abolition of the requirement for the minister to appoint a mines inspector as chairperson of the safety and health advisory councils established by each act. Instead, the chief executive or his delegate will be the chairperson of their councils.

The proposed amendments will also provide for the appointment of different levels of inspectors by limiting their powers and functions in their letters of appointment, because the powers and functions to be given to any new inspectors at any time will depend on their qualifications and competencies to exercise those powers. The bill also provides for the appointment of authorised officers such as occupational hygienists and investigation officers who will have powers under the act to operate independently of mine inspectors.

The Mines Inspectorate is charged with ensuring that acceptable safety and health standards are established and practised within the mining and quarrying industries. It establishes safety and health standards, undertakes audits and inspections, and promotes and participates in safety and health education programs. The stated aim of the Mines Inspectorate is to create an environment that promotes the safety and health of industry workers and all who are affected by the industry's operations. The Mines Inspectorate provides statewide safety and health monitoring services to the mining and quarrying industries.

The explanatory notes accompanying this bill state that these amendments to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 are based on recommendations arising from a recent review of the Mines Inspectorate. I presume that the explanatory notes are referring to the review that resulted in a report that was completed two years ago—that is, October 2005. This report titled *Reforms to the Queensland Mines Inspectorate* proposes a number of initiatives which include, amongst other things, widening the skills mix of the inspectorate to include streams of expertise in technical issues, management, investigation and enforcement and improving training for inspectors and inspection officers with the development of a specific qualification in mining health and safety. These are certainly proposals that will be implemented through this bill. The 2005 report does stress that the aim of the Mines Inspectorate will be to attract staff with a broader range of skills in occupational health and safety with specific expertise and experience in the mining industry. This effort in and of itself is to be commended, as Queensland certainly wishes to maintain its sound record of workplace health and safety in the mining industry in terms of injuries and incidents being maintained at a low level.

As I mentioned earlier, the bill proposes to abolish the requirement for the minister to appoint a mines inspector as chairperson of the safety and health advisory councils established by the act. Instead, the chief executive or his delegate will be the chairperson of these councils and, as the explanatory notes indicate, will allow the CEO to provide guidance and direction to the meetings. The explanatory notes also indicate that the proposed amendments will allow for the appointment of substitute members to the councils who will be able to participate in meetings in the absence of the original appointed members, and that will help to ensure that there is always a quorum at these meetings.

I wonder whether the minister would like to offer some comment later on in his summing-up about this proposal on the basis that CEOs do not necessarily always have previous employment experience with mine health and safety. Indeed, given the importance of these committees, it is a little concerning that permanent members of the committee need to have substitute members available to ensure the meetings have quorums. Should these meetings not be a priority and should they not be chaired and guided by a mines inspector with real management experience, something which a CEO does not necessarily always have in that role? If the CEO's delegate is attending and there are substitute members attending, can the minister reassure the House, the mining and quarrying industries and the general public that when these safety and health advisory councils meet there is no question that the members of the committee have the necessary expertise to make informed decisions about mine and safety issues in all circumstances?

I have similar concerns about the proposed amendments in this bill to allow for the appointment of different levels of inspectors by limiting their powers and functions in their letters of appointment. The explanatory notes indicate that the powers and functions to be given to any new inspectors at any time will depend on their qualifications and competencies to exercise those powers. The bill states that training needs to be provided to all new inspectors regardless of their qualifications on joining the inspectorate and that as their competency increases so their powers and functions will be extended. It is proposed that this will enable the introduction of a career path into the inspectorate and aligns the appointments made similarly under the requirements of the Workplace Health and Safety Act 1995, the Explosives Act 1999 and the Petroleum and Gas (Production and Safety) Act 2004, and this is a sensible approach. But I would be wary of any movements towards a watering down of the qualifications of fully qualified mine inspectors. I appreciate that that is not what is being proposed in this bill, as the bill clearly states that such inspectors will be confined to particular areas in which they have qualifications or competencies.

The bill also proposes amendments to allow for the appointment of authorised officers such as occupational hygienists and investigation officers who will have powers under the acts to operate independently of mine inspectors. On the issue of safety, if specialist officers are proposed for the areas of hygiene, would specialist skills in other areas such as advanced atmospheric testing in mines or mine strata control not be equally important? Once again, it is acknowledged that these authorised officers will not be full mine inspectors and will not be able to issue directives to mines. It is asserted by the explanatory notes that the appointment of these authorised officers will improve the flexibility of the Mines Inspectorate in dealing with health issues and complete investigations. However, once again I would be wary of any moves towards watering down of the qualifications of a fully qualified mines inspector.

In essence, the creation of different levels of inspectors reflected in the restriction of their powers and functions in their letters of appointment relate to the problem that the Mines Inspectorate is having recruiting and retaining fully qualified mines inspectors. The mining boom in Queensland and in other areas of Australia is offering significant remuneration to suitably qualified persons in the mining industry. Such persons are in very well-remunerated employment, generally as mine managers. As such, there are problems enticing suitably qualified persons to accept positions at the Mines Inspectorate. In reality, this issue may well be what these amendments are tiptoeing around. Perhaps an inability of the Mines Inspectorate to recruit and retain enough fully qualified mines inspectors has led it to pursue a strategy whereby staff with specialist qualifications in particular areas will be able to fill the gaps in the capacity of the Mines Inspectorate to deliver statewide safety and health monitoring services to the mining and quarrying industries.

On top of the remuneration issues, the level of responsibility for mines inspectors who undertake this important role of ensuring that acceptable safety and health standards are established and practised within the mining and quarrying industries is comparable with positions such persons would occupy in the mining industry itself. I cannot help but think that there would be advantages in the minister, his department and the Mines Inspectorate trying to pursue a strategy that would recruit and retain more fully qualified mines inspectors who can operate independently and can assess the full range of inspection criteria rather than putting on a number of staff who cannot do a complete assessment during an individual mine site inspection. However, I am not going to be critical of that strategy because the Mines Inspectorate is obviously going to do whatever it can to maintain monitoring services throughout the state. A strategy that has to pursue this course of action should focus on workplace health and safety issues. This is certainly something that you do not cut corners on or compromise on. If there do have to be some measures taken to fill the gaps in the ability of the Mines Inspectorate to deliver monitoring services in a state that is as vast and as decentralised as Queensland and indeed in view of the fact that the mining industry is largely located in remote, regional and rural areas, it is only right and proper that the strategy focus on workplace health and safety issues.

Another issue discussed in the 2005 report is the proposed structural changes to the Mines Inspectorate whereby there will be a transition to a flatter organisational structure which is designed to increase the span of management control, shorter lines of reporting with respect to both statutory and administrative matters, and fewer layers of management. I think such a reform will be welcomed by the mining and quarrying industries. With those comments on the record, I am pleased to support the bill.

**Mr HOBBS** (Warrego—NPA) (2.48 pm): I am pleased to rise today to speak to the Mining and Other Legislation Amendment Bill before the House. It certainly is a comprehensive bill that takes into consideration many matters that are very important to the state of Queensland. I want to try to restrict most of my contribution in this debate to the petroleum and gas products act, especially the gas side of it. This is an issue that has cropped up in my electorate because there has been a lot of development and, as a consequence, there have been many problems.

I think there needs to be a more comprehensive review of what happens in relation to the exploration side of gas. For instance, numerous constituents in my electorate have experienced problems such as mining companies or gas companies coming onto their properties wanting to place five, 10, 20 or 30 wells there. Of course, the compensation arrangements that are in place were designed when this sort of thing did not happen very often in smaller farming areas. In the past, the gas fields were located way out in big grazing areas. The companies involved would either buy the whole station or in some cases the siting of gas fields did not have that much of an effect. For instance, at the Jackson oilfields there are a few cattle poking among the oil and gas wells and that does not cause a great many problems. But certainly, when there are people driving backwards and forwards in farming areas, problems can arise. That is particularly so in the Chinchilla region.

Some companies are worse than others. There are some very good corporate citizens, such as Santos and Origin, which do a great job. I am sure there are a lot of other smaller companies that do a great job as well. However, there are also some smaller ones that cause problems. They need to understand the significance of the fact that they are able to go on to people's properties to conduct exploration. In some instances the standard reply that the people affected get from companies is, 'If you don't like it, go to the tribunal.' Of course, the tribunal has a standard basis upon which to calculate compensation, and that is the value before the exploration and the value after the exploration, which in many instances is probably pretty hard to determine. But the disturbance factor is particularly significant.

I know of one person who has received \$1,061 one-off compensation and who, over the life of the project—which is likely to be 30 or 40 years—will get \$265 per well per annum, \$531 per hectare per annum for the use of the roads during construction and then \$33 per hectare per annum. So they are really small amounts of money to compensate for the disturbance that occurs in those places.

One of the consequences of the development of the gas industry is the extraction of water from gas wells. The quality of that water is a real problem. The companies are doing a great job in trying to manage that. In some cases they have put in desalination plants and water storages in an effort to evaporate the water. But the reality is that it is pretty salty, pretty ordinary water that comes out. We need to have a greater understanding of the impacts of that water that is extracted from those gas wells.

I know in some instances companies were spraying that water into the air to try to evaporate it. But that water killed all the vegetation within a several hundred metre radius because it was so salty. We need to consider those issues.

But the issue of the compensation for those landholders in those small farming areas is of great concern. I have numerous constituents in that Chinchilla region. Some of those mining companies and the farmers have reached the point of having a Mexican stand-off. Sometimes the parties are eventually able to negotiate their way through to a solution, but the issue of compensation is certainly of great concern and one that is causing a lot of stress. Certainly, I believe that much better arrangements and conditions apply in the oil exploration industry.

There are a lot of difficulties in relation to the qualifications of those people in the industry who carry out work on domestic gas stoves and so forth. I believe there is a row going on between two unions in relation to those people. I notice that the minister in his second reading speech referred to the development of the gas industry and stated—

Under the section providing for immediate suspension of a gas work licence, allowance has been made to continue such suspension while other action, such as prosecution or permanent cancellation, is taken.

A person out my way was under investigation for carrying out work for which he was highly qualified. He worked on a split-system air-conditioning unit. He was fully licensed and qualified to do so. On investigation it appeared that the electrical safety officer falsely supported the exclusion of people holding a restricted electrical licence under the heating, ventilation, air conditioning and refrigeration industry from carrying out electrical work on air conditioners. I am not sure whether that is a signed agreement or not. It may not be, but this issue is to do with the escaping of gas. If this issue is connected with the legislation, we need to have a look at it.

As I said the before, the legislation before the House is a pretty important, big bill. It covers many industries in this state. I endorse and support the words of the shadow minister.

**Ms LEE LONG** (Tablelands—ONP) (2.55 pm): I rise to make a short contribution to this debate on the Mining and Other Legislation Amendment Bill 2007. This bill amends nine acts and deals with six separate areas of concern, described as streamlining legislation, reviewing geothermal exploration permits, amending the Explosives Act 1999, the Coal and Oil Shale Mine Workers' Superannuation Act 1989, the Coal Mining Safety and Health Act 1999, the Mining and Quarrying Safety and Health Act 1999 and the correction of anomalies in the Workplace Health and Safety Act 1995.

Under the area of streamlining legislation, amendments are to be introduced as a result of recent experience with the Petroleum and Gas (Production and Safety) Act 2004, the Petroleum Act 1923 and the Mineral Resources Act 1989. In particular, some operational and compliance provisions have been found in practice to be imprecise, excessively onerous, difficult to comply with or in need of better legislative support.

A number of other amendments deal with matters such as giving clearer definitions of 'operating plant' and clarifying the obligations of operators and executive safety managers. However, a number of amendments are, I believe, likely to have a particular impact on Queensland's historic and traditional small mining industry and I will comment primarily on the amendments that the bill makes to the Explosives Act 1999.

There are massive increases in the penalties contained in the amendments proposed to the Explosives Act 1999. Clause 47 amends section 32, which is titled 'General duty of care'. The existing maximum penalty of 400 penalty units, or \$30,000, or six months imprisonment has been scrapped and instead, in cases where a contravention of this section causes multiple deaths and serious harm, the maximum penalty will be 3,000 penalty units, or \$225,000, or three years imprisonment. That is a huge increase in penalties.

A contravention causing multiple deaths will now attract a maximum of 2,000 penalty units, or a fine of \$150,000, or three years jail. Where death or grievous bodily harm results, there is a maximum of 1,000 penalty units, or fine of \$75,000, or two years jail. If the contravention results in exposure to a substance likely to cause death or grievous bodily harm, there is a maximum of 750 penalty units, or a fine of \$56,250, or one year in jail. If the contravention causes bodily harm or serious harm to property or the environment, that attracts a fine of 750 penalty units, or a fine of \$56,250, or imprisonment for one year. Other contraventions now carry a minimum of 500 penalty units, or a fine of \$337,500, or six months imprisonment.

The Scrutiny of Legislation Committee noted that the reasoning provided in the explanatory notes and the second reading speech was that these new penalties would align with similar sections of the Dangerous Goods Safety Management Act 2001 and that they were substantially heavier than the existing penalties.

Another issue of concern for the Scrutiny of Legislation Committee was clause 49, which introduced a section providing that the Explosives Act 1999 would apply to 'a partnership as if the partnership were a person'. Proposed subsection 3 states—

If, because of the operation of subsection (1), a contravention of, or an offence against a provision of, this Act is taken to have been committed by a partnership, the contravention or offence is taken to have been committed by each of the partners.

Subsection 4 states—

However, it is a defence for a partner to prove—

- (a) if the partner was in a position to influence the conduct of the partnership in relation to the contravention or offence—the partner took reasonable steps to ensure the partnership complied with the provision; or
- (b) the partner was not in a position to influence the conduct of the partnership in relation to the contravention or offence.

The Scrutiny of Legislation Committee considered that, taken together, these provisions might effectively reverse the onus of proof since under the law a person generally cannot be found guilty of an offence unless he or she has the necessary intent. The explanatory notes refer to it in this way—

... an obligation or liability is imposed on all partners in the partnership. It may be considered that there is a breach of a fundamental legislative principle triggered by this clause.

Similarly, the Scrutiny of Legislation Committee states—

Although the committee noted that the proposed section 123A (inserted by cl.49) of the bill mirrored the approach already taken under the *Explosives Act 1999* for corporations, it nonetheless effectively reverses the onus of proof.

The small mining sector in my electorate in particular is struggling to cope with the constant imposition of more and more regulations, restrictions, requirements and so on. We have seen licensing requirements imposed regardless of whether or not relevant trainers were readily available, and we have seen people with years and decades of experience put in the position of having to justify their abilities.

However, the single biggest hurdle has been the incredible failure of the ALP state government to deal with the impact of native title. It tried to go it alone and spent many years heading down that track before finally reverting back to the federal model, itself severely flawed. It devastated that small mining sector.

The imposition of rules such as those before us today need to be seen in context. That context is, first, where the small mining sector in particular has been crippled by the failure to provide clear, consistent, concise resolution of the native title issues. The individual resilience of ordinary Queenslanders, the people who might have a small claim that they work with passion and dedication, has been severely tested. Instead of active support, they are hit again and again with tighter rules, stricter controls and more regulatory burdens.

Yet again, the explanatory notes indicate that amendments in this bill could be considered to breach fundamental legislative principles. Once again, the ALP, the party that once might have been considered the party of the average worker, has turned its back on the most basic rights of the people of this state.

Finally, I note in the consultation section of the explanatory notes that there is no mention of the small mining sector having been spoken to at all about any of these issues. It seems that the last people they want to hear from are those most affected by their laws and regulations.

**Mr PEARCE** (Fitzroy—ALP) (3.02 pm): I rise to support the Mining and Other Legislation Amendment Bill 2007. Because I am very proud to be associated with the coalmining industry in Queensland, I will put a few statistics on the record before I talk about a couple of sections of the bill.

Over the past seven years we have seen the Queensland coal industry set new records for production and sales in export and domestic markets. During 2006 saleable coal production went up 3,480,000 tonnes to a record 177 million tonnes on the previous year's figures. In Queensland we have a very productive coal industry working 43 fully operational mines, 32 open-cut and 11 underground. All of the mines that are currently operating and producing those record tonnages are in the Bowen Basin.

The shipments of coal go to some 31 countries and Japan remains the biggest importer with 38 per cent of state coal exports going to that country. At the moment the coal industry is employing around 14,000 workers. When one thinks about it, that has a multiplier of at least four across the broader community. The coal industry itself is contributing significantly to the economy of Queensland, providing jobs and revenue to allow the state to invest in schools, roads, hospitals and other things. We do owe a lot to the coal industry. I thank the people whom I represent for the great contribution that they make to this state.

Returning to the bill, through tripartite cooperation Queensland had developed some of the best mining safety and health legislation in Australia, if not the world. The Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 were enacted in 2001 following extensive debate in this House. The principles in the legislation have been well supported by government, the industry and the mining unions. This bill provides minor amendments to ensure that the legislation continues to operate well.

The two acts are almost identical and the differences in the acts reflect the minor differences between the coalmining industry and the metalliferous mining industry. The amendments to the two acts which are proposed in this bill are the same and cover five topics. These relate to penalties for noncompliance, the advisory councils, powers of inspectors, the appointment of authorised officers and the reporting of deaths in mines.

The amendments to those acts come from a recent review of the Mines Inspectorate. I was a member of the review panel that considered the performance of the Mines Inspectorate and that looked for a better structure for the inspectorate to provide career paths to encourage and enhance the work conditions for inspectors, that is, persons who hold statutory positions and who are responsible for the monitoring and reporting of workplace health and safety in the Queensland mining industry. As a former mineworker working under a legislative regime and now a member of the Legislative Assembly who has played a role in the development of the legislation that supports the structure and management of workplace health and safety in mines, I can say with some authority that Queensland now has what many of us consider to be the best safety record in the world and the best mine safety legislation, at least in Australia. We are very proud of that.

When you are close to the industry and can see the benefits in workplace health and safety that are coming through as a result of the legislation, you can see that it is working. One of the strongest parts of the legislation is that it is not just the employer who is responsible for workplace health and safety. Everybody who is associated with the industry has to carry some of the burden, from the worker right through to suppliers and board of management as well. That is a good thing. The duty of care is a very strong principle to work under. The duty of care principle certainly encourages the best workplace health and safety that one could possibly deliver.

This bill will increase the penalties for a failure to meet obligations under the acts. These will be increased to align with those under the Workplace Health and Safety Act 1995. A new penalty of 2,000 penalty units or three years imprisonment will be created for contraventions causing multiple deaths. Again, this is in line with the penalties under the Workplace Health and Safety Act 1995. I believe that it is totally appropriate that penalties for similar offences under various pieces of legislation are aligned.

The amendments in the bill that provide for the director-general to be chair of both ministerial and advisory councils are steps forward to improve the effectiveness of the councils established under each act. The amendments to allow the appointment of substitute members to councils will also reduce the likelihood that a council cannot function because it is not possible to obtain a quorum. It is important that councils continue to function, and function effectively.

The next important point is the appointment of inspectors. It is pleasing to see that the amendments will assist in developing a career path for inspectors by allowing them to be appointed initially with limited powers. As their skills and competencies increase, so their powers will be increased and they will be able to progress through the inspectorate structure.

There is also an amendment relating to mining safety and health which will require mines to report all deaths at mines to the Mines Inspectorate, not just those resulting from accidents. This will allow the inspectorate to investigate deaths by apparent natural causes to determine if they are work related. That is an interesting inclusion because in the past a number of people have passed away in circumstances where there could be contributing factors linked to their work practices, especially if they were long-time workers in the industry.

The director-general will also be able to appoint authorised officers with limited powers to assist inspectors of mines. Hygienists, ergonomists and investigators will be appointed to assist the mines inspectors in carrying out their functions but will also be able to operate independently of the inspectors. These authorised officers will not be inspectors and their powers under the legislation will be directly related to their competencies, as stated in the amendments.

In approving the legislation to come before the House I did have some concern about one part of the amendment bill. I want to raise it today so that the minister can respond to it because it is important that any concerns are responded to and put on the record. It is that part of the act which allows for the appointment of authorised officers by the chief executive, to allow the chief executive to limit the functions and powers of the authorised officers and to state the functions of the authorised officers. The explanatory notes state that authorised officers will not be inspectors of mines. Authorised officers will be given some of the powers to allow them to act independently of inspectors where necessary. While I understand this is all about encouraging people into the inspectorate and offering a career path, I really do not see anything in the legislation that prevents senior officers from within the inspectorate instructing an authorised officer to carry out certain activities for which that authorised officer is not appropriately accredited.

I want to put on the record my questions to the minister. Will the authorised officer be a person who is easily recognised by industry employers and employees as a person who is an authorised officer, and will employers and employees fully understand the roles and responsibilities of an authorised officer? Like it or not, there are people in authority across all industries—not just the mining industry—who expand or abuse their roles and responsibilities and take shortcuts to meet deadlines. In the interests of the safety of the people I represent—the workers—I want to be absolutely certain that there is no way that an authorised officer can carry out duties other than those for which the officer is accredited and that, should that authorised officer be directed to do such a thing, his or her senior officer is severely dealt with. That is quite a serious situation.



The reason I have raised the issue is that, given that the proceedings of the House can be used by the courts to determine the intent of legislation, it is important in the interests of safety that the minister makes the intent of the amendment very clear in his summing-up. I am about protection for all workers as well as for the industry from power-drunk, company-friendly dinosaur individuals within the inspectorate, which has been a problem in recent years. I believe that problem has now been resolved by individuals realising that they are past their use-by date and moving on to other places. We have come so far with good legislation and a progressive department with regard to mine safety, but we need to make sure that every step forward that we take is positive and cannot be abused by others with the wrong intent.

I also want to touch on an issue which came to light on Friday and over the weekend. I noticed an article in the *Courier-Mail*, which states—

Conservationists suffered a blow yesterday when the State Government moved to effectively overrule a court decision against expansion at a Queensland mine.

I understand that the mine that that article is referring to is an Xstrata Coal joint venture which holds a lease situated at Suttor Creek, approximately 120 kilometres west of Mackay and 70 kilometres north of Moranbah.

**Mr Knuth:** You love the Greens, don't you?

**Mr PEARCE:** I love the Greens, having been a coalminer. The Xstrata joint venture applied for an extension of the surface area that was covered by that mining licence. The joint venture's application was objected to by the Queensland Conservation Council—the QCC—and Mackay Conservation Group Inc. on the grounds of greenhouse gas emissions. I further understand that this matter was heard in the Land and Resources Tribunal by the president, a Mr Koppenol. During the hearing, the president of the LRT heard a variety of witnesses including experts on greenhouse gases from both sides—the QCC and Xstrata. I understand, however, that the president of the LRT had also read some other material on greenhouse gases and global warming that were not submitted by the parties. Prior to making the decision he sent that material to the parties but did not ask the experts their views on it. There was a feeling that people had been denied natural justice. Subsequently, there was an appeal to the court. It was upheld in the QCC's favour on 12 October 2007.

The main issue for me and other people with any interest in the industry is that the consequences of any uncertainty in terms of the mine's future are quite significant because we are talking about 190 people who are employed there. I understand that the Xstrata joint venture has spent some \$90 million already. That is quite a significant amount of expenditure. It would be unacceptable for those 190 people to suddenly be out of work because of some court proceedings.

**Mr Malone** interjected.

**Mr PEARCE:** I was not aware of that. Thanks for your interjection. It is good that we have an amendment before the House today that will fix that problem and secure those positions and the future of the mine.

In Queensland the mining boom has certainly thrown up a number of challenges for the state government and, of course, local governments and local communities. Because the economy benefits so much from a strong, efficient coal industry, it is important that governments like the Bligh government work with coal producers and communities to meet the challenges that the rapid development of mining brings. In dealing with this particular issue, the government has given certainty to Xstrata as a coal company, which has already expended some \$90 million. The passing of the amendments in this place gives certainty to the 190 workers. I know from my experience in the industry that those employees will be relieved to hear that this amendment will pass through the House today and will be supported by both sides.

The Premier has certainly shown that she wants to be progressive and get on with things. I look forward to working with the Premier, mining companies and local government in central Queensland to address some of the social and infrastructure pressures on the coal towns across the Bowen Basin. As I said, the Premier has already demonstrated to me that, in the interests of getting behind regional Queensland, she recognises the enormous contribution that the mining industry, its workforce and families and support services in the coalmining communities are providing to the economic stability of Queensland. It is important that she recognises that.

The Premier's actions today in ensuring that this amendment passes through the House have demonstrated to me that she is prepared to get out there and tackle the challenges head on and to deal with them. She should be commended for that. The people whom I represent have expressed a level of confidence in the way the Premier has already demonstrated an interest in regional Queensland. There is a strong belief out there at the moment that she will be the person who can make a difference for the people who live in the region and make such a wonderful contribution to the Queensland economy.

The legislation before the House is certainly legislation that is supported across the industry—by coal companies and employees—and, as a long-term representative of employees in this place, I offer my support for the bill.

**Ms NOLAN** (Ipswich—ALP) (3.19 pm): I rise to comment briefly on this bill, which obviously deals comprehensively with mine safety issues, and as such I commend the minister for bringing it to the House. I specifically want to speak in relation to the safety provisions of the Petroleum and Gas (Production and Safety) Act 2004. We talk a lot about the environmental benefits of getting a greater take up of gas-fired power and moving away from an almost complete reliance on coal in order to make that happen effectively. Although, of course, we do have to ensure that provision of gas can be as safe as possible. That is what some elements of this bill do. The importance of maintaining that safe environment for oil and gas activities are obvious to us all as the consequences of things going wrong can result in death, injury or serious public disruption. That was exemplified recently with the serious oil spill resulting from a pipeline rupture at Algeester.

Amendments to the act are largely explanatory in nature. They are designed to clear up any confusion about the application of the act. For example, the term 'operating plant' is used to define where rigorous safety requirements apply and drilling rigs were obviously included. There was some doubt expressed by industry over whether workover rigs, which are used to maintain or repair a well, were covered. There is now no doubt—that is, they are in. Another example is an amendment to the definition of a pipeline which was found to be too broad and could include areas such as the pipework in a house that were already covered by Australian standards. The term now is properly restricted to major pipeline systems, including transmission type pipelines and distribution networks.

One amendment arose from an incident in Queensland some time ago when a drilling rig was operated when it was quite obviously in a less than safe state. A provision in the bill now requires that government be notified in advance of any new operating plant being put into operation in this state. Allocating responsibility for the management of safety is an important part of the legislation and to this end the term 'operator' has been more clearly defined. This person is responsible for the development of safety management plans under the act. There is also a provision to allow employers to be brought to task if they give instructions to an employee to carry out illegal work. I am sure that is something in which this minister took a personal interest, given his ongoing advocacy for workers' rights and his very strong view that the boss should appropriately take responsibility for asking an employee to do improper or illegal work. Previously only the employee who may have been pressured to do the work could be prosecuted.

The reporting of petroleum or gas related incidents has been clarified to ensure that all serious accidents can be investigated by the inspectorate and some double dipping has been removed so that work carried out under a safety management plan at an operating plant does not require separate authorisation. All operating plants are required to have safety management plans and some of these operating plants are small, including LPG depots. For these businesses a generic safety management plan has been developed in conjunction with industry which will make compliance less onerous while still maintaining high safety standards.

While none of these provisions is, as members might have gathered, earth shattering, they represent a continuous improvement to the safety regime in the petroleum and gas industries and as such I commend those provisions to the House.

Before concluding I will just make one brief point: the member for Gregory was very keen to talk about federal election issues in the context of this speech. There are, I think, some very important issues that will come up with the amendments to the bill which the minister has tabled. They relate, as we know, to a bid by the Queensland Conservation Council to have an Xstrata mine take initially full and then partial responsibility for the greenhouse gas emissions caused by the coal that it will produce. I understand, as many members do, that the Conservation Council will be disappointed that this legislation will cease that action. I think, however, it is important to note that all of us—the government and the Conservation Council—find ourselves in the difficult position of having to manage greenhouse gas emissions in the absence of a broad national policy framework. That is why we get to the situation where the Conservation Council takes this action and the government needs to respond to an individual action relating to an individual mine. The Conservation Council have nowhere else to go because there is not a broad policy framework in this country, despite climate change having been a matter of serious public debate for at least a decade and a matter of scientific record for probably 30 years.

It is an utter disgrace that in 2007, when we know for sure about climate change, we are still dealing with a federal government that is quite simply in denial. It is very difficult for the rest of us to deal with these greenhouse issues, as we are having to by legislating today, in an ad hoc manner because we all live, sadly, in an environment of a complete policy void on the part of the federal government.

I understand that the Conservation Council will be disappointed but I would suggest to it that its disappointment should lie with this disgraceful federal government made up of—still in 2007—dyed in the wool climate change skeptics.

**Mr HOPPER** (Darling Downs—NPA) (3.26 pm): The Mining and Other Legislation Amendment Bill deals with the mining inspectorate and covers many other acts. There is no doubt that we all support the workplace health and safety aspect of the bill. To have good workplace health and safety ethics across all cultures has a great effect. Geothermal exploration is covered in the bill. It is something that

we seriously have to look at. Both governments, state and federal, have to put a lot of money into it. As the member for Ipswich mentioned, we also seriously have to look at future exploration and gas mining and the environmental aspects of those issues.

Arrow Energy operates in Dalby. The minister and I have met with a group of farmers who are very concerned about the way they are being treated by this company. When Arrow Energy first came to Dalby it was extremely exciting for a lot of people. Arrow Energy put \$1 million towards the Dalby waterworks. It is a great attribute for a mining company to come into a local area and do that sort of thing. The government put in \$3 million and the Dalby Council also put in \$3 million to get Dalby's town water up and running.

In relation to the exploration carried out by mining companies, as the member for Warrego spoke in detail about, many farms are put very much in jeopardy. One of the farmers who met with the minister has laser levelled country. His farm has been pinned out for this exploration. When wells are drilled, they have to link those wells together. A grid of pipelines is put in place and quite often those pipelines absolutely destroy the farming country. The attitude of Arrow Energy towards this upsets me. They hired a gentleman from Brisbane, Mr Rowan Fuller, to come to Dalby. I think he must have been a bit of a hit man because the very first thing he thought he would do is deride the local member. He took me on very strongly in the local paper. His attitude towards me was simply disgusting. If that attitude is used towards these farmers by that company we will see the kind of working relationship that will be formed.

I see in the bill that inspectors have to be allowed onto the mining site. I ask the question: when do the farmers know when these people are coming? I see in one of the clauses there has to be written notice of 30 days. They must let these people know of the impost that they will have on the land. Mr Peter Williams actually hired a gyrocopter and flew over country Arrow Energy had bought just to have a look. I wonder if what they are doing is being policed. It is great to burn gas and make power from gas which is environmentally friendly, but to extract the coal seam gas they drill deep into the coal that is under pressure and as the gas rushes up out of the ground it brings a lot of water. A lot of people call that water devil water. It is very, very salty.

What they do now is they bulldoze lakes, they pump the water into the lakes and they evaporate the water. That water is evaporated into the skies but the salt is left. In Mr Williams's letter that he wrote to me, he stated that an estimated 200 tonnes of salt is going to be left by that company. It is just going to be left there. Let us add it up: are we being good to the environment or aren't we? What is going to happen to that salt? The catchment of Lake Broadwater is in that area. When we get a major flood, is that salt going to go into that natural lake? We have to really watch this.

I know that in the west the Condamine River runs right beside a mining lease of the Queensland Gas Company. There are mega lakes out there with evaporating water through small mist, snow-makers and you name it. They should at least be made to clean up that water through reverse osmosis and put it into the river as environmental flow. It can be done. It is all right for major companies to come in and make all the money, but what they are leaving behind is disgusting. I have tried to meet with the new minister, Andrew McNamara, for five minutes. My staff have rung him. I would just like to talk to him about it.

Peter Williams has one photo of a salt lake that has been left by our energy industry. It is very upsetting. It is very upsetting for the farmers up there, because when these companies take out leases there is an impost put on farmers, and it is mentioned in the bill. I refer to the issue of drilling on roads. They do not drill on the road. They might be 30 metres beside the road but they will drill inside the property. If they drill three metres inside the farmer's fence, they have to get the drilling rig, drive into that country, back up and drill the hole when it could be done on the roadside outside the fence. That well could be established there. In some of that country that has been laser levelled, they do not even ride a motorbike on it because it upsets the soil. Imagine a drilling rig coming in and the compaction that it is causing to that country. It is simply unforgivable.

We have a number of mines in my electorate. We have Acland coal. When Acland coal first came to my electorate, once again, people were all very excited that local staff would be employed. I must say that it has done a great job of employing local staff. It was going to put a conveyor belt through to Tarong, as the minister mentioned this morning. It was a 70-kilometre line. We took that fight up very strongly, and we won that fight. So it lost the contract to Tarong, and now Tarong Energy is taking over the Kunioon mine, which is about 10 kilometres outside of Kingaroy. I heard the minister speak of how Dorothy Pratt has worked very hard towards that. Maybe she has, but I want to say that John Bjelke-Petersen has been a great warrior out there, too. He called a meeting only last week and he got about 50 or 60 farmers together. We went out and addressed that meeting.

The fact is that Tarong Energy is going to acquire the land to put the lease in place for that mine to go ahead. It must compensate those people to the maximum amount of money possible. What figure of compensation can you put on a property when someone comes in and says, 'I'm sorry, you've got to go. Your country is going to be mined.'? They have lived there all their lives. They might be third or fourth generation people, yet a mining company comes in and says, 'I'm going to mine your property. You've got to go.' So they get a valuation plus 10 per cent and the mining company pays for it. A property might

be valued at \$500,000, for example. So they would be given \$550,000 for their property. It will cost them \$40,000 to \$50,000 in stamp duty to buy another property. Where are they going to buy another property that is in exactly the same condition as their property? There is also the upset of moving children from schools and the issue of family inheritance. There is no figure that can be given to compensate for that. I would ask the minister to look very seriously at that when dealing with those people and the onslaught of the mine that is looming in front of them.

Last week I also met with a number of people at Acland coal. Stage 2 of the Acland coalmine is being opened up, and they will be mining just across the road from those people. I have seen the dust at times from that coalmining exercise and sometimes it is horrific. I know one person for whom when there is a shower of rain the dust washes off his roof, clogs the filters on his tanks and no water goes into the tanks. So after the first bit of rain he flies out into the wet, bangs the strainer and gets the dust out of it so the water can run into the tank. The dirt that is in the water clogs up his hot-water system, and it is all because of the mining that is going on in that area. So there are good things and bad things that come with mining. I know that those people now want Acland to buy their properties, because they can only sell their properties as grazing leases. They can only sell their properties—which they have put their heart and soul into—for grazing because no-one will come and live beside a mine. So all of these things have to be taken into account.

**Mr JOHNSON** (Gregory—NPA) (3.34 pm): I will have a little bit of precious water before I start, because I think the House might get excited. It is with pleasure that I rise to speak to the Mining and Other Legislation Amendment Bill this afternoon. I think it is important to recognise the significance of this industry to Queensland. We hear about every other thing that is happening in our state but there is not enough emphasis put on the importance of the mining, gas and oil industries in Queensland. We know what wealth generation capacities they have. I think the minister knows full well the importance of this industry and the people who work in it.

My colleague Jim Pearce, the member for Fitzroy, has left the chamber, but as somebody who had been an underground miner for 11 years before becoming a member I have always respected his point of view and his opinion, especially when it comes to mine safety and workplace health and safety. These are aspects that I think our industry can be very proud of. It is one of the reasons why it is so successful as we go into the 21st century. There are many other countries around the world that wish they had the quality of the industry that we have in Queensland. I know the other states have good coal and mineral mining industries, but I think Queensland is head and shoulders above the rest.

As the member for Fitzroy said a while ago, we have 11 underground mines in Queensland and they are significant mines. I have a son who works in the industry now as a geologist. Having been underground at Newlands southern and Newlands northern mines, I have never begrudged paying a miner the money for the work that he has earned. I have to say that shearers earn their dollars but so do underground miners. I reckon they get every cent they deserve. The people who work in those pits seem to have a bond and a mateship that is equal to none. It is not hard to see why they have these mine safety programs throughout the industry, because they are fiercely proud of their profession and they are fiercely proud of the wealth generation capacity of the industry.

I know the federal government has been criticised in this place by government members on numerous occasions for the workplace agreements in relation to wages. Members might think I am getting away from the bill, but I am not at all. This is about an industry that provides the best remuneration possible for the people who work within it. Those mining companies and the industry themselves recognise that. That is why so many people in this industry have entered into workplace agreements.

I would like to quote the Premier of Western Australia, the Hon. Alan Carpenter. He said that his state agrees with that, too. He agrees that it has been a great outcome for the mining industry in his state. I think we have to look at the pluses and the minuses. Before we criticise, we have to look at the fruit that has resulted from this great industry, and the way that the companies and the government have gone about getting the best outcome.

There is another issue that I want to put on the record today. The minister now has a director-general, Mr Dan Hunt, for his portfolio. He has come from the department of transport as the deputy director-general. He is someone who I believe has a firm understanding and a great knowledge of the issue of transportation of coal and minerals in this state, and the need to provide extra services in the carriage of those goods that our Queensland mines produce. We have seen reports recently such as the Davies report. I hope that the minister and his director-general will have some significant input into how we go about servicing the ports of Queensland in conjunction with his colleague the minister for transport.

The minister announced last week the rolling stock that is going to be purchased by this government for the transportation of coal. That is all very good. It is paramount that we maintain our place at No. 1 on the international stage in terms of the exportation of coal. Queensland is certainly at the forefront and we want to stay at the forefront.

**Mr DEPUTY SPEAKER** (Mr English): Order! Member for Gregory, I have given you five minutes to make some general observations about the industry. Please come back to the bill.

**Mr JOHNSON**: I am coming back to it. Give me a go; I still have 15 minutes to go.

**Mr DEPUTY SPEAKER**: The standing orders are clear, member for Gregory. Please come back to the bill.

**Mr JOHNSON**: These are important issues for the mineral industry in Queensland. I will come right back to the legislation, Mr Deputy Speaker. I am sure that will make all your colleagues in the House very happy. I can see members on the other side agreeing.

**Mr Hinchliffe** interjected.

**Mr DEPUTY SPEAKER**: Order! Member for Stafford.

**Mr JOHNSON**: You protect me, Mr Deputy Speaker. I need protection some times. I can stand my own. The amendments to the Petroleum Act and the Petroleum and Gas (Production and Safety) Act 2004 appear to be mostly technical and are aimed at simplifying administration. However, in the time available I cannot say whether anything contained in the proposed bill may have any inadvertent consequences. Of interest in the bill is the proposed public notification and consultation process before the minister can issue a pipeline licence. I ask the minister: when will this start? Will this be applicable to future changes and in some cases will this be retrospective?

With the current situation in mind I believe the minister should also not be allowed to issue a pipeline licence unless he has given consideration to the terms of third party access to the facility as part of this consultation process. We see that happening in the gas industry. I think it should happen in the oil industry. Pipelines are infrastructure developments of vital long-term importance to the economic development within this state. The issuing of a licence is a privilege that unless properly regulated could provide the licence holder with a monopoly that could result in an unreasonable impost on existing producers and deter future exploration as well.

Gas pipeline licences in this state are held by pipeline operators who are independent and not controlled by any single producer. Because of the existence of third party open access to gas pipelines and reasonable terms, the coal seam industry in Queensland has grown from nothing 10 years ago to a thriving industry now. The many explorers and producers operating in this field have created a world-beating industry. In this state we have some of the most competitively priced gas in the world today.

Contrast the great international success of our coal seam gas industry that was made possible by the open access to Queensland's gas pipeline with the languishing state of Queensland's oil industry caused by closed access to Queensland's oil pipeline despite an environment of high oil prices. That is still the experience on the international stage.

I say to the minister that he must have regard to the importance of pipeline infrastructure to the development of the state over the long term before granting a pipeline licence. As part of a wider consultation process the minister must also consider submissions on third party access to ensure that the terms of any licence he should grant does not allow the holder to cause detriment to the wider industry through the denial of third party access or the ability to impose access terms that are punitive.

As infrastructure equity funds are now a permanent feature of the investment landscape, there is a considerable argument that the public benefit and the wider industry will be much better served if proposals for any significant pipeline licence are contested by competitive bids. We live in a world of technology. The technology for finding minerals, oil and gas is being advanced every day. We only have to look at the north-west mineral province around Mount Isa to see the result of this advancing technology in recent years. Ernest Henry mine is a classic example of technology being used to find the best resources.

I think we have to look very closely at not only the big players but also the smaller players in this industry. In the south-west at the moment we have some issues on our hands in relation to the transportation of oil from the Jackson and Cuddapan oilfields to the port of Brisbane. We are currently losing a lot of profit to South Australia. Santos is piping the majority of its oil through to Port Bonython at the top of Spencer Gulf in South Australia. We are probably losing 3,000 to 3,500 barrels of oil a day. It is costing the smaller players like Delhi, Beach and IOR and others around Moonie extra dollars because they cannot get the oil in here because of the substandard pipeline from Moonie to Lytton. No doubt the minister is well aware of this. I have had meetings with the minister for infrastructure. I hope we see a genuine outcome in the not-too-distant future.

Clause 186 requires a copy of the application for a pipeline licence to be given to each local government in which the pipeline is proposed to be constructed within 10 business days after the application has been lodged pursuant to section 409. If this requirement is not met the application is then taken to have lapsed. However, this does not preclude the applicant from making another application for a pipeline licence. I would like the minister to comment on that.

Clause 188 provides for a public notice to be published in a newspaper for each proposed pipeline licence. This affords anyone the opportunity to view the area of the proposed licence and lodge submissions to the address detailed in the notice within the period stated in the notice. The application

for the pipeline licence cannot be granted unless the notice has complied with the requirements as stated, until the chief executive has been given evidence of the publication of the notice and the minister has considered any submissions resulting from the public notice. Further, this clause provides that the cost of the public notice must be borne by the applicant for the proposed pipeline licence.

Clause 190 requires a pipeline licence holder to notify the chief inspector of intention to commence construction of a pipeline. This clause, along with the amendment at clause 213, will ensure the chief inspector has early notice of new operating plants to ensure these can be appropriately regulated.

Clause 191 provides that a notice of completion of a pipeline must be accompanied by a diagram that enables a person to easily locate a constructed or completed pipeline, including at what depth the pipeline was buried. This clause also provides that the notice of completion for each pipeline, the subject of an area pipeline licence, must be lodged within 40 days.

Clause 192 requires a copy of the application for a petroleum facility licence to be given to each local government in which the petroleum facility is proposed to be constructed within 10 business days after the application has been lodged pursuant to section 445. If this requirement is not met, the application is then taken to have lapsed. However, this does not preclude the applicant from making another application for a petroleum facility licence.

This is a very important aspect of the petroleum industry in Queensland, especially in the Cooper Basin and the Surat Basin. It is paramount that we recognise that exploration is still going on and that we recognise the importance of this industry to our state in 2007 as we face high oil prices in the Western world as a result of unfortunate circumstances in the gulf.

The other thing I wish to touch on is the issue of geothermal energy. I do not think enough emphasis has been put on this area. We talk about hot rocks and the importance of being able to generate electricity and energy from the geothermal conditions in the south-west of the state and the top end of South Australia. It is very important to see increased exploration and increased activity in this area, that we put in place our environmental standards and that we put in place a regime to address the energy needs of this state that puts us at the top of world's best practice in terms of the generation of power. We can do it. We have the expertise to do it. We now have to put all of our energies into this in order to get the best outcome from a natural resource that is there for the taking.

Whilst a couple of licences have been given, we are in the infancy of this operation which has significance to our state, especially given the growth that we are experiencing with more and more people moving here every month and the need for industry to progress. As the shadow minister for regional development, I will be looking very closely at how we can get better outcomes from that energy, how we can get populations to live in those areas away from the south-east corner and how we can make gains and net outcomes from productivity with that type of electricity generation because it is naturally there.

In this day and age with the opportunities we have with our energy resources in terms of exporting gas and coal, we certainly are at the forefront of this technology in the world. I say this to the minister and to the government: it is very important that we do not put any impediments in the way of this exploration and we do not put any impediments in the way of business to allow it to explore for more minerals, coal, oil and gas, because we do not have the faintest idea of the extent of the natural resources we have under the ground in Queensland and therefore the extent of the wealth we have under the ground in Queensland. Every year geologists, mining engineers and people with expertise in the industry find new ways and means and new minerals and new outcomes that advantage the economic cause of this great industry.

In closing, this is an industry that has put Queensland and Australia on the economic wealth map and made our quality of life equal to nothing else in the Western world. We have to start creating an environment now where we put more energy into this idea so that we get the environmental standards in order to eliminate greenhouse gases and everything else. One only has to go to Gladstone—

**Mr DEPUTY SPEAKER** (Mr English): Member for Gregory, whilst I appreciate your general observations, please come back to the bill before the House.

**Mr JOHNSON:** I am coming back to the bill; I hear you. In terms of environmental standards and what is happening in Gladstone, we should take a leaf out of their book. This legislation is significant to Queensland and significant to the quality of life for Queenslanders.

**Mrs CUNNINGHAM** (Gladstone—Ind) (3.52 pm): I rise to speak to the Mining and Other Legislation Amendment Bill. Whilst there are no underground mines in my electorate—there are a small number of open-cut mines—I want to place on record my concern with regard to further changes to the mine safety inspection process. I am not saying that the changes are bad or good, but over the years we have seen changes in the administration and the authority of mine safety inspectors. There have been varied reactions to those changes. There have been those who have said that it has resulted in a diminution of the power of the inspector to be independent and to make assessments and speak openly about safety concerns, particularly with regard to underground mines. The underground mining industry

is very unforgiving in terms of safety issues. Workers in the open-cut mining industry have some degree of future, if you like, if there is an incident, but in underground mines there is no room for error. Certainly, changes to mine safety inspectors and their powers should always be to increase the safety for workers in that environment rather than in any way compromise the independence of the Mine Inspectorate in relation to its work.

This legislation deals with a number of issues. The Workplace Health and Safety Act 1995 will be amended. I want to put on the record that in the coal industry generally workplace health and safety is an important issue, particularly in relation to coal dust. There is significant coal movement around Queensland on trains. There have been various calls over the years for coal loads to be either covered or to have dust suppression sprays applied, and I think that that is something that needs to be constantly under review by this minister and by the minister for transport in relation to potential workplace health and safety implications not only for the workers in the industry but also for people who live adjacent to railway lines. The minister's second reading speech stated—

The opportunity has been taken to include in the Geothermal Exploration Act 2004, the Mineral Resources Act 1989, the Petroleum Act 1923 and the Petroleum and Gas (Production and Safety) Act 2004 a power for the making of directions on how information is to be provided in forms and other material required under the legislation.

The directions will be published and will give certainty to industry as to how they do business under these Acts. The amendments will give legislative support to the directions, their publication and their enforceability.

For all of those involved in industries, the clarity and transparency of the process under which they operate is critically important. In my own electorate there have been a number of incidents, in particular at the Cement Australia limestone mine at Bracewell, where a section of the community that lives around that mine—the section of the community that has been impacted by that mine—would say that they find it really difficult to gain a firm understanding of the operational constraints and the operational framework of that mine on a yearly basis. I want to table a letter from David Smith, Brian Finlayson and Peter James, who are consultants to EEMAG.

*Tabled paper:* Copy of a letter, dated 21 September 2007, from D I Smith, Brian L Finlayson, Peter M James, consulting to EEMAG to the Hon. Craig Wallace MP, in relation to East End Mine, Groundwater Issues.

That letter outlines the concerns of those three consultants in relation to the process under the mining act. The letter is to the Department of Natural Resources and Water.

The element I want to touch on relates to the lack of consideration—the lack of information—available in the mining process with regard to impacts outside the mining lease. This legislation deals with the legislative framework of the operation of mines in part, and there have been other amendments to this legislation. However, it should never be forgotten that, irrespective of where the mine is—unless it is out west where there is no community, and I include in that rural industry as in grazing and other rural pursuits—mining does have an impact and it has an impact beyond the mine. Those people who are impacted have to have a process available to them that is transparent, that is able to be understood and that has directions to the mining operators that these landowners can have recourse to in relation to off-mine site impacts on their quality of life and on their properties.

This bill makes a number of changes to legislation, and I am certainly not about to go through all of them. But any changes that will make the operation of mines and the constraints on mine operations clearer and easier to follow will be welcomed.

**Ms JARRATT** (Whitsunday—ALP) (3.58 pm): It is with pleasure that I rise to speak in support of the Mining and Other Legislation Amendment Bill. This bill amends a variety of acts in response to operational and administrative issues which have been identified in reviews undertaken at both departmental and industry levels. Just as the petroleum, gas and mining industries in this state continue to grow and evolve, so legislation must grow and evolve in order to protect the safety of workers and develop the regulatory system that underpins effectiveness and efficiency in these industries. The safety of workers in the mining industry must be a paramount consideration for government and mining companies. Mining, particularly underground mining, is a dangerous business in which a variety of variables can coincide to place workers in peril.

We were reminded of this just last weekend when a memorial service was held in Collinsville to commemorate the lives of 26 miners that have been lost in the nearby coalfields since coalmining began in the area in 1919. Those lost lives include those of the seven miners who died in 1954 and whose deaths became the driving force for a community who, united in grief, became determined that no more families should experience this trauma. I note and thank the minister for his attendance at that commemorative service last Saturday. Unfortunately, I was unable to attend owing to another function, but my thoughts were with the people of Collinsville on Saturday as they marked this particularly traumatic time in their lives.

The amendments contained in this bill which pertain to safety are mostly of a minor nature. However, safety is an incremental achievement that is built upon responses to the experience of those who work in the industry and those who are charged with maintaining a safe working environment. I expect that we will return to this place again in the future with further amendments as our knowledge grows and conditions change.

Coalmining is nothing if not a growing and evolving industry in the state. I remember in 2001, as the new member for Whitsunday, gathering around a table in Mackay with representatives of various government departments wondering just what we would do with all of those empty houses at Moranbah. At that stage Moranbah appeared doomed to become something of a ghost town. It was a serious issue that there were so many houses that were standing vacant out in the middle of what seemed at that point to be nowhere. Now, just the opposite is true and we are scrambling to deal with issues such as housing availability and skills shortages. It is a double-edged sword but it is much better to have this problem than the reverse.

Each year the mining and mineral processing industries contribute around \$1.45 billion in royalties to the state's economy. They provide direct employment for around 19,000 people. That is 19,000 people across all mining industries, but I understand that about 18,000 of those people work in the coalmining industry, both underground and open cut. It is estimated that mining related industries provide employment for another 65,000 Queenslanders, but it is hard to say how this figure can be limited. For example, in the Mackay-Whitsunday region around 250 companies provide some form of direct support to the mining industry. But each of these companies are supported by another level of service support, and so it goes on. In fact, the economy of the entire region in one way or another is tied at this point to the coalmining activity.

I want to make reference to the issue regarding the granting of an extension lease at Xstrata's Wollemi mine, which has received media coverage over the past few days. The Premier was reported as saying that the government would deal with this issue through legislative action. Indeed, an amendment to the act has been circulated today. In doing so, we are hoping to provide certainty for both the mining company and the 190-odd employees who depend on this mine for their livelihoods. I certainly support this proposed action and would lend my support to any amendment that might be brought to the House today that secures the future of this mine and its workers.

I would have to say that Xstrata is a fine corporate citizen in the town of Bowen, where in the hinterland it operates mining ventures and also the coke works in the town of Bowen itself. Xstrata undertakes a community support program where every year it lends support to the community in various ways. I acknowledge that and thank Xstrata for its contribution. We would like to see more of that. Xstrata not only provides employment for the people of the region but also gives back in other ways. It adds value to the lives of everyone who live in the community.

I think it is important to note that it is possible to undertake a legislative remedy for the issues that we have just been discussing. Indeed, this remedy sets no precedent that would alter the existing approval process for any other future mine. I think that is an important point to make. Queensland's position as a reliable business operator in a competitive coalmining arena must be protected within reasonable bounds because, like it or not, our prosperity into the future is largely tied to the existence of our considerable mineral resources. We must act reasonably and responsibly to protect our reputation.

I also welcome the amendments in this bill to the Geothermal Exploration Act 2004, which will support geothermal exploration by allowing for extensions to exploration permits. This will allow permit holders further time to assess the resources and possibly apply for a production tenure. It is early days for the geothermal industry and many questions remain to be answered, such as whether or not this form of power generation will ever play a major role in energy production in this state. But I applaud the possibility that it provides and supports the development of this source of clean energy. Therefore, I commend this amendment and all the other amendments in the bill to the House.

**Hon. KW HAYWARD** (Kallangur—ALP) (4.05 pm): The Mining and Other Legislation Amendment Bill makes a number of amendments that affect the mining industry. In rising to speak in support of this bill, I want to focus specifically on the amendments that the bill makes to the Geothermal Exploration Act 2004, the Petroleum and Gas (Production and Safety) Act 2004 and the Petroleum Act 1923.

Among other things, the proposed amendments to the Geothermal Exploration Act 2004 provide for the renewal of the term of a geothermal exploration permit granted under this act. The member for Gregory in his contribution referred to geothermal exploration and said that there needs to be more emphasis on it. These amendments provide support and I think demonstrate the commitment that he was looking for. These amendments will allow for the term of the permit to be extended for a further three years beyond the maximum initial term of five years. Providing for the renewal of a geothermal exploration permit will allow the holder of a permit to further explore for and delineate areas of geothermal resource, in particular, hot dry rock resources. These hot rock resources can be used for electricity generation with zero emissions and no greenhouse gases produced.

The statutory availability of the renewal of geothermal exploration permits will have a particularly positive effect on the preferred tenderers appointed by the minister. On 22 March 2006 they were appointed for five areas. On 16 May 2007 preferred tenderers were appointed for a further nine areas, resulting from the minister's invitations for tenders for geothermal exploration permits over areas of potential hot dry rock resources.



On the condition that all of those legislative requirements, which include addressing native title issues, are met, this amendment may give these preferred tenderers three more years to explore for and quantify geothermal material. Therefore, the impending end of a geothermal exploration permit after its initial maximum five-year term will not necessarily hinder the continuation of geothermal exploration activities under the permit.

The amendments to the Petroleum and Gas (Production and Safety) Act 2004 and the Petroleum Act 1923 that are contained in this bill are reasonably minor and are largely operational and administrative in nature. I note that the majority of the amendments to the petroleum legislation are to remove inconsistencies in lodgement time frames for various documents containing information that is required to be submitted under these acts.

Further, the bill provides relief from overly onerous fees charged upon the late lodgement of certain information, such as later work programs and later development plans that need to be submitted in compliance with these acts. However, I think that this lesser fee is still sufficient incentive for petroleum explorers and developers conducting authorised petroleum activities in this state to submit these requirements within prescribed time frames. Of course, that is an important consideration. The timely lodgement of these requirements will ensure that the assessment and approval of these requirements may be made in a timely manner.

Also, the requirement to lodge an annual report by a petroleum tenure or authority holder has been omitted from these acts. Therefore, that will reduce the burden of red tape on explorers and developers. However, the removal of the annual reporting provisions from the petroleum legislation will not adversely affect information provided to the state as the information that was required in the annual report is already provided in other reports required under these acts.

With regard to the amendments to the Explosives Act 1999, most are relatively minor in nature and address administrative issues to enhance the effectiveness of this act and also upgrade the general duty of care provisions. However, there are some noteworthy changes. Of course, under the Explosives Act 1999, individuals and corporations may be licensed to carry out a wide range of explosives activities. Therefore, the relevant section of the Explosives Act 1999 dealing with the appropriateness of an applicant or holder of an authority under the act has been expanded to better determine the appropriateness of corporations as holders or applicants. Also, a section has been added to allow partnerships to be recognised for licensing purposes, providing for the legitimate recognition of a small business such as a gun shop or a farm. This will allow husband and wife partnerships or a partnership that includes all family members to be licensed. Currently, only one partner can be licensed.

The general duty of care provisions have been changed to be consistent with the provisions and penalties in the Dangerous Goods Safety Management Act 2001, which applies to the management of major hazard facilities. The Explosives Act 1999 also applies to a high-risk industry where many of the activities carried out are in major hazard facilities. It is important to keep the general duty of care provisions consistent with those of the Dangerous Goods Safety Management Act. Consequently, the maximum penalty under the Explosives Act 1999 has been increased from \$30,000 or six months imprisonment to \$225,000 or three years imprisonment. I commend this bill to the House.

**Mr MALONE** (Mirani—NPA) (4.11 pm): It is with pleasure that I rise to speak on the Mining and Other Legislation Amendment Bill. Firstly, I congratulate the shadow minister for his very precise and well-documented speech in regard to the issues raised in the bill. The opposition will be supporting the bill. I wish to make some comments in support of the bill and to talk generally about the mining industry in my electorate.

Members would be aware of the development of the mining industry in the Mackay region. Since the early seventies, the mining industry has expanded dramatically, although not without some ups and downs. I reflect on what the member for Whitsunday has said—that it was only a few years ago that places such as Glenden, Moranbah and other coalmining communities were virtual ghost towns. We were very concerned about the long-term survival of some of those towns.

Since that time, we have seen strong bidding for exports by both the China market and the India market. In the past five years in the region the mining industry has expanded dramatically, although that has not been without some real concerns. Obviously, many times in this House members would have heard about the number of coal cargo ships sitting off the ports of Dalrymple Bay and Hay Point, unable to be loaded because of insufficient coal as the QR coal group was not able to deliver timely cargoes to the ports.

In recent days the government has actually recognised that there is a real deficiency in QR infrastructure. Its announcement is probably about three years too late. There has been a huge deficiency in terms of QR's ability to deliver coal to the ports. I do not blame QR exclusively. Obviously there have been issues with the mines as well. However, when you speak with members of the mining industry from around the region, you will find that a lot of their annual production has been capped simply because they cannot get sufficient coal to the ports.

As I said, there have also been issues with the ports. Babcock & Brown, through Prime initially, has been developing Dalrymple Bay. A huge amount of money and infrastructure has been put in there. Over \$1 billion worth of infrastructure has been built in that one coal export port. Of course, at Hay Point BHP Bilton has expended a considerable amount of money as well. It has almost finalised the staged developments and we will see a reinvigorated ability for those two ports to maximise the off-loading of coal.

As I said, there are some real constraints involved with QR and the two lines down the Connors Range. There have been a number of accidents there. Certainly the Black Mountain accident was a disaster. Frankly, if we had another such accident and the delivery of coal to the port was held up for any length of time, there would certainly be an outcry. I think that Queensland Rail and the Queensland government should be looking at building another corridor down the Connors Range. That area has the potential to create a catastrophic hold-up. Work has been done on that project. Routes have been surveyed to find a possible third corridor. We should be moving forward quickly to develop a third access line down the Connors Range.

Quite a lot of work is being done in the area between Jilalen and the coal ports. Indeed, a huge amount of development work has been done at Jilalen itself. The workshops have been rebuilt and upgraded. The coal lines and the sidings have been developed extensively. That will be a huge boon to Sarina, the close township to Jilalen. Indeed, we are seeing unprecedented development in Sarina. Developers are developing up to 600 blocks of land in Sarina. In areas around Mackay such as Marian and Mirani up in the Pioneer Valley, up to 2,500 blocks of land are being developed. When we think about the amalgamation of the shires, independent small shires like Sarina and Mirani would have been very sustainable as a result of the development taking place through the coal industry.

The development of this secondary industry in the Mackay region is unprecedented. Up to 250 or even 300 smaller businesses and quite a lot of larger businesses are expanding into the industrial areas. The number of people they employ is astronomical. That is driving the economy of the Mackay region. It is quite fortunate that that is happening while the sugar industry is struggling, even though there is a fairly good crop this year. More and more of our younger people are moving into the mining industry, and who could blame them? I am not sure that those people will ever come back to primary industry. Certainly in the Mackay district if the mining industry were to fail there would be a huge backlash for our community.

It is good to see that the legislation has cleared the way for Suttor Creek to move forward. As I said when I interjected on the member for Fitzroy, the Suttor Creek development puts in place a strong development project for Xstrata. As others have mentioned, the mining industry companies are big players. Hail Creek is run by Rio Tinto, and it, BHP Bilton and Xstrata are all good corporate citizens. People like Anna Benson from Hail Creek, Rio Tinto's operation, works very closely with the communities in my electorate, with schools such as Sarina and Mirani high schools and with the councils. That is really good to see. We are not talking about the provision of huge amounts of money, but small catalyst funds that come from the mining companies. These funds help our communities with certain social issues and also help our students through the schooling system. I congratulate those mining companies in my electorate on the work they do in the community. I encourage them to keep up the good work. It is certainly a great help to people in my community.

In line with the development to the west of Mackay, the Peak Downs Highway has been mentioned quite frequently in this House. A discussion paper was recently released on the four options to take the heavy vehicles out of the main street of Walkerston. I congratulate the department on moving on that. Again, it is probably four or five years too late, but hopefully we can see some developments there fairly quickly so the congestion will be removed from that Peak Downs section of the highway through Walkerston. Hopefully then we can remove the heavy B-doubles, fuel trucks et cetera out of those smaller communities.

I would also like to congratulate the minister and the government on the thermal hot rocks issue. Quite frankly, I believe, as do others in the parliament, that this type of energy is sustainable, clean energy. We need to develop and move quickly to ensure that Australia leads the way in terms of thermal energy. It has been used in lots of other places all over the world—in Greenland, New Zealand and heaps of other places. It certainly is a great source of energy without the consequential greenhouse gas or other concerns about the environment. One of the big issues, of course, is that quite frequently the thermal energy is situated quite a distance away from the major consumers. There is an issue in terms of exactly where the hot rocks are and the ability to actually lock into the energy source.

The CH<sub>4</sub> industry, the methane coal seam industry, is obviously a huge industry. In the development of the coalmines inland from Mackay the first thing the mining industry did was punch down a heap of boreholes and allow that gas to escape into the atmosphere. Huge amounts of gas escaped in the early days, virtually streaming straight up into the atmosphere. Who knows how much it was, but we could hear those boreholes whistling at night. I can assure honourable members that an unbelievable amount of gas was released into the atmosphere. It is encouraging to see that we are developing ways and means of harnessing that energy source. It is a good, clean energy source. The

work that is being done in the Moranbah area—the huge compressor motors et cetera that drive that methane coal gas stream into the pipeline heading up towards Townsville to drive our industry—is certainly a step in the right direction.

With those few words, I would like to encourage the minister to move forward with legislation of this type. The energy industry and the mining industry in Queensland need all the help they can get to overcome the problems we have, certainly in terms of developing the mining industry to the extent that we are able to put money back into the coffers. Over the next few years somehow or other the government will have to repay \$51 billion of debt. That will be quite a challenge.

**Mr COPELAND** (Cunningham—NPA) (4.22 pm): I rise to make a short contribution to this debate on the Mining and Other Legislation Amendment Bill 2007. In my electorate I have one major mine, the Millmerran coalmine, and the associated power station that has been constructed there. That has been a good project for Millmerran. One of the things we have heard in the debate about local government reforms and the forced amalgamations is that councils will be better able to negotiate with these resource development companies to make sure that the communities benefit.

Millmerran is quite a small council. Geographically it is quite large, but in terms of population it is quite small. It is being amalgamated with Toowoomba. When that Millmerran power project was being negotiated and developed that council did an excellent job in negotiating to have a community benefit fund that literally pumped millions of dollars into the town. They did a very good job. I congratulate both the project proponents and the council on the way that they operated that fund. That project really led to some benefits for the town. Everyone wishes that more could have been done, but I think it was a good project and one that has been to the benefit of all the people in Millmerran.

There is no doubt that in my electorate there will continue to be developments in the resource industry. To the west of my electorate there has been the very rapid and massive investment in the development of the gas fields. I note the member for Darling Downs mentioned a number of issues associated with that in his contribution. There is no doubt that there is a level of concern about how those gas fields are operated, particularly in regard to the evaporation of water which is effectively a by-product of the drilling of those gas fields. I share some of those concerns. It seems to me that there is a lot of water out there that is evaporating and being lost. I do not think that that is acceptable. It is very salty water. However, in some cases the gas companies have approval to put some of that water into the Condamine River rather than let it evaporate. As I said, it is very salty water.

I urge the minister to look at that whole issue and see whether in the future, when approvals are given for those mining or gas companies to exploit that resource, a requirement can be imposed on them to clean up the water and use it in another way, whether that be as an environmental flow in the river if it is cleaned to an acceptable standard, whether it be for irrigation or whether it can be used for drinking water—as it is in a number of proposals—for a number of communities in that area. It is a very big energy source on site. I would hope that there is some way we can put more stringent requirements on what actually happens to that water when it comes to the surface as a by-product of the gas extraction. I would expect that, in the western parts of my electorate, that exploration and development will continue. I certainly do not have the same development that is going on, for example, in the electorates of Darling Downs and Warrego, but that development will extend eastwards towards my electorate even more.

The coal industry in my electorate is being further developed and explored. I would like to touch on one area in particular and that is the area of Felton. Previously I have raised this issue with the minister privately. I have been in contact with his office and they are getting as much information as they can for me so that I can then pass it back to my constituents who are directly affected by both that exploration and what happens in the longer term when that development goes ahead.

I met with a number of people who own property in the Felton area, which is located between Pittsworth and Clifton. It is very valuable farming district. It has beautiful blacksoil plains and is a very productive area. I met with a number of farmers who live in that area who have become very concerned about how the exploration is going to proceed. In most cases, people do not even know that there is going to be exploration until they get a knock on the door from someone representing the company carrying out the exploration saying, 'We're here to drill some holes on your property and this is when we're going to do it.' It is a very disconcerting process for those property holders who are involved. It is very disconcerting when they are trying to make decisions about how it is going to affect their property, whether their property will be resumed or whether there will be massive mining operations or a power station put in place. Those farmers with whom I met—those constituents of mine—are concerned for the future and how it is going to affect their operations.

A number of people, such as Rob and Barb Piper, are wanting to retire on their property. That is their view: they have lived there and they wish to retire there because it is a wonderful place to live. Whether that is going to happen, whether they will still be able to farm, whether they will still be able to even live there, is there going to be a power station next door to them—all of those issues directly affect the residents of those areas. I have no doubt that, with the demand for resources both nationally and internationally, those sorts of deposits will continue to be not only explored but also developed. In the

short to medium term I cannot see any abatement in the pursuit of those resources, which is great for Queensland. However, we also need to make sure that it is great for the individuals who are directly affected. We need to make sure that they have certainty in regard to how they are dealt with, that they have certainty in regard to the investment decisions they make for the development of their own property, for their own income and for their own lifestyle. If something happens, we need to ensure that they are very fairly compensated. I have always said that, when it comes to powerlines or anything else, the compensation needs to recognise not just market value but also the personal cost to those people of relocating, having to move to another property, maybe even having to shift to a completely new place of employment outside of the industry they are currently in.

I know that the minister's office is working to get that information for me. It has been some weeks since I met with those constituents, and the exploration and drilling of holes continues unabated on those properties. Quite understandably, those people are concerned about how they are going to be affected by it. Of course, as soon as we know we will let those people know.

I certainly thank the minister for the assistance that his department is providing and urge him to look at those few issues: firstly, how the gas is exploited and the water associated with it; secondly, how individuals are directly affected when exploration of this type is conducted on their property; and, ultimately, how will they be affected when mines and power stations associated with them are developed in those areas.

**Mrs MENKENS** (Burdekin—NPA) (4.30 pm): Mining and mining processing make up a significant proportion of the economic output from my electorate of Burdekin. The electorate encompasses the northern end of the huge coal-bearing deposits of the Bowen Basin, which would surely have to be the richest coal area in Queensland. Significant metals exploration is currently underway in the Burdekin area, and both the Xstrata copper refinery and SunMetal's zinc refinery are in the electorate. To that extent, I am very happy to add a short contribution to this bill, the Mining and Other Legislation Amendment Bill.

This bill amends nine different acts and encompasses a large number of areas which are significant to the mining industry. As the shadow minister has outlined, the coalition is supporting this legislation, and I commend the shadow minister on a well-presented explanation of the bill. The legislation covers a very wide range of issues which have been previously outlined, and I certainly will not go through them in detail. There is a particular focus on amendments involving safety in mining and that is the area that I would particularly like to focus on.

Acts that are currently being amended in the area of safety are the Workplace Health and Safety Act 1995, the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999. Amendments to the Coal Mining Safety Act involve changes to the appointment of members of the advisory council, as well as allowing for longer periods of membership than the previous eight years to retain the accumulated knowledge of members. New and different levels of inspectors have been developed with their roles and functions detailed in an effort to continue ongoing improvements to safety. Provisions have also been put in place for the appointment of authorised officers, and they are described as occupational hygienists and investigation officers. According to the explanatory notes, this is to improve the flexibility of investigating and dealing with health issues. I look for a further explanation from the minister as to why these new positions have been created in addition to the existing positions in relation to mining inspectors. Also contained in the amendments is the requirement for mines to report all deaths on site, not just those that have involved accidental death as a result of a work related incident.

Safety in mining is absolutely paramount. It would be fair to say that mining is one of the most hazardous industries. Miners take the issue of safety extremely seriously and responsibly, as do all industry players. I believe that men and women who work long hours underground are heroes, but the real heroes are the mine safety rescue teams who go down the mine after a disaster has occurred. For men to do what many safety teams are called upon to do requires a huge amount of training, huge personal courage and also genuine humanity. There is a special atmosphere of trust and cooperation that occurs in mining communities. It is evident in all mining communities and it is often difficult for outsiders to appreciate this atmosphere of trust that exists. Miners know the risks involved, particularly in underground mining, and I am sure that there is an underlying fear of what could happen at all stages. I have no doubt that all mining families live with that underlying fear, too. I salute the mine rescue teams as amongst Queensland's unsung heroes.

Collinsville is an important town in my electorate; it is an historic mining town. Collinsville would be one of the older mining towns, particularly in the Bowen Basin where so many newer communities such as Moranbah have grown up. Coal had been discovered in the Collinsville area in 1866, but it was not until 1919 that serious coalmining actually occurred. The area in those days used to be called Moongunya. That was thought to be the local Aboriginal word for coal. By 1921 a town had developed which was called Collinsville after the local state member at that time, Charles Collins. Collinsville holds an annual Moongunya Festival, which commemorates the early history of the original name of the area. A rail link was started in 1917 and finally reached the town in 1922. At that stage over 200 men were employed in the coalmines with a town population of nearly 700.

Many of the descendants of those families are still living in Collinsville. It is rich in history. My grandfather bought land in the area in the very early 1930s, not long after the town was formed. I grew up in the area, so I feel a very close affinity with Collinsville. Some of my extended family have been involved in the coalmining industry. To that extent, because Collinsville is such an historical area with many families having lived there for a long time, the issue of special lease homes is of particular importance. It is thought that miners are wealthy people and earn plenty of money. However, the majority of the population in Collinsville is made up of elderly folk—people who are retired, people who are on pensions, people who are on fixed incomes. We heard here earlier today comments about the tremendous increase in the value of homes in these areas. This has affected the rents payable on special leases, which is three per cent of the valuation. This is hitting many of the community who are still living in their own homes on special leases. It is an issue I have been working on and discussing with the community. I am very, very concerned about it because the perception is that there are wealthy miners living in these homes; they are not. The people living in these homes are on fixed incomes—they are pensioners, retired people. There is a lot of wealth in Collinsville, but there is also a lot of poverty.

Collinsville and the surrounding areas, including Scottville and Newlands, today produce well over a million tonnes of coal per annum. We will see QCoal coming into play soon. There is a lot of activity occurring in relation to that and the community is certainly looking forward to it coming online before long. The coal from this area is shipped through the deep water coal-loading facilities at Abbot Point. Stage 2 of the Abbot Point expansion is all but completed and will be officially opened in the near future. This is certainly a boon for the mining industry.

The safety of mine employees has always been a major focus for the coal industry, and any legislation that will assist or streamline those processes is welcome. Technology, of course, is improving at a great rate, and operational and work practices do provide a safer and healthier work environment than earlier years. The industry's pollution control measures are now an important part of management processes at every mine site in Queensland. Thankfully the number of accidents and injuries in the mining industry has decreased significantly because of the stringent measures put in place, but any accident is one too many.

Sadly, Collinsville has not escaped the toll of mining accidents over the years. On 13 October 53 years ago seven miners lost their lives in a tragic accident. This was commemorated by the local community last Sunday. At the time this was the worst mining accident that Queensland had seen and is remembered by many of the people in Collinsville. Even though I was only a child living in the district, I can still remember the dreadful feeling of loss and anguish that the townspeople felt.

During its history, Collinsville has lost 26 miners in mine accidents, which is a huge toll on a small community. Luckily, open-cut, or surface, mining has taken the place of much of the previous underground mining which does reduce some of the hazards. However, as I understand it, surface mining is only viable when the coal seam is relatively close to the surface. According to mining documentation, though, it does recover a higher proportion of the coal deposit than underground methods. The proportion of underground to open-cut mines has changed dramatically over the past 10 years, with the majority of coalmining activities now being open cut. However, there has been a major lack of infrastructure for rail, rolling stock and, in many cases, port access facilities. This has been a major setback to the coal industry and this lack is costing the industry millions of dollars of lost product. The O'Donnell report has certainly outlined the lack of rolling stock and also this loss.

The Premier's announcement of investment for the purchase of rolling stock for new locomotives and wagons for the coal industry is none too soon but certainly welcome news for the coal industry. A quote from an Xstrata coal spokesman in 2005 said, 'There are a number of projects that are probably ready to go from company access but they can't get the port and rail allocation.'

In the local area of north Queensland there are significant exploration efforts for various other types of minerals. One particular company is Conquest Mining, which has made significant discoveries of gold and silver at its Mount Carlton and Silver Hill projects. Claims of high-grade gold and silver hits of 22.7 grams per tonne of gold and 220 grams per tonne of silver have ignited a great deal of local interest. That this could be the start of future mining is an exciting prospect, and I know that Conquest's results are being very closely watched by the community in the Burdekin area.

The legislation before the House today contains significant amendments to various areas of the mining industry. I note that consultation has occurred with industry bodies and relevant unions in the formation of this legislation. I am certainly very happy to give my support to this bill in the hope that this will further assist mining within Queensland. I commend the bill to the House.

**Mr MESSENGER** (Burnett—NPA) (4.42 pm): I rise to support the Mining and Other Legislation Amendment Bill and congratulate our shadow minister, the member for Charters Towers, on his comprehensive speech and technical observations regarding this bill. At the outset of my speech, I acknowledge how much of a wealth creator the coalmining industry is for our great state and our great nation. This was put to me by, I think, Senator Barnaby Joyce: if you don't belong to either one of four industries, you are simply taking in each other's washing in a business sense. He said that you either have to make it, mine it, grow it or show it. Today we are talking about the mining industry, which gives us the money to go out and buy all those overseas goods that we seem so fond of.

I want to talk about the importance of the mining industry to the working families of the Burnett. While there are not any coal or mineral mines in the Burnett, there are many workers in the mining industry who reside in the Burnett. They work four days on and four days off, or sometimes eight days on and six days off, and they fly all around the country. I have bumped into mineworkers at Brisbane airport heading across to Western Australia, and they were living in the Burnett. I pay tribute to the coal and mining industry workers who are also leading the way in creating safe work conditions.

In looking at energy security—I would like to weave the theme of energy security into my speech—as a modern and free world democracy, we rely on hydrocarbons, oil and coal, to power our society and provide our prosperity and wealth. I look forward to the technical breakthroughs that will allow us to gradually wean ourselves off our dependency on hydrocarbons. Even though we have had many breakthroughs and improvements in technologies such as wind and solar, I believe one of the greatest risks that Queensland and Australian families face to our economic, social and cultural prosperity is a sudden oil shock or decrease in world supplies and subsequent dramatic increase in world oil prices. I think we need to guarantee our energy security in a world where oil supplies from the Middle East could become tenuous or fragile if there were an escalation of violence.

Recently there has been worldwide media speculation about the possibility of a pre-emptive attack on Iran in order to eliminate its potential to create and manufacture a nuclear weapon. If that possibility ever became a reality, then the ensuing financial and social chaos would ensure that world oil prices would rise dramatically. The point I am coming to is that Queensland has the ability to ensure and guarantee our state's oil security by investing in coal to oil technology. I would refer members to an article written by Max Walsh earlier this year in the *Bulletin*. Max states in this article—

In fact coal could be said to be the great black hope of what could be the equally troubling challenge facing national economic management—energy security.

Coal to liquid (CTL) technology has been around since 1925 when it was developed in Germany. By the end of World War II, Germany was producing 90% of its fuel demand from coal liquefaction.

Sanctions against South Africa in the 1980s saw CTL introduced there. Today, it provides 60% of its domestic demand. China is building its first large-scale CTL facility.

US programs targeting CTL suggest they will be commercially feasible if oil is in the range of \$US40 to \$US50 a barrel.

That arithmetic, however, does not include the cost to the community of the carbon emission pollution involved in existing CTL technology. But it does show that coal has the potential to reduce the dependence of the major economies of the US, Europe and China on the OPEC cartel and Russia.

Billions are being poured into the quest for 'clean coal' as scepticism about the relationship between carbon emission and global warming evaporates. There are glib claims as to the merits of alternative energies, notably solar and wind power. But look where the investment in new power generation is going and coal still dominates.

The uncomfortable reality is that with the present state of knowledge coal is indispensable to the economic progress which societies, especially developing ones, demand from their political leaders.

I take the point that Max is pointing out there, and I would urge the minister to consider the energy security for Queensland, and in turn Australia, and also look at coal to liquid technology. Queensland has an abundance of coal. I am not sure how many hundreds of years of coal that we have, but surely especially with unstable world conditions it is prudent to invest in coal to liquid technology in Queensland. I understand that the minister and this government are investing heavily in the geosequestration of carbon, but I think that both programs can be run side by side. I believe Victoria is investing heavily in coal to liquid technology, and I would appreciate the minister in his reply mentioning the possibility of that happening in Queensland.

Mention in this bill is made of geothermal energy, which I wholeheartedly support. It has exciting potential for energy produced with minimal creation of CO<sub>2</sub> and all the environmental benefits which flow from that. I would also like to acknowledge the effort by mining companies to follow world's best practice in creating safe, drug-free work environments. The member for Burdekin spoke about mine safety. This industry sets an example for other industries in the Burnett. I would hope that other industries take the example of the coal and mining industry when it comes to workplace safety. I know that they are very rigorous. For example, in relation to the sugar industry, I know that Bundaberg Sugar does not have random drug testing. I wish it were introduced into the sugar industry. I believe that the Isis mill introduced it but other industries should follow the example of the coal industry in making a safer work environment for our workers.

I recently commissioned a Parliamentary Library research brief on the drug testing of employees in mining and associated industries in Queensland. It is an excellent piece of work completed by Wayne Jarred. I would like to share with members some of the observations made by the Parliamentary Library. Under the heading of 'Examples of resource companies drug testing employees', it reads—

The introduction of legislation to authorise random drug testing in the mining industry was preceded by the industry negotiating for Australian standards. Policies to identify and manage the risks associated with drugs and alcohol are an integral part of the standards.

Santos is an Australian oil and gas exploration and production company headquartered in South Australia but which operates gas producing sites in Queensland. It produces sales gas and gas liquids from the Surat Basin and sales gas from the Bowen Basin in central Queensland. The company also

produces sales gas and ethane from its Ballera plant in south-west Queensland, near the border with South Australia, which was extracted from the Eromanga Basin. Crude oil extracted from south-west Queensland is processed at Jackson in South Australia and then transported to the Lytton terminal in Brisbane for distribution to retail customers.

Santos established a drug and alcohol review panel, which is a panel of employee and employer representatives formed to administer the random testing program. The health and wellbeing standard followed by Santos, which contains the drug testing program, states—

Santos has a policy of zero tolerance to the use of illegal drugs at Santos operational sites and premises and when engaged in Santos business.

The sale, possession, distribution or use of illegal drugs or un-prescribed controlled drugs on Santos premises or operational sites is prohibited and constitutes serious misconduct, which shall result in disciplinary action which may include termination of employment.

It also prescribes alcohol limits. Under the heading of 'Positive results', it states that where an employee of Santos or a contractor providing a service to Santos tests positive to alcohol or another drug the following is applied: the employee's supervisor and manager is advised of the test result who discusses the results with the employee; the employee is suspended and required to leave the workplace and is not permitted to drive a vehicle or operate machinery; and, if necessary, transport back to the employee's home or accommodation is to be arranged by the supervisor/manager.

In terms of sampling, it points out that testing is conducted in a range of situations including random, cause and post-incident situations. Testing for the presence of alcohol using a breath alcohol testing device—personal use—is based on the requirements of the Australian Standard 3547:1997. Where the presence of other drugs is to be tested in a urine sample, the procedure is conducted in accordance with AS/NZS 4308:2001—procedure for collection, detection and quantification of drugs of abuse in urine. The employee or contractor being tested may request the presence of another person to witness a test. Nominated Santos personnel who are designated to conduct alcohol or drug tests are appropriately trained. The confidentiality of test results is maintained between the employee or contractor, authorised laboratory, the supervisor/manager or any rehabilitation provider or medical provider who may be involved in the treatment of the employee.

There are strict disciplinary guidelines used by Santos for the breach of alcohol limits. The first offence attracts a formal warning and an agreed case management plan. The second offence attracts a second and final warning and the person must successfully complete a rehabilitation program. The third offence attracts disciplinary action most likely to result in the termination of employment. For each offence identified contributory factors are reviewed. There is a very considered approach to the testing and the positive results.

There are many circumstances under which samples are taken. Drug and alcohol testing of employees is conducted by Santos under the following circumstances: where a prospective employee is offered employment; where there is reasonable concern as to the employee's fitness to work; randomly when all employees are subject to random testing by an independent service provider; post accidents or incidents where significant property damage has resulted or serious bodily injury has occurred; post alcohol or drug rehabilitation, employees may be periodically tested for a period of two years after successful completion of a rehabilitation program; and self-testing for alcohol where employees can test themselves before starting work.

Workers at Queensland coalmines are typically employed by numerous different employers who, in turn, are either mine owners, mine operators, contractors, subcontractors or service providers. Regulation 42(7) of the Coal Mining Safety and Health Regulation 2001 requires the site senior executive of a coalmining operation to obtain agreement of the majority of the workers at the site when establishing the criteria for developing a safety and health management system in relation to the improper use of drugs.

The Australian Mines and Metals Association has pointed out that this requirement has been at the centre of industrial action in the past when a majority of employees at a mine site have not agreed with the drug testing proposals of the site executive. The Australian Mines and Metals Association claims that its member companies in the coalmining sector, such as Rio Tinto Coal, Anglo Coal Australia, BHP Billiton, Mitsubishi Alliance, Thiess, Roche Mining, Leighton Contractors and MacMahon Holdings, all have drug and alcohol testing policies and procedures in place.

I congratulate the coalmining industry and the private companies for having very proactive policies in terms of drugs and having zero tolerance of drugs and alcohol. It means that lives will be saved and we will have a safer mining sector. It will be a more productive mining sector. My brother travels out to the mining areas. If a person goes to a coalmine as a visitor they can be randomly tested. That is fair enough. They have set the standard and I wish the standard would flow through to the rest of industry. I commend the bill to the House.

**Mrs PRATT** (Nanango—Ind) (4.56 pm): I rise to speak in the debate on the Mining and Other Legislation Amendment Bill 2007. As most members have noted, this bill amends nine acts. Most members would know that I have spoken about mining over the past few weeks as there is the prospect of a mine going ahead in my area—the Kunioon mine.

For a long time the South Burnett has had a mine in the area called the Meandu mine. It was operated by Rio Tinto. Since that mine has been in the area it has provided great benefits to communities in the South Burnett such as Blackbutt, Yarraman, Nanango, Kumbia, to a smaller extent, and Kingaroy. We appreciate and understand the benefits of having a mine in our area. As most members would know and the minister certainly knows, the life of the Meandu mine is coming to an end. We needed a replacement. A long process has been undertaken. There were three options. The minister has talked about the three options in the past. Kunioon was chosen to supply coal to Tarong Power Station.

I cannot tell members how grateful the people in that area are. When we feared the loss of 500 or 600 jobs with the closure of the Meandu mine, the towns of the South Burnett went into limbo. Nobody moved and nobody improved anything. The shop owners were stagnating because they did not know where to go. They did not know whether to employ other people or whether to expand their businesses. Other major ventures thinking of coming to Kingaroy to establish put their plans on hold until the decision was made. The mine is going ahead so the big businesses are continuing with their plans to come to town.

The mood of the whole area, which was fairly negative for quite some time, has lifted and everybody is on a roll, as they say, in making their plans for the future. At the moment we are going through the acquisition process—that is, purchasing the land for the corridors to transport the coal on a conveyor belt for roughly 17 kilometres from the potential mine site to the power station. Quite a few people are affected by that, and we are also in the process of obtaining the properties on which the mine itself will be situated. I understand that this is a process of voluntary acquisition which is something that has not been tried before. So this is a new venture and one in which Tarong Energy is working to create as little disruption and as little angst in the community as possible. It has put out a lot of information in order for people to work through the process.

The majority of people understand that for the future of the area the mine needs to go ahead, and they have been pretty cooperative in that regard. There are some people who are extremely hurt by it, and every member could understand what it would be like if they had the place they planned to settle for the rest of their lives and a company came along and said, 'We require that land and we need to negotiate a price for that land.' Most people did not want to go. They have been there for generations. They have chosen that site because it is where they had planned to die. They have a connection with the land. We always talk about Aboriginal people having a connection to the land, and the connection these people have to their property is no less strong. It can be historical or emotional, but it is no less strong, and that has to be recognised.

With regard to the voluntary acquisition process, Tarong was quite happy to pay for people to have valuations done and to seek legal advice, and people are very grateful for that. People have done that. They have gone and got valuations. In all cases of acquisition Tarong Energy also got its valuer in to do its valuations. In some cases property owners have been extremely happy, and when I say 'extremely happy' they have been over the moon because the valuation by Tarong was greater than the valuation done by the local valuer. I am not talking about just one valuer; I am talking about two or three—that is, people who have lived in the area and worked as valuers in the area for up to 40 years, so it is not as if they do not know the real value of the land. So a lot of the valuations came in very close to or over the local valuers' valuations, and those people have signed off on it and have been very happy to do so.

There are, however, great anomalies in some of the valuations—that is, some up to \$400,000. This relates primarily to what Tarong calls lifestyle blocks, and local valuers also call these lifestyle blocks. When I talk about lifestyle blocks, I am talking about the people who had planned to stay there forever. Because those people had planned to stay there forever and they might have 20, 30, 40 or even 50 years there, they may very well have overcapitalised on the house they put there because it was where they were going to stay. They had no plans to move and therefore built their ideal home. They put in what they wanted there. They may have overcapitalised in terms of infrastructure with sheds and water supplies. They planned all of those things because they thought that they were going to be there forever and, as a result, there was no need to be concerned about overcapitalising.

Many of these people do not owe a penny on their properties even though they have overcapitalised on them. But the problem is that Tarong's valuer has not valued these properties in a way that those people will ever be able to re-establish themselves without going into debt. These are the anomalies that are occurring. There are not a lot of them, but they are definitely there and they definitely need to be addressed. People need to be flexible, and I am not talking here about property owners but the people who want to purchase this land for the mining development. They need to be flexible and very understanding of what they are asking these people to do, because they are the ones who want this land. The people who own those properties do not wish to sell. I know that those who want the land are trying very hard and bending over backwards to come to some agreement with the property owners involved, and I hope they do.



One of the concerns is that property owners are being asked to get a valuation done and to tell the company what the valuation was and how that valuation was made. But that is not being reciprocated. TEC has got its valuations, but it does not allow property owners to see how those valuations were made. So that is a point of contention. Where there was once a lot of trust between the company and the individual property owners, that is fast dwindling away. I find that a very sad situation. When there is \$400,000 difference in a valuation, we have to ask the question: if in the majority of cases the local valuer's valuation was acceptable to Tarong or a little bit less, why are there such huge anomalies—huge differences—on others? That is something that I particularly want to bring to the minister's attention, because in the past few months one family has come to me and said that they believe very strongly that the valuation process and the negotiation process have contributed to their father's death because of the pressure it put upon him.

I have had property owners and their families coming into my office and members of those families breaking down in my office when they should not be. This is supposed to be a voluntary acquisition process with minimal angst for the people involved, and these people understand and have been very cooperative as to why this mine has to go ahead and why their property has to be purchased. It is bad enough that it is cutting them into little pieces without the added angst of being able to come to an agreement. They just want to get on with their lives, but they do not want to be forced into debt. They should not be forced into debt. They should be able to, with a minimum of fuss, move from where they live to another place of equal quality, or within reason. They should have equal water supply, equal stock-carrying capacity or equal orchard potential if that is what they want to do. The truth is that it is very difficult—

**A government member** interjected.

**Mrs PRATT:** I take that interjection about how to go about finding a property that is very close to the one that these people have to leave. It is very difficult for a number of reasons, and I was just about to get to that. There is limited property supply in areas where people have to move to, so this issue has to be worked out. For instance, if a person has to relinquish their property and find another property because they are being good about the process and good about wanting the community to go ahead and if their current property carries five head per hectare but there is no like country available and they have to settle for lesser country—because the land that this mine is going on is very good country with good carrying capacity, good growing potential and a good supply of water—and have to double the size of the property they already have to get the same carrying capacity, then allowance should be made for that. If that is the case, it should be considered.

Price may very well be a factor for Tarong, but it is a huge factor for the people who have to get off the land if they have to go into debt, and they should not have to. Some of these people are pensioners. They cannot afford to go into debt. It is more than likely that the bank would not let them go into debt because they are on invalid pensions and the like. We should be able to understand how these people are suffering, and suffering badly. I understand that this is a difficult process for Tarong. I cannot emphasise that enough.

Jenny Todd, who is part of the negotiation process, has been extremely good to deal with. In other instances a Tarong representative—and this has been made known to Tarong—has said to the families, 'We are not in this to help you. We work for the company,' or words along those lines. After a very heated and at times emotional meeting with the property owners a representative of Tarong shook hands with one woman and said, 'Thank you for your time. I guess the next step is in court.' For someone who has never been to court, who has never had to enter into any legal wrangling of any description, who for all their lives has sold and purchased goods in an amicable way, that is nothing but a threat. That scares—I was going to say scares the hell out of them, but I guess that is not parliamentary—

**Mr DEPUTY SPEAKER** (Mr Moorhead): No.

**Mrs PRATT:** But that is the case. And they are. The point is that there are anomalies that have to be addressed. I would appreciate it if the minister could at least ensure that he talks to Tarong about those anomalies for me. I told a few of the people who have come into my office about this issue that I would be speaking to the minister about it. I have received the opportunity a bit earlier than I thought I would. I appreciate the fact that the minister is listening very well. We will see at the end of the process how happy all the people are and how good a government it is for some.

I know I am acting like a cracked record on this issue, but I am fighting hard for people who have never been in this position before. These people have never wanted to give up their homes for all the reasons that I have outlined in the past few months. These people are trying to be cooperative and understand that for the future of the area the project must go ahead. All of these things have to be taken into consideration.

I notice that this bill makes amendments to the Geothermal Exploration Act 2004. I am really interested in this type of exploration. I have always thought that was a nice clean way of supplying energy. Recently I heard that geothermal exploration was going to occur in my area. In that regard I am looking forward to a positive outcome. Hopefully, that will be another benefit to my community in the long term.

I also want to refer to the amendments that are made by this bill to the Coal Mining Safety and Health Act 1999. Ever since the mining disaster in Tasmania all of us have been very aware of mine safety. I know that the mine in my area has a very good safety record. It is very particular. I have friends who work in the mining industry and they speak very highly of the mine safety process of that particular company in its mine. I hope that process continues in the future. It is only through little things happening that we eventually find that another area has to be addressed. I know that the mining industry usually address issues in a very timely way.

Overall I thank the minister for listening and I hope that he will take on board what I have said about the acquisition process. It is a difficult issue, but voluntary acquisition is possibly the best way for any company to try to acquire land. But there is a fear. I did not mention this before so I would like to mention it now. People are concerned that, as each of the properties are bought and the company gets more and more land, if some people hold out towards the end of the process legislation will come in that will compulsorily acquire that land. I ask the minister to assure people that that is either not the case or, if it comes down to that, that is what the government will do. I thank the minister and I commend the bill to the House.

**Mr WELLINGTON** (Nicklin—Ind) (5.14 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Mining and Other Legislation Amendment Bill 2007. Mr Deputy Speaker, in my short contribution I would like to thank you, the other Deputy Speakers and also the minister for allowing various members of the opposition, the government and the cross-benches to digress so that they can use this debate as an opportunity to raise a range of issues that impact on the minister's portfolio and not restrict members' contributions purely to the matters relating to the bill before us.

I also would like to take that liberty to a certain extent. I will not take much time. Suffice is to say that a number of my constituents have moved to mining areas in central Queensland to take the opportunity of earning an income and putting a sizeable amount of money into their bank accounts so that they can, in due course, return to the Sunshine Coast and hopefully purchase a house and settle down. People on the Sunshine Coast also experience the challenge of mining activities, although perhaps not on the scale of what happens out west where there are large mining enterprises and large projects. But the Sunshine Coast certainly has small mining activities that cause a lot of heartache to the community.

I am very familiar with one small mine that has caused a lot of heartache. I understand that the community affected has spent over \$40,000 in fighting this exploration process through the courts. Eventually, hopefully a decision will be made, but at the moment I know that there is anxiety and concern in the community about the way in which the legislation enables the miner to undertake exploration without being required to demonstrate the opportunity for mining significant and substantial products from the investigation area.

A number of my constituents made submissions to the government's review of the Queensland mining legislation discussion paper. I would like to take this opportunity to read a few of their responses for the benefit of the minister and other members. In that discussion paper comment was made in relation to the issue of compensation. My constituents suggested that, if shallow underground mining for areas less than 200 metres down affects landowners or a surface area lease is granted, the miners should be obliged to purchase that land at a fair market value and that the current MRA appears to favour mining communities to the detriment of landowners.

My constituents also made the suggestion that, if agreement cannot be reached between the miner and the landowner and the LRT becomes involved, legal representation should be at no cost to the landowner. In their experience of the LRT my constituents learned quickly that they needed legal help. I understand that they eventually had to raise approximately \$40,000, which was a lot of money for one landowner. Fortunately, members of the community were prepared to pitch in and help raise that \$40,000.

Another issue raised in the discussion paper was the Land and Resources Tribunal. My constituents' experience in both the Mining Warden's Court and in the LRT led them to believe that the Mining Warden's Court appeared to pay little heed to the concerns of the residents affected by a proposed mining activity. Their view was that it appeared to be very much a pro-mining view, with the implication being made that costs would be awarded against the community if the community members persevered with their claim. They certainly had a very bad experience.

My constituents' submission went on to say that the LRT experience was very stressful, but that they felt that they obtained a fairer hearing because of the tribunal being a separate entity from the mines department. From their experience they also made the comment that they believed that the legal representation that was required should be made available at no cost to ordinary landowners who are forced into a position of protecting their investment and wanting to have their voices and opinions heard.

In response to the discussion paper, under the heading of 'Abandonment of application for the grant of a mining lease', my constituents submitted that the act states that the applicant may abandon the application for a mining lease at any time before the grant of the lease. Their submission was that this should be changed to read that an application may be withdrawn before the LRT hearing. They also

submitted that it is grossly unfair for objectors to have to spend up to \$40,000 for representation at the LRT only to have an applicant who does not have an environmental authority ratified by the LRT immediately withdraw the application and resubmit a new ML application.

They believe that the act should be further amended to state that a new ML application cannot be submitted for a five-year period. They believe that this will ensure that the ML applicant and their legal counsel get the environmental approval correct the first time.

I am aware of the submissions that other members have made, and certainly it is the case that the opposition will be supporting the government's bill. I urge the minister to be very much aware of the impacts that some small mining activities have in the coastal areas of Queensland. I ask him to be very aware of the competing interests that competing users of land have and the conflict that arises between residential areas and mining areas. We certainly have those in my electorate and north of Nicklin in the Gympie area. I urge the minister to take these comments on board and, in new legislation that will be introduced in the future by the government, to look for an opportunity to better recognise the conflicts and better protect the hundreds of thousands of residents who are relocating to the Sunshine Coast and other coastal areas. Many are not aware of the conflicts that they may face in the future with mining activities.

**Hon. GJ WILSON** (Ferry Grove—ALP) (Minister for Mines and Energy) (5.21 pm), in reply: At the outset, I thank the shadow minister for mines and energy for his and the opposition's support for this important legislation. I acknowledge the support of all members who spoke this afternoon on the legislation. Speakers highlighted or raised a number of key issues that I will address.

The member for Charters Towers raised a concern about the long delay with the Chalco project and the decision about where to locate a refinery. This multibillion-dollar project is being undertaken by the second largest mining company in the world. It will need to take the time that it needs to take to get all the decisions right. Only recently, I granted the mineral development licence for Chalco to undertake a two-year feasibility study. In the context of that exercise, I understand that it will be making a decision about the appropriate location of the refinery here in Queensland.

The second point related to the Moonie pipeline, which has been closed by the Gas and Petroleum Inspectorate within my department based entirely upon sound safety considerations. It will be reopened at such time as my inspectorate, acting independently, reaches the conclusion that it can be done safely. I recognise the comments that have been made about the knock-on effects of that closure. It is regrettable and it is understood that those things are happening. However, as I am sure the member will understand, those outcomes cannot and should not influence the decisions made independently by the inspectorate about the safe operation of that pipeline.

The member for Hinchinbrook raised a couple of questions about mine safety. One related to the chief executive being able to appoint the chair to either or both of the mine safety advisory councils. That means that the chief executive can appoint as chair the Chief Inspector of Mines (Metalliferous) or the Chief Inspector of Mines (Coal). However, he may appoint someone else who is more appropriate for the purpose of chairing those meetings. In any event, there are mines inspectors who, if not on the advisory councils, actually participate in the advisory councils, which are tripartite bodies.

Secondly, the proxy arrangement creates the convenience that any committee has of individual members being able to appoint a proxy to enable the advisory council or the committee to meet regularly—as it does—without being hamstrung by the unintended unavailability of particular members of the advisory council. Of course, members of the advisory council well understand that it is important that they maintain continuity of participation in the advisory councils to which they have been appointed.

All of the amendments dealing with the safety legislation have been endorsed by the two mine safety advisory councils, which are tripartite bodies set up under the existing legislation. The competency of the participants on those councils and their experience is an important consideration—indeed, it is a vital consideration—in judging who is to be appointed to those councils.

On the question of the limited powers of inspectors, inspection officers or authorised officers, the objective is to align or match the powers possessed by an inspector, an inspection officer or an authorised officer with the competence and experience of the particular occupant of the position to ensure that they are well grounded, competent and experienced in the powers they are exercising. The ability to restructure the inspectorate in that way enables a wider diversity of skills to be brought into the inspectorate and it enables the collective capability of the inspectorate to be significantly increased. There is absolutely no intention and nor will it happen that there be any watering down of the capability of the Mines Inspectorate, the mines inspectors, the inspection officers or the authorised officers fully exercising the powers that they have under the act to achieve the objective of mine safety.

The member for Warrego, the member for Cunningham and the member for Gregory raised concerns about the inadequacy of the compensation for the disturbance to land by gas exploration. The parties involved in that situation can voluntarily negotiate the appropriate compensation in relation to the exploration permit rights that a gas explorer has or proposes to obtain in relation to a landholder's property. In the event that they cannot reach agreement, the landholder can go to the Land and

Resources Tribunal to raise an objection and have the issue of compensation addressed. Compensation is a matter for the parties and, ultimately, for the Land and Resources Tribunal in the event that the parties cannot reach agreement.

I recognise that a number of members have raised with me in my office some genuine concerns that various landholders from their particular areas have about the way in which gas explorers engage with landholders and the relationship that takes place. When those representations were made to me, I expressed the view, and I repeat it now, that it is reasonable to expect the gas explorers to take a considered approach to negotiating their entitlements with the relevant landholders. They should act responsibly. They must not only act within the law but must also act responsibly within the law, and bring an attitude of reasonableness to their discussions with the relevant landholders. They would do the long-term interests of the industry a great deal of credit were they to take a progressive attitude and approach like that. In fact, clever explorers who want to build community capital see the wisdom of taking such an approach to ensure that in the negotiations they place on the table as much information as possible about their future intentions, both short term and long term. They would be wise to give to the landholder whatever guidance they could about what their long-term intentions will be and what the options are. I think it needs to be an open process—the more so the better to build confidence between the parties and in the local community that the gas explorers are indeed keen to be seen and actually act as worthy corporate citizens in that local community.

If I recall correctly, the member for Tablelands asserted that there was no proper consideration in the amendments to any of these acts, particularly the Mineral Resources Act, to the points of view of small miners and that they were not consulted or may not have been consulted as much as she thought they should have been. I am advised that, as part of the Mineral Resources Act review that has been underway for quite a number of months, there was a travelling roadshow conducted in different parts of Queensland and in regional centres, including in the tablelands area at Mareeba and at Quilpie and Winton. Opal miners at Winton and sapphire miners and others have been engaged in this process. I understand that the department was very keen to ensure that section of the mining industry, which is not so easily represented by an industry association and because of their size, was properly engaged in the process of the review of the Mineral Resources Act.

The member for Fitzroy raised some questions about authorised officers. I can assure him that, as I said earlier, the restructure of the Mines Inspectorate is designed to improve significantly the collective capability of the Mines Inspectorate. The new category of authorised officers will be easily recognised within the industry and the capacity for direction to be given by one vocation within the Mines Inspectorate to another—for example, can an inspector direct an authorised officer—will be a product of the authority and hierarchy that is created within the Mines Inspectorate as to who reports to whom. Certainly no-one will be able to, nor should they, direct another officer to perform work that is outside their competence and experience, as reflected in the powers that they have been given by the chief executive of the department.

I will mention in passing that the member for Ipswich drew attention to the lack of a national emissions trading scheme, which is the big picture explanation for why there is such a difficulty in addressing greenhouse gas emissions coalmine by coalmine in Queensland, and we will come further to that when the discussion takes place around the amendments to be moved at the consideration in detail stage. In relation to the views expressed by the member for Gregory about pipeline licence laws, I am quite happy to take those views on board and draw them to the attention of my department.

In relation to the member for Nanango and the points that she was making, I have responded to questions here in the House on a number of occasions directed to the issue of the compensation, negotiations and arrangements. It comes down to an issue of, as she would well expect, negotiations between the parties. I acknowledge what she has said about the effort and commitment that Tarong Energy Corporation has put into building, over a long period, a very broad and robust community reputation. It would be foolish for them to do otherwise, bearing in mind that they were poised to make a decision between one of the three options about the next 25 years of the mine. They have been very sensible about that.

However, it is the case that parties, even in voluntary negotiations to reach a voluntary agreement on compensation, often will not agree on things and that there will be a negotiation process. I would expect all parties to act reasonably and responsibly in those negotiations, to bring an attitude of goodwill to the table, to apply common sense and to seek a consensus based outcome. That may not produce, in some cases, an agreement, but I think it is more likely to produce an agreement between the parties than otherwise would be the case.

I assure the member that she is also free, as she does from time to time, to raise these matters directly with Tarong Energy Corporation. I know from the advice that they have given to me that they have offered her a receptive ear on many occasions and initiated briefings with her as well as taken on board issues that she has initiated with them to ensure that they remain well connected and engaged with the local community not just through her representations but also through the other things that they have going on in the local community to produce an all-round good outcome for all the parties involved.

Finally, I acknowledge those issues that have been raised by the member for Nicklin and the fact that they have been matters that contributed to the review of the Mineral Resources Act. My department is considering all of the submissions that have been made in that review process. In due course and hopefully reasonably soon, there will be a report available, at least internally within the department, to guide government in the way forward with further amendments to the Mineral Resources Act next year. The member should bear in mind that the objective is to review that act, which is 17 years old, to ensure that it is substantially appropriate for the contemporary period of rapid mining development in Queensland and also caters for the next 15 to 20 years of mining development here in Queensland.

Question put—That the bill be now read a second time.

Motion agreed to.

### Consideration in Detail

Clause 1, as read, agreed to.

**Mr WILSON** (5.37 pm): I move—

That clause 2 be postponed until after the consideration of amendment No. 3 circulated in my name.

Motion agreed to.

Clauses 3 to 43, as read, agreed to.

Insertion of new clause—

**Mr WILSON** (5.37 pm): I move the following amendment—

#### **2 After clause 43—**

At page 28, after line 11—

*insert—*

#### **‘Part 3A Amendment of Environmental Protection Act 1994**

##### **‘43A Act amended in pt 3A**

This part amends the *Environmental Protection Act 1994*.

##### **‘43B Insertion of new ch 12, pt 4A**

After section 579—

*insert—*

#### **‘Part 4A Validation**

##### **‘579A Validation of amendment of environmental authority MIM800098402**

- ‘(1) This section applies to the amendment application made on 6 April 2005 for environmental authority (mining lease) number MIM800098402.
- ‘(2) The Minister’s decision made on 8 March 2007 to grant the application is taken to have been validly made under chapter 5.
- ‘(3) The environmental authority as amended under the decision is taken to have been issued under chapter 5 on 22 March 2007.’.

I table the explanatory memorandum.

*Tabled paper:* Explanatory Notes to Mr Wilson’s amendments to the Mining and Other Legislation Amendment Bill 2007.

Having tabled the explanatory notes for these amendments, I address not just amendment No. 2 circulated in my name but also make a number of observations about each of the three amendments that will be proposed. These amendments are required to validate the grant of an extension to Xstrata’s Suttor Creek mining lease and amendments to the associated environmental authority made by the minister for the environment. This will remove current uncertainty about the validity of those grants in light of a recent decision by the Court of Appeal.

The mining lease in question is situated in the electorate of Charters Towers at Suttor Creek, approximately 129 kilometres west of Mackay and 70 kilometres north of Moranbah in the Emerald mining district. Xstrata applied to extend the Suttor Creek mining lease for a new open-cut coalmine which is projected to produce 25 million tonnes of coal over a 20-year project life. The Queensland Conservation Council objected to Xstrata’s application for an extension of the mining lease and its application for amendments to its environmental authority. It wanted conditions imposed upon Xstrata to avoid, reduce or offset 100 per cent of the greenhouse gas emissions likely to result from the mining, transportation and use of the coal from the mine. They later sought to amend that objection to one requiring a 10 per cent offset.

Despite their objections, I understand that the Queensland Conservation Council has always made it clear, even now, that it does not oppose the extension of the mining lease. The objections related only to the environmental conditions. The Land and Resources Tribunal heard the case and

subsequently recommended to me that both applications be granted, rejecting the Queensland Conservation Council's request for conditions to avoid, reduce or offset greenhouse gas emissions. The Queensland Conservation Council appealed the tribunal's decisions to the Court of Appeal but did not seek a stay of the tribunal's decision following the lodgement of its appeal.

I sought legal advice from Crown Counsel and the Crown Solicitors Office on several occasions and at all times I acted in accordance with and pursuant to that legal advice. I decided to recommend to the Governor in Council that Xstrata's application for an extension of its mining lease be granted. That decision was made because the tribunal had recommended that the application be granted without any of the conditions sought by the objectors. The tribunal had not been satisfied that the proposed coalmine would cause any adverse environmental impact which could not be managed by the draft 33-page environmental authority proposed by the Environmental Protection Agency. The proposed new mine would bring substantial economic benefits to the local region and the state and I considered that it was in the public interest that the application be granted.

I am not aware of any other party who opposes that grant, including the QCC. The amendments to the associated environmental authority were granted by the minister for the environment on 8 March. Before I submitted the matter to the Governor in Council, I requested the director-general of my department to give notice in writing to all three parties advising that I would be seeking to have the grant of the mining lease considered at the next available Executive Council meeting. I did that to provide any party who opposed the grant with an opportunity to seek an order from the Court of Appeal staying the tribunal's decision or to apply to the Supreme Court for an urgent injunction restraining me from the taking of the action that I foreshadowed. Despite this, no such injunction or stay was sought. The Governor in Council granted the extension of the mining lease on 29 March 2007.

Xstrata has since undertaken extensive work on the site. It has invested tens of millions of dollars—approximately \$70 million or \$75 million—and engaged nearly 200 workers at the mine. The Court of Appeal's judgement was delivered on 12 October. The court found that prior to the Land and Resources Tribunal making recommendations to me about the granting of extensions to the mining lease and amendments to the associated environmental authority, the tribunal had denied natural justice to the Queensland Conservation Council in making a number of procedural errors in the way in which it had conducted the hearing. As a result of this, the Court of Appeal upheld the appeal, revoked the tribunal's recommendations to me and ordered that those decisions be sent back to the Land Court for a fresh consideration.

The government is in receipt of legal advice that despite the Court of Appeal's judgement the Governor in Council's decision to grant the extension of the mining lease and the minister for environment's decision to grant the amended environmental authority are valid. They will be valid until and unless a court of competent jurisdiction declares them invalid. The Court of Appeal did not declare the two grants invalid as that was not the issue before it; it simply upheld the appeal of the objectors. However, that does not provide any guarantee that a court will not make such a declaration in the future if it is asked to do so by an agreed person.

The two grant decisions are now at serious risk of being declared invalid should anyone apply to the Supreme Court for orders to that effect. It is my understanding that that is also the legal advice that has been provided to the department. As I say, the consensus of legal advice to the department, including the advice of the Crown Solicitor, is that it is likely the Supreme Court would declare the two grants invalid if an application was made to it. This means that the future of the new mining operations at Suttor Creek mining lease and the future of everyone employed there is literally hanging by a thread. This thread could be cut at any moment if someone successfully took this matter to court and all they would have to give is three business days' notice.

The government is not prepared to allow that risk to Queensland jobs to continue. I am advised that the Queensland Conservation Council has indicated that it would not seek to invalidate the grant. That position is commendable. However, the risk remains that some other party might do so. From the date of any declaration of invalidity Xstrata would have no legal right to be on the mine site. It would need to remove its people and equipment from the mine site immediately. As I have stated, Xstrata has already spent \$73-odd million developing the site and, I understand, is also starting to extract coal from the site, all of which might be wasted. There would be job losses as well. It is understood that there are currently 200 people employed at the site whose jobs would be threatened. Xstrata has plans for another 90 workers to commence on the site in the coming months. Flow-on effects to the local community would be terrible. Therefore, the government has taken decisive action. It is better to be safe than sorry. It is too risky not to act now.

It should be stressed that the circumstances of this case are highly unusual and the government's response should not be interpreted as a precedent for other legislative intervention. This step is a response to this particular case and the highly unusual circumstances and facts associated with this particular site. It is also a recognition of the fact that in these unusual circumstances it is impractical to leave the future of the mine site hanging in the balance when the real solution to issues of mine

contribution to greenhouse gas emissions and global warming is not to be found on a case-by-case basis between one coalmine and another coalmine in Queensland, and one coalmine in Queensland relative to another coalmine in New South Wales, but through the early adoption of a national emissions trading scheme, as spoken about so well by the member for Ipswich earlier, that applies the same rules equally across not only all coalmines in Queensland but all coalmines in Queensland to all coalmines in New South Wales and not only to coalmines but to all greenhouse gas emitters within the major industry sectors generating greenhouse gas emissions contributing to global warming.

In relation to amendment No. 2, I make the comment that these amendments to the Environmental Protection Act 1994 will validate the amendment of environmental authority mining lease No. MIM800098402 made on 8 March of this year: no party can operate a mining lease without an appropriate environmental authority. Xstrata had an existing environmental authority mining lease for the Suttor Creek mining lease. Xstrata sought amendments to its environmental authority mining lease to enable it to conduct mining operations on the additional surface area for which it sought permission from the Land and Resources Tribunal.

The amended 33-page environmental authority mining lease was granted by the minister for the environment on 8 March, then issued by the Environmental Protection Agency on 22 March. However, the amended environmental authority for the mining lease did not take effect until the grant of the additional surface area No. 2 to the mining lease by the Governor in Council on 29 March 2007. In other words, the grant of the environmental authority was a precondition to the grant of the mining lease, but only took effect on the grant of the mining lease. Those are all the comments I have to make about amendment No. 2.

**Mr KNUTH:** I wholeheartedly support the minister's amendment. I believe that this amendment will ensure the certainty of the mining industry and send a message to the Queensland Conservation Council that the livelihood of mineworkers and the economic future of the state are more important than some highly contentious and emotional arguments put forward by radical green movements.

The legislation had to be developed in response to the Queensland Conservation Council's successful appeal to the Supreme Court of Queensland to an Xstrata project in central Queensland. The mine in question is the extension of the Newlands coalmine at Suttor Creek approximately 130 kilometres west of Mackay known as the Newlands Wollombi No. 2 Project. While the appeal was in fact based on legal technicalities, the original objection was based on the potential environmental impact of the emissions of greenhouse gases and its consequential effect on global warming—topics that even the most prestigious scientists cannot agree upon. It is a sad day in Queensland when legislation has to be passed to prevent Queensland falling to its knees financially because of controversial warnings regarding global warming.

The Queensland Land and Resources Tribunal in its summary recognises the alarmist view put forward by the Queensland Conservation Council and its objectives. The Queensland Conservation Council contended that the greenhouse gas emissions from the mining, transport and use of coal from the mine will contribute significantly to global warming and climate change. The terms 'global warming' and 'climate change' are both emotive terms designed to frighten people into accepting unsubstantiated facts. We as a state cannot allow the future of our industries and our economy to be held at ransom by redundant threats by extreme greens, and I applaud the government for amending legislation to ensure the smooth sailing of the extension of the Newlands mine and the safeguarding of not only the investment made by Xstrata but also the livelihoods of hundreds of workers who will now be able to continue supporting their families. I proudly support this amendment.

Amendment agreed to.

Clauses 44 to 91, as read, agreed to.

Insertion of new clause—

**Mr WILSON** (5.51 pm): I move the following amendment—

**3 After clause 91—**

At page 59, after line 24—

*insert—*

**'91A Insertion of new s 418AA**

After section 418A—

*insert—*

**'418AA Validation of inclusion of additional surface area No. 2 in mining lease 4761**

'(1) This section applies to mining lease 4761.

'(2) The application made under section 275 to include additional surface area No. 2 in the mining lease is taken to have been validly granted on 29 March 2007.

'(3) Additional surface area No. 2 is taken to have been included in the mining lease on 29 March 2007.

- '(4) To remove any doubt, it is declared that nothing in this section affects an agreement, or determination by the tribunal, made under this Act before the commencement of this section about compensation payable by the holder of the mining lease for additional surface area No. 2 being included in the mining lease.
- '(5) To remove any doubt, it is declared that this section does not limit or otherwise affect the operation of section 416 in relation to the application or the mining lease.
- '(6) In this section—  
**additional surface area No. 2** means the area identified as surface area 3 in mine plan 37891 recorded under this Act in the register kept by the mining registrar.'.

This amendment to the Mineral Resources Act 1989 validates the grant made by the Governor in Council on 29 March 2007 to include the additional surface area No. 2 in the mining lease 4761. Whereas amendment No. 2 dealt with the environmental authority, this amendment deals with affirming the validity of the mining lease itself. The amendments have been drafted to ensure that they limit the effect of the validating legislation to only what is considered absolutely necessary. For example, they do not affect landowners' existing rights to compensation.

Honourable members might be confused by the definition of additional surface area No. 2 in the proposed new section 418AA(6) of the Mineral Resources Act 1989 as it refers to the area identified as surface area No. 3 in the mine plan. I recite the following couple of paragraphs simply for the clarity of the record. Honourable members should not be concerned that two quite different areas are being referred to. This is not the case. I am advised that to a surveyor preparing a mine plan the surface area of the original grant of the mine lease becomes surface area No. 1 in the mine plan. This meant that when additional surface area No. 1 was granted by the Governor in Council it was identified by the surveyor preparing the mine plan as 'surface area No. 2' and this also meant that when additional surface area No. 2 was more recently granted by the Governor in Council it was identified by the surveyor preparing the mine plan as 'surface area No. 3'.

In conclusion, with regard to amendment No. 3, I want to make a couple of quick comments. I note that the opposition and the shadow minister for mines and energy has spoken in support of the bill and in support of this series of amendments in committee. I recognise that and I appreciate the support of the opposition and the Independents for this legislation. However, I want to expressly disassociate myself and the government from the observations just made by the shadow minister for mines and energy on issues of global warming, greenhouse gas emissions, the conduct of the Queensland Conservation Council and its motives as speculated upon.

It is well recognised by all of those living in the contemporary world that global warming is a reality that we have to deal with. We had 2,000 eminent scientists on the Intergovernmental Panel on Climate Change come to the conclusion that global warming has a 90 per cent probability of having been caused by human activity in the last 200 years, principally the generation of greenhouse gas emissions in the way in which we live on this planet. That is accepted by all contemporary people who are dealing with the real world as a stark fact that we are confronted with and which requires drastic and urgent action at a state, national and international level.

It is the case that this government is making every endeavour to recraft policy to deal appropriately with the challenge that climate change and global warming has for our various industry sectors, not the least of which is the mining and energy sector. It is well recognised by the different stakeholders within those two industries—especially in the coal industry—that if we do not effectively deal with greenhouse gas emissions then there will be no long-term future for the coal industry. The fact that a factually unusual matter has arisen which has been dealt with in a highly unusual way, but appropriate to those circumstances, is in no way an indication that this government does not seriously consider the issues of greenhouse gas emissions and global warming, and the need for significant policy in this area and for the active involvement of various stakeholders in the coal industry to join in partnership in how we deal with that—just not in this particular fashion.

A national emissions trading scheme, clean coal technology, a whole lot of renewable energy initiatives, a whole raft of policy initiatives that were announced by the Beattie government under ClimateSmart 2050 on 3 June this year—that is the direction for Queensland in the context of the national emissions trading scheme proposals put forward by Kevin Rudd as the opposition leader, and only very recently with a Damascus Road conversion by the Prime Minister, John Howard, whose latest protestations about how important he considers this issue to be are hardly credible and likely to evaporate shortly after the next federal election were he to be re-elected, regrettably, as Prime Minister.

Amendment agreed to.

Clause 2 (Commencement)—

**Mr WILSON** (5.57 pm): I move the following amendment—

1 **Clause 2 (Commencement)—**

At page 14, line 7, after 'This Act'—

insert—

‘, other than part 3A and section 91A,’.



This amendment ensures that the validating clauses commence on assent so that the future of the mine is secured at the earliest available date.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 92 to 241, as read, agreed to.

Schedule, as read, agreed to.

### Third Reading

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

### Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.

## QUEENSLAND BUILDING SERVICES AUTHORITY AND OTHER LEGISLATION AMENDMENT BILL

### Second Reading

Resumed from 22 May (see p. 1526).

**Mr STEVENS** (Robina—Lib) (5.59 pm): I rise to speak in the debate on the Queensland Building Services Authority and Other Legislation Amendment Bill. I say from the outset, after a thorough investigation of all aspects of the bill, that the coalition agrees with the fundamental direction and intent of this bill. Today we received amendments that are to be moved by the minister during the consideration in detail stage. I would like to advise the minister that we will support the amendments as well. We thank his departmental people for advising us of those amendments today. We do have certain questions regarding particular aspects of the bill that the minister may be able to answer in his summing-up.

The Queensland Building Services Authority was established through the Queensland Building Services Authority Act 1991. The BSA was created as a statutory authority to perform its duties and uphold its charter at arm's length from government processes. The BSA's charter is to regulate the building industry through the licensing of contractors, educate consumers about their rights and obligations, make contractors aware of their legal rights and responsibilities, handle disputes fairly and equitably, protect consumers against loss through statutory insurance, implement and enforce legislative reforms and, where necessary, prosecute persons not complying with the law.

The specific objective of this bill is to amend the Queensland Building Services Authority Act 1991, the Domestic Building Contracts Act 2000 and the Professional Engineers Act 2002. Firstly, I will look at the Queensland Building Services Authority Act 1991. The Queensland Building Services Authority Bill 1991 was introduced into parliament on 27 November 1991 by the late great Hon. Tom Burns, Deputy Premier and minister for housing and local government. The bill passed all remaining stages on 5 December and received assent on 17 December. The bill was the result of a review of home building in Queensland initiated by the minister in January 1990. The review team was headed by barrister Raylene Kelly and reported in November 1990. The Queensland Building Services Authority Bill 1991 was originally introduced to set up the Building Services Authority in Queensland.

Through the BSA, a licensing regime for building contractors and supervisors and a permit system for owner-builders was set up. This was set up along with a statutory insurance scheme to look after customers who had suffered loss due to defective and incomplete residential construction work. I will look at the issues regarding the statutory insurance scheme further on in my speech as this is a major concern that I have and one that I need the minister to address.

I will now look at the specifics of the bill which address the following areas: licensing of fire protection work, supervision of building work, offences and penalties, audit powers, the national competition policy review of the Queensland Building Services Act 1991, developers, the review of the Queensland Building Services Act 1991 and the Domestic Building Contracts Act 2000, and the registration of professional engineers.

In 2000, 15 young people died when a backpackers hotel in Childers, 300 kilometres north of Brisbane, was destroyed in an arson attack. The popular hotel was used by backpackers working their way around the country as Childers is in the fruit and vegetable growing area of Queensland. A man

who had been staying there apparently lit the fire as he had a grudge against someone in the hotel. Six Britons, two Dutch, one Irish, one Korean and one Japanese tourist were killed plus four Australians. It was a very sad day in Queensland's history.

**Mr Schwarten** interjected.

**Mr STEVENS:** Correct, an international disaster. The community rallied around very well to support survivors, raising and donating money to fund their recovery. This tragic incident highlighted the need for significant reform of the fire protection legislation and hence a report into the Childers fire entitled the *Building fire safety in Queensland budget accommodation*, commissioned by the state government, was completed at the time by the newly formed Building Fire Safety Task Force to investigate and review building fire standards in Queensland.

One recommendation to come out of the *Building fire safety in Queensland budget accommodation* report was the introduction of fire protection contractor licensing, which was implemented on 1 January 2001 after amendments to the Queensland Building Services Authority Act. What this particular bill looks at is the establishment of an occupational licensing regime for the fire protection industry which was another recommendation to come from the *Building fire safety in Queensland budget accommodation* report.

Another tragic example of where fire standards were not met was the Sandgate boarding house fire where three people lost their lives. In this instance the boarding house operators allegedly failed to provide adequate means of escape in the event of a fire, proper training for the staff they employed and adequate instructions to residents about fire evacuation procedures, and they did not keep fire evacuation plans. The minister for public works and housing stated in his second reading speech—

The benefits to the community of an occupational licensing system for fire protection workers include improved compliance with building fire safety regulations leading to reduced costs for owners, occupiers, government, emergency services and local government; better training and improved worker safety for fire protection workers; greater community confidence that work is performed by appropriately skilled workers to the prescribed standards; and reduced risk to firefighters responding to fire emergencies.

After consultation with industry workers, my concern about whether this bill will go far enough and offer enough safeguards to fire protection workers has been quelled. Although the coalition welcomes any tighter protection for the fire protection industry, we were concerned that the specifics were not covered fully and were worried that there would be amendments in the future. We will deal with those matters under the minister's direction as they arise.

I am of the understanding that to install fire protection devices workers are required to have an electrical contractors licence if dealing with or installing any device that needs the flow of an electric current to activate it. The history of fire safety in Queensland dates back to the first national building code that was developed in 1990 and implemented by all states and territories. Subsequently, a performance based building code, the Building Code of Australia 1996, was adopted by all states and territories—and by Queensland in July 1997.

There are already existing requirements for fire protection workers to perform their work in the fire protection industry to the highest standard. Fire protection work includes: installing, restoring, repairing or maintaining a fire protection system; preparing a certificate about the foregoing matters or about whether the system meets standards, specifications or requirements; designing a system; or developing, approving or certifying emergency evacuation procedures for controlled evacuations.

The changes that are proposed in this bill are to introduce the tightening of the requirements for fire protection workers to have a fire protection occupational licence. The fire protection worker will need to have the relevant prescribed qualification which will be competency based qualifications in fire protection work. In clause 6, proposed new section 30C of the bill states—

- '(1) A licence ... may be issued authorising an individual, while the individual is an officer or employee of a licensed contractor that is a company, to personally carry out and personally supervise fire protection work carried out under the company's licence.
- '(2) A licence ... may be issued authorising an individual, while the individual is an employee of a licensed contractor that is an individual, to personally carry out and personally supervise fire protection work carried out under the contractor's licence.
- '(3) Fire protection occupational licences are to be divided into classes by regulation ...
- '(4) A fire protection occupational licence may be issued for any class of licence.'

The next area that I want to discuss which is detailed in amendments to the bill is the changing structure for the supervision of building and construction work in Queensland. This is another area where the coalition has some questions about the bill regarding the standard of work that will be the final product delivered to the homeowner. Will this lower the standard of residential building work throughout Queensland having less experienced industry people supervising and overseeing this project work? The current Queensland Building Services Authority Act requires personal supervision of building work to be carried out by the following: the licensee or an appropriately licensed employee if the licensed contractor is an individual, or an appropriately licensed officer or employee of the company if the licensee is the company. According to the Queensland Building Services Board—which is responsible for the overall

corporate governance of the BSA group, including its ethical behaviour, strategic direction, establishing goals for management and monitoring the achievement of those goals with a view to optimising company performance and maximising shareholder value—there was an overwhelming need to address the shortfall in licensed supervisors to carry out on-site supervision of building work. This conclusion by the Queensland Building Services Board came from industry consultation that expressed concerns regarding the lack of on-site supervision of building work in Queensland.

I will now give a brief statement on the current economic situation for the housing industry in Australia to highlight the significant positives that the economy receives from this industry. In 2005-06 the Australian housing and renovations industry contributed nearly \$58 billion to the economy and in 2004-05 industry directly contributed over \$56 billion to the Australian economy. This booming industry and strong result accounted for 6.5 per cent of Australia's GDP. When combined with those primary and secondary businesses that indirectly supply the construction industry, the overall effect is much stronger in terms of the employment multiplier and the output multiplier. According to the Building Services Authority, the residential housing sector in Queensland is worth \$6.3 billion to the Queensland economy. The exponential growth of the housing industry in Queensland has made it a priority, and that is why legislative changes need to address the issues that are of concern to industry stakeholders and protect potential home builders.

This leads me to comment on the housing affordability crisis that has engulfed Queensland. The housing affordability crisis in Queensland has highlighted many areas where there is need for major reform. The residential building industry is one of those areas. There needs to be more release of land by the government, a faster development process for developers to build on the land as soon as possible and tax relief for home builders. Only radical change in policy direction by this government will achieve affordability. For so many years it has ignored the impending housing crisis that is now consuming anyone and everyone who is wanting to build or buy a house in Queensland. To build a home is a long and involved process, and doing anything to help people finish this process in a shorter space of time and with less red tape can only be of benefit and a financial gain in the long run for Queenslanders. I hope that this new regime of bureaucratic process we are adding to the fire and building services does not add to the time and the cost of building approvals in an already expensive market.

With regard to the supervision of building and construction work in the residential sector and the commercial sector, this bill will introduce a two-tiered licensing system that will provide for the first time a specific licence for site supervisors. This is an area where I do have some niggling concerns as the government is creating a role for a site supervisor to have the same supervisory role and responsibility as the nominee or the individual owner-builder. By amending the Queensland Building Services Authority Act 1991, clause 6 of the bill inserts new subsections 30A and 30C which look at the following licences. Proposed subsection 30A looks at a nominee supervisor's licence whereby a licence may be issued with a nominee supervisor's licence authorising an individual—

- (a) if the individual is the nominee for a licensed contractor that is a company, to—
    - (i) provide supervisory services for building work carried out under the company's licence; and
    - (ii) perform the functions required of a nominee under this Act; or
  - (b) if the individual is an officer or employee of a company, other than the company's nominee—to personally supervise building work carried out under the company's licence.
- '(2) An individual who holds a nominee supervisor's licence and who is the employee of a licensed contractor that is an individual may personally supervise building work carried out under the contractor's licence.

Proposed subsection 30B addresses a site supervisor's licences whereby a licence—

... may be issued authorising an individual, while the individual is an officer or employee of a licensed contractor that is a company, to personally supervise building work carried out under the company's licence.

It continues—

... may be issued authorising an individual, while the individual is an employee of a licensed contractor that is an individual, to personally supervise building work carried out under the contractor's licence.

- '(3) Site supervisors' licences are to be divided into classes by regulation—

...

- '(4) A site supervisor's licence may be issued for any class of licence.

This significant change in structure of the supervision of building construction work in Queensland seems to be a more efficient option. But when looking at it more deeply, it does raise a few questions that I want to document. This will mean less qualified supervision of building construction sites performed by less qualified building supervisors and not the higher level of the nominee or the company. It may bring into question the quality of the work that will be the final product. The other question I have—and I will put it to the minister later—is this: will these less qualified supervisors on work sites compromise the issue of building safety? I want to make it clear that these two issues are not in any way

a reflection on industry people who are currently supervisors but highlight my conservative and protective nature to ensure that home builders and site supervisors will achieve positive outcomes for both parties.

Acknowledging the need for reform within this growing industry, I believe we need to make sure that we do not compromise quality just because we have a skills shortage, as there is always a way to maintain the high standards necessary to ensure a quality end product. These significant legislative changes mean that the supervision of building work can be carried out by a number of industry personnel who carry a licence to do so. Clause 16 of the bill states the following in proposed section 43 where a number of industry personnel can supervise building work with the relevant licence. Clause 16 states—

For a licensed contractor that is a company, the company and the company's nominee must each ensure that building work carried out by the contractor is personally supervised by—

- (a) the company's nominee; or
- (b) an officer or employee of the contractor who holds 1 of the following licences of the relevant class authorising supervision of the building work—
  - (i) a nominee supervisor's licence;
  - (ii) a site supervisor's licence;
  - (iii) a fire protection occupational licence;
  - (iv) an occupational licence; or
- (c) an individual who holds a contractor's licence of the relevant class.

I turn now to offences and penalties. With regard to the particular amendment, a review of the maximum penalties was undertaken in 2005-06 and found to be lower than when compared to other legislation. So it was proposed that the maximum penalties be increased for noncompliance and for serious offences such as unlawfully carrying out building work. The new offences that have been included are to address building contractors who provide false documents or information to the BSA, fail to have an appropriate licensed nominee, obstruct a BSA inspector, advertise to carry out building work without a licence, and fail to keep documents relevant to obligations under the Queensland Building Services Authority Act 1991 or the Domestic Building Contracts Act 2000.

This legislative change will expand the system of demerit points to include a failure to rectify defective building work under BSA direction, a failure to pay a statutory insurance premium, a failure of a company to have a nominee, and a failure to have a contract in writing or to comply with the contractual content requirements under the Domestic Building Contracts Act 2000. The audit powers in this legislation give the minister the power to approve an audit program for the BSA in order to audit licences as a checking mechanism to ascertain whether the holders of the licences are still eligible to hold a licence under the requirements of the legislation.

In relation to the national competition policy review of the Queensland Building Services Authority Act, two reviews were commissioned of the Queensland Building Services Authority Act, of which one was completed in April 2003 and then a second one in 2004-05 by an interdepartmental steering committee set up by the state government. Out of this review the implementation of a differential in the Building Services Authority pricing structure was recommended in order to provide an incentive for licensees to perform adequate work or bear the cost of using the dispute and insurance scheme. The option decided was for a differential to be applied to the licensing function.

The amendments in this bill that relate to developers will allow the BSA to issue a direction for the developer to rectify building work if appropriate and warranted. This amendment relates to any building work that is not completed to the standard and is defective or incomplete. In clause 75, proposed section 103B of proposed part 8, a developer register will be kept. Another amendment ensures that developers cannot claim against the statutory insurance scheme as the scheme's whole purpose is to protect homeowners and not developers or people involved in the development industry.

This bill makes amendments to the Domestic Building Contracts Act 2000 to clarify the construction management contract under the QBSA for providing building work services for domestic building contracts, excluding certain contracts from that definition. The bill makes minor amendments to the Professional Engineers Act to correct administrative oversights in the bill as do the amendments, as I mentioned earlier, that were presented earlier today in relation to the Building Services Act and also to the Housing Act 2003.

As stated on the Building Services Authority web site, the statutory insurance scheme provides for cover of up to \$400,000 for up to 6½ years if a licensed contractor provides the work. The insurance scheme ensures that the construction of a house, duplex, townhouse, villa, unit or any other residential unit is covered, provided that it is not a multiple dwelling of more than three storeys or residential outbuildings, that is, the garage, the pool, the change room or pool room for those lucky enough to have one; the replacement of an extension to part or all of a residential building affecting internal or external walls, including windows or doors, roof, floor, foundations or ceilings; and including the refitting of bathroom and kitchens. The insurance cover looks after consumers when the builder becomes bankrupt

or goes into liquidation or if the builder fails to complete the contracted work for reasons that are not the consumer's fault, or if the builder fails to complete the contracted works and those works are found to be defective. The insurance also covers after the completion of the work when the builder fails to fix defects that have been the subject of a BSA direction or the building suffers from the effects of subsidence or settlement. The bill also refers to the statutory insurance scheme and focuses on the obligations of the licensed contract manager to pay the relevant insurance premium.

At this point I would like to place on record the assistance that I have received from the General Manager of the Building Services Authority, Mr Ian Jennings, in relation to what I regard is a shortcoming in the current statutory insurance scheme. There is a period from when the contractor defaults to when the Building Services Authority engages another builder to complete the unsatisfactory works or works that are required to be completed by the BSA that the consumer, or the homeowner, or the person responsible, is uninsured. It is the period between when the current contract is called to an end with the original builder and when there are tenders called by the BSA for new builders to complete the work. In that period the house is sitting there uninsured. It may well attract vandals. It may get damaged. Currently, there is no insurance during that period.

Mr Jennings has taken on board my inquiries in relation to these matters. He has assured me that towards July 2008 he will come up with satisfactory arrangements to address this shortcoming in the statutory insurance scheme. I thank him and I also thank the minister for his assistance in seeing those matters come to fruition.

**Mr Schwarten:** And I thank you for your cooperation with it, too.

**Mr STEVENS:** I thank the minister. Clause 45 inserts new section 68B, which specifies when a licensed contractor other than a construction manager who carries out residential construction work must pay an insurance premium for the work. Proposed section 68A in clause 45 refers to multiple contracts for the same residential construction work, proposed section 68C refers to when an insurance premium is payable by a construction manager and proposed section 68D refers to the setting of insurance premiums for residential construction work.

Clause 47 inserts a new section 69A, which refers to the commencement of insurance cover and a new section 70, which refers to insurance claims. Clause 49 inserts a new section 70A, which refers to persons who are not entitled to indemnity under an insurance scheme. Clause 50 inserts a new section 71AA, which refers to the cancellation of an insurance policy. Clause 43 inserts a new section 67X, which states that the statutory insurance scheme may be called the Queensland Home Warranty Scheme.

I would like the minister to give some consideration to the following clauses in his summing-up. In relation to the owner-builder permits and in consideration of an application for a permit, currently proposed section 44A(1) states that the authority must consider the application and either grant or refuse to grant the application. There is no mention of any time frame within which the authority would consider that application. I would not like the authority to have the ability to let the application sit on the desk and say, 'We don't have to deal with it.' I would like proposed section 44A to read that the authority must consider the application and either grant or refuse to grant the application within a 30-day period.

Proposed section 44D refers to the term of the permit. It states that a period ends six years after its issue or on the earlier date stated in the permit. Six years is a long time for an owner-builder to have a permit. In my local government career I found that for a long time people have had half-built houses that annoy many of their neighbours. Over that period those houses can become dilapidated. I think it would be more relevant if there was a more limited time frame on the owner-builder in regard to proposed section 44D. To me, six years seems too long.

Proposed section 45 refers to the replacement of permits. The section states that the authority must consider the application and either grant or refuse to grant the application. The proposed section states further that the authority must grant the application if it is satisfied that the permit has been lost, stolen, destroyed or damaged. Perhaps a time frame can be inserted that the authority must consider the application to either grant or refuse to grant the application within 14 days.

Clause 77 inserts a new 107A. I alluded to this clause earlier in my speech. It refers to obstructing inspectors. The new section states—

A person must not obstruct an inspector who is exercising a power under this Act, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

I would really like to know what a 'reasonable excuse' is to obstruct an inspector. I certainly would like inspectors to have a fairly unfettered—

**Mr Schwarten:** To protect the inspector against a live wire or something like that. That might be reasonable to stop him going on the site.

**Mr DEPUTY SPEAKER** (Mr O'Brien): Order! It being 6.30 we will now break for dinner.

Sitting suspended from 6.30 pm to 7.30 pm.

**Mr STEVENS:** Mr Deputy Speaker, I will be very brief.

**Honourable members:** Hear, hear!

**Mr STEVENS:** I thank my colleagues for their support. In conclusion, I acknowledge that reform in the building services industry was overdue and that significant problems were arising due to gaps in the legislation. With regard to fire protection workers requiring licences to perform the installation of fire protection devices, that is a good idea. I believe that, if they take on board the matters I have raised, the need for workers who require electrical contractors licences to install devices that require a flow of electrical current to operate will be appropriate to the legislation.

My reservations regarding the introduction of the two-tiered licensing system for the supervision of building work focused on the overall drop in standards of the supervision of building construction work. I look forward to the minister's response on this matter. By site supervisors having their own licence, I understand they will have the same supervisory responsibility as the nominee and remove the nominee from direct supervision. Of course, the concern is that a supervisor is less experienced than a nominee, which can lower the standard of supervision and, ultimately, the end product, which is the final construction work, could be compromised. That is not a tenable position for any of us, the government or the opposition.

With those reservations, I do believe that the bill is an excellent one to come before the parliament.

**Mr Lawlor** interjected.

**Mr STEVENS:** I take the interjection of the member for Southport. He makes very large and generalised explanations of all bills, but this one in particular is a good bill. I commend the bill to the House. The opposition will be supporting the bill, we will be supporting the minister's amendments and we look forward to the issues that I raised being addressed.

**Mr CRIPPS** (Hinchinbrook—NPA) (7.32 pm): I rise to make a contribution to the debate on the Queensland Building Services Authority and Other Legislation Amendment Bill 2007. The objective of the bill is to amend the Queensland Building Services Authority Act 1991, the Domestic Building Contracts Act 2000 and the Professional Engineers Act 2002, consistent with the prescribed purposes specified in each of the acts.

The Queensland Building Services Authority Act establishes a licensing regime for building contractors and supervisors and a permit system for owner-builders. The act also establishes a statutory insurance scheme to assist consumers who have suffered loss due to defective or incomplete residential construction work. These functions are administered by the Queensland Building Services Authority, known as the BSA. The Domestic Building Contracts Act regulates domestic building contracts for the carrying out or management of domestic building work. The Professional Engineers Act provides for the registration of engineers by the Board of Professional Engineers of Queensland.

The shadow minister for public works and housing affordability, the member for Robina, has addressed the major points in the bill which includes acting on recommendations that came out of the backpacker hostel fire in Childers to improve fire prevention standards. The measures are welcome as a further step to try to ensure that another tragedy of that nature and severity does not occur again.

The Queensland Building Services Authority Act requires building work carried out by a licensed contractor to be supervised by the licensee or an appropriately licensed employee if the licensed contractor is an individual, or an appropriately licensed officer or employee of the company if the licensee is a company. Contractors also have a statutory obligation to ensure building work is adequately supervised. The bill introduces initiatives to try to address the current shortage of licensed supervisors following reports to the BSA that a lack of appropriate on-site supervision is significantly impacting on the quality of building work in the state.

A review of the maximum penalties in the Queensland Building Services Authority Act and the Domestic Building Contracts Act indicates that some of the maximum penalties applicable to breaches of the legislation are disproportionately low when compared to other comparable legislation. To encourage compliance with these acts, the bill proposes that maximum penalties be increased and that a number of new offences should be provided for which will apply to building contractors who provide false documents or information to the BSA, fail to have an appropriately licensed nominee, obstruct a BSA inspector, advertise to carry out building work without a licence or fail to keep documents relevant to obligations under the Queensland Building Services Authority Act or the Domestic Building Contracts Act.

The bill provides for a system of demerit points imposed on licensees who commit specific offences which remain current for three years after the breaches are recorded. A licensee accumulating 30 demerit points over a three-year period may be banned for three years. If they return to the industry and within 10 years of the first ban accumulate 30 demerit points over three years, they face a lifetime ban. Therefore, the incentives to do the right thing are increasing. That can only lead to better standards in the building and construction industry. To assist the improvement of key building work and contractual

standards in the industry, it is proposed that demerit offences should be expanded to include offences relating to failure to rectify defective building work under a BSA direction, failure to pay a statutory insurance premium, failure of a company to have a nominee and failure to have a contract in writing or comply with contractual contents requirements under the Domestic Building Contracts Act.

I hope that these measures provide a strong framework that promotes confidence in the building and construction industry. There is always a need to strike a prudent balance between overregulation and high industry standards. I hope that these new measures do not unnecessarily impose on the overwhelming majority of contractors and operators in the building and construction industry who do complete their work to a high standard. Equally, it is incumbent on the government to ensure that there is a regulatory framework that adequately protects consumers from the minority of operators who do not meet the minimum standards of work undertaken by builders.

It would be remiss of me during the debate on a bill dealing with the Building Services Authority not to make mention of the work of the BSA and the Building Coordination Centre in the wake of Cyclone Larry, which hit far-north Queensland in March 2006. We now know that almost 19,000 building claims were lodged with insurers in the cyclone affected area. That includes homes, commercial buildings and sheds as well as other structures. When we include claims for contents destroyed and damaged, over 27,000 domestic insurance claims were lodged, totalling in excess of \$369 million. Many public buildings were extensively damaged during the cyclone, including 1,146 properties owned by the Department of Housing. The number of schools in the cyclone affected area that sustained damage totalled 91.

The Building Coordination Centre was established in Innisfail to assist with the rebuilding of areas of far-north Queensland between Tully and Babinda and west to the tablelands that were ravaged by Cyclone Larry. It was established quickly after the cyclone but officially opened in April 2006, less than a month after the cyclone struck. The Building Coordination Centre was designed to assist consumers and contractors in cyclone affected areas by streamlining the rebuilding process. The BSA assumed administrative and strategic responsibility for BCC operations, with the reporting function to the Cyclone Larry Recovery Task Force.

The BCC helped consumers manage their rebuilding process and negotiated conflicts in relation to repairs or rebuilding being undertaken on their homes. The BCC facilitated insurance and building industry activities by coordinating application and lodging processes, and creating close working relationships between a variety of parties and stakeholders in the insurance and building industries. The BCC monitored the availability and consistency of building services associated with demolition and construction activities and assisted with the licensing of many former and retired tradesmen throughout the region who wanted to make themselves available to assist in the rebuilding process. Indeed, I personally contacted Tom Sergeant from the BSA in Cairns only days after the cyclone. He was in a car with Ian Jennings, the General Manager of the BSA—

**Mr Schwarten:**—who is here tonight.

**Mr CRIPPS:** He is indeed. With your indulgence, Mr Deputy Speaker, I will take one moment to recognise Ian Jennings, the General Manager of the BSA. He is in the advisers' box tonight giving some advice to the minister. Ian and Tom were in the car on the way down to Innisfail with a view to ascertaining how the BSA was going to establish an immediate presence in the cyclone-affected area. Ian should be very proud of the way the BSA has distinguished itself during the recovery process. I am sure that the minister is quite pleased with the BSA as well.

I asked Tom on the phone for assistance to reissue a BSA licence to a qualified plumber who had been engaged in another profession for several years. I could hear Ian Jennings in the background issuing instructions from the driver's seat for Tom to make sure that the plumber was at the Queensland Country Women's Association hall at Innisfail at 10 o'clock the next morning with his qualifications. Sure enough, the plumber did front with his qualifications and after they had all been verified, he was duly issued with a BSA licence. That plumber immediately set about undertaking his share of the mountain of work repairing roofing, guttering and downpiping that had been ripped away from homes and business premises, and repairing bathrooms that had been destroyed after roofs had been lost amongst other things.

As locals know—and on this point I am sure that the member for Mulgrave, the Minister for Main Roads and Local Government, would agree with me—the BCC operations were very successful in the recovery area. They were eventually permanently located in the Innisfail Country Women's Association hall until recently when they moved to more appropriate premises. That arrangement was volunteered by the ladies in the local branch for which everyone who has benefited from the work of the BCC is grateful.

The success of the Building Coordination Centre in Innisfail in assisting the communities affected by Cyclone Larry has provided an excellent model for recovering from any large-scale disaster and will likely serve as a good blueprint for any future emergency responses that present similar challenges. The Building Coordination Centre is still operational in Innisfail and will be until later this year, as I understand it.

The BCC continues to support and provide assistance to the region in relation to the rebuilding processes, which are still ongoing. The BCC has assisted thousands of consumers and the BSA has literally inspected thousands of work sites. Literally tens of thousands of homes were damaged in an area that is about half the size of Tasmania as a result of Cyclone Larry. It was an enormous undertaking by the BCC. I would like to acknowledge the huge effort of the BSA in establishing and maintaining the BCC as a one-stop shop for construction and building insurance issues in the recovery process.

Regrettably, some unfortunate incidents occurred during the recovery and rebuilding process that involved unscrupulous building contractors who took advantage of people in the cyclone-affected area. These dubious characters created unnecessary headaches for the BSA and the BCC. I certainly wrote to the minister for public works and housing in relation to a particular incident in which a BSA licence was issued to a certain company. The licence nominee's signature was forged to obtain the licence and, subsequently, that company undertook substandard works on cyclone-damaged houses. That is very regrettable.

The BSA and the BCC delivered an outstanding and professional service to the communities in the cyclone-affected area, playing a pivotal role in ensuring that significant progress has been made in the recovery process and allowing rebuilding efforts to be progressed, despite many incidents of adverse weather conditions in the area during 2006 and a shortage of skilled tradesmen in the area. I was anxious to ensure that the indiscretions of a handful of rogue operators did not reflect on the very committed and professional performance of a vast majority of tradesmen and contractors in the cyclone-affected area as well as on the BSA and the BCC. To this end, I am encouraged that the bill provides for stiffer penalties for individuals or companies engaged in such activities.

Having placed on the record my thanks and admiration for the work of the BCC and, in particular, the BSA in assisting communities in my electorate and across the cyclone-affected area in the wake of Cyclone Larry, I am pleased to support the bill.

**Mr WENDT** (Ipswich West—ALP) (7.44 pm): Tonight I am pleased to address the amendments made by the Queensland Building Services Authority and Other Legislation Amendment Bill and specifically how it relates to the licensing of fire protection workers. The potential threat to life, property, business activity and the environment caused by fire poses a significant risk to the Queensland community. Fire protection systems play a vital role in reducing the potential for the loss of human life and property damage from building fire. This could not be more clearly demonstrated than by what occurred with The Palace Backpackers Hostel fire at Childers in which 15 people lost their lives, and that has been discussed here tonight. In response to the Childers tragedy, the Queensland government promptly acted in 2001 to introduce contractor licensing for the fire protection industry and, at the same time, implemented new building fire safety laws for budget accommodation buildings. As a result, the Building Services Authority now licences close to 3,000 fire protection contractors and supervisors. To accommodate the specialised nature of the fire industry, there are now 10 licence classes available.

The introduction of contractor licensing for the fire industry has allowed consumers to feel confident that when they engage a licensed fire protection contractor they are contracting with a qualified professional and the work will be supervised by a technically skilled person. As such, the amendments made by this bill to require all fire protection workers to hold an occupational licence is a critical second phase in ensuring that Queensland has the safest fire protection industry in the country.

The proposed changes in the bill will require that all workers who do the hands-on installation, testing and maintenance of fire protection systems are licensed and have the necessary skills to effectively do the work. As such, the benefits to the community of expanding fire protection licensing beyond contractors and supervisors to include all workers are substantial and will include improved safety for fire protection workers, reducing the risk to firefighters responding to fire emergencies and improving the compliance with the building fire safety regulations. Most importantly, these amendments will help save lives and property.

On another matter, the fire protection industry should also be commended for supporting the initiative with the industry, through its various associations and representatives having worked closely with government to develop this legislation. Further, this work continues for the purposes of developing qualifications and licence classes to be prescribed by regulation in the near future.

The Queensland fire protection industry is an industry of which all Queenslanders can be proud. I believe that the licensing initiatives in this bill will no doubt serve to further enhance the industry's reputation and significantly contribute to building fire safety in Queensland. I commend the provisions relating to fire protection occupational licensing in this bill to the House.

**Mrs MILLER** (Bundamba—ALP) (7.47 pm): I rise in support of the Queensland Building Services Authority and Other Legislation Amendment Bill 2007. The BSA is one of the most important statutory authorities to the people in the electorate of Bundamba, particularly for those who are building new homes or who are renovating homes. The BSA, at my invitation, has held many seminars for local people from Springfield to Redbank Plains to Collingwood Park. They have conducted seminars from our schools, which have provided great hospitality to the BSA training officers, so that our people can learn the process of building before they sign any contracts.



The BSA training officers, currently Doug Sparks and Wendy Molton, are true professionals. They go through the whole building process from getting finance through to plans, costs and detailed schedules and through to progress payments and the finished job. They have provided electronic information for the benefit of our local people. Every person who attends these seminars is very grateful to our government, the BSA and its training officers for taking the time to walk them through the building process. People can ask questions; they can seek advice; and the relaxed interactive format means that all attendees find the seminars very interesting. The seminars are held every year in the Bundamba electorate. I encourage any person who intends to build or renovate their homes to learn from these seminars well before they even start talking to builders or designers.

Building one's own special home can be the most important part of a family's life. It can go very well and be hassle-free and everyone is happy. But it can also go pear-shaped, ending in breakdowns in communication with the builder, there can even be breakdowns with the BSA and, unfortunately in my electorate, family dysfunction even ending in divorce. It is this social impact of bad building practices or misunderstandings between the client and the builder that really worries me.

Only recently an older gentleman who has a house in Bundamba came to see me about his particular circumstances. He was deeply sad—in fact, I think possibly depressed—because his house, his dream, was ruined and he could see no way out of it. I have written to the minister about his particular personal circumstances. However, it should be pointed out that some clients can also be unreasonable in their communications with builders as well. It is not all one way. That is why these seminars are so important. A little bit of knowledge goes a long, long way.

I support the education programs of the BSA and the BSA in all of its efforts in our community, in particular in my electorate, because I believe that it does a very good job. I am very glad that Ian Jennings, the General Manager of the BSA, is here with us tonight. It is very, very good that Ian has received the praise of the opposition as well. I would like to let everyone in the chamber know that Ian used to work for me many, many years ago and I am very, very proud that he is the General Manager of the BSA. I would also like to acknowledge Ian Grant, who is the manager of policy in the BSA. I thank Ian for all the work that he has done in relation to this legislation. I place on record my thanks to everyone who works at BSA. I think they are all stars. I commend the bill to the House.

**Mr PD PURCELL** (Bulimba—ALP) (7.51 pm): Could I continue on with the Ian Jennings admiration society here today? I reiterate what the members for Hinchinbrook and Bundamba have said about Ian. I have probably known Ian longer than either of them. I knew Ian when he was the general manager of the Portable Long Service Leave Authority. He started that off in Queensland for the building industry. It is a very important scheme for the building industry, something we campaigned for for 20 years under Bjelke-Petersen and could not get until such time as a Labor government came to power. Every other state in the Commonwealth had it well before we did. Ian saw that set up and making a profit and running very well. Ian then came into the BSA, where work needed to be done.

Ian would be one of the first to admit that legislation for the BSA is changing and will continue to change and improve as the industry does. Some of the improvements that we are debating tonight are great improvements. The BSA legislation in Queensland is the strongest legislation in Australia. It probably leads Australia with regard to home warranty insurance. It is in the black and has been forever. Many other states are struggling with their home warranty insurance. They have let it out to private industry and it has gone into the red. The insurance of building work is an enormous cost and burden on the building industry. In Queensland a new building is insured for six years for defective or faulty workmanship. The scheme in Queensland is very well set up. Ian Jennings and his people at the BSA have overseen that. I commend Ian and his staff for the great job they have done in setting the BSA up and putting it in the position it is in today.

I had a little bit to do with the after-effects of Cyclone Larry. Under difficult circumstances, radio and TV stations were calling on volunteers to come up and rebuild and put roofs on, all of them unlicensed in Queensland. It was a nightmare for the BSA. It had to manage all of that and ensure that work going on in Queensland was not unlicensed and possibly defective. The BSA did that, with homeowners and people who were affected by the cyclone in mind, with a minimum of fuss and made sure that it happened. It assisted everybody who came to its door. It was all hands to the pump seven days a week for 14 or 15 hours a day for a period of time. Those employees put in a big effort. Many people in that part of the world owe them and all other government employees a huge debt.

Part of this bill deals with the introduction of occupational licensing for fire protection workers. Fire protection workers are a very important part of the industry that protect a lot of people. We do not realise how much protection we get from the regulations in the fire industry. I commend the Fire Sprinkler Contractors Association and the Plumbers Union for the work that they have done to help put this legislation together.

I also congratulate Rod Welford for very quickly seeing that the sprinkler fitters in the fire protection industry here in Queensland did not have a training facility and had to be sent to Sydney and Melbourne. Not long after he got the job as Minister for Education and Training he saw the wisdom in setting up a training facility here in Queensland which will see us well into the future. Fire protection

workers trained here in Queensland will make sure that we do not have the shortages that were looming at that stage when buildings could be built and fire protection was not able to be put in at the rate that the building work was continuing. There is a lot of loss of life and property if the fire protection industry is not up to speed. Firefighters in Queensland do a magnificent job in relation to the inspection of premises where they are required, along with councils, to see that buildings do comply with the regulations in the act. They are certainly putting in the hard yards to make sure that they get through the work at the required rate that the building industry is building buildings at the moment.

I also commend Minister Schwarten for looking at what the building industry has been clamouring for, and that is licensing of supervisors and contractors on jobs. There cannot be a licensed builder on site all the time. A builder might have anywhere between half a dozen to 30 buildings going on at the one time. In certain instances he puts people in charge to make sure that the work on that site is not only continuing at pace but also continuing to be built to the regulations that it should be and everything is being done correctly. Builders' labourers are usually in charge of the foundations and piling of large structures. I have recently been down to inspect the bridge being built in my electorate. It is the largest assembly of piling contractors we have ever seen anywhere in Australia. I had a wander around those piling machines and I just about knew all the workers. They are all builders' labourers. The supervisors who run the job are builders' labourers and they have been with the company 25 years. They are the most experienced people that there can be supervising a job. It is a great step forward that now they will be licensed. A lot of builders' labourers getting involved in foundations are of Irish extraction. They love working with jackhammers, picks and shovels. They will be lining up to get their licences.

I am not a great one for penalties, but I can see the reason for what is contained in this legislation. Probably 90 per cent of the time of BSA inspectors is taken up with a very small percentage of builders and building contractors who do not comply and do the right thing. The cost of those people's licences will go up. They will pay more to be licensed if they have defective work, are not paying their fines or are not doing the work as they should. That is as it should be.

There are not too many road builders left in the industry. I think they have been shaken out in a lot of cases. This will continue to put pressure on those people who do not want to give value for money to consumers. I must say that the changes so that developers cannot get their fingers into the homeowner insurance scheme is a good idea. I did not know they were, because it was always for homeowners. But this shuts the door so that the scheme is for homeowners and to protect homeowners.

Developers, I suppose, are fairly large companies. They move interstate, all over Australia and all over the world. Sometimes it is very difficult to enforce penalties or fines on very large companies. I see now that they can have their registration refused if they do not pay their fines. They may have finished the building work in Queensland and gone back to Melbourne or Sydney and they do not see any sense in paying a fine. They bury that company and move on. I think collecting those fines and making sure that that company or those people will not be able to get registered if they come back to Queensland without owning up to their responsibilities is a very good thing.

With those few words, I would like to again reiterate how very lucky we are in Queensland to have such a very good body as the BSA. It is very well run. I noticed tonight that Ian got promoted to DG. I think at some future time he should be. The opposition spokesperson promoted him to director-general. I hope that all the BSA employees and Ian continue the great work that they do for the state of Queensland. I support the bill.

**Mr DEPUTY SPEAKER** (Mr English): Order! Before calling the honourable member for Surfers Paradise, I would like to acknowledge in the public gallery the numerous members of the Brisbane Chinese Lions Club. Welcome one and all.

**Mr LANGBROEK** (Surfers Paradise—Lib) (8.01 pm): It is my pleasure to rise to speak to the Queensland Building Services Authority and Other Legislation Amendment Bill 2007. I want to commend my coalition colleague the shadow minister for housing affordability and public works, the member for Robina, for his contribution and guidance on this issue. I certainly want to speak on this bill as the previous coalition shadow minister for public works, housing and racing in the last parliament.

I note the support of the coalition for this bill and its importance, as it seeks to improve Queensland's fire safety standards. Before I commence, I note that this has become the Ian Jennings admiration society.

**Mr Purcell:** Hear, hear!

**Mr LANGBROEK:** I can say genuinely that when I first became a member of parliament in 2004 and a bill came in that concerned the BSA I had a briefing in my office from Ian Jennings and Ian Grant. I keep the cards of people who come to brief me. I had no idea who these people were, but I have kept the cards. I have only ever had to contact the BSA and Ian Jennings about a particular constituent matter once or twice, but I have always found him willing to come down to the coast to see me and the constituent. When involved in a housing construction matter, a constituent obviously becomes very het-up and irate about certain things, and I have always found Ian Jennings very willing to come down and sort out these issues. I thank Ian for that as I appreciate it.

As many other members have said, including the minister, we do not care about who people may or may not vote for. We just care about the attitude we get from public servants and whether they are happy to help us out. I want to acknowledge what other members have said about making the building industry a better industry. It is an industry that certainly gets a lot of publicity when things go wrong. I think it is important to acknowledge that the minister has made a lot of efforts in his years in the job to improve the standards. I acknowledge what other members have said and agree with what they have had to say.

I want to turn now to the bill and the specific aspects of it that deal with Queensland's fire safety standards. The QBSA and Other Legislation Amendment Bill 2007 will amend the Queensland Building Services Authority Act 1991, the Domestic Building Contracts Act 2000 and the Professional Engineers Act 2002. The most significant effect of the bill is the establishment of an occupational licensing scheme for fire protection workers pursuant to recommendations of the Fire Safety Task Force. Sadly, the Fire Safety Task Force was appointed in the wake of the Childers backpacker tragedy in the Wide Bay-Burnett region in 2000.

As members would be aware—I know that the members for Ipswich West and Hinchinbrook and government members have mentioned it—15 people lost their lives in a fire which destroyed the historical building in which the Palace Backpackers Hostel was located. As people searched for answers as to how Queensland's worst fire tragedy occurred, questions were raised over whether the building was sufficiently fit for fire hazards. I think many of us will remember waking up that morning and hearing the news and the tragedy that had unfolded. It has since been established that the building was not sufficiently fit for fire hazards. At the time of the tragedy, the hostel's fire alarms were dysfunctional. There have also been suggestions that the hostel was refused a fire safety permit 17 months before the fatal inferno.

In order to establish whether low-budget accommodation providers in Queensland were complying with fire safety laws and regulations, the Fire Safety Task Force was charged with reporting on fire safety in all budget accommodation in Queensland. I note that many of the 260-odd budget accommodation providers are located in Surfers Paradise, so this review was certainly relevant to my constituents and the thousands of tourists who visit my electorate every year and who presume that things like fire safety will be properly addressed by proprietors.

Astoundingly, the investigation found that of the 1,400 or so budget accommodation buildings the task force inspected more than 1,100 of them did not have working fire alarms. Seven hostels were closed and a number of show-cause notices were issued to the most serious noncompliers. What the task force identified was a dangerous trend in budget accommodation providers failing to meet the minimum standards of fire safety. Posited concerns were that other accommodation providers and high-density buildings were also not complying with fire safety legislation and regulations.

The task force—which comprised representatives from the Queensland Fire and Rescue Authority, Emergency Services, Local Government, Public Works and Tourism departments, as well as representatives of community organisations and independent stakeholders—made a raft of recommendations, the key of which provides for a minimum standard of building fire safety to be imposed. Recommendation No. 4 endorsed a licensing system for contractors engaged in installing and maintaining fire protection systems. The Building Services Authority, Queensland Fire and Rescue Authority and fire protection industry proposed that fire protection practitioners and contractors be licensed to ensure that testing and maintenance of fire safety systems is carried out by competent people. Currently in Queensland there is no legislative requirement for fire protection workers to demonstrate specific technical fire protection competencies in order to obtain a contractor's licence under section 30 of the QBSA Act.

The bill mandates that anyone carrying out or supervising fire protection work must be licensed to carry out such tasks. The bill introduces occupational licensing for fire protection workers in Queensland. I note that the member for Rockhampton, Minister Schwarten, outlined the benefits to the community of occupational licensing and I endorse the comments made by him in relation to the matter. As the member for Robina stated, the introduction of an occupational licensing system is a welcome move which will improve fire industry standards in Queensland.

Before I move on to other amendments of the bill, however, I would like to note the delay of the Beattie and now Bligh government in providing the legislative support for the fire protection industry. The Fire Safety Task Force handed down the *Building fire safety in Queensland budget accommodation report* in 2000, several months after the Childers tragedy. It has taken this government seven years to implement this recommendation which the Building Services Authority and Queensland Fire and Rescue Authority have been advocating for nearly a decade. Wayne Hartley, the Chief Commissioner of the QFRA, ominously warned in 2001: 'Another Childers could happen tomorrow.' In 2001 Mr Hartley called on industry and community support for proposed tighter fire regulations. While I appreciate that Queensland has made some headway in improving fire safety—and many members here tonight will be aware of legislation we have had mandating smoke alarms for all homes and units which came into effect on 1 July—industry-endorsed measures such as this should have been supported in a timely way by the government. It should not have taken seven years for such support to manifest itself.

The other important change that this bill makes to building regulations in Queensland concerns the supervision of work. As the member for Rockhampton mentioned, the Building Services Board has identified that poor supervision is one of the major causes of defective building work. In fact, up to 60 per cent of seriously defective domestic building work is attributable to inadequate supervision. However, the QBSA has noted that there is a significant shortage of licensed supervisors under the current scheme to carry out on-site supervision of building work.

In order to address the workplace shortage of supervisors the bill creates a two-tiered licensing system which will effectively widen the number of licensees able to supervise building work. Sections 30A and 30B establish two categories of licensees which are also addressed in proposed new sections 32, 32AA and 43. I note from the minister's second reading speech that the bill creates new offences which address serious misconduct—for example, obstruction or assault of an inspector.

I note from the explanatory notes that clause 77 inserts a new section relating to obstructing an inspector. From my experience, people can get very emotional on building sites. When I was a uni student I threw a few bricks on building sites. When a builder is there with an owner and they are told that they have to change work or fix work—an inspector may come along—they can get pretty vigorous of their defence of these things. It is completely inappropriate to be assaulting people or obstructing them in their work. That is one of the frustrations that BSA inspectors would have. I think it is great to see those sorts of measures being brought in.

As the shadow minister has said, any legislative move that will address the shortage of building supervisors is a good move. Right across Queensland we are experiencing a high level of development. On the Gold Coast the skyline is littered with cranes. We have Q1, the tallest residential tower in the world. It has been announced that that may be surpassed by the proposed development of the E1 and E2 towers.

Like many Gold Coast residents I have great concerns about the unfettered height of developments in Surfers Paradise. I am aware that that is a council issue. The point I would like to make with respect to this is that everywhere we go in Queensland the hallmarks of development can be seen. Queensland and the private sector are investing billions in the further development of this state. Let us make sure we get it right the first time.

By increasing the pool of building supervisors, which this bill seeks to achieve, we have the opportunity to reduce the instances of defective work and increase productivity to ensure that quality projects are delivered on time and on budget. I note the bill also creates new offences under the acts, increases penalties for offences and expands the range of the demerit point system. This legislation will also vest additional powers with the BSA to issue directives to remedy defective building work in a bid to make builders and developers more accountable for their work. These are all measures that I support in order to tidy up the industry, so to speak, and in order to ensure the best outcomes for all Queenslanders. I commend the bill to the House.

**Mr MESSENGER** (Burnett—NPA) (8.11 pm): It is my pleasure to speak in support of the Queensland Building Services Authority and Other Legislation Amendment Bill 2007. Its passage will give better protection to Queensland families and visitors and tourists from defective buildings and the obvious risks that they pose to human life. For that reason I wholeheartedly support the bill.

Part of this legislation was inspired by a tragic event which happened in my electorate more than seven years ago. 23 June 2000 was a very dark day for the close-knit community of Childers. This, of course, was the day that 15 young travellers died in a horrific arson attack at the Childers backpackers hostel. It was not only a dark day for the Childers community but quickly became devastating news throughout the Wide Bay-Burnett region, throughout our state, throughout our nation and, in fact, worldwide. In an instant it turned a quiet, beautiful, small unknown town into a town which is known globally as the place where 15 young lives were senselessly lost.

The tragedy has left its scar on our beautiful town of Childers. But as time has gone by, while the memories of those 15 young lives will never be forgotten, the scars have faded and the community has been able to pick up the pieces and move forward. From a personal perspective I remember that day well. I was used by a TV crew to video the footage. I remember arriving there quite early on that day. I will never forget the shock on the faces of survivors; the way the township rallied around those backpackers. I have to congratulate the whole township of Childers for the way that new relationships were created with the survivors and the victims' families. I acknowledge the leadership of Mayor Bill Trevor, his councillors and leading members of the community such as Wayne Heidrich from Isis Town and Country.

Isis Shire Council CEO, Steve Johnston, put it succinctly when he stated, 'Whilst we will always be known as the town where that fire occurred and 15 lives were lost, we will also be known as a community able to band together, react appropriately and recognise the tragedy with the memorial that has met worldwide acclaim.' I would urge all members, if they are in the area at some stage, to visit the memorial. It is a beautiful and fitting world-renowned memorial that the Isis council has set up in honour of the 15 young lives lost. It is located at the Palace Memorial Building in the main street of Childers.

I think the jewel in the crown is a beautiful portrait called 'Taking a break in the field', which was painted by one of Australia's leading portrait artists, Jo Palaitis. It celebrates the lives and manages to capture the adventurous spirit of young people stepping out and seeing the world. There are also the memory boxes made up of a collage of family images. Since the opening of the memorial over 400,000 visitors have paid their respects.

Importantly, the fire has not deterred visitors, both national and international, from coming to the Childers area and assisting local small crop farmers and investing their money locally. The local small crop farmers depend on these backpackers as there is a shortage of local workers to pick fruit and vegetables. The horticultural industry in the Childers area has gone ahead in leaps and bounds. It is worth around \$300 million to the Wide Bay-Burnett area. Let us compare that to sugar cane, which is probably worth only about \$120,000.

The backpacker hostel fire has led to calls for tighter safety regulations in such high-residency buildings. It is a welcomed, albeit belated, move. This is about ensuring no other tragedy like the Childers backpacker fire occurs again.

The main feature of the bill we are debating this evening is the introduction of an occupational licensing system for fire protection workers. This is as a result of the Building Fire Safety Task Force which was established after the backpacker fire to investigate fire safety matters in Queensland and review the laws for budget accommodation throughout Queensland. The task force declared that there were insufficient fire safety standards to protect the lives of occupants in an overwhelming number of hostels, hotels, boarding houses and other similar budget accommodation buildings.

Currently, there is no legal requirement for fire protection workers to demonstrate specific technical fire protection competencies in order to acquire their contractor's licence. The Childers report recommended that fire protection workers should be covered by an occupation licensing regime for which the BSA would have responsibility. This bill aims to provide this legislative framework in line with the Childers report recommendation.

The Queensland Building Services Authority and Other Legislation Amendment Bill 2007 amends a number of acts, particularly relating to the Queensland Building Services Authority Act 1991. Under this bill the major changes with regard to fire protection include: a new fire protection occupational licence which allows a person to personally carry out and supervise fire protection work while he or she is an employee of a licensed contractor, whether it be a company or an individual; a new definition of 'fire protection work', including installing, restoring, repairing or maintaining a fire protection system; preparing a certificate regarding the preceding matters or about whether the system meets standards, specifications or requirements; designing a system; developing, approving or certifying emergency evacuation procedures for controlled evacuations; comprehensive new criteria which must be met when obtaining a fire protection occupational licence; making it an offence if one personally carries out or supervises fire protection work without a fire protection occupational licence or without any other type of licence, registration or authorisation to personally carry out or supervise the work; a provision which will allow a person with the relevant fire protection occupational licence to personally supervise building work.

The bill also addresses the need to increase some maximum penalties after a review of the QBSA Act and the DBC Act carried out during 2005-06 found that some penalties were lenient and there was a need to toughen up on those in breach of the law in order to discourage further breaches. The bill will bring the maximum penalty for anyone carrying out building work without a licence up from \$6,000 for a first offence to \$18,750.

In addition, the bill will expand the range of demerit points applying to offences such as failing to pay a statutory insurance premium or failing to rectify building work under a BSA direction. In closing, while Childers is a close-knit community and has been able to move on from the backpacker fire, it has been extremely hard as the community has been up against further obstacles such as cane smut, severe drought and, most recently, this government's forced council amalgamation plan which has the potential to destroy local leadership and hinder development of small rural towns like Childers. It is a shame that this government refuses to listen to the pleas of my community, which has very loudly and clearly made its objections known. I support the bill.

**Ms DARLING** (Sandgate—ALP) (8.20 pm): I support the comments made by my government colleagues in support of these amendments, but in my speech tonight I will focus on the amendments to the supervision requirements in the Queensland Building Services Authority Act 1991 made by the Queensland Building Services Authority and Other Legislation Amendment Bill. One of the major causes of defective building work is the lack of quality supervision by an appropriately qualified person. Research by the Building Services Authority in 2005 identified that as much as 60 per cent of seriously defective building work in the state can be directly attributed to poor supervision of the work.

Over the last two years the Building Services Authority has been working closely with industry to improve the standard of building work supervision in the state. The Building Services Authority has conducted education roadshows and seminars throughout Queensland to assist building contractors and to implement and improve their supervision systems and practices. The Building Services Authority

has also produced an instructional DVD for industry practitioners on supervision of building work. The DVD is available free of charge to licensed contractors and is distributed at roadshows and other educational forums.

The Building Services Authority has also published articles and fact sheets on supervision and supervisor licensing requirements on its web site and in the *Building Links* magazine, which is provided to all contractors without charge. These and other education initiatives by the BSA are having a positive impact on the quality of building work carried out in the state. An example I can give is that, despite the increase in building activity over the last two years, complaints about defective work to the BSA have fallen by approximately 10 per cent.

**Ms Jones:** That's because of the great job they're doing!

**Ms DARLING:** It is doing an excellent job. Site supervisors play a vital role in overseeing, directing and controlling building work on site to ensure that it is carried out in accordance with the plans and specifications and is of an appropriate standard. A key issue which has been identified through consultation with building industry associations and other representatives is that there is a shortage of licensed supervisors to carry out site supervision in the state. This shortage has been exacerbated by the fact that there has been no specific licence tailored to the needs of site supervisors. Currently to meet the licensing requirements of the Queensland Building Services Authority Act 1991, site supervisors have been required to obtain either a contractor's licence or a company nominee supervisor's licence. The bill addresses this important issue by amending the Queensland Building Services Authority Act to allow for a site supervisor's licence to be specifically developed to accommodate the skills necessary to be a qualified site supervisor.

The bill formally recognises for the first time the integral role of the site supervisor to the building process. It will reduce time and it will reduce costs for those wishing to be site supervisors by alleviating the need to acquire qualifications not directly relevant to the role. The initiative will also help promote the Queensland building industry as an attractive vocation by providing a career pathway from site supervisor through to nominee supervisor and ultimately a building contractor. These are sensible amendments that will benefit building contractors and consumers. Queenslanders should feel very confident that the building industry in this state is topnotch because of the work of the BSA. I congratulate the BSA and the minister for these amendments, and I commend the bill to the House.

**Mrs ATTWOOD** (Mount Ommaney—ALP) (8.24 pm): I want to congratulate the Minister for Public Works, Housing and Information and Communication Technology for his great achievements in the portfolio over the last nine years. Of note has been the doubling of the social housing budget, the One Social Housing policy, establishment of the Brisbane Housing Company, the Community Renewal Program and having the best consumer protection legislation in Australia in relation to the building industry, to name just a few. The minister continues to assist ordinary folk to ensure that they are treated fairly, particularly where their great Australian dream—their own home—is concerned. Consequently, we have the strongest building services legislation in Australia.

The Queensland Building Services Authority and Other Legislation Amendment Bill 2007, which amends a number of other associated acts relating to the building industry, continues to protect the safety of consumers. The latest Building Services Authority figures show that irate homeowners lodged 5,021 complaints last financial year and shoddy builders have come under fire as independent inspectors reveal an epidemic of substandard construction work. The number of disputes is evidence that building or renovating is a nightmare for many owners. Key areas of conflict between builders and their clients include poor plastering, defective tiling, inadequate waterproofing and short cuts with painting, drainage, and door and window installation. General mistrust has sparked a boom in independent assessors, with wary owners insistent on double-checking standards of work before they make final payments.

A shortage of experienced trade workers made it difficult for builders to present a quality finished product, and this is exacerbated by the need for builders to finish the job in a hurry to move on to the next one. It seems that quality workmanship is becoming more of a rarity and there is little regard for the end product. There are cases reported on [handovers.com](http://handovers.com) which include a situation where a house was so bad the builder had to buy it back. There was not one square room in the house. The BSA issued 842 directions to contractors to rectify defective work last year and paid out \$21 million in claims of noncompletion, defects and subsidence. Complaints fell from 6.2 per cent of constructions in 2004-05 to 5.9 per cent in 2005-06. Homeowners have six months to report minor defects and six years to report major problems. The QBSA Act establishes a licensing regime for building contractors and supervisors and a permit system for owner-builders. The QBSA Act also establishes a statutory insurance scheme to assist consumers who have suffered loss due to defective or incomplete residential construction work. These functions are administered by the Queensland Building Services Authority, the BSA.

The Palace backpackers hostel in Childers was destroyed by fire on 23 June 2000 and 15 people tragically lost their lives and the premises sustained severe fire damage. This tragic fire affected many people. In response, the Queensland government established the Fire Safety Task Force to report on fire safety in all budget accommodation—15,000 buildings—in Queensland to recommend

improvements where necessary. The *Building fire safety in Queensland budget accommodation report 2000*—the Childers report—which was released following the Palace backpackers hostel fire in Childers, made a range of recommendations to improve fire industry standards. One of these recommendations was the introduction of fire protection contractor licensing, which was implemented on 1 January 2001 pursuant to amendments to the QBSA Act.

An outstanding recommendation of the Childers report is the establishment of an occupational licensing regime for the fire protection industry. The bill amends the QBSA Act to provide the statutory framework to implement this recommendation. Since the Beattie government was elected, more than \$8.5 billion worth of construction and maintenance projects have been successfully delivered through the Department of Public Works—hospitals, schools, public housing, courts, sports facilities, arts complexes, bridges, fire stations, police headquarters, correctional facilities, and the list goes on and on. All of these public places should be built to ensure the maximum level of safety from fire danger.

Research conducted by the BSA indicates that the lack of appropriate on-site supervision is significantly impacting on the quality of building work undertaken in the state. The bill implements initiatives to better address supervision in the QBSA Act. These include widening the pool of licence holders who may personally supervise building work and providing more guidance as to the factors relevant to determining whether the building work is adequately supervised.

A review of the maximum penalties in the QBSA Act and the DBC Act in 2005-06 indicated that some of the maximum penalties in the acts are disproportionately low when compared to other comparable legislation. To ensure sufficient deterrence for noncompliance with the QBSA Act and the DBC Act, it is proposed that maximum penalties, particularly for the more serious offences under the acts, for example, the unlawful carrying out of building work, be increased.

The bill amends the QBSA Act to allow the BSA to issue a direction to rectify building work to a developer in relevant circumstances and also to record the direction on the public register, which will be maintained by the BSA. Other amendments in the bill also ensure that developers and speculative builders cannot claim against the statutory insurance scheme. The purpose of the statutory insurance scheme is to protect homeowners and like consumers, not commercial building enterprises. We must do our utmost to protect consumers. I commend the bill to the House.

**Mr ENGLISH** (Redlands—ALP) (8.30 pm): I am sure that all members of the House remember the horrific Childers backpackers hostel fire. Following that fire a review of the fire safety regulations and the fire safety legislation was undertaken. Over the past few years a number of changes have been made.

I would like to try to put into context what we—and when I say ‘we’ I mean we as members of parliament and we as a society—expect of the fire protection regulations. Certainly, as legislators we expect those laws to be applied. We expect the impact of those laws to increase our safety in our homes and for all other people when they are in buildings throughout Queensland. We as legislators expect those laws to provide an increased level of protection for members of our society. Certainly, when we, as members of society, are either asleep in our own homes or staying in hotels, motels or in business premises across the state, we expect those buildings to be built and comply with the fire protection regulations for our own safety. We also require and expect that those regulations will be implemented in such a way as to consider the safety of those people who will be called to fight a fire if a fire breaks out.

So as legislators we are trying to protect society. We are changing the regulations to continually improve the level of safety that is provided to people in buildings in Queensland. We are also trying to ensure the safety of those brave fire officers who are required to respond to fires. For their own safety we are trying to standardise the systems and the signs that they will be confronted with when they are required to respond to a fire.

This bill addresses a concern about the quality of the workmanship of the fire protection systems that have been installed in buildings. In my opinion, the most significant part of this bill implements occupational licensing for fire protection workers. I am sure that this is another step forward in improving the safety of all Queenslanders.

I must point out that the majority of workers in the fire protection industry are doing the right thing. But as other members have mentioned, there is always a very small set of operators who are trying to cut corners and who are trying to shave their costs. They are prepared to put their profit margin before the safety of Queenslanders. In all the speeches we have heard in this debate no member of this House has been prepared to put profits before the safety of Queenslanders.

In conclusion, I would like to commend the minister, the Hon. Robert Schwarten, for his tireless efforts in this area. I would like to congratulate and comment positively on Ian Jennings and the staff of the BSA for their ongoing contribution to making Queensland a much safer society. I commend the bill to the House.

**Ms JONES** (Ashgrove—ALP) (8.34 pm): I am absolutely delighted to speak to the Queensland Building Services Authority and Other Legislation Amendment Bill 2007 as it relates to developers in particular. The bill introduces important amendments to help protect the Queensland community from

unscrupulous development practices. Although the majority of developers in Queensland do the right thing by consumers, unfortunately there will always be a small number who do not. The financial and emotional detriment that is caused to consumers who in good faith purchase homes from these less than honest developers only to find that they have purchased a defective building that requires costly repairs can be devastating. I know that the minister has been concerned about this issue for a number of years. I am glad that I have the opportunity to speak to this bill and help put it into action.

Fortunately, we have the Queensland Home Warranty Scheme that protects consumers against loss caused by building contractors carrying out defective or incomplete building work. This scheme provides the most comprehensive home warranty insurance scheme in the country at the most affordable rates.

**Mr Swarten:** In the world, I would say.

**Ms JONES:** In the world. I would say that, too, and at the most competitive rates in the country. In Queensland people have the most comprehensive insurance for the smallest contribution. From a consumer's perspective, Queensland enjoys protection through this scheme but it also remains critical that those who cause defective building work are accountable for their actions. This is particularly important in those circumstances where the Home Warranty Insurance Scheme does not apply, such as the construction of defective driveways or swimming pools.

The amendments in this bill bring to account those developers who attempt to cut costs by engaging a building contractor to use substandard materials, to employ defective designs or otherwise carry out defective work. Such situations typically occur when people purchase homes off the plan. In those circumstances, consumers are vulnerable because at the time of the signing of the contract they cannot view the work.

For the first time these amendments allow the Building Services Authority to direct a developer to rectify defective work. In brief, a direction will be able to be given if a defect is caused by a developer engaging a building contractor to carry out work in a way that is likely to cause it to be defective or incomplete. A direction will also be able to be given where the defect is caused by the developer arranging for the building contractor to use substandard materials. A failure to rectify the work in accordance with the direction will also be an offence.

Further, a record of any directions given will be freely available to the public on the Building Services Authority register as a warning to future or potential purchasers. The register will also include convictions against the developer for failing to rectify building work in accordance with the direction of the Building Services Authority. Look at that man. You would not mess with him, would you.

These amendments will enhance consumer protection, discourage developers from engaging builders to perform defective work and make those developers who engage in such practices accountable for their actions. This is why I am so delighted to see that finally we have this consumer protection in legislation. It would not be happening if it were not for the minister's passion to address this issue and the hard work of the General Manager of the BSA, Mr Ian Jennings. I am going to join Ian's fan club. I commend those provisions in this bill that relate in particular to developers. I commend the bill to the House.

**Mr MOORHEAD** (Waterford—ALP) (8.37 pm): It is with great pleasure that I rise to speak in support of the Queensland Building Services Authority Act and Other Legislation Amendment Bill 2007. For most people the purchase of their own home will be the largest and most significant investment that they will make in their lives. With the current pressure on the housing market, people are spending an ever-increasing percentage of their income on housing costs.

This bill ensures that the Queensland Building Services Authority can continue to ensure that Queenslanders get what they paid for and get a property that is safe for them and their families. We are lucky here in Queensland to have a strong Building Services Authority that is underpinned with strong legislation—some of the strongest in the country.

On a recent trip to New Zealand I saw just what happens when building services are deregulated. In the late 1980s and early 1990s, in the rush towards deregulation the New Zealand government left the issue of building standards to building contracts, largely on the buyer beware principle. That saved a small amount of money and regulatory process in the short term. But these savings were far outweighed by the long-term consequences of a decline in building standards. The consequence of the decline in building standards in New Zealand resulted in the leaky building crisis. In a country where it rains as much as it does in New Zealand, it is pretty important that homes keep out water. The problem was that the decline in building standards meant that water was getting into the dodgy homes and frequently these dodgy homes would not let water out once it got in.

Throughout New Zealand, an estimated 15,000 to 30,000 families were living in leaky homes. Thousands of those families could not afford to repair their homes, with the average cost of repair being between \$100,000 and \$150,000, nor could they afford the legal costs to pursue compensation, as those legal costs could be as high as \$20,000 to \$50,000. As a consequence, many families continued to live in the unhealthy environment caused by leaking homes whilst that damage continued to worsen.



This year the New Zealand parliament put in place measures to resolve the issues. It has come after a lot of pain and heartache for families, most of whom do not have the resources to seek legal remedies against builders who have cut corners. Thankfully, Queensland has never gone down this path. In the nine years since its election this Labor government has continually strengthened the role of the BSA.

I now turn to some of the specific provisions of the bill. Clause 6 of the bill inserts new section 30C, which introduces an occupational licensing regime for workers in the fire protection industry. The issue of fire protection in building standards was cast into the public spotlight following the report entitled *Building fire safety in Queensland budget accommodation*, commonly known the Childers report.

Since 2001, fire protection contractors across different streams of fire protection work, including fire detection systems, passive fire equipment to prevent fire spreading, fire sprinklers and firefighting appliances have been regulated. This bill goes one step further to introduce a licensing regime for the employees of fire protection contractors. This will ensure that our community can have confidence that building work done to prevent and protect from fire is being done by appropriately trained and licensed workers.

In corollary amendments, proposed section 42C will make it an offence to undertake fire protection work without a licence and proposed section 42D inserts a new offence for a contractor to engage or direct unlicensed workers to undertake fire protection work. This licensing regime will also contribute to the improvement of safety for workers in this industry. Many of those workers, particularly those who install wall and ceiling lighting, deal with dangerous materials. Even though material such as rock wool is a vast improvement on its asbestos predecessor, it can still be a dangerous material.

Prior to entering this place, I worked with construction workers installing lagging and other insulation materials. Those workers worked in hot and dirty conditions, not only in houses and buildings but also in power stations, oil refineries and ships. At the end of their working day, the overalls of those workers are covered in rock wool, and any exposed skin is sweaty and covered in the rock wool fibre.

The occupational licensing regime contained in the bill will mean that improved occupational training standards are provided for workers. As well, this licensing regime will put in place training requirements that can only lead to improved fire protection standards for consumers purchasing these services.

The issue of fire protection standards is an important one for the residents of my electorate. As an outer suburban area, it has only been in the past 15 years that residential development has reached its peak. As with many other areas developed at this time, this development often includes medium density development, particularly the more affordable townhouse developments. These townhouse developments, as attached dwellings, pose significant risks for owners and residents if there is not appropriate fire separation. In the past, some builders have tried to build attached dwellings with common roof spaces. This undivided roof space can mean a significant risk of smoke and fire transferring from property to property. While this issue will to some extent be addressed by the licensing of the fire protection contractors, it is important that owners and body corporates be vigilant about fire protection measures in attached dwellings.

On a more general level, the bill includes amendments to ensure tough consequences for those who breach their obligations. While ensuring that these penalties are sufficient to ensure appropriate deterrence, the penalties are reasonable and did not raise the concerns of the Scrutiny of Legislation Committee. The bill increases existing penalties for offences such as conducting building work without appropriate supervision, improper use of a BSA licence card, the breaching of licensing conditions by partnerships, and failing to have building contracts in writing. The bill brings these offences and their penalties in line with other comparable legislation.

As well, the bill proposes some new offences for conduct such as providing false and misleading documents about financial requirements to the BSA, the offence of pretending to be a licensee and advertising for building work without an appropriate BSA licence. This is a great piece of legislation that protects Queenslanders looking to build or improve their homes. I congratulate the minister and commend the bill to the House.

**Hon. RE SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (8.44 pm), in reply: At the outset I thank members for their contributions to the Queensland Building Services Authority and Other Legislation Amendment Bill, 99 per cent of which were positive. Particularly I pay tribute to the shadow minister, who has put an awful lot of work into this. My experience with these bills—and I have done a number of them now—is that as a parliament we have performed very well on these issues. No-one has tried to score cheap political points over what is a very fundamental strength within Queensland—that is, the regulation of the building industry. Wherever I have travelled in the world and interstate, I am told that we are the envy of others in terms of this legislation. Therefore, I thank all members for their positive contributions to that outcome.

As I have said many times before, there are no votes to be had out of trying to be half smart on these issues. If the shadow minister ends up over here, he will be confronted with the same problems. If I end up over there, it would be easy for me to make light of some of the problems that he faces. Therefore, this is a bipartisan outcome and a very good one.

As an organisation, the BSA continues to mature and confront issues that were never thought of in the first place. I pay tribute to Ian Jennings and his team. In the first three years of our government before I came to the portfolio, my predecessor Judy Spence pushed a lot of the building reforms in this state. Judy appointed Ian to this position and I have to say that she chose very well. As members on all sides of the parliament know, he is very responsive to any issues that people raise. He leads from the front. His work after Cyclone Larry was tremendous, as the member for Hinchinbrook pointed out.

We have embraced the building industry as a partner. We do not see the building industry as an enemy. Organisations such as the Master Builders Organisation and HIA are very interested in making sure that we have a secure industry. That means getting rid of some of the cowboys. Tonight we go a little further down that path.

During the estimates hearing process, the shadow minister raised with me an issue that was dear to his heart and it ought to be dear to the hearts of every member. Every one of our constituents could be caught in a circumstance where a builder gets a job taken from him because of incompetence, financial failure or whatever the case may be. During the limbo time before the job is taken over again, there is no protection. The truth is that the BSA has underwritten that.

To his credit, the shadow minister came up with an amendment and, to his credit, Ian tried to do something even better. We have come out with a good insurance outcome, so that gap has been plugged. I thank the shadow minister for that level of commitment. He did not try to score any political points out of the issue. He can share in the credit for the outcome. We have achieved a very good and very positive outcome, and I thank him for that.

The issue of supervision was raised and, although the member for Bulimba has left the chamber, he answered the shadow minister's question, as did the member for Sandgate. I can see where the member is coming from with this. To the untrained eye, it looks as though we are diluting the supervision on a job, but actually we are adding another layer of accountability into the process.

In the old days, when I was knocking around the sites, they had foremen—I think they call them forepersons now, although I do not. The bill sets a designated role into the building industry. It says that the nominee must have a level of competence that understands the whole measure of the job. As the member for Bulimba rightly pointed out, today jobs are not like they used to be. There are people who come and go and supervise different aspects of the job, whether it is getting the job up out of the ground, putting the framing on it or whatever it may be. At the end of the day the nominee is still going to be in charge. He or she will be expected to know everything from what makes good footings to ensuring that the roof is screwed on right. It is just a catch-up, as it were, as the industry has moved forward. I am confident that this is another level of accountability and another opportunity for somebody in the building industry to develop a good living out of it.

The honourable member made some very sensible suggestions about the time frame. I am a great believer in setting time frames for agencies to make sure they get back to people. I have spoken to the CEO, Ian Jennings, and he has agreed to take those on board. We will do some work on it. As the member would expect, we cannot just rush into those tonight. There might be some outcomes that we do not really want from it. I take them as sensible and sincere. If they can be done without any poor outcome, we will certainly do that.

The six-year limit on owner-builders—I have to put up my hand as being someone who took a little bit longer than six years. I do not think anyone complained to the council about it, but my wife certainly complained that I did not get the house finished. I have a little bit of sympathy for those people. I have to put up my hand as having an interest here; it was a little more than six years before the final nail went into the extension that I put on the house. It was all aboveboard and all of that, but it was probably not world's best standard in terms of the time taken to complete it. So I have a little bit of sympathy for the owner-builder in that regard. We will have a look at that. Seriously, I know of a case of an owner-builder in the electorate of the member for Hinchinbrook who took 25 years to complete a house. I noticed they got it completed just in time for Cyclone Larry and it is still there today. Perhaps the longer it takes to build them, the better they are. Certainly that was the case with my house.

The obstructing of inspectors—valid point. Why should anybody have the right to obstruct an inspector? This basically came from Cyclone Larry, if I am not mistaken, when an inspector was prevailed upon by a bloke wielding a star picket. We found there was a little bit of a loophole there. There ought to also be some onus on the inspector to make sure that they properly identify themselves. It would be reasonable to say to the inspector, 'Unless you show some identification, you're not coming on the site.' It would be a reasonable defence if the person had a savage dog, for example, and they

said, 'You can't go in there yet till I tie that dog up,' or whatever the case may be. Lawyers use that term. I am not a lawyer, as everybody knows. It is a legal defence for a homeowner or a builder to protect themselves against somebody who may be excessive and a little bit too far on the authoritarian side of things for their own good. I am pretty comfortable that that is there.

The member for Surfers Paradise raised the issue of the promptness of this legislation coming to the parliament. I think he got a little bit confused because we actually started this journey back in 2001. It is only now that we have the competencies. There is no point making laws unless there are people with the competencies to carry them out. That has taken a while to happen. The new building fire and safety laws came into effect on 1 January 2001. It has taken some time. The reality is that we are well ahead of the pack in Australia yet again and in the world, in my view, in creating these professions and jobs. I know other states are looking at them. I am pretty certain that this is the most comprehensive set of fire protection initiatives that exist anywhere in Australia. I am yet to see any evidence to suggest that it is not the most comprehensive anywhere in the world.

The member for Bulimba pointed out that there was another loophole in our insurance scheme. As the member for Ashgrove pointed out, there is something that everybody envies us for and that is our Home Warranty Insurance Scheme. It is a magnificent system. Even the HIA do not come knocking at the door saying 'We should take it over' anymore. When I talk to colleagues in other states, they say that they really would like to have a system like this. It is a system where we say that we will fix the problem and then we will pursue whoever caused it. In other states they say, 'You go and pursue them and if they won't pay then come back to us.' That in itself is just one aspect of it.

One of the things that was happening was that the smarties who own houses and were developing them would not complete the house, then claim the money on insurance and sell the house. That is why we have tightened up that loophole. As they say, a good lock only keeps an honest thief out. As my mum always says, whenever you find people and money, you will find thieves. Whenever you find any opportunity for people to claim money, they will do it. Hopefully, that will tighten up that scam. It is not widespread, but certainly it is enough to bother us.

I must congratulate the member for Burnett on reading the explanatory notes. Perhaps if he reads them over enough times he will learn what they are all about. He could not help himself; he had to talk about council amalgamations at the end of his speech. His was the worst contribution in the parliament tonight, but that is not anything new. It soured what was otherwise a very good debate and a very decently run debate in that people made very decent contributions to it.

There are a couple of amendments, which the shadow minister has alluded to, which we will deal with. It is not going to be any big drama to deal with them. One of them is a housing one, which is simply an administrative change which enables the director-general to make certain decisions in relation to disposal of property. The one regarding the engineers is to overcome a drafting problem, which effectively meant that engineers were being registered under the previous act rather than the new act. As I say, they are only minor. They are the side game to the overall game tonight.

Again, I say thanks to everybody for their contributions. This is an industry that this year did something like \$7 billion worth of insured work. It is huge. People all over the world are in awe of the regulation that we have in this industry. I do not care where people go in the world; they will not find a tighter regime. Even in a communist country like Vietnam there is no regulation on the building industry. If they go to New Zealand, our nearest neighbour, it is the same deal. In other states they do not have the same financial requirement to insure. So only the really good ones stay in the industry, and the effects are showing.

I remember when I sat next to the previous minister. He had a pile of correspondence to sign to people who were being ripped off by builders or subbies who had not been paid. We are improving and we are winning this fight and it is because we have been able to take a bipartisan stance in this parliament and people have not tried to score points off it. Certainly when I was in Vietnam and in Thailand recently both governments indicated some interest in learning a bit more about regulating their building industries. One of the things that I am very proud of is that we can actually ban builders in this state. I think we are the only place in the world that can ban builders. I reckon if we can ban people from driving a car because they have caused some injury to somebody we ought to be able to ban people when they do not pay people or they ruin somebody's life by mucking up their house or, indeed, they injure workers on a persistent basis. Those people ought not be in the industry. The industry does not want them; we do not want them.

Finally, I thank the members for Ipswich West; Waterford; Sandgate; Mount Ommaney; Redlands; Bulimba; Ashgrove; the shadow minister, the member for Robina; the members for Hinchinbrook and Surfers Paradise; and I note the contribution of the member for Burnett. I commend the bill.

Motion agreed to.

### Consideration in Detail

Clauses 1 to 79, as read, agreed to.

Insertion of new clause—

**Mr SCHWARTEN:** I move the following amendment—

**1 New clause 79A**

At page 71, after line 31—

*insert—*

**'79A Insertion of new s 115**

After section 114—

*insert—*

**'115 Authority may provide services to a professional board**

'(1) The authority may provide services to a professional board in relation to a disciplinary proceeding being, or that may be, conducted by the tribunal.

*Example—*

The authority might make a lawyer performing work for it under a work performance arrangement available to represent a professional board at a disciplinary proceeding being conducted by the tribunal.

'(2) The authority may enter into arrangements with a professional board about the fees to be paid to the authority for services provided under subsection (1).

'(3) In this section—

***disciplinary proceeding*** means—

- (a) a disciplinary proceeding under the *Architects Act 2002*; or
- (b) a disciplinary proceeding under the *Professional Engineers Act 2002*.

***professional board*** means—

- (a) the Board of Architects of Queensland established under the *Architects Act 2002*; or
- (b) the Board of Professional Engineers of Queensland established under the *Professional Engineers Act 2002*.

I table the explanatory notes.

*Tabled paper:* Explanatory Notes to Minister's amendments to the Queensland Building Services Authority and Other Legislation Amendment Bill 2007.

Amendment agreed to.

Clauses 80 to 90, as read, agreed to.

Insertion of new clause—

**Mr SCHWARTEN:** I move the following amendment—

**2 New part 3A**

At page 83, after line 23—

*insert—*

**'Part 3A Amendment of Housing Act 2003**

**'90A Act amended in pt 3A**

'This part amends the *Housing Act 2003*.

**'90B Amendment of s 12 (General powers)**

'Section 12—

*insert—*

'(3) The chief executive may, on the terms and conditions and subject to the restrictions, exceptions and reservations the chief executive thinks fit, dispose of portfolio property that is surplus to the requirements of the department.'

**'90C Amendment of s 128 (Land set apart under the repealed Act, s 18)**

'Section 128—

*insert—*

'(5) The Governor in Council may, by gazette notice—

- (a) repeal the notification to wholly revoke the setting apart of the land for use for the purposes of this Act; or
- (b) amend the notification, including to partly revoke the setting apart of the land for use for the purposes of this Act.

'(6) The chief executive may, as agent of the State, apply under the *Land Act 1994* for land to which the notification applies to be—

- (a) granted in fee simple; or
- (b) leased for a term of years or in perpetuity.

- (7) For dealing with an application mentioned in subsection (6) under the *Land Act 1994*—
- (a) section 16 of that Act does not apply; and
  - (b) a deed of grant or lease may be granted without competition.
- (8) The registration of a deed of grant under the *Land Title Act 1994*, or registration of a lease under the *Land Act 1994*, for land to which the notification applies revokes the notification to the extent it sets apart that land for use for the purposes of this Act.'.

Amendment agreed to.

Clauses 91 to 93, as read, agreed to.

### Third Reading

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

### Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.

## SPORTS DRUG TESTING AMENDMENT BILL

### Second Reading

Resumed from 28 November 2006 (see p. 624).

**Mr HORAN** (Toowoomba South—NPA) (9.01 pm): It is a real pleasure to speak to the bill before the House today, the Sports Drug Testing Amendment Bill 2006, which is about enhancing the fairness of competition and thereby making sport more enjoyable for people at all levels, in particular for young people who look up to higher levels, but ultimately making those elite levels of sport that many people aspire to fair and honest and thereby standing by all the principles that we value that come out of sport.

The opposition welcomes this bill and will be supporting it fully because it is about making sport fairer. Many of us here in parliament often have to deal with things that are hugely negative and critical or have disappointed people and so forth, but one of the most enlightening aspects of our society is sport. Whether it is sport for recreation and social enjoyment, whether it is sport where people just develop friendships and become a member of a club and enjoy not only the sporting activity but the friends around them, or whether it is at higher levels of sport, the sheer excitement and enjoyment of watching sportsmen and women at the highest level, sport plays a very, very important role in our life. Sport can provide people, particularly young people, with many of the lessons of life. If young people are encouraged to participate in sport and enjoy it then they learn that they have to try, to train and practice, to have discipline and listen to their coach, captain or manager; they have to share the ups and downs of winning and losing and be a good sport and try their best and, at the end of the day, shake hands and move on to the next day. There are many lessons involved in sport that can be transferred to normal life. Sport gives young people a great balance and enables them to adjust and to deal with many of the things in life that may be difficult. We all need to know how to win and we all need to know how to lose. There is a great saying in sport that you accept your victories humbly and at the same time become a gracious loser.

This particular bill is bringing about some technical changes to align legislation and heads of power in Queensland with Commonwealth legislation. It is all to do with drugs. Drugs have become a scourge on our society. Whether it is for recreation, causing crime or causing these problems of cheating in sport, it is something that we all find repulsive. The difficulty is that for young sportspeople or other people in life there is always the temptation of drugs. In previous eras kids might have got a thrill out of having a smoke at the school fete or having a drink; today the dangers are so much greater. People get hooked on these drugs and there are very, very bad consequences. Some of the drugs causing crime get people so focused. If they set their mind to do something while they are on drugs, in particular amphetamines, they will go ahead and do it regardless of the consequences—they will attack a policeman, they will break and enter, regardless of the consequences. They will do all those things because they are out of their mind and driven by the drugs. The other problem with drugs is that, without a doubt, they do all lead to mental illness. Very few people who take drugs and take them to some considerable extent ever escape the effects of the various forms of mental illness. That in itself is also creating a problem for our society.

Then we have elite sports stars who are playing sport full time and often have a bit of time on their hands. They do not have a job because they are full-time professionals. There is the temptation of recreational drugs. They have been through the highs and lows. Many of these sports stars have been playing in games or events of massive national and international importance. There is great tension,

stress and pressure on them. They have run out before 80,000 to 100,000 people and played the game of their life and then had to sit down in the dressing room and accept sobering defeat or the joys of victory. There is a lot of pressure on them. That is no excuse, but those are the sorts of things that are behind many of the problems of drug taking. To avoid drugs they need great discipline, family support and the enormous support of coaches and managerial staff and all the people around them who are there to guide and mentor them through the elite sport that they are involved in.

Ultimately there needs to be the pressure not only of sanctions but also of testing and of punishment, because some people will break the faith, break the trust, and just go that little bit further and take performance-enhancing drugs.

**Mr English:** Like Marion Jones.

**Mr HORAN:** Which was a tragic thing. I take that interjection. They also take recreational drugs, which are just as bad, and for which they are tested in many sports during the season but also in some sports out of season.

I have a few notes on an event that I, along with many people in this House, will never forget. At the time I felt it was the most wonderful sporting event that I had ever seen, and I have seen a few. It was Ben Johnson winning the 1988 100 metres. When he lined up on the blocks he just looked magnificent. He came out of the blocks like a shot out of a gun. It was an absolutely brilliant run. He won easily with one hand in the air. He broke the world record and would have broken it by more if he did not have one hand in the air. I do not think many of us have ever witnessed an elite performance like that. There was devastation when three days later he tested positive to Stanazol, an anabolic steroid. People all over the world were devastated for sport and devastated for the great principles of the Olympic Games and for Carl Lewis whom he had beaten.

Whilst there had been drug testing in the era before that, that was probably the turning point where everything became ultra serious about proper testing. How could an event like the 100 metres, the blue ribbon event of the Olympic Games, and the principles of the Olympics be destroyed by something like that.

I will briefly run through some of the legislation that has led to what we are discussing tonight. We have had the Australian Sports Drug Agency Act 1990, a Commonwealth act. It has established ASDA, the Australian Sports Drug Agency. That was following a recommendation of the Senate standing committee and its report which was called *Drugs in Sport*. The major service provided by ASDA was its sporting event and out-of-competition testing. ASDA would collect samples which were analysed by an accredited laboratory, and it also maintained a register of notifiable events.

The Australian Sports Drug Agency Amendment Act 1998 was a Commonwealth Act. The purpose of that act was to ensure that the Australian Sports Drug Agency could continue to undertake its responsibilities effectively and to provide leadership in the international fight against the use of drugs in sport up to and beyond the Sydney 2000 Olympic Games. That then led to a further amending act in 2004 from the Commonwealth which enabled ASDA to perform particular functions required as a result of the introduction of the World Anti-Doping Code.

The Australian Sports Anti-Doping Authority Act 2005, a Commonwealth Act, provided for the establishment of the Australian Sports Anti-Doping Authority, or ASADA, which now carries out the functions of the Australian Sports Drug Agency; additional functions in relation to the investigation of potential additional sports doping violations; and the presentation of cases against alleged offenders at hearings conducted by the International Council of Arbitration for Sport and other sports tribunals. It also determines the mandatory antidoping rules to be included in Australian Sports Commission funding agreements with sport, and advises the ASC of the performance of sports in observing these requirements.

We then had the Sports Drug Testing Act 2003, which was a Queensland act supported by both sides of the House and passed without amendment. The policy objective of the act was to provide a legislative framework for the conduct of testing of state level athletes for the use of drugs or doping methods.

The bill that we are debating tonight ensures that the Queensland Sports Drug Testing Act 2003 is consistent with Commonwealth legislation. It seeks to change various terms to reflect changes in Commonwealth legislation to ensure consistent terminology. It removes section 6 references in the Commonwealth Act due to the broader scope of the Commonwealth Act; replaces part 3 to allow for the provision of agreements about matters relating to state athletes with the Commonwealth in particular; provides for antidoping testing services for state athletes; provides for educational services for state athletes about doping in sport; and other matters related to achieving the objects of this act. A very important aspect of the particular amending bill is that it allows for the testing of state athletes under 18 years of age and it amends the terminology in the dictionary to reflect the terminology in the new Commonwealth legislation.

Since the introduction of the Commonwealth drug testing legislation, a number of sports have become involved in this over the years. I think at the moment there are about 11 different sports involved in drug testing. The drug testing has always been carried out for the state by the Commonwealth agencies. I think it has helped greatly in the work of keeping sports honest and everybody competing on a level playing field.

One of the aspects of this bill that is important is the testing of young people under 18 years of age. Queensland is working with the Commonwealth to try to bring about parental consent in this case. This bill certainly provides for parental consent and the government is working with the Commonwealth to make that a standard throughout the nation, because it is something that I think is important. It might be a little bit frightening to young athletes competing in state championships to be tested. It can be a bit daunting.

I can remember on occasions when my son was tested after test matches when they drew the marble for random testing. I remember being with him for two or three hours at a function and him being followed around by the drug tester, because they do not feel inclined to go to the toilet for two or three hours after the game. The drug tester from the Commonwealth would follow whoever drew the marble around and around through the function while signing autographs or eating white bread sandwiches until they were able to provide a sample. For senior people that was part of the standard, but I think for young people under 18 it is very important that everything is done properly and professionally with parents' approval and everything is properly looked after in the way that the testing is undertaken, particularly with girls.

I hope that this bill provides Queensland sportsmen and women and junior sports people with every opportunity to enjoy their sport in a fair way. I think it is worthwhile mentioning a few things about Queensland sport. All of us in this House, as are most Queenslanders, are very parochial and passionate about the successes of Queensland sportsmen and women. There have been some unbelievable successes in this state. Queensland is gradually growing to the extent where it is probably the leading sports state of our nation. This may be due to our climate and the healthy way that kids after school can participate in sport, but I think it is also due to the wonderful ethos of volunteers. Those people are prepared to form junior clubs, to provide the coaching, the managing and the running of the club, to be on committees, to be in the canteen, to mark out the fields or to get the gear ready. It is wonderful that people in this state want to be involved in sport, particularly for young people.

There have been a lot of successes in Queensland sport. I tend to think that we matured as a sporting state in 1996 when we won the Sheffield Shield. I remember Carl Rackemann taking that catch at the end. I thought it would never happen. I thought it was going to rain or something would happen, but it did not rain and they finally got the last South Australian out and we won. My eldest boy was on the hill with Rupert McCall. They had a wonderful time, as did everybody else on that hill at the Gabba.

**An opposition member:** Did they have a drink on it?

**Mr HORAN:** No, Rupert wrote a poem about it. It is a good poem and that is where he probably got the idea for it. Another great turning point in our state was the first State of Origin. A great friend of mine John McDonald, from Toowoomba, who has given so much back to Rugby League was the first coach. There was only one game played that year. Wally Lewis was the lock. He did not play five-eight. A wonderful story was written about that night by Hugh Lunn in a book of short stories about Queensland. He described how for years and years we had seen our side flogged. I remember the year they got beaten 59-0 and I think Bill Pearson was the Norths captain—or he was in the side. It was just terrible because all these Queenslanders were playing for New South Wales. Then Senator Ron McAuliffe brought about this concept of State of Origin.

Hugh Lunn wrote a short story about this. He described all the hidings and beatings. He described the Queenslanders traipsing down into the valley in which Lang Park sat and the hills around Lang Park, with the Queenslanders homes and people sitting on the steps in singlets even though it was winter. Everyone was trooping down to the game hoping we may have a credible display. I think with about 10 minutes to go Queensland was leading 18 to 12 and the crowd started chanting 'Easy, easy, easy.' Since then it has been a most phenomenal series. After all those years and all those games I think we are only one game ahead. When one adds the scores up they are almost level. It has been quite a phenomenal series.

Not only is there our league side but there are the Queensland Reds and the Brisbane Lions, which won three consecutive premierships. Some of the women hockey players in Queensland have in recent years made the Olympic teams. The champion swimmers who have come from this state for so long have certainly been something.

Perhaps one of the greatest sports in Australia is netball. It has the largest number of people actually registered to play. There is great organisation, whether it is in Brisbane or in country centres of Queensland. The way the siren goes and the games start on the different courts and the siren goes and they finish and the enjoyment and participation is a wonderful thing.

One sport that I think deserves mention is boxing. It is a sport which gives young men a chance to learn self-defence. I particularly refer to clubs like the Police Citizens Youth Clubs that have been able to use boxing to help a lot of young men stabilise their lives. The thing that boxing teaches people—and I spoke earlier about the lessons of sport—is discipline and sportsmanship. It can be very lonely for two men in a ring boxing or doing marital arts. At the end of it, to accept the win or loss and shake hands, which is part of the tradition of boxing, is one of the good things about that sport.

There are many other aspects of Queensland sport that I could go on with. I have touched on a few items. It has been truly wonderful for people to be able to watch and enjoy sport and to support our sportsmen and women. To see Billy Moore walk down the tunnel calling out 'Queenslander' has become part of our psyche.

I remember another wonderful sportsman from the Darling Downs Rohan Hancock, the last Rugby League player to come from the country to play for Australia. It was not long ago. This was at a time when all players came from the NRL or Sydney clubs. He came from Killarney and played for the Watties.

In Queensland we should be very proud of, and do all we can through this parliament and government departments to support, those organisations that provide junior sport. When we look at the organisation that goes into primary school sports at school, district, regional and state level in virtually every possible sport that we can think of and the same organisation that goes into the Queensland secondary school sports association—the mix of state schools, independent schools, grammar schools, Catholic schools and so forth—it provides the most outstanding opportunities for young people to participate in sport. There are the various trips that they are able to undertake and which teach them so much.

I can always remember when my son had his first game for the Wallabies. He had just turned 19 and he ran out before 55,000 people in Auckland. I thought at the time that he was too young and too small. Then I remembered all those coaches and Darling Downs teams for cricket, footy and so on. They had learnt to travel and learnt to play at a higher level or in representative sides. I then thought, 'No. He is ready because he has had all that background.' That is the case for thousands of young Queenslanders. They are ready at 18 or 19 if they are good enough because they have been through the secondary school sports association experience, whether for a team event or an individual event, and it has got them ready for elite adult sport.

Tonight I would like to compliment an organisation in Toowoomba and the downs called Darling Downs Sport, led by Mick Smith and his committee. They have done a wonderful job in providing annual awards for young sportspeople in a whole host of sports. One of the things they do is provide a scholarship. If a young boy or girl is doing well at a particular sport—it might be a team sport or individual sport—they provide them with a scholarship to be tutored in public speaking so that they can get up and address a crowd or sponsors or people at a sports function and not be shy and say a little bit about their sport and what the experience has meant to them. That is part of the growing up that sport provides.

Toowoomba has been very lucky to have some wonderful leaders in sport. The career of Mick Katsidis and his quest for world titles has just been amazing. He has had a couple of dry gullies to cross along the way. He has learnt his lesson and has done very well. That is another example of someone with determination, dedication and acceptance of the discipline and mentoring provided by his coach Brendon Smith.

There is one other person that I wanted to mention in particular. That person is Steven Price. Steven was the captain of Harristown State High School Rugby League team. He has been an absolute icon to the game in terms of sportsmanship. At the age of 33 he is still playing State of Origin and is the captain of an NRL team. He was in the Australian team that played last weekend.

Steven was captain of Canterbury Bankstown when they went through an extremely difficult time some four years ago. There were some dramatic events that brought the club and the game into disrepute. He was a gentleman through the entire process. He accepted some of the difficulties and shame that went with it. I know he was very disappointed that they were not able to go to some schools and coach. I wrote to him and told him at the time that I believed that sport, Rugby League, Toowoomba and Queensland could be very proud of the way he did everything he could for the honour of the game and to rebuild the honour of the club that he represented. Whilst we have leaders like that in sport then sport is very good hands.

I said at the outset that we will support this bill. We support it wholeheartedly. We also support anything that the government can do to bring about better opportunities for sport in this state, be that assistance with coaching and volunteers or equipment or facilities. The things we can do for sport will pay off 100-fold for us as a state and as a nation. To keep sport as an activity that is so worthwhile and so enjoyable and have people moving on from being competitors to administrators and always having the feeling of belonging to a particular club or organisation is important.



It is essential that we rub drugs right out of sport, be they recreational drugs or performance enhancing drugs, because they are bad for the sport, they are bad for the individuals taking them, and they will lead to mental health problems in the future. It destroys all the principles and values of sport that we hold so dear. Anything that can be done to educate sportspeople, particularly young sportspeople, to keep them from entering into the dangers of drug taking we will support. This bill does provide for those further educational opportunities. As I said, I thank the minister and her department for the courtesies of the briefing that they provided me on this bill. I and all of my colleagues on this side of the House hope that all of the amendments in this bill bring about a drug-free environment in sport for the good of one and all.

**Mr STEVENS** (Robina—Lib) (9.29 pm): I rise to speak on the Sports Drug Testing Amendment Bill 2006. At the outset, I concur with my coalition colleague and agree with amendments set out in this bill, although I want to make the point that I believe care is needed to ensure that non-guilty parties are not unnecessarily caught up with these issues just by virtue of association. The Sports Drug Testing Amendment Bill 2006 seeks to amend Queensland's Sports Drug Testing Act 2003 to bring it into line with Commonwealth government legislation which adopted the World Anti-Doping Code in March 2003.

**Mr Lawlor** interjected.

**Mr STEVENS:** The fundamentals of the code are to ensure drug-free participation in sport and to protect an athlete's fundamental right to participate in doping-free sport and thus promote health, fairness and equality for athletes worldwide and to ensure harmonised, coordinated and effective antidoping programs at the international and national level with regard to detection, deterrence and prevention of doping. The World Anti-Doping Code has released an updated list of prohibited substances by international standard as of 1 January 2007. The Commonwealth government also ratified the United Nations Educational, Scientific and Cultural Organisation's International Convention Against Doping in Sport in January 2006. Recently the Commonwealth passed legislation with regard to this issue called the Australian Sports Anti-Doping Authority Act 2006—and I do not believe that the member for Southport has passed that 'antidope' legislation—which was brought in to be in line with the requirements of the convention and to establish the Australian Sports Anti-Doping Authority. The Australian Sports Anti-Doping Authority incorporates the prior role of the Australian Sports Drug Agency, which is the agency that has the legal capacity to test any Queensland athlete selected for a state squad in an open-age sporting competition.

The main amendments of the Sports Drug Testing Amendment Bill 2006 are in relation to the following clauses: clause 4 seeks to amend section 1 by replacing the term 'drug testing' with 'antidoping' to come into line with the new Commonwealth legislation which encompasses the wider services of the Australian Sports Anti-Doping Authority; clause 5 seeks to amend section 3(2) of the Sports Drug Testing Act 2003 to provide for the state to enter into agreements with the Commonwealth under which antidoping testing services and educational services about doping in sport are now provided to state athletes by the Australian Sports Anti-Doping Authority; and clause 8 seeks to amend section 11 of the Sports Drug Testing Act 2003 to replicate the new powers of the Australian Sports Anti-Doping Authority under the Commonwealth legislation to test state athletes.

The culture of sport in Australia has had a relatively drug-free life for most competitors, but more and more the use of performance-enhancing drugs is becoming commonplace. It is a sad indictment of world sport that success at the elite level means fame and fortune beyond the wildest dreams of sportsmen who would ordinarily just be competing for the sake of being the best at what they do. The lure of big money for some can prove to be an attraction for which they will sacrifice their scruples and principles to win at all costs. There are some who illegitimately claim that others in their sport are doing it and for them to become competitive they have to resort to drug cheating to stay at the top. These are the sad realities of modern-day sporting success and society's financial obsession above all other virtues.

However, the recreational use of drugs is also becoming prevalent in our society, and several instances of elite sportspersons being involved in this scourge of modern-day living have been highlighted across the nation—none more so than the current kerfuffle in relation to Rugby League legend Andrew 'Joey' Johns. He has an acknowledged recreational drug use habit which has been hidden from the public for many years because of his iconic status. His friends, fellow players, officialdom of Rugby League and media insiders have all let the code down along with 'Joey' himself by not identifying his problem and moving to address it. What message does 'Joey' Johns doing ecstasy tablets for entertainment send to the thousands of young Rugby League footballers idolising this immortal of Rugby League, just as what message does Ben Cousins's drug habit in the AFL send to young Aussie Rules footballers? Doing drugs is drop-dead dangerous in any form or capacity and, regardless of its performance-affecting abilities, it must be eradicated in all forms of sport at all opportunities by all participants, both at player level and official level. It is their undeniable social responsibility that cannot be abrogated in any shape or form.

We have also seen in the media where Rugby League team members, AFL team members and swimming stars are being caught up in drug scandals and are tarnishing the reputation of generally dedicated, committed and hardworking sportsmen and women who are clean. The reason they enjoy such high regard and status within our community is that they are so successful at their chosen sport. This adulation, public notoriety and the financial benefit bring with it the responsibility and obligation to provide respected and considered leadership in their role model status that sets goals and ambitions for thousands of young children participating in their respective sports. They cannot abrogate those responsibilities to those young people under any pretext whatsoever.

Australia is renowned as a sporting nation because our lifestyle is so conducive to the development of sport in all areas. We are a sporting nation. We raise sportsmen and women up to be heroes, so the pressure on them to live up to this hero status is high. But that does not mean that they have to cheat to get there or to stay there. They have a social responsibility when they decide to enter that industry. As a current member of the board of the Gold Coast academy of sport, I understand the importance of elite athletes complying with the rules and understanding their responsibilities when competing. The problem is that only a very few sportsmen and women do not comply with the rules, and this tarnishes the reputation of the sport that they are linked to. It is the unfortunate reality that one bad apple spoils the whole barrel, and with media coverage of sport being unprecedented in our society the reputations of many rely on the responsible behaviour of all.

There are roles and responsibilities of athletes wishing to compete in sporting competitions. Under the World Anti-Doping Code, the following must be adhered to by competitors: they must be knowledgeable of and comply with all antidoping policies and rules applicable to them; they must be available for sample collection; they must take full responsibility in the context of antidoping for what they ingest and use; they must inform medical personnel of their obligations not to use prohibited substances and prohibited methods; they must take responsibility to make sure that any medical treatment received does not violate any antidoping policies and rules applicable to them; and those who are not regular members of an NSO must be available for sample collection and provide accurate and up-to-date whereabouts information on a regular basis if required by the conditions of eligibility established by the NS, IF Olympic committee, major event organiser or as applicable.

Our sports stars are role models for young Australians and they need to realise that they do have a responsibility to uphold the sporting tradition of fair sportsmanship, respect for their fellow competitors and the unique potential to be the best in their sport through only the extraordinary mechanisms of their human body. In some sports such as cycling, frozen urine samples are stored for testing in the future. This has been mooted for all urine samples taken from other sports as well.

This would allow for future testing and a greater chance of catching the competitor, and ultimately drug cheat, later. This would have a major impact on sponsorship, prize money and status of the offender. That lucrative sponsorship deals are broken is a foregone conclusion when drugs are detected. Champion Olympic gold medallist Herb Elliott has been reported in the media as saying that he believes that drug-taking athletes are frauds. He has called for the law to be changed so that offenders would be jailed for taking performance-enhancing drugs. He points out that winning a gold medal is tantamount to a ticket to riches and that those who cheat their way to the pot of gold, robbing a genuine athlete of earnings, should be punished as you would a thief who steals money. I wonder what we are going to see at the upcoming Beijing Olympics.

I am particularly aware of the lengths that drug cheats will go to through my long association with the horse racing industry. Despite the most up-to-date, rigorous drug testing throughout the industry for horses, trainers and jockeys, there are still those miscreants in the industry who will risk everything for drug cheating because of the rich rewards on offer, even if gained with drug-assisted performance. Masking drugs, enhancing drugs and debilitating drugs are all tools of the bad apples in the industry who will try any illegal activity to win at all costs. The danger to themselves, to the players in the industry and to the reputation of the industry as a whole are ignored in their blind pursuit of riches at any cost. The only remedy for this serious one-track mentality is to make the penalties severe enough to make the effort of winning with drug assistance not worth the punishment. Nothing else will deter these people from their illicit path. The corollary of the racing industry to the field of sporting human endeavour can be found in some participants' attitudes. The prize of success provides fame and fortune that some athletes are prepared to do anything to achieve.

With all codes of football having been associated with drug taking, as well as nearly every other sport in the past, this bill is timely and needed for the industry. It is also needed for the state to come into line with the Commonwealth. I congratulate John Howard's federal government on leading the way with these important legislative changes.

I would like to conclude by making the point that it is the ultimate gift to be able to excel and be the best in your country or in the world in your chosen sport. The greatest gift of all is to train the human body to reach these extraordinary heights without any help whatsoever. I commend the bill to the House.

**Mr BOMBOLAS** (Chatsworth—ALP) (9.42 pm): As the parliamentary secretary to the minister for sport it gives me great pleasure to rise to speak in support of the Sports Drug Testing Amendment Bill, which aims to maintain the government's stance against doping in sport. Queenslanders' love of sport and pride in the achievements of athletes are founded on the expectation that sport is fair and that success reflects talent, skills and effort. The bill provides a strong statement of the Bligh Labor government's stance against doping in sport. It reinforces the government's commitment to drug-free competition and drug-free athletes.

So many times we have seen wonderful achievements, great sporting events and even careers marred and tainted because of drugs. The recent cases involving footy icons Andrew Johns, Ben Cousins and Wendell Sailor highlight the seriousness of the problem and the need for governments and sporting bodies to continue to fight this evil scourge of modern society on all fronts. I note today that Cousins has been charged with drug possession and refusing to submit to blood and saliva tests. On the world stage, Marion Jones's fall from Olympic grace is another stark reminder of the prevalence of drugs in many sports. Jones won five medals at the Sydney Olympics, which she later handed back after admitting to steroid use. I wonder whether she will hand back the millions of dollars that she received in endorsements as a result of that ill-fated success.

We need to send strong messages that the use of illicit substances is not acceptable and that if people take performance-enhancing drugs, or recreational drugs, they will be caught and punished. I also feel personally that we need to counsel and rehabilitate those offenders as well.

The Bligh government is updating the Sports Drug Testing Act 2003 to ensure that it is consistent with the international antidoping provisions and the Commonwealth's Australian Sports Anti-Doping Authority Act 2006—the ASADA Act. The objectives of the bill are to protect the health and safety of state competitors by discouraging the use of drugs and doping methods, to protect the state's outstanding sporting reputation, to protect the state's financial investment in sport and to recognise community expectations that athletes representing the state or receiving state support compete fairly without the use of drugs or doping methods.

I add that in the Chatsworth electorate there are several world-class venues where state, national and international events are held. At the Sleeman Sports Complex alone, the cycling velodrome, the weightlifting area and the pool precinct are venues where athletes of all standards train and compete. There is also the neighbouring Belmont Shooting Complex, where again athletes of all shapes and sizes train and compete at all levels of competition. I hope that all of those who gather here to train and compete are drug free and set an exemplary standard for young and upcoming athletes who are on the road to their own sporting careers. We must ensure that these areas are drug free zones and that those who use the facilities are clean.

Other sporting areas of significance in the Chatsworth area include the Clem Jones Sports Centre, which houses 15 different sporting groups, including Bulimba Hockey; Balmoral Little Athletics; the Carina Bowls Club; the Carina Leagues Club; East Carina Leagues Juniors; Carina Redsox Baseball; Carina Leagues CJ's Swimming Club; the Carina League Triathlon Club; Mater Hill Cricket; Mayfield Netball; Southern Districts Basketball; Thompson Estate Athletics; Warriors Water Polo; Lucht Tennis; and Strong Bones.

The Bligh government has a responsibility to ensure that sports, which receive significant support from the state, fulfil the expectations of the sports-loving Queensland community, and I have to say that I am one of those sports-loving people—and a very passionate one. The bill acknowledges these community expectations and reinforces Queensland's position against doping and that public funding for sport is not directed to those who are willing to cheat. Basically, that is what people are doing if they choose to use performance-enhancing drugs. That goes against many of the great Aussie ideals of fair play and having a fair dinkum go. This message should be reflected in the policies of all state sporting organisations that receive support from the state.

The Queensland government's support for strong measures to deter doping practices in sport is also reflected in the fact that it was the first state to introduce a drug testing regime under contract with the former Australian Sports Drug Agency, which is now established as the Australian Sports Anti-Doping Authority. With that in mind, progressing amendments to the Queensland Sports Drug Testing Act 2003 will ensure that it is fully complementary to and supportive of the regime established under the ASADA Act and Australia's obligations under the International Convention Against Doping in Sport. I commend the bill to the House.

**Mr WEIGHTMAN** (Cleveland—ALP) (9.47 pm): I rise to speak in support of the Sports Drug Testing Amendment Bill 2006. The aim of the bill is to bring the state's antidoping legislation into line with the Commonwealth's Australian Sports Anti-Doping Authority Act 2006—the ASADA Act. The ASADA Act was designed to ensure Australia's compliance with its international obligations under the International Convention Against Doping in Sport and the World Anti-Doping Code. The Sports Drug Testing Amendment Bill will bring Queensland into line with the Commonwealth government and the international law. It will also benefit our local communities and ensure consistency across Australia.

Sport is an essential part of Australian culture. As a former participant and a coach in competitive sports, I have seen firsthand the effects of drugs in sport. Not only do drugs—

**Mr Bombolas:** And a good one at that.

**Mr WEIGHTMAN:** I take that interjection. Not only do drugs remove the notion of fairness and fair play from Australian sport but also they do damage to the athlete taking those drugs. Thus we need to take a strong stance and reaffirm our aim of eliminating doping in sport.

In regard to drugs and playing sport, there have been some very high-profile instances of people who have been caught out doing the wrong thing. I have always told the people I have coached that playing sport is all about having fun and about developing a sense of community.

**Mr Reeves:** Except when we beat New South Wales.

**Mr WEIGHTMAN:** That is a different proposition. I have given that advice to athletes at all levels, whether they are junior sports people—

**Ms Jones:** Amateur squash players.

**Mr WEIGHTMAN:** Yes, those just starting out in sport or those trying to make their way in the professional ranks. I give them that advice to help them keep focus on what they are supposed to be doing in sport.

The Queensland government is actively trying to encourage our children to take up sport, and we rely heavily on the current crop of sports stars as role models. When a Wendell Sailor or an Andrew Johns are caught out with recreational drugs or a Marion Jones confesses to taking performance enhancing drugs in the 2000 Olympics and offers to give back her medals, we are not left wondering what impact that has on children who are starting out in sports, let alone their parents who are placing their children with trust into those sports.

That is why these laws are so necessary and the level of cooperation between state and federal government is imperative. Antidoping is a national issue and can only be addressed through cooperation between the Commonwealth and state governments. It is essential that the bill be passed to ensure uniform laws relate to antidoping across Australia, not just Queensland. This bill is the only way for this House to preserve the sanctity of sport, a notion that Queenslanders and, indeed, all Australians hold dear.

The practical changes to the present regime are minimal. The Queensland government will incur no new or additional costs. Only minor changes to the present laws will be effected. However, the bill sends a clear message that doping in sport will not be tolerated. This bill is not just about enhancing drug testing; it is also about education. Without educating our young athletes, there is no use putting in this strong regime of antidoping. The idea is prevention.

Drugs hurt both athletes and the sports in which they participate. Sport is something that touches the lives of almost every family throughout Queensland. It is a popular past time, a career for many, a community builder and an Australian value. I am a strong supporter of sport in my electorate and I am sure many other members in this House are. The intergovernmental cooperation contained in the bill sends a clear message that at no level of government will doping in sport be tolerated. I commend the bill to the House.

**Mr REEVES (Mansfield—ALP) (9.51 pm):** It gives me great pleasure to rise to support the Sports Drug Testing Amendment Bill. In doing so I congratulate the minister for becoming the new minister for sport. She is my neighbour and I look forward to working with her to ensure that our local sporting communities benefit from a range of funding. I also note that the parliamentary secretary is one of my neighbours. Look out southside, I say!

I am proud to be part of a Queensland government that funds sport better than any other state in Australia.

**Ms Jones:** Queensland is the best place to be.

**Mr REEVES:** It will be the place to be, particularly as shortly the Prime Minister of Australia will be based on the southside.

We should acknowledge the contribution that the Queensland government makes to sport. In terms of sport, Queensland is overwhelmingly the most funded state and the athletes themselves are funded more in Queensland than in any other state. We are the envy of the country.

The previous two speakers are both sport lovers and have been involved in local sport at different levels. As they have said, this is an important act that sends out a significant message about role models. We will hear a lot more about this in coming days because of the recent news about Cousins from the West Coast Eagles, although I imagine that soon he will not be with the West Coast Eagles.

I have been involved in junior sport for a number of years prior to coming to this place. One of the most important things we talk to young people about and that parents encourage them to do is play sport. Parents want their children to be active physically and mentally so that hopefully they will stay out

of trouble. People such as Andrew Johns, Ben Cousins and Marion Jones have put a big barrier up so that parents say, 'What are we promoting and encouraging our young men and women to get involved in?'

**Mr Johnson:** Don't throw one blanket judgement over the whole lot.

**Mr REEVES:** No, but it is important that we continue to send out the good messages about sport. It is important that young people compete in sport, not only for their physical wellbeing but also for their mental wellbeing. We all know the benefit of sport. Obviously, there is a social benefit as well. However, it is a crying shame that some athletes have not been good role models.

It is important that we stay abreast of the situation and as a government we ensure our sporting authorities and our drug testers have the right tools and the right legislation to address the problem. The other important thing to remember about the drug problem is that it is far from being a sports problem; it is a problem for all aspects of society. As a society, we need to continue to tackle the drug issue.

This act does not directly enable agencies to test state level athletes. Queensland legislation conferred powers to the Commonwealth allowing the testing of state athletes under contracts between the states and the Commonwealth. The Queensland Sports Drug Testing Act 2003, the subject of amendment by this bill, conferred these powers with testing of state level athletes conducted under contract. This has ensured a satisfactory level of services to sports in Queensland. Testing has been a core component of Queensland's drug-free sport program.

In recent years, progress has been made towards the harmonisation of antidoping practices internationally. The Commonwealth government adopted the World Anti-Doping Code in March 2003 and ratified the United Nation's Educational, Scientific and Cultural Organisation's International Convention Against Doping in Sport in January 2006.

In March 2006 the Commonwealth passed the Australian Sports Anti-Doping Authority Act. The ASADA established the Australian Sports Anti-Doping Authority that incorporates the prior role of the Australian Sports Drug Agency with wider powers and functions, the establishment of the Australian Medical Advisory Committee providing an antidoping policy, and new powers for investigating doping allegations.

I congratulate the minister and the department for bringing this legislation to the House. Once again I emphasise that it is important that we tackle the drug-testing problem as well as the issue of drugs throughout society. I will never forget watching Ben Johnson win the 100-metre race at the Olympics. I thought it was the greatest sporting event that I had ever seen, although of course I only watched it on TV. A couple of days later I found out that he had tested positive to drugs. As a sports lover, it left me with a hollow feeling. Whatever we can do to stay ahead of the game and tackle the drug cheats is great for sport. I commend the bill to the House.

Debate, on motion of Mr Reeves, adjourned.

## ADJOURNMENT

**Hon. RE SCHWARTEN** (Rockhampton—ALP) (Leader of the House) (9.58 pm): I move—

That the House do now adjourn.

## Gold Coast Ferry Service

**Mr STEVENS** (Robina—Lib) (9.58 pm): Ten years ago when I was mayor of the Gold Coast, I tried to introduce a ferry service to the waterways of the Gold Coast, which encompass more kilometres than the waterways of Venice. Three issues prevented a ferry service taking place for the residents and tourists of the Gold Coast. Noise levels of the ferry motors were deemed to be intrusive, damage to the foreshore from wash was a concern and certain limitations regarding speed on the waterways had to be overcome.

Unfortunately, we were not able to overcome these issues with the technology of the day. Roll on 10 years and an innovative transport solution has been proposed for residents and tourists of the Gold Coast by a consortium using a vessel called a Solar Cat. The Solar Cats addressed both noise issues and erosion of banks through wash, according to an environmental impact statement considered by the Gold Coast City Council.

**Mr Moorhead** interjected.

**Mr STEVENS:** I will get to that. However, providing a ferry service and asking it to chug along at six kilometres per hour is the most ridiculous request I have ever heard a government make of a multi-person public transport mover. Minister Mickel confirmed that they are not going ahead with the Solar Cats and made the infantile and ridiculous analogy that it would be like a bus travelling at 150 kilometres per hour in a 60-kilometre an hour zone, which is a load of nonsense. A bus travelling at 150 kilometres per hour in a suburban street is limited by the width of the road, whereas a ferry travelling along the wide

reaches of the Nerang River has enormous scope to manoeuvre in a safe and responsible manner which appropriately trained drivers and properly fitted-out vessels can achieve for the betterment of public transport on the Gold Coast. It is a tragedy that this government is paying lip-service only to an improved water transit system and because of its intransigence one could legitimately ask the question: is it trying to stymie this mode of people mover on the Gold Coast to protect the usage numbers and viability of its proposed light rail system, which has been big on propaganda and small on actual concrete steps forward?

The Gold Coast City Council has already determined that there would be no negative acoustic environmental impact on our waterways and no erosion of banks due to the light wake that the Solar Cats make. It would alleviate some congestion on our Gold Coast roads and provide the general public an alternative to catching a bus. I would also like to put on record and assure the minister that no-one, including the Solar Cat consortium and the Gold Coast City Council, has disregarded marine safety, and that this is the utmost priority in their business plan.

### **Mental Health Week**

**Ms van LITSENBURG** (Redcliffe—ALP) (10.01 pm): Last week, as part of Mental Health Week, I had the privilege to launch the Mental Health Outreach Support Service at Sunshine Place, which is funded by DSQ under the auspices of the Redcliffe Neighbourhood Centre. Mental illness is a disease that is increasing in the community and these days there are very few people who are not touched by it in some way through families, friends or workmates. So it is vital that there are effective services to support people with mental illness to use community resources effectively to ensure they are able to maintain their independence in the community. This has made the services offered by Sunshine Place invaluable.

Sunshine Place has been a haven for people with mental illness and I am proud that it was set up over six years ago with state Labor government funding. Its programs have been a rock that people with mental illness could rely on. The Personal Enrichment Program has helped clients to gain in personal confidence, develop their talents and skills to enable them to pick up their lives again, gain housing and employment, and go back into their families. This service has enabled them to add dignity back into their lives. The outreach service will extend and augment Sunshine Place's support for people with mental illness by supporting them in their homes.

All the programs at Sunshine Place have had a high rate of success due to the courage of clients and the hard work and creativity of staff. I commend Kimberley Savage, the Manager of Sunshine Place, and Helen Bradshaw, the coordinator of the Personal Enrichment Program for their dedication and their commitment to quality outcomes that give clients the opportunity to develop and use their creative talents. I have no doubt that Catherine Lynch will follow in their footsteps and develop an outstanding outreach program.

I am proud to be a part of the Bligh Labor government that has increased the funding to Sunshine Place by \$185,406 recurrent for three years to provide this outreach service. This funding for mental health services in Redcliffe is part of the largest investment in mental health services in the history of Queensland. The Bligh Labor government knows the importance of targeted community services to empower people with mental illness to take control of their lives and remain in mainstream society. This is the sign of an effective government that is doing its job. That is why Queensland is going ahead.

### **The Spit, Queensland Transport Development**

**Mr LANGBROEK** (Surfers Paradise—Lib) (10.04 pm): Last month, very few Gold Coasters knew of the member for Logan, the minister for transport. However, tonight, hundreds of residents in the state's south-east will not sleep easy because of this man and his government. We have just heard from the member for Robina about his stymying of a ferry service for the Gold Coast, which our people down there really want.

An interesting public notice surfaced recently—a public notice of development application for a project at the northern end of The Spit. The applicant for the development—a 980-square metre building to be built on the north-east of The Spit adjacent to the kiosk car park—is none other than the state government department of transport. The transport department, headed by the member for Logan, wishes to build a maritime simulator training centre on a protected site, a site which the Premier herself pledged would be protected under her government.

In August last year after the Beattie government sank its ill-considered, out-of-favour plan to build a cruise ship terminal at The Spit, the then Deputy Premier and now Premier undertook to preserve the eastern side of The Spit and Federation Walk. The Premier has publicly promised to preserve The Spit north of Seaworld Nara and the Sheraton, a position that I support and that the community supports. This also reflects the Gold Coast City Council's position as expressed by the Harbour study process in 2003.

A press release from the former Premier, Peter Beattie, on 3 August reiterating the state government's plan for the Southport Spit made no mention of any development on the eastern area of The Spit. That is why it is interesting that the member for Logan, within a month of coming into the Transport portfolio, wants to renege on his own government's policy to preserve the environment at The Spit by pushing ahead with a development application. This is a senior minister undermining the Premier.

Hundreds of Gold Coast residents have already indicated their opposition to the minister's development application. I call on the Premier to reinforce her promise to keep The Spit special and ensure that her ministers are well aware of where she stands on issues such as this.

Unfortunately, The Spit is not enough for the minister, who wants to carve up Surfers Paradise to make way for an ill-considered rapid transit route. The contemptuous move by the minister to impose the Southport to Broadbeach route upon residents of the Gold Coast with no consultation illustrates his government's arrogance when it comes to delivering services. If the minister is so worried about the workload consultation, he can palm it all off to Main Roads, which I believe is something he and his staff have really embraced since coming into the portfolio four weeks ago.

It is high time the government stopped treating the Gold Coast like a holiday destination. It is the sixth largest city in Australia and one of the fastest growing regions in the country. The Labor government needs to get serious about planning for the future—something it has failed dismally to do in the past, especially on the Gold Coast.

The preferred route is a bad move which will end up costing Gold Coasters and the government for years to come. The people are against it. Local residents, the Property Council, Surfers Paradise Chamber of Commerce, Gold Coast Combined Chamber of Commerce, Commerce Queensland and the Urban Development Institute of Australia are unhappy with the route which will carve up Surfers Paradise. The rapid transit system is over time, over budget—

Time expired.

### Death of Mr CG Albury

**Ms DARLING** (Sandgate—ALP) (10.07 pm): I would like to pay tribute to a long-time Sandgate area resident, Cyril Albury, who died on 22 September. His son, Scott Albury, prepared such a wonderful homage to his father's life in the local newspaper, I could not actually word it any better myself. For the benefit of all members I would like to read what his son, Scott, had to say about his father. He states—

Cyril was a lifelong resident of the Sandgate area and was a life member of the Sandgate Australian Rules Club, Sandgate Golf Club and Sandgate Historical Society.

Cyril Goodwin Albury was born on June 18 1929 and grew up on the family farm—this area is now home to the Bracken Ridge Library and cemetery.

At age 14 or 15, Cyril started as an apprentice sign-writer and his early days were spent touring the countryside, sleeping in tents as he painted local shops and petrol stations in places as far out as Dalby. It was also around this time that Cyril was asked to round up some of his mates to form a footy team.

Recently the Albury family uncovered a handwritten diary beginning in 1945 and finishing in 1947, which chartered the foundations of what was to become the Sandgate Australian Football Club.

Cyril captained/coached the Reserve Grade side to the premiership in 1956 and continued to coach many years after he finished playing.

After his playing and coaching days, he continued as a selector for the senior side for many years and was proud to be involved during Sandgate's golden era of the 1970s, which provided four premierships.

Cyril married his sweetheart Shirley Simpson in January 1951 and they raised four children, Christine, Alan, Clive and Scott.

After retiring as a signwriter in 1994, Cyril started to find more time for his art and started to paint the local Sandgate areas—his paintings currently hang in local hotels.

Cyril died at the Sandgate Football Club's Presentation Night 2007, shortly after giving a rousing speech about the 'Norm Reidy Medal', which is awarded to the Senior side's best and fairest player.

In the end he finished as he began, Sandgate through and through.

It is contributions by community-minded people like Cyril that make Sandgate such a great place to live.

Another community-minded group in my Sandgate electorate is the Parents and Citizens of the Sandgate State School who are running a fantastic activity this Thursday as part of Anti-Poverty Week. Her Excellency the Governor of Queensland, Quentin Bryce, will be in attendance, and students, local businesses, parents and charities will put together a fantastic show to raise awareness and raise money in Anti-Poverty Week. For the interest of members, Anti-Poverty Week began on Sunday, 14 October and finishes on Sunday, 20 October. The week focuses on poverty around the world, especially in the poorest countries but also the wealthier countries such as Australia, and this year education and poverty is a major theme.

### Esk Shire, Vandalism

**Mrs PRATT** (Nanango—Ind) (10.10 pm): The Esk Shire has been so marred by vandalism that it has started sending me reports of every instance since July, which I table.

*Tabled paper:* Copy of a Council of the Shire of Esk Officers Report dated 6 July 2007 relating to vandalism.

In June, there were seven reported acts of vandalism ranging from the glass on the Lions Community Notice Board being smashed to extensive damage to Lowood Clock Park, where the storage area of the toilet was smashed open and paint had been splashed over the floors and switchboards. An irrigation controller was spray-painted and two 20-litre containers of cleaning fluid were emptied onto the floor. A carton of toilet paper was unravelled and strewn throughout the park. Graffiti was liberally spread over the walls, the urinal and hand dryer. A hand basin was wrenched from the wall and a waterpipe and tap were vandalised. Bottles were smashed throughout the car park and empty alcohol mixed cans and other rubbish were spread throughout the park. Six people were apprehended on this occasion.

In July, the number of incidents rose to 11. The destruction included the removal of a railway sleeper used to block vehicle access, toilet seats smashed, attempted break-ins at the Lowood Council depot and the need for repairs to two trucks. Graffiti appeared on shelters at Twin Bridges, Fernvale, and the skate bowl at Toogoolawah, toilet doors were kicked off their hinges and large amounts of smashed glass strewn around. I will not list the incidents in August, but guess what? The incidents jumped to 12, all in a similar vein to previous months.

I ask the minister for local government how can councils keep repairing the damage caused by escalating vandalism without seriously affecting their ratepayers, because they cannot absorb the cost indefinitely? I ask the ministers for justice and police, if justice were being properly administered and police supported by the justice system, why then are reports of vandalism escalating? We can do better but when are we going to do it? These are not harmless pranks by sweet, innocent children; it is pure wanton destruction which costs law-abiding citizens plenty.

The Kingaroy Soccer Club's clubhouse had walls smashed, insulation ripped out, power points damaged and items stolen from the canteen. This occurred during the day and the offenders were seven and 11 years old. Why are such young children wreaking destruction on public and private property when they should be enjoying childhood? This government prides itself on making tough decisions. Make them now. Rein in this wanton destruction caused by children who want to rule the world. Give the relevant authorities some teeth, because they are apparently chewing on gums at the moment. These perpetrators may be children but they are destructive and disrespectful of society. They know what they are doing is unacceptable and they are potentially society's future criminals. Their behaviour needs to be nipped in the bud. Boundaries and discipline hurt no-one, but vandalism hurts everybody.

### Keogh, Mr LJ

**Mr WEIGHTMAN** (Cleveland—ALP) (10.13 pm): I rise to inform the House of the passing of Leonard Joseph Keogh born on 2 June 1931. On Wednesday, 10 October, former federal member for Bowman and past Redland Shire Council Chairman, Len Keogh, passed away. Len was 76 and resided in Ormiston within my electorate of Cleveland.

Len leaves behind his beloved wife, friend and soulmate, Joan, who was also his carer during a persistent and determined battle against prostate cancer. Joan and Len had six children and were grandparents to 19 wonderful grandchildren. Today's service was a very strong indication of the importance of family to Len with all his family contributing substantially to the celebration of his life at the Star of the Sea Catholic Church at Cleveland. Father Frank O'Dea welcomed and included all family and friends in the celebration of Len's life.

I have here some excerpts from the eulogy so bravely delivered by three of his children, Anne, Paul and Michael, who have kindly provided me with a copy with the express purpose of sharing some of it with members of this House. Anne said—

Len was born into a political family during the difficult times of the great Depression. His father John, whose parents were Irish immigrants, was the last Mayor of South Brisbane before the amalgamation of the North and South Brisbane councils. Len's mother Agnes also has Irish ancestry and all things Irish were of interest to him.'

Len joined the Australian Labor Party in 1950 and went on to be a well-respected life member of that party. Some of the reasons for that well-earned respect were outlined during the eulogy when his son Paul said—

Persistence, determination, diligence and fortitude were etched into Len's character. Over a period of almost 30 years, he stood for 11 elections winning six in this district. He represented Bowman in the federal parliament for a total of 12 years and was chairman of Redlands Shire for three years.

This was in the early nineties when the Redlands really began to blossom as a shire. In the Redlands he is also a local legend who served as the patron for a number of local sporting and community groups including the Redland Cricket Club, Redland and Capalaba soccer clubs and Yurara Art Group.



In the eulogy, Paul Keogh went on to mention a plaque that was permanently displayed in Len's office. It said—

Press on—nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education alone will not; the world is full of educated failures. Persistence and determination alone are omnipotent.

Len Keogh obviously lived his life by this mantra and his immense contribution to the community during his public political life reflected this, and it was never more evident than in his protracted battle against prostate cancer.

Joan Keogh and family lost a husband, father, brother and grandfather, the community lost a dedicated humanitarian and the Labor Party lost a life member and stalwart. Len, you will be missed by your family and friends and remembered by many more. Thank you for your great contribution. May you rest in peace.

### **Epidermolysis Bullosa**

**Mr DEMPSEY** (Bundaberg—NPA) (10.16 pm): I wish to bring the attention of the House to the plight of sufferers of epidermolysis bullosa or EB. Children with EB are commonly known as cotton wool children or butterfly children. Their skin is extremely fragile, like a butterfly's wings, and painful blisters and wounds can form at the slightest touch. EB is an incurable genetic skin condition that affects all parts of the body, internally and externally. EB is also extremely rare, affecting an estimated 1,000 Australians. At its worst it can be fatal, but even in its mild forms it causes a life of pain and physical challenges. Everyday blisters must be lanced and dressed in a painful process that can take hours. Due to the rarity of this disease there is no uniform approach taken by the public health system in providing the necessary specialist support or dressings needed for these butterfly children.

The health system and this government are unable to provide the specialist services needed for EB sufferers, so the families turn for relief to the Dystrophic Epidermolysis Bullosa Research Association or DebRA. DebRA has state and national groups and is a voluntary organisation that provides support to individuals with EB and their families. DebRA currently receives no government funding for the vital work it does and relies on corporate and other funding to continue making a difference.

DebRA's goals are to raise awareness of EB, encourage understanding and compassion, develop a network of support for sufferers and their families and to provide practical support by supplying the essential items needed in the daily life of an EB sufferer. DebRA also funds international research aimed at developing successful long-term treatments and ultimately a cure. One of the major roles that DebRA fulfils is providing free dressings for members right across Australia. Last year alone DebRA spent \$50,000 on dressings. A national survey found that only 35 per cent of DebRA members were able to access dressings via the public system, despite a majority of them wishing to do so. Of the 35 per cent who were able to access dressings through public hospitals, most have had problems with the process: getting inferior dressings, a confusing or inconsistent process, delays on orders, as well as being made to feel guilty for accessing dressings from the public system on an ongoing basis.

I call on the government to implement a clear, straightforward and fair process whereby people with EB could be placed on a register and obtain suitable dressings from their public hospital without being made to feel inferior and ongoing specialist support provided to review dressing requirements annually. This would be of benefit by reducing the number of hospital admissions and the length of stays in our already strained hospitals, along with reduced use of antibiotics and medications. It would also increase the quality of life for people with EB and increased attendance and participation in schools. There is a similar system already in place in New Zealand which I would urge the health minister to look at when considering this issue, and to consult with DebRA Australia in developing a better outcome for the butterfly children.

### **Gold Coast Signature Dish Competition**

**Mr LAWLOR** (Southport—ALP) (10.19 pm): On 27 August it was my pleasure to represent the Minister for Primary Industries and Fisheries, Tim Mulherin, at the annual Gold Coast Signature Dish Competition dinner. It was held at Visions Restaurant at the Gold Coast Institute of TAFE. The TAFE staff and students did an excellent job in catering for the event, which was organised by Wendy Vaughan. Amongst those present were Reg Morgan, the President of the Australian Culinary Federation, and his cojudges Kim Chikott, Angela Brown and Brian Mossop. Paul Ierna, the Chairman of the Restaurant and Catering Gold Coast was also present, as were sponsors Vince Vaina, the Managing Director of Top Cuts, and Faye Tabet, from the Australian Mushroom Growers Association.

This was the eighth year of the Signature Dish Competition and the event is bigger and stronger than ever. It always stimulates great interest in local produce from the domestic market and overseas visitors. There is no better place for a quality food event than the Gold Coast, which has some of the best restaurants in Australia. The judges would have had a difficult time in settling on just one dish that stands out above all other contenders. I again congratulate the winners, Jay Jorgensen and Kylie Harris.

The competition is a celebration of the talent of all of our local chefs and apprentice chefs who have the ability to take fresh Queensland produce and create such wonderful meals. It demonstrates the strength of the links between our primary producers, our restaurants and the food services sector.

When it comes to horticulture, aquaculture and agriculture, we in Queensland enjoy an embarrassment of riches, with an amazing variety of produce and food products, and the food and restaurant sector continues to flourish despite the impact of the drought. Events such as this assist in opening up new domestic and international markets and tourism opportunities for our agriproducers and an ever-expanding range of associated niche industries. On behalf of the minister and all Queensland primary producers, I congratulate the chefs and apprentice chefs who participated in this year's awards and everyone involved in the Gold Coast Signature Dish Competition.

### **National Week of Deaf People**

**Mr GIBSON** (Gympie—NPA) (10.22 pm): The deaf people of Queensland are celebrating. This week is the National Week of Deaf People, which is a week-long, Australia-wide celebration of deaf individuals in the deaf Australian community. Deaf people really do know how to celebrate. I remember as a child often attending the Deaf Club with my parents. I would watch how the deaf would relax and unwind into the wee hours of the morning.

The National Week of Deaf People is an opportunity for deaf people to value and celebrate their community, their unique sign language, their culture and their history. It also makes the public aware of their local, state and national deaf communities and helps recognise the achievements of the deaf community. It is also an opportunity for organisations involved with, or wishing to be involved with, deaf communities to showcase their services and/or products, build and maintain strong relationships with deaf people, and be recognised for giving deaf people a fair go.

This year the theme is 'Communicate IT', encouraging everyone to focus their events on information technology and how it can best be used by deaf people and by others to benefit deaf people. Unfortunately, most people are not familiar with real deaf people. Most people believe them to be unfortunate, lonely, sad or longing for technology to make them hear. But the reality is very different. The deaf community is a vibrant and active community of people who share a common language, Auslan, the Australian sign language, and a common culture.

The National Week of Deaf People is deaf people's opportunity to showcase their community, their language and their culture that they are so proud of. This year we experience a first—possibly a first for any parliament in Australia. The Queensland parliament will celebrate the National Week of Deaf People by providing sign language interpreters for question time this Wednesday, 17 October.

I am sure all honourable members will be aware of my connection with the deaf community. The idea to do something for the National Week of Deaf People came to me as I realised from my maiden speech that it was the first time my deaf parents had ever met MPs, let alone visited parliament. I want to put on the record my thanks to the member for Glass House, Carolyn Male, and Mr Speaker for enthusiastically supporting this idea and to all the parliamentary staff involved in bringing this event about. It has been wonderful to see members of parliament act in such a bipartisan way to help bring the activities of the parliament to the broader deaf community.

I would also like to thank Deaf Services Queensland for its support, especially the general manager, Mr Brett Casey, and Heather Lawton, the communications manager. Without their involvement we would not have been able to progress this idea to the historical event that is about to be held in our parliament tomorrow. Hopefully these activities will go a small way to increasing the awareness of deafness amongst my fellow MPs and also encouraging all members of the deaf community to engage more in the democratic process.

### **Tong, Mr L**

**Mrs ATTWOOD** (Mount Ommaney—ALP) (10.24 pm): I rise today to talk about Mr Ly Tong, a retired air force officer from Vietnam. I was pleased to join with members of the Vietnamese Air Forces Veterans Association on Saturday, 1 September to celebrate the courage of its special guest, Mr Ly Tong. Mr Tong's visit was coordinated by Mr Hong Huynh, the Queensland President of the Air Force of the Republic of Vietnam Association, and Mr Dan Nguyen, the Vice-President of the Vietnamese Community in Australia, Queensland Chapter.

Mr Tong was and still is involved in part of the protests at the APEC conference attempting to bring to world notice the plight of workers in Vietnam. After 1975, like many others with his air force pilot skills, he could have joined the US military or retrained to be a commercial pilot and worked anywhere in the world. Instead of settling down with a family and earning a comfortable living and abandoning his vision of a free Vietnam, Ly Tong became a real-life freedom fighter. Some Vietnamese community members say that he is the last action hero of Vietnam.

Ly Tong was a daring fighter pilot who was shot down over North Vietnam and captured. His subsequent escape through the Cambodian, Thai and Malaysian jungles from Vietnam to Singapore made headlines around the world, as did his letter-dropping flights over Cuba in 2000 and Vietnam in 1992 and 2000.

Mr Tong was imprisoned in Thailand for allegedly violating Thai airspace in 2000. Last year Mr Tong was languishing in jail awaiting extradition when the community galvanised support to ensure that the Thai government did not go ahead with his extradition to face charges in Vietnam. As a result of an unprecedented public campaign and direct appeal to the King of Thailand from Vietnamese community leaders worldwide, he was released and returned to America.

I believe that his daring escapades have always been admired by the Vietnamese public, even though they caused community leaders more than a few headaches in trying to get him out of trouble. A true patriot in the fight for a free and democratic Vietnam with an unconventional line of attack is probably the best way to describe Ly Tong. He is committed to the fight against communist oppression in his homeland and has devoted almost his entire life to serving his country in the best way he knows. I wish him and the Vietnamese community all the best for their courageous efforts to bring democracy and freedom to the Vietnamese people.

Motion agreed to.

The House adjourned at 10.27 pm.

## **ATTENDANCE**

Attwood, Barry, Bligh, Bombolas, Boyle, Choi, Copeland, Cripps, Croft, Cunningham, Darling, Dempsey, Dickson, Elmes, English, Fenlon, Finn, Flegg, Foley, Fraser, Gibson, Gray, Hayward, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Jones, Keech, Kiernan, Knuth, Langbroek, Lavarch, Lawlor, Lee Long, Lee, Lingard, Lucas, McArdle, McNamara, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, Palaszczuk, Pearce, Pitt, Pratt, Purcell, Reeves, Reilly, Reynolds, Rickuss, Roberts, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wells, Wendt, Wettenhall, Wilson