NOTE: There could be differences between this document and the official printed *Hansard*, Vol. 315

THURSDAY, 7 JUNE 1990

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Mr SPEAKER (Hon. J. Fouras, Ashgrove) read prayers and took the chair at 10 a.m.

PRIVILEGE

Caspalp Donation; Comments by Minister for Primary Industries

Mr SPEAKER: Honourable members, I refer to the matter of privilege raised by the honourable the Leader of the Opposition on Tuesday, 5 June. I do not believe that this is a matter for consideration by the Privileges Committee.

I must also point out that it is not for the Speaker to rule as to whether any breach of privilege has been committed, that being a matter for the House. May is quite clear on the question of the procedure to be adopted upon the raising of a question of a matter of privilege. In raising a matter of privilege, a member is entitled to propose that the matter be referred to the Committee of Privileges.

Under the circumstances, I therefore am prepared to allow precedence for a motion to be moved by the Leader of the Opposition to have the matter referred to the Privileges Committee if he so desires.

Mr COOPER (Roma—Leader of the Opposition) (10.02 a.m.): I move—

"That the matter be referred to the Privileges Committee."

Question put; and the House divided—

AYES, 31

NOES, 53

DIVISION

Resolved in the negative.

PETITION

The Clerk announced the receipt of the following petition—

Declaration of Queensland as a Nuclear Free State

From **Ms Robson** (1 000 signatories) praying that Queensland be declared a nuclear free State and that other Australian Governments be encouraged to adopt a similar policy.

Petition received.

PAPERS

The following paper was laid on the table, and ordered to be printed—

Report of the Queensland Institute of Medical Research Trust for the year ended 30 June 1989.

The following papers were laid on the table—

Regulations under the Main Roads Act 1920-1988

Report of the Privacy Committee for the year ended 31 December 1989.

ELECTION POLLING DETAILS

Return to Order

The following paper was laid on the table—

Return to an Order made by the House, showing the details of polling at the general election held on 2 December 1989, together with details of polling at the following by-elections held since the general election of 1 November 1986—

Southport, 20 June 1987;

Barambah, 16 April 1988;

South Coast, 20 August 1988;

Merthyr, 13 May 1989.

Ordered to be printed.

MINISTERIAL STATEMENT

Second Report of the Senate Standing Committee on Environment, Recreation and the Arts Inquiry into Drugs in Sport

Hon. T. M. MACKENROTH (Chatsworth—Minister for Police and Emergency Services) (10.10 a.m.), by leave: I refer to a copy of the second report of the Senate Standing Committee on Environment, Recreation and the Arts inquiry into drugs in sport. This comprehensive report has highlighted a number of issues directly affecting my portfolio. Those issues are—

1. Contracted basketballers from overseas may bring into Australia a life style which includes recreational drugs such as cocaine.
2. A Dr Steven Hinchy, who operates a medical practice at Woodridge and Browns Plains, appears to have misappropriated 47 ampoules of narcotic analgesics.
3. Criminal and other associated activities involved in the marketing of sports drugs.
4. Night-club bouncers in the security industry are frequent users of steroids. Police officers have been moonlighting as night-club bouncers and may be involved in the use of steroids. The committee recommends that the Police Service

no longer approve moonlighting by police officers in the security industry.

5. That regulation of night-club bouncers in the security industry be undertaken by screening applicants for criminal records, licensing each night-club bouncer and requiring night-club bouncers to wear numbered badges with photographic identification.

In respect to issues Nos 1 to 4—I have requested the Commissioner of the Police Service to have those issues investigated and to take whatever action considered necessary.

I have advised the Chairman of the Criminal Justice Commission of issue No. 3.

In relation to issue No. 5—I have had discussions with my ministerial colleague the Honourable the Minister for Justice and Corrective Services. He has advised that his department is currently preparing legislation to regulate night-club bouncer employees.

MINISTERIAL STATEMENT

Golden Casket Art Union Agents

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (10.13 a.m.), by leave: In recent days, my office has received a number of representations from both Golden Casket Art Union agents and members of this House on their behalf.

The member for Mount Coot-tha, Wendy Edmonds, has been particularly strenuous in her representations on this issue. In essence, those representations result from administrative changes being introduced by the casket office to upgrade the standard of service to clients Statewide. The key to those changes is the introduction of a sophisticated new terminal known as the J1000 into casket agencies with weekly sales of casket products of between $1,900 and $3,500 per week.

This will mean the replacement in a number of agencies—71 all told—of existing high-volume terminals, E3000, by the J1000 terminals. A number of agents appear to believe that this change will in some way downgrade their capacity to provide casket services to their clients, and it is this misapprehension which has given rise to the representations.

Let me briefly set out the facts and correct those misunderstandings. As part of its planning for the online conversion of the Golden Casket draw lotteries, the casket office has undertaken a complete review of its operations. This includes the return on its very considerable capital investment in agency terminal equipment. What was apparent from that review was that the existing terminal equipment, the E3000, was not able to be justified in a number of circumstances. Accordingly, a new terminal, the J1000, was introduced. Key features of the J1000 are—

- It can handle the full range of Golden Casket Office products.
- It can provide some services that the E3000 cannot.
- It can provide agents in the future with access to a variety of software products not available with the E3000.
- It costs considerably less than the E3000. As a consequence, weekly terminal rental costs for the J1000 will be only 60 per cent of those for the E3000.
- Its introduction is supported by the Golden Casket Agents Association and it has been enthusiastically received in field trials.

I must stress that my department can deal only through the association, which represents the agents. The department cannot negotiate with every agent.

In fact, the only area in which the J1000 is not at least as efficient as the E3000 is that it is slightly slower in some aspects of its use because it cannot automatically read marked Gold Lotto and Pools coupons. The difference is only marginal per transaction and does not justify supply of the faster and dearer terminal for lower turn-over agencies.

I note also that some representations have suggested mixing E3000 and J1000 terminals in larger agencies, thus enabling more small agencies access to the E3000 terminals. This is an unacceptable situation as it would mean having two different types of terminals in the one agency, causing confusion and wasting time and effort for both staff and customers.

In all, the position is clear. There is a need for change if the resources available to the Golden Casket Office are to provide the best possible services to its customers. That change will, contrary to the comments of a number of agents, not adversely affect anyone but will, in fact, provide facilities more suited to their needs. I would be concerned if a resistance to change on the part of agents prevented their making the most of the benefits of the current changes.

A number of members have also raised with me the advertising for the Gold Lotto jackpot on 26 May 1990, which was portrayed in Golden Casket Office advertising as being an $11m first division jackpot. It has been brought to my attention that this jackpot was advertised by Tattersalls, which runs Gold Lotto in Victoria, as a $10m first division jackpot. Can I take this opportunity to confirm that, as far as Queensland investors are concerned, the first division jackpot was $11m, with prize pay-outs calculated on this basis.

MINISTERIAL STATEMENT

Overseas Visit by Minister for Resource Industries

Hon. K. H. VAUGHAN (Nudgee—Minister for Resource Industries) (10.17 a.m.), by leave: I rise to report to the House on my visit last month to Japan and the Republic of Korea, two of Queensland's major trading partners. I will table full details of my itinerary with this statement, but I believe that honourable members will be pleased to hear what I have to say after my many meetings with customers for Queensland's raw materials, and Government agencies involved in resource policy.

The major purpose of my visit was to assess, first-hand, the opportunities for Queensland's exporters, and the Japanese and Korean attitudes to investment in and trade with Queensland. I also felt that it was vital to outline the new Government's approach to resource industry policy for these important trade partners.

The exciting news for Queensland coal-producers and, therefore, for the economy and for all Queenslanders is the projected increase in Japanese and Korean demand for coal. The Japanese electricity industry used 25 million tonnes of steaming coal in the 1988-89 Japanese fiscal year. Every company we spoke to confirmed that, by the turn of the century, at least twice that amount will be wanted.

The news in the Republic of Korea was similarly encouraging. Over the next five years, its coking coal demands are expected to rise by 25 per cent, to 15 million tonnes and, over the same period, steaming coal needs, too, are forecast to jump almost 70 per cent, to 10 million tonnes. The steaming coal forecasts come straight from the horse's mouth—the Korean Electric Power Corporation which is responsible for the Republic's power development.

Traditionally, Korea has not had strong links with Queensland industry, so I took the opportunity with Kepco and the Korean Assistant Minister for Resources Policy to outline the development of our State's steaming coal industry and this Government's policies relating to that industry. Considering the growth in the Korean economy and its future demands, I believe that my visit was an important opportunity to foster closer relations.

I also had discussions with representatives of two of Japan's nine private electricity utilities as well as the Government-controlled Electric Power Development Company. I was particularly interested with the plans of the Chubu Electric Power Company, which is planning to take its coal-fired generation from nothing to three 700-megawatt units in three years. Chubu's estimates of its steaming coal needs alone start at half a million

tonnes this year, a million tonnes in 1991 and 4.4 million tonnes in 1993, with even more coal-fired capacity by 1997-98.

Chubu will be deciding soon where it will be buying all of that coal. It has little experience of Australian coal, and I was able to answer many of its questions about Government policies and the efficiency of the Queensland coal industry. I was also able to bring it up to date on the improvements in the industrial record of Australia's coal unions and ports—a record that has considerably improved over the last five years.

Another window of opportunity for Queensland producers may lie in exciting new technology now under development in Japan, that is, the conversion of coal into liquid mixed fuels. I discussed these developments with the Tokyo Electric Power Company, which fires one of its fire plants with a coal and oil mix, and is continuing research into coal/water and coal/oil mixes.

One of the Government agencies I met was Japan's new Energy and Industrial Technology Development Organisation, which works on developing commercial energy alternatives to oil. One of those alternatives being trialled is liquefying coal, and it is using coal from Wandoan in southern Queensland. Although it is not cost-competitive with oil now, the organisation believes it is a fuel for the future—and it is another potential market for Queensland coal.

I think honourable members will see that my visit not only has provided the Queensland Government with some excellent information which can aid resource policy decisions but also has allowed me to bring the new Government's viewpoint to this State's most important trading partners. This exchange of information is invaluable and will bring future benefits not just to industry but to all Queenslanders.

Whereupon the honourable member laid on the table the documents referred to.

MINISTERIAL STATEMENT

Law Reform Commission Reports

Hon. D. M. WELLS (Murrumba—Attorney-General) (10.22 a.m.), by leave: Last Tuesday, the honourable member for Yeronga made a speech in this House in which he discussed the question of whether or not we should have a permanent court of appeal. In that speech, he respectfully disagreed with His Honour the Chief Justice, who, in a recent speech, said we did not need one. The member for Yeronga called on me to provide the House with any information or review material available within my department on this question.

Actually, I do have some material on this question, and a great deal more besides. I have here 17 reports of the Law Reform Commission, produced during the years of Liberal/National Party coalition Government, which have never been tabled. These reports were produced by the Law Reform Commission with public money. They are therefore public property. They should therefore have been put on the people's table. They never were. About half of these reports were left to moulder and gather dust on a disused shelf. The other half found their way into relevant departments, and their contents, or parts of them, appeared as Bills, or parts of Bills. When this happened, it was sometimes mentioned that the Law Reform Commission had made a contribution. Sometimes the Parliament was left to assume that the bright ideas in the Bills had come from the responsible Minister. But in all these 17 cases the commission's reports, which belonged to the people of Queensland, were never made available them, or their representatives in this House, to read.

Many of these reports are now of only historical interest. Others contain ideas which can usefully be taken into account in the ongoing review process which every Minister in the Goss Labor Government is undertaking with respect to the shambles left to us by the people on the other side of the House. Others, as I say, have been implemented in whole or part. The point is that law reform should not go on behind

closed doors. The redrafting of the people's laws should take place in the clear light of day. For decades the Liberal/National Party coalition which governed this State was less than frank with the people of Queensland. They were so obsessed with secret, closed government, that they would not even allow their own Law Reform Commission's reports to be seen by the people they were written for.

I now table the following reports of the Law Reform Commission dating back to 1970 when P. R. Delamothe was Attorney-General and Mr Justice Walter Campbell was the commission's chairman.

Report No. 1, on Relief from Forfeiture of Leases;

Report No. 5, on the Abatement of Litter;

Report No. 11, on Acts Repeal Act;

Report No. 21, on Reform of the Law of Rape;

Report No. 26, on Procedure and Practice in Children's Courts;

Report No. 27, on Practice of the Criminal Courts;

Report No. 28, on Enforcement of Criminal Law;

Report No. 29, on the Second-hand Wares Act;

Report No. 30, on Associations Incorporation Act;

Report No. 31, on Imperial Statutes;

Report No. 32, on Supreme Court Acts.

This report will be of special interest to the member for Yeronga, as it supports his view that there should be a permanent court of appeal in Queensland.

Report No. 33, on Negligence Causing Death;

Report No. 34, on Limited Liability Partnerships;

Report No. 35, on Jury Act;

Report No. 36, on Jurisdiction of the District Court;

Report No. 37, on Property Law Act;

Report No. 38, on Oaths Act.

Whereupon the honourable member laid the documents on the table.

Mr SPEAKER: Order! The Minister is lucky that no-one has yelled out, "Bingo!"

Opposition members interjected.

Mr SPEAKER: Order! It is no laughing matter.

Mr WELLS: It is bingo every day for those people on the other side of the House.

The documents which have now been tabled for the first time represent almost half of the total output of the Law Reform Commission during its 30-year history. The closed-door coalition, which governed this State when most of these reports were written, was pathological in its commitment to secretiveness. These reports are not the sort of thing that break Governments. Their suppression, however, is a measure of the previous Government's lack of respect for the people it governed. There is no rule that a Government has to enact every piece of legislation suggested to it by its Law Reform Commission, and no Government does, but there is a principle of democratic openness that suggests that the people are entitled to know what the people's agencies are doing. As Attorney-General, I will table every formal report submitted to me by the Law Reform Commission. The days of law reform in the shadows are finished.

MINISTERIAL STATEMENT

Special Electoral Works Program

Hon. R. T. McLEAN (Bulimba—Minister for Administrative Services) (10.27 a.m.), by leave: Honourable members may recall how I revealed that the National Party Government had rorted the system by drawing up what it called a Special Electoral Works Program before the State election.

Mr Cooper: Put them all in.

Mr McLEAN: Keep coming!

The program was special because it poured taxpayers' money into National Party electorates. Out of 292 projects on the program, only one was in a Labor electorate, and that was jointly funded by the Commonwealth Government. Out of $27m which was to be spent, only $200,000 was destined for a Labor electorate. It was a matter of the former Government taking from the poorer electorates and giving to the richer—Robin Hood in reverse.

The Leader of the Opposition complained that I had misrepresented him. I do not know how the facts and figures drawn up by the National Party Government could have misrepresented him.

Mr FitzGerald interjected.

Mr SPEAKER: Order! The member for Lockyer will cease interjecting.

Mr McLEAN: I am quite prepared to take any interjection on this matter.

Mr SPEAKER: Order! I suggest that the Minister does not.

Mr McLEAN: I apologise, Mr Speaker.

The Opposition Leader then said, and I quote—

> "In order to put the record straight, I seek leave to table the complete works program for education for 1989-90."

Honourable members will note the words "to put the record straight". The Leader of the Opposition obviously wanted us to believe that, when these figures were read in conjunction with the Special Electoral Works Program, a picture would emerge of fair and just spending right across the State. However, the figures that the Opposition Leader wants us to examine show that, out of $234m allocated by the National Party Government to educational facilities in Queensland for this financial year, the sum of $151m was pledged to National Party electorates.

Using the Leader of the Opposition's phrase, to put the record straight, the Nationals pork-barrelled 65 per cent of the money into National Party electorates, and all honourable members know how small some of those electorates are. Before the Leader of the Opposition complains again that he has been misrepresented and that the National Party represented 65 per cent of the population—which everyone knows has never been remotely true—I wish to tell this House that according to my figures some 52 per cent of the voting population lived in National Party electorates before the last election.

In language that all can understand, the members of the National Party grabbed two-thirds of the budget for educational facilities and kept it in their electorates, which contained only half the population. If that statement is turned around, it means that half the population living in electorates such as Archerfield, Bundaberg, Cairns, Rockhampton, Bowen, Townsville East and Ipswich had to make do with one-third of the cash.

If the Leader of the Opposition says that I am misrepresenting him in citing one-third and two-thirds, it should be remembered that when the special electorate works program is added to the figures that he tabled, 67 per cent of cash that was meant to

be spent on educational facilities for all people was spent on electorates coloured green, which accounted for more than two-thirds of the total funds.

Mr Cooper: Right across the State.

Mr McLEAN: I point out to the Leader of the Opposition that the facts are contained in the book. He has misled the House. He did not table a document that was marked green, blue and red.

While I am talking about colours, I point out also that the previous Government had its own colouring books. Each school in its works program was coloured red, blue or green and that is how the previous Government kept track of its spending.

Examining the figures that the Leader of the Opposition tabled to show how fair the National Party Government had been, I notice that when it comes to special education—money to help the less fortunate of Queensland's children—Labor Party electorates were allocated 11 per cent of the funds. Liberal electorates were handed a measly 4 per cent for handicapped children and the members of the National Party kept 85 per cent for themselves. It is no wonder that when I took office, I found that special schools had totally inadequate facilities for teachers to deal with children who had soiled themselves and their clothes. I repeat: 11 per cent for Labor electorates.

What about the proportion of the total allocation that was actually being spent this financial year—the period in which an election was held? The figures tabled by the Leader of the Opposition show that, in order to catch the eye of voters, $97m was to be spent during the financial year commencing 1 July last year. To that money should be added the special electorate works program funds. I have been ultra-fair in including only money for educational projects, which was another $11m up until March this year. The members of the National Party hijacked 69 per cent of the cash for their own electorates, which is a whisker short of $7 out of every $10, yet they try to tell everybody that they have changed since Joh has gone.

Stealing from a child's moneybox is regarded as contemptible, mean and despicable, but that is small change compared to what the members of the National Party did. How should a public regard a Government that has embezzled children's futures and conspired to steal equal opportunity? I thank the Leader of the Opposition for tabling those figures so that everyone can see just what the National Party stands for.

Finally, I point out that the Leader of the Opposition said that he was tabling the complete works program for education. The pages tabled are numbered 25 to 67. It is possible that pages dealing with pre-schools and loan funds spent on primary schools might have been omitted. If the Opposition Leader was confident enough to table the documents that he has, I wonder what those other pages might reveal.

PRIVILEGE

Question Directed to Chairman, Parliamentary Committee for Criminal Justice

Mr COOPER (Roma—Leader of the Opposition) (10.33 a.m.): I rise on a matter of privilege. Mr Speaker, you would be aware that yesterday, during question-time, I directed a question in accordance with Standing Order 68.

Mr SPEAKER: Order! Can I suggest to the Leader of the Opposition that I have not yet ruled on that question? I suggest that he await my ruling, when he will be given an opportunity——

Mr COOPER: Mr Speaker, I was going to request that your ruling be given now on that matter.

Government members interjected.

Mr COOPER: We are entitled to have a ruling, Mr Speaker.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr COOPER: I have risen on a matter of privilege.

Mr SPEAKER: Order! I am on my feet. Let us be reasonable about this. I fully intend to give a ruling when the appropriate part of parliamentary business is reached, which would be immediately before the presentation of answers to questions on the notice paper.

Mr Borbidge interjected.

Mr SPEAKER: Order! I believe that the ruling will be given before question-time begins.

Mr COOPER: Thank you, Mr Speaker.

Mr SPEAKER: I thank the Leader of the Opposition and say that I am very pleased that the member for Surfers Paradise wants to advise the Chair on how to run the Chamber. I am extremely pleased about that.

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

Report on Whistle-blower Legislation

Mr FOLEY (Yeronga) (10.35 a.m.): Mr Speaker, I hereby table the report of the Parliamentary Committee for Electoral and Administrative Review on Whistle-blowers Protection—Interim Measures. It is the first report of this parliamentary committee.

I thank the deputy chairman of the committee, Mr Stoneman, and all members of the committee for their hard work on this matter. I acknowledge gratefully the considerable assistance given to the committee in the preparation of this report by its research director, Ms Janet Ransley, and the professional administrative assistance given to the committee by the Clerk Assistant (Committees), Mr Don Bletchley. I move that the report be printed.

Whereupon the document was laid on the table, and ordered to be printed.

PRIVILEGE

Question Directed to Chairman, Parliamentary Committee for Criminal Justice

Mr SPEAKER: On 6 June, the honourable Leader of the Opposition placed upon notice a question to the honourable member for Brisbane Central in his capacity as Chairman, Parliamentary Committee for Criminal Justice, concerning certain matters related to a report of the Criminal Justice Commission. Standing Order 68 of the Queensland Parliament is similar to House of Representatives Standing Order 143. Questions asked pursuant to that Standing Order are very limited in their application—I repeat, "very limited in their application". Such questions must be related to a Bill, motion or other public matter connected with the business of the House of which the member has charge. Questions of a limited nature only are allowed. For example, questions may be asked when a committee's report might be tabled, or whether or not the committee would inquire into a certain matter.

It is out of order to seek information from a committee chairman that proceeds beyond those bounds. The report of the Criminal Justice Commission which was tabled by me on 5 June is not part of the Parliamentary Committee for Criminal Justice and the member for Brisbane Central is not in charge of it. Therefore, I have formed the unequivocal view that the question should be disallowed.

Mr COOPER: I move—

"That Mr Speaker's ruling of this day, 7 June, to disallow the Leader of the Opposition's question to the Chairman of the Parliamentary Criminal Justice Committee in accordance with Standing Order 68 be dissented from."

Mr SPEAKER: Order! The Leader of the Opposition must be granted leave to move that motion.

Mr COOPER: I have moved the motion.

Mr SPEAKER: Order! The Leader of the Opposition must give notice that he intends to move the motion.

Mr COOPER: I have given notice. I move accordingly.

Mr SPEAKER: Order! Answers to questions on the notice paper——

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr COOPER (Roma—Leader of the Opposition) (10.39 a.m.): I seek leave to move a motion without notice to debate that matter forthwith.

Mr SPEAKER: Order! The Leader of the Opposition must give notice of a motion of dissent from Mr Speaker's ruling. Under Standing Orders, the motion should be debated within three days of notice being given.

Mr COOPER: I am seeking leave of the House to debate that motion forthwith.

Mr SPEAKER: Order! I will ask the House. I suggest to the Leader of the Opposition that he seeks leave.

Mr COOPER: I just sought leave to move that the notice of motion be debated forthwith.

Question—That leave be granted—put; and the House divided—

AYES, 25

NOES, 60

DIVISION

Resolved in the negative.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr COOPER (Roma—Leader of the Opposition) (10.47 a.m.): I seek leave to move a motion without notice expressing confidence in the Chairman of the Criminal Justice Commission.

Question—That leave be granted—put; and the House divided—

AYES, 32

NOES, 53

DIVISION

Resolved in the negative.

QUESTIONS UPON NOTICE

1. Caspalp; Member for Mackay

Mr BORBIDGE asked the Minister for Primary Industries—

"(1) Was he, in 1980, a signatory to a bank account entitled CASPALP Promotion Fund maintained with the Mineral House Branch of the Commonwealth Savings Bank?

(2) Were there deposited to that account during 1980 three cheques, each of $10,000 drawn by a company or firm associated with Leslie Howard Ainsworth, respectively on 3 July, 28 October and 25 November of 1980?

(3) Had prior to those dates either Mr Ainsworth or any person associated with him been issued with invoices from 'CASPALP Promotions' in respect of 'advertising in Labor Party newspapers, pamphlets and brochures'?

(4) What was the total amount claimed to be payable in those invoices?

(5) Did he determine the form of invoices issued by CASPALP Promotions to Ainsworth Consolidated Industries?

(6) Did he have any prior discussion or correspondence with Mr Ainsworth or Edward Phillip Vibert as to the form which those invoices would take?

(7) What advertising was actually placed by Ainsworth Consolidated Industries in 'Labor Party newspapers, pamphlets and brochures' in 1980?

(8) What advertising material on behalf of Ainsworth Consolidated Industries actually appeared in 'Labor newspapers, pamphlets and brochures' in 1980?

(9) Was advertising carried in such publications on behalf of other advertising during that period?

(10) Were the rates charged to those advertisers calculated on the same basis as the charge to Ainsworth Consolidated Industries?

(11) Was not the true position, as he admitted in his interview of 10 May 1982 with 'Today Tonight' reporter John Barton and Mr Vibert admitted in his interview in the same program of 12 May 1982, that the sum of $30 000 was a donation to the ALP?

(12) Did Mr Vibert disclose to the Minister why he wanted CASPALP Promotions invoices issued in that form?

(13) If not, did he ask him why?

(14) If not, since the proposed form of invoice was clearly misleading, and deliberately so, why did he not inquire?

(15) Is it not correct that the only difference between an advertising expense and a political donation is that the first is tax deductible and the second is not?

(16) Is it correct that the effect of all of this was that in order to obtain this donation, he knowingly placed Ainsworth in a position to fraudulently claim an income tax deduction for it, worth in those days about $18 000?"

Mr CASEY: The answer to the honourable member's long and tedious question is as follows—

The points raised in parts (1) to (16) have been answered in this House and in the public domain from 1982 right up until Tuesday, 5 June 1990. I refer the Deputy Leader of the Opposition to Tuesday's *Hansard* and to media reporting of this issue, and I suggest that he take the time to peruse that material.

I suggest also that the Deputy Leader of the Opposition take more notice of documents that he tables in this House, as yesterday he disclosed a copy of a letter from Sir Max Bingham, Chairman of the Criminal Justice Commission, which clearly sets out for the Opposition, through its leader, that there was no suggestion of impropriety through my association with Caspalp Promotions.

2. Sentron Security

Mr HEATH asked the Minister for Justice and Corrective Services—

"With reference to mention which I made in the House on 20 March of activities of a firm called Sentron Security—

(1) Is he aware that Sentron Security has been approaching residents and claiming to be 'recommended by Neighbourhood Watch'?

(2) Is he aware of any fraudulent 'trial period' being offered to householders?

(3) Is he aware of the firm's claims of low interest rates which turn out to be false?

(4) Is the Consumer Affairs Bureau conducting an investigation into the activities of Sentron Security?"

Mr MILLINER: (1) Yes. I have been informed by the member for Nundah that he has received complaints from his constituents by way of two statutory declarations in which it is stated that a representative from Sentron Security has stated that the company is "recommended by Neighbourhood Watch". In a report in the *Northside Chronicle* newspaper of 29 March 1990, Sentron Security claimed that it has never made this claim, but the statutory declarations refer to approaches made on 7 March.

No business in the area of home security is in any way associated with Neighbourhood Watch or the Police Service, and any statements to the contrary are fraudulent.

(2) Yes. The statutory declarations refer to a 50-day, no-obligation trial period being offered, which was then denied by the firm when an attempt was made to return the products.

(3) The interest rates offered by the representative to the two residents who made the complaint was 9.9 per cent, but when the contract details arrived, it had become 29.5 per cent.

(4) Yes. Following the receipt of the official complaint and the statutory declarations, the Consumer Affairs Bureau is currently conducting an investigation into the activities of Sentron Security as they relate to the complaint. I urge members of the public to take great care when businesses approach them, uninvited, in their own homes, and to contact the Consumer Affairs Bureau to check out claims made by representatives of such businesses.

3. Law Reform Green Paper

Mr QUINN, on behalf of Mr KING asked the Minister for Justice and Corrective Services—

"With reference to a public meeting on 13 February at the Wavell State High School at which he assured the hundreds of concerned citizens that a Green Paper dealing with proposed law reform, in the area of Corrective Services, would be available within a few weeks from that meeting—

(1) Has that paper been released and, if so, how widely has it been circularised and publicised?

(2) If it hasn't been released, then what is that reason?

(3) When does he anticipate the release of the Green Paper so that an area of grave public concern can begin to be addressed as soon as possible?"

Mr MILLINER: Because he is the deputy chairman of the Maroochy Shire Council, the honourable member for Nicklin is probably out doing some local government work.

(1) In March 1990, in conjunction with my colleague the Honourable the Attorney-General, I released a Green Paper dealing with the vexed topic of fine-defaulters. This issue has wide-ranging ramifications for the system of corrective services in our State. That Green Paper has been widely circulated; 1 500 copies were originally printed. The bulk of those copies have been distributed by officers of my department and of the Attorney-General to interested organisations and private persons.

The release of the Green Paper received widespread media publicity at that time. Submissions were to be received by 1 June 1990. However, at the behest of several organisations, that date has been extended informally by approximately one week. Obviously, late submissions can be made and will be taken into account.

To date, in response to the Green Paper, my office has received at least 32 submissions from a wide range of interested parties. Those submissions will be assessed in full by officers of my department and of the Attorney-General. No doubt, at the appropriate time, legislative proposals will be enacted for the benefit of the people of Queensland.

I take this opportunity to thank all those who have made submissions for their interest and efforts to improve this aspect of life in our society.

(2 and 3) See (1).

4. Juvenile Crime

Mr BEATTIE asked the Minister for Family Services and Aboriginal and Islander Affairs—

"With reference to recent media reports that indicate community disquiet about the extent of crime committed by children, and the nature of penalties imposed upon them—

What is the true extent of juvenile crime and what is being done to deal effectively with young offenders?"

Ms WARNER: I thank the honourable member for Brisbane Central for raising this issue and for the opportunity of challenging some of the irresponsible myths and gross exaggerations that are currently being perpetrated by the media and some police about juvenile crime. Those responses are unhelpful to those who are doing something constructive about the problem and are unnecessarily alarming to the community generally.

The impression being conveyed is that juvenile crime is all about large gangs of youths menacing the community, committing serious and violent crimes and escaping any consequences for their actions. The truth is less sensational. Before I put some facts on the record, I believe that it is worth while to clarify who juvenile offenders are.

Under the law of Queensland, children between the ages of 10 and 16 who commit criminal offences are liable to penalties available under the Children's Services Act. Currently, persons who have attained the age of 17 years are dealt with as adults. When they offend, they are subject to the full force of the criminal law. I make this point because some of the more ill-informed and alarmist debates about juvenile crime are fuelled or distorted by reports of offences committed by young adults in the 17 to 25 year-old age group, who are, statistically, the most prolific offenders.

A full picture of the nature and extent of juvenile crime cannot be gleaned from official statistics, which can deal only with reported crime and apprehended offenders. Much of the minor crime which typifies juvenile involvement goes unreported, and an unknown number of offenders escape detection.

Whilst there has been a regrettable lack of local research on these issues—a matter which is to be addressed by the Criminal Justice Commission—self-report studies elsewhere, that is, studies relying on data supplied by people about their own activities, indicate that the commission of minor offences by adolescents is commonplace. I am sure that many members of this House—if they are honest about it—can recall from their own youth breaches of the law involving themselves or members of their families, such as the stealing of mangos.

According to the 1989 annual report of the Police Department, some 13 697 juveniles were apprehended by the police during 1988-89. That represents not quite 4.3 per cent of the total population of Queensland children aged between 10 and 16 years as at 30 June 1988. As a proportion of all known offenders, juveniles represented 18 per cent. Contrary to recent media images, less than 4.5 per cent of offences committed by children were crimes involving threatened or actual personal violence.

Children tend to commit far more property crimes and frequently operate in groups of three or four. The most common offences are stealing, breaking and entering and the unlawful use of motor vehicles. Those three offences represent nearly 75 per cent of all offences committed by children. The distress of individuals and the cost to the community caused by children who commit those property offences must not be underestimated. However, the overall picture is far from the popular image of the violent young thug.

The majority of young offenders who commit first or minor offences are dealt with by way of police caution. In 1988-89, 71.4 per cent of young offenders were dealt with in that way. That method has been demonstrated to be highly successful in dealing with young people. A 1984 evaluation of the effectiveness of police cautioning indicated that only 15 per cent of juveniles who are cautioned are subsequently charged with a criminal offence. It would seem that, for many young people, the experience of being apprehended by the police and getting a good talking-to in the presence of their parents is a sufficient deterrent to further involvement in criminal activities.

Young people who commit more serious offences or who are apprehended by the police on further occasions may be charged and brought before the Children's Court. In any year, approximately 70 per cent of the children appearing before the Children's Court will be "first-timers". A large majority of these will never appear again in the Children's Court. The experience of being admonished by a court would seem to have some salutary effect.

For children who continue to break the law repeatedly or commit more serious offences, the court can fine them or order them or their parents to pay restitution or compensation to the victim of the crime. The court may also make a supervision order, which is like a probation order, or a care and control order. A child who breaches a supervision order may be brought back before the court and given a further penalty, which could result in detention.

Where a child has committed a very serious offence such as——

Mr Elliott: Are you trying to break yesterday's record?

Ms WARNER: Does the honourable member want to know about juvenile crime? It is a topical issue.

Opposition members interjected.

Ms WARNER: It is the question-time of members opposite. I suggest they listen so that they will be more informed in their comments on this subject.

Where a child has committed a very serious offence such as murder or rape, he or she may be sentenced by the Supreme Court to be detained "during Her Majesty's pleasure". These orders are far from the "tap on the wrist" image so irresponsibly portrayed in the media.

Mr BOOTH: I rise to a point of order. This is not an answer to the question; it is a continuing, rambling debate. I think that the House has been completely debased by this type of thing.

Mr SPEAKER: Order! I must agree with the member for Warwick. I point out to Ministers that, according to Standing Orders, answers should be relevant and brief and should not debate the issue. I suggest that, in the future, such matters ought to be the subject of a ministerial statement. I think that is absolutely right. I will take action in the future to ensure that such statements are made by way of ministerial statement.

Ms WARNER: Could I urge the House to actually give some consideration to the issue of juvenile crime, which is not a simple——

Opposition members: Table it!

Ms WARNER: I may very well do that.

Juvenile crime is not a simple issue and there are no quick fix-it solutions. Unfortunately, the issue requires some elaboration in an organised and comprehensive fashion so that the sort of populist image that exists does not continue to exist.

Mr Borbidge: Table it!

Ms WARNER: I will table the rest of the information that is in the answer. However, I point out to honourable members that the sort of sensationalism that has occurred in the press and the misrepresentation in the reporting are belied by the statistics and the facts and by what is really happening with young children. I urge all honourable members to understand what is happening. For the information of the House, I table the remainder of the answer.

Mr SPEAKER: Order! I presume that the Minister asks that it also be incorporated in *Hansard*?

Ms WARNER: Yes.

Leave granted.

Whereupon the honourable member laid on the table the following document—

Under a care and control order, a child may be placed in a detention centre for up to two years, at the discretion of the Director-General. Under an order for Her Majesty's pleasure, a child may only be released by order of the Governor in Council. Detention is regarded as a

last resort for children who commit very serious offences or who offend repeatedly. There is a very good reason for this policy, which can be summed up by reference to an important NSW study of adult offendors in 1976.

During that year, the juvenile criminal histories of all adult males charged with indictable offences (ie. offences against persons and property) in NSW were examined. It was found that an adult who had been found guilty of an offence by a Children's Court in the past were about 45 times more likely to be charged with an indictable offence than were adults with no history of offending. However, adults who had been incarcerated as juveniles were about 4.5 times more likely again to be charged. This supports numerous other studies which have been conducted about the "criminalising" effects of juvenile detention centres, and indeed, also supports the high rate of diversion of young people from the court process, through police cautioning.

With respect to the second part of the Honourable Member's question, it is acknowledged that the range of orders to deal with young offenders is inadequate under the current legislation. It is noted that the former government introduced legislation to provide for the additional option of community service orders to be made against children.

As I have mentioned in this House before, the former government does deserve credit for this initiative. However, community service orders have not yet commenced operation because of the money necessary to implement them across the State. When community service orders do come into effect—which should be later this year—they will provide a valuable additional sentencing option for courts dealing with young offenders.

However, legislative reform will not stop here. I am currently examining a detailed proposal for new legislation, which will have a significant impact on the administration of juvenile justice in this State, and juvenile corrections. Once consultations with other relevant Departments and community and legal bodies occur, I plan to seek Cabinet approval to proceed with the drafting of a Bill for this purpose.

Although it is anticipated that changes to the law will have the effect of increasing public confidence in the management of juvenile justice services, this represents only one of the strategies proposed.

The other major proposed program is based on a French model, known as "Bonne Maison". In Victoria, it is known as the "Good Neighbourhood" Program. The program is aimed at addressing and overcoming community concerns about crime, drug abuse and vandalism in local neighbourhoods. It requires an effective partnership between State and local governments and the community.

Throughout the State, committees are established at the local level, including representatives of local community groups, local government and young people themselves. Each committee is assisted by a "seeding grant" to help them assess what they think are the causes of crime in the local area.

Having looked at this, and the resources which already exist in the area, the committee develops clear priorities for action and consults about programs which might be developed for all local young people in response to these priorities. Project proposals—which may be related to employment, education, sport, recreation or other areas—are then submitted for funding.

There are no easy answers and no "quick fix" solutions for juvenile crime. However, the proposals for legislative reform and neighbourhood programs represent a new approach for effectively dealing with juvenile crime in Queensland. The co-ordinated strategy addresses "grass roots" crime prevention at the local level and harnesses the energy and commitment of many people who currently feel helpless to respond to problems faced by local youth. It also recognises that the community must respond in a more formal way—through the court system—when a child offends repeatedly, or commits serious or violent offences.

5. Kelvin Grove State High School

Mr BEATTIE asked the Minister for Administrative Services—

"With reference to an article from a student in the Westside News of 6 June expressing concern about the conditions at the Kelvin Grove State High School—

What action will be taken to resolve the school's problems and at what time?"

Mr McLEAN: I thank the honourable member for Brisbane Central for his question. He has shown a continuing interest in the need to maintain a high standard of Government buildings throughout his electorate.

My department has substantially addressed the problems raised by the student. The leaking box gutters were replaced by 6 June at a cost of $6,885. A broken window sash will be replaced at a cost of $1,020, and it has been given urgent priority. The replacement of windows in block E, at a cost of $7,588, and in block A, at a cost of $54,902, has been scheduled in the 1990-91 essential works program, and action to proceed on such work will be subject to the availability of funds. The student complained also of furniture falling apart. My department is considering replacing, at a cost of $3,213, 30 science stools, 30 single desks and 30 chairs.

The honourable gentleman's question goes to the heart of problems facing all honourable members in their electorates—the constant need to maintain buildings. All of us receive requests to build new facilities in our electorates, yet only scant recognition is given to the need to provide funds to maintain buildings.

The National and Liberal Party Governments were bricks and mortar Governments. Over the past 10 years, approximately $2,385m was spent by my department on the construction of buildings. A conservative estimate of the value of buildings constructed prior to then would be $7,123m, thus giving an estimated total value of all Government building assets in excess of $9,500m. Yet the previous National Party Government appears to have abandoned the maintenance program.

In 1986-87, it provided $58m. In 1987-88, it provided the same amount—$58m. In other words, allowing for inflation, the National Party commitment to maintenance declined in real terms. In 1988-89, the Nationals provided $66m, and in 1989-90, they allocated $69m, at a time when they were gearing up for a pre-election binge by funding 292 out of 293 projects——

Mr BOOTH: I rise to a point of order. I do not want to be repetitious, but the question that was asked concerned one school. A three-page answer has been given about other schools and the Minister is still continuing. If this sort of thing is to be allowed, question-time will be reduced to three or four questions being asked in an hour. It is quite ridiculous.

Mr SPEAKER: Order! I suggest that the Minister return to answering the question.

Mr McLEAN: I will table the rest of the answer. I was nearly finished, anyway. I ask that the remainder of the answer be incorporated in *Hansard*.

Leave granted.

Whereupon the honourable member laid on the table the following document—

In 1988/89 the Nationals provided $66 million and in 1989/90 it allocated $69 million at a time when it was gearing up for a pre-election binge funding 292 out of 293 projects in National Party seats in the special electorate works program.

In summary, it must be stressed that each year there is an excalating demand for building maintenance work brought about by the deterioration of older buildings and continual expansion of the State building infrastructure.

I congratulate the student on bringing this problem to the community's attention.

I ask all honourable members to be well aware of maintenance costs when they are approached by groups demanding new facilities or extra numbers of public servants.

6. Caspalp; Member for Mackay

Mr STEPHAN asked the Premier, Minister for Economic and Trade Development and Minister for the Arts—

"With reference to his often repeated public references to the effect that the Member for Mackay had been cleared by the Solicitor-General's advice based on information from the police investigation of the CASPALP Promotion and, in view of the CJC Report on Gaming Machine Regulations finding that the investigations may have been compromised by the choice of investigations and its observation that the Member for Mackay appeared not to have been 'comprehensively interviewed' during the investigation

Will he admit that the opinion of the Solicitor-General is not soundly based and will he institute a full inquiry of the CASPALP fund activities by the CJC forthwith?"

Mr W. K. GOSS: I have no reason to question the report of the Solicitor-General commissioned by the former Premier, Sir Joh Bjelke-Petersen.

I repeat earlier statements to the effect that when I became aware of the investigation by the Criminal Justice Commission into the complaint by the Leader of the Opposition, I offered any assistance required and, in response, received a letter clearing Mr Casey. In relation to a new inquiry, I can only refer the honourable member to paragraph 2 of the Criminal Justice Commission's Issues Paper released on 1 June 1990.

7. Road-Funding

Mr STEPHAN asked the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development—

"With reference to the pathetic attempt by him on 6 June to justify road funding—

(1) Does he consider that holding actual expenditure for Road Funding by the Federal Government at approximately $1200m for the last six years adequate to meet the demands on our roads?

(2) Is this attitude to cut funding on roads widely known as dangerous, something we can continue to expect from him in my and other National Party electorates?"

Mr HAMILL: (1 and 2) My views on the need for added Commonwealth funds for our State road systems are well known.

However, in regard to the assertion made by the honourable member, particularly in respect of the attempt by the previous National Party administration to delude those who reside in the proximity of the Gympie-Brooloo road, I can only reiterate the facts which I have already stated in this House—

(a) Immediately prior to the December 1989 election, the former Minister for Main Roads and the member for Gympie announced an allocation of $600,000 for work on the Gympie-Brooloo road.

(b) However, no funds were allocated, either in the Budget or supplementary road funding, to back up this commitment which was so freely given.

Mr Stephan interjected.

Mr HAMILL: The honourable member had trouble hearing what I have just said. I said that no funds were allocated, either in the Budget or supplementary road funding, to back up the commitment which was so freely given by the previous Minister to the member. To continue—

(c) While recognising dangers inherent on this road, it is nevertheless the case that the local shire council has not considered it to be of such importance that it be given top priority for road works to be undertaken by the department in that shire.

(d) Because no funds had been allocated, no funds could be withdrawn.

Should the local shire council and the member wish to reassess the road priorities for the area, I can assure them that the Government will advance that work ahead of the schedule drawn up by the previous Government.

8. Caboolture, Police Division Boundaries

Mr HAYWARD asked the Minister for Police and Emergency Services—

"With reference to newspaper reports critical of the recent changes to the State's police division boundaries, particularly as they apply to the operations at the police station at Caboolture—

(1) Who was responsible for the change, and what will be achieved in the way of enhanced delivery of police services in the Caboolture area as a result of the change?

(2) Has the Police Union, or the relevant branch of the union, contacted his office with regard to matters contained in comments attributed to them in these reports?"

Mr MACKENROTH: (1) In accordance with Fitzgerald recommendations to align police boundaries with statistical and community requirements, and as part of the move to community-based policing, the Police Service at this stage has adopted the local authority area boundaries, which are the base of the Australian Bureau of Statistics statistical boundaries. The boundaries were arrived at in consultation with the relevant regional commanders.

There have been minor changes to the Caboolture police division boundary, which now includes the area of Deception Bay. The Caboolture police division boundary now follows the southern boundary of the local authority of the Caboolture Shire.

For administrative purposes, the Caboolture Police Division is now included within the north coast region, thus leaving the two Brisbane regions based on the greater metropolitan area. The changes will provide greater accuracy in the compilation of management information and a basis for the introduction of community-based policing.

At the present time, action is being taken to bring about a reallocation of staff from within the Redcliffe district according to established needs.

As a result of decentralisation of operational policing in the Brisbane metropolitan area, it was approved by the Commissioner of Police in order to ensure the maintenance of a continued highway patrol presence, that one highway patrol unit and two personnel be allocated to the Caboolture Police Division.

(2) My office has advised that there has been no contact, either written or verbal, with my office by the Queensland Police Union concerning this issue.

QUESTIONS WITHOUT NOTICE

Statement to House on 27 March by Minister for Primary Industries

Mr COOPER: In directing a question to the Premier, I refer to the fact that on 27 March, in this House, the Minister for Primary Industries interjected during a Matter of Public Interest debate when I was addressing the fact, supported by the CJC report on poker machines, that there were substantial funds from the Caspalp accounts unaccounted for. The Minister said—

"All moneys that were paid into any funds that were under my control were accounted for. The details of those moneys were tabled 10 years ago."

I submit that they were not—that there are no records whatsoever of any tabling of any accounting for any funds held by the Table Office.

Therefore, the member for Mackay clearly and unequivocally misled this House on 27 March, and in the tradition of his long history of telling untruths about this matter, I ask the Premier: firstly, how does he reconcile the Minister's misleading of the House with his code of ministerial conduct? Secondly, given his alleged commitment to the Westminster traditions, will he now seek the resignation of the member for Mackay from his Ministry, and if that is not forthcoming, will he sack the Minister for his clear misleading of this House?

Mr W. K. GOSS: It is awful to be in such a tight corner.

Opposition members interjected.

Mr W. K. GOSS: This matter has been raised time and time again. The members of the Opposition know the answer, and if they want to pursue it day in and day out, they are welcome to do so. However, it only reveals the lack on their part of any contemporary issue or anything else at their disposal, or any positive suggestion that they have to make in relation to the affairs of this State.

Coming directly to the question, the premise of the question is that the Minister has, at some stage, misled this House. I do not accept that premise. I was not here in the early 1980s, but——

Opposition members interjected.

Mr W. K. GOSS: Wait, wait. Opposition members are so impatient.

I understand that the matters referred to have been the subject of an accounting by the Minister. If there is any question about that, surely that was resolved by the tabling of extensive information in this House on Tuesday, because all the material is there and what this House is engaging in now, in terms of what the Opposition is putting up, is nothing more than hypocritical cant.

Mr FitzGerald interjected.

Mr SPEAKER: Order! The member for Lockyer will cease interjecting. I warn him under Standing Order 123A.

Mr W. K. GOSS: I rise to a point of order. I find the remarks of the member for Lockyer offensive and untrue. I seek a withdrawal. That is not parliamentary language.

Mr SPEAKER: Order! I ask the honourable member for Lockyer to withdraw the offensive word.

Mr FITZGERALD: I withdraw the word "lie". I meant "untruth".

Approach to Chairman of Parliamentary Committee for Criminal Justice

Mr COOPER: In directing my second question to the Premier, I refer to the release last Friday of the CJC report on gaming concerns and regulations. I ask: did the Premier or any member of his staff approach the chairman of the Parliamentary Committee for Criminal Justice prior to the public release of the report to seek information as to the content of the report or to express suggestions about the public handling of the report's release, including whether it could be suppressed or delayed?

Mr W. K. GOSS: In relation to the allegations levelled or the question raised in respect of me, a Government staff member or, as I understand it, the Minister for Tourism, Sport and Racing, let me set the record straight. I did not contact the chairman of the committee. As I understand it, the Minister for Tourism, Sport and Racing had a conversation with the chairman of the committee on Thursday night. I understand that was in response to notification quite properly given by the chairman of the committee to the relevant Ministers, namely, the Minister for Tourism, Sport and Racing and the Attorney-General. I think it was in respect of the other issue paper on homosexual law reform. Sometime during last week, the chairman was notifying them, as a matter of courtesy, that these documents would be released last Friday.

I have only indirect advice on this, and the honourable member may wish to pursue it with the Minister, but, as I understand the exchange between the chairman and the Minister, it was a request from the Minister, in response to the advice received from the chairman, for a copy of the report. He was advised by the chairman that it could and would be made available forthwith upon its release last Friday. I understand it was made available to the Minister's office shortly after that.

I also understand that a member of the Ministerial Staff Unit liaises on a regular basis with the chairmen of all committees, because some of the committees, including the Parliamentary Committee for Criminal Justice and the Parliamentary Committee for Electoral and Administrative Review, have raised with the Government the possibility of the need for those committees to have a journalist or a media officer to handle the great volume of media interest and inquiries and, given the requirements of limiting-—

Mr FitzGerald: Are you sure?

Mr W. K. GOSS: Yes.

Mr FitzGerald: Both of them? Both the chairmen?

Mr W. K. GOSS: Yes, they did make such a request. A question was raised about the need to have specialist assistance provided to the committees for media inquiries. That is a reasonable request. In view of financial restrictions, the Government advised that, at this stage, specialist journalist assistance would not be made available in terms of individual staff but that the Ministerial Media Unit would assist if and when required. I understand that there is regular contact between the Ministerial Media Unit and the chairmen of the committees about any assistance the committees may require.

I understand that that occurred in the normal way at some stage in the week leading up to the release of the discussion papers. Furthermore, I think it was well known in various sections of the media that there would be a press conference on the Friday. My office was advised of that indirectly through one of the Minister's offices. That is all that occurred.

As I understand the situation in relation to myself, the Ministerial Media Unit and the Minister for Tourism, Sport and Racing, no request for confidential information was made, nor was any confidential information provided by the chairman of the committee or any member of the committee to any of those three sources.

Poker Machines

Mr PREST: I ask the Minister for Tourism, Sport and Racing: has his attention been drawn to comments by the New South Wales Chief Secretary, Mr Garry West, who is a National Party Minister, about the Criminal Justice Commission report on the introduction of gaming machines in Queensland? Is there any difference between the approach of the New South Wales National Party and the Queensland National Party on this issue?

Mr GIBBS: Yes, there certainly is a marked difference between the National Party in New South Wales and the National Party in Queensland. At least in New South Wales, the members of the National Party seem to be mildly intelligent.

A press release dated 5 June 1990 and issued by the New South Wales Chief Secretary and Minister for Tourism reads—

> "The Chief Secretary, Garry West, today said that he would ask the Police Commissioner to examine the Queensland Criminal Justice Commission report on poker machine manufacturers.
>
> 'I want the Commissioner to examine whether there are any matters contained in the report not already addressed by the Courts in New South Wales which may form the basis of a complaint by the Superintendent of Licenses,' Mr West said.
>
> 'While I have not seen the report in full the extracts I have seen only refer to matters dismissed years ago by the courts of NSW.
>
> 'If there is any new matter it will be fully examined.
>
> 'It would appear that the Queensland Commission's conclusions were written first and the rest later.
>
> 'No contact was made with the NSW authorities by the Queensland Commission.
>
> 'In fact the Commission's recommendations against two NSW manufacturers shows a level of naivety considering that the manufacturers already have machines installed in Queensland casinos.
>
> 'However, if there are any allegations of corruption these will be fully investigated.'
>
> Mr West said that the system adopted by NSW for poker machine licenses were extremely stringent and only allowed following exhaustive probity investigations."

I quote also from a very excellent article written by Matt Robbins in the *Australian* this week. He rightly says in the last paragraph of the article—

> "All round a bit of a dickey first impression".

Report on QIDC

Mr PREST: I refer the Treasurer to yesterday's release of the report into the QIDC and ask: can he inform the House of the implications for the State's rural sector of the findings of that report?

Mr De LACY: I thank the honourable member for his question, because it does give me an opportunity to restate the Government's commitment to the rural sector in general and its commitment to a continuation of well-targeted financial assistance to the rural sector.

Mr Hobbs interjected.

Mr SPEAKER: Order! The honourable member for Warrego will cease interjecting.

Mr De LACY: The Opposition's response to the Polichronis report was curious, to say the least. We had the spectre of the honourable member for Auburn racing up and down the corridors of Parliament House pointing at himself. I understand that he was ringing up the media and saying, "I deny all allegations." The media asked, "What allegations do you deny?" He said, "I don't know what allegations they were, but I am denying them, anyway."

Mr HARPER: I rise to a point of order. The comments being made by the Minister are inaccurate and incorrect and are offensive to me, and I ask that they be withdrawn.

Mr SPEAKER: Order! I ask the Minister to withdraw those comments.

Mr De LACY: I withdraw the comments.

Perhaps the member for Auburn will get the message that this Government was not out to get him. He was well and truly got last year by the Public Accounts Committee.

Mr HARPER: I rise to a point of order. The Minister has repeated the remarks that he made this morning on ABC radio prior to coming into this House. I find these remarks concerning the Public Accounts Committee extremely offensive and inaccurate. I take sincere objection to them and I ask that they be withdrawn in this House.

Mr De LACY: I withdraw the comments. The findings of that inquiry speak for themselves.

I wish to strongly make the point that this Government wants to set in place a strong and independent Queensland Industry Development Corporation which will service the rural and commercial sectors of Queensland in an independent way. That is why I commissioned the report and why I believe it is good for the rural sector in Queensland.

I know that the honourable member is concerned about the PIPE Scheme. The recommendations made by Mr Polichronis that the Government has accepted will enable it to direct resources towards the PIPE Scheme. We accepted the underlying principles of the PIPE Scheme and believe that if they are properly implemented they will lead to proper adjustment in the rural sector. The fact is that the scheme was being abused. It was used as a pork-barrelling exercise and was not achieving its aims. Because the Government has some money to play with—money which in the past was not allocated to people on the basis of need—today I can give this House a commitment that the PIPE Scheme will be continued this year, next year and into the future. The Government accepts that this scheme can achieve real benefits for the rural sector.

Mr Hobbs interjected.

Mr BEANLAND: Mr Speaker, I have two questions without notice——

Mr SPEAKER: Order! I ask the honourable member for Warrego to cease interjecting. I have called the member for Toowong and I now warn the member for Warrego under Standing Order 123A.

Loyalty of Chairman of Parliamentary Committee for Criminal Justice Committee

Mr BEANLAND: I ask the Premier: in his opinion, to whom does the Chairman of the Parliamentary Committee for Criminal Justice owe his first loyalty—the Goss Labor Government or the Parliament?

Mr W. K. GOSS: All members of Parliament have loyalties to a number of organisations or institutions. All members have a very important loyalty to this Parliament and a loyalty and responsibility to their respective political parties and to any committee or other unit of this Parliament, such as the parliamentary committee to which the honourable member refers. The Chairman of the Parliamentary Committee for Criminal Justice meets his responsibilities in all those areas. It is a matter—as it is for the honourable member who asked the question—of properly balancing and discharging all of those duties to the best of any member's ability.

State Bank

Mr BEANLAND: I refer to the Premier's repeated attacks on the major trading banks that they are not properly servicing the Queensland business community and, in light of these attacks, I ask: will the Premier revive his key economic policy to establish a State bank, taking into account the statements he made when in Opposition that such a State bank would deliver cheaper mortgage rates and attract more investment funds to Queensland?

Mr W. K. GOSS: The member appears to specialise in asking questions which have a false premise. I will deal with the premise first and then deal with the rest of the question. I did not say in such absolute terms that the major trading banks do not properly service Queensland business. They provide a good service.

Mr FitzGerald: What did you say?

Mr W. K. GOSS: I will explain.

If the honourable member for Toowong talks to businesspeople in this town—as we have done for some years—he would know that there is a problem that is identified by many businesspeople at the margin. The problem is that when it comes to a bank making a major decision and there are two files on the desk in Melbourne—one relating to a company in Brisbane and the other relating to a Melbourne company that the officer has dealt with for many years—then the Brisbane company is at a disadvantage. The other reason for considering the establishment of a State bank is that if one examines the figures in terms of the total deposits in trading banks in this State as compared with loans which are made back to the State, one finds that there is a gap. In some years that gap has been of the order of $900m, which represents the discrepancy between deposits in Queensland trading banks and the amount that is lent back.

The Government would like to solve this problem if it can. One of the suggestions which has been put forward for discussion by our party and the National Party—if I am correct it occurs in the policy documents of both parties—is the establishment of a State bank. In the present economic climate, given the exposure and losses suffered by a range of banks over recent times, particularly small banks, State banks and—although it has not been so well disclosed—the major trading banks, this is not the appropriate time to be considering the establishment of a State bank. The matter might come back on to the agenda at some time in the future, but it is not appropriate for consideration at this time. This Government will not launch into something of that nature on a jingoistic or public relations basis. It will be considered seriously at the appropriate time.

Criticisms of Criminal Justice Commission and Parliamentary Committee for Criminal Justice

Mr BEATTIE: In directing a question to the Premier, I refer to recent criticism of the Criminal Justice Commission and the Parliamentary Committee for Criminal Justice, which I chair, and I ask: how does the Government view these criticisms and

what is its view of the performance of the Parliamentary Committee for Criminal Justice and the Criminal Justice Commission?

Mr W. K. GOSS: The first report issued by the Criminal Justice Commission is an important one, and it raises significant issues. It is important not just in itself as it relates to the question of poker machines in respect of which Government Ministers have raised two concerns, but also in relation to the important questions it raises on processes of the commission that have also concerned me and other Ministers of the Government. I want to deal with those processes in some detail because it is very important to the future of this body and similar bodies and very important to the completion of the Fitzgerald agenda, to which this Government is committed, that I do so. Before I go into that detail, I wish to address the unfortunate way in which the debate has been generated and is proceeding.

Let me preface my remarks by expressing the confidence of the Government and me——

Opposition members interjected.

Mr SPEAKER: Order!

Mr W. K. GOSS: I am going to make sure that members of the Opposition hear this.

Mr Hobbs interjected.

Mr SPEAKER: Order! The member for Warrego is warned for the last time for interjecting.

Mr W. K. GOSS: I wish to express my confidence and that of the Government in the Criminal Justice Commission and the Parliamentary Committee for Criminal Justice and its Chairman. In relation to the leave that was sought this morning to move a motion, the Government did not see any need to debate the issue because there was no question of the Government's confidence in the chairman and in the committee. In fact, the member for Brisbane Central was approached personally by me to undertake the task because I knew it would be difficult to discharge and because I have great respect for his skills.

Let me now refer to the so-called criticisms or the concerns that have been raised by me and some Ministers. Those concerns are twofold. Let me again stress that those concerns do not indicate a lack of confidence in the commission. If we, as the Government, have concerns, we are adopting a responsible course of action by raising those concerns in the public arena. There will be no back door, sleazy dealings, which was the way of the past. I will raise these matters openly.

As I said earlier, there are two concerns in relation to the Criminal Justice Commission's report. Again, I stress that what has been said is not a criticism; it is simply a concern on the part of the Government. Members of the Opposition should get it straight that the Government is concerned to ensure that the Criminal Justice Commission complies with its own legislation.

The Criminal Justice Commission has an obligation to abide by the laws of Queensland. I refer to section 3.21 (2) of the Criminal Justice Act 1989, which states—

> "The Commission shall, at all times—
>
> (a) act independently, impartially, fairly, and in the public interest;
>
> (b) act openly, except where to do so would be unfair to any person or contrary to the public interest."

Subsection (2) (c) states that the commission is required by the law of Queensland to include in its reports—

> "(ii) an objective summary and comment with respect to all considerations of which it is aware that support or oppose or are otherwise pertinent to its recommendations."

This morning, the Minister for Tourism, Sport and Racing said that there was no contact with the National Party Minister or his officers in New South Wales. Honourable members also heard that Cabinet had been advised by the Casino Control Division that, notwithstanding an offer made for a briefing to be given, that offer was not taken up by the research officer charged with responsibility for preparation of the report. It would seem to the Government that it is legitimate to ask that the commission should comply with the Act; that is, to summarise and comment on all considerations of which it is aware, or that are otherwise pertinent to its recommendations. I point out that the rules of natural justice apply in this State.

The Criminal Justice Commission would readily acknowledge—I would hope that it would—that it has an obligation in respect of the rule of natural justice, as expressed in the terms of the legislation, to act impartially and fairly in the public interest in respect of the member for Mackay.

Mr Speaker, I do not care whether the Criminal Justice Commission is dealing with Mr Casey, Mr Cooper, Mr Beanland or Attila the Hun—not that I group those people together for any reason other than to illustrate the point. Having done so, I readily acknowledge that the member for Mackay is the odd man out. The point I make is that the principle of natural justice—or, as it is otherwise more commonly known, the doctrine of procedural fairness—is well known and is set out in the Act in the terms to which I have referred.

It is important in terms of fairness to any company that may want to operate in this State, any individual or any community organisation, any member of the Parliament, the press gallery or the public gallery that the commission, which has very substantial powers, abides by the law under which it is established. Having said that, it is the responsible and proper thing for me to mention the Government's concerns openly and in this forum. However, in doing so, I am not expressing a lack of confidence on the part of the Government in the Criminal Justice Commission; I am simply saying that the first report has raised significant concerns. Whether or not those concerns are accepted by the Parliamentary Committee for Criminal Justice under the chairmanship of the member for Brisbane Central or the Criminal Justice Commission is a matter for the committee and the commission. It is a responsible course for the Government to adopt in raising these matters openly and directly so that those concerns can be addressed in a rational manner, instead of becoming part of a superficial and hysterical debate.

In conclusion, I repeat the expression of confidence that I made at the outset of my remarks in respect of this Parliament's committee, the chairman and the commission. I say to all members exactly what I said to the meeting of the parliamentary party yesterday. The Criminal Justice Commission and the Electoral and Administrative Review Commission, and the two committees whose responsibility it is to monitor and supervise the activities of those commissions, are new bodies. To a large extent they are all in uncharted waters and there will be some bumps along the way. It should be the responsibility and entitlement of all members of the Parliament and members of the public to raise, in the proper tradition of civil liberties as they now exist in this State but not previously, matters of concern. Those concerns should be raised and they should be addressed in one way or another by the commission and by the parliamentary committee and its chairman. I have confidence that they will be addressed in that way.

Government Action on Balance of Payments Problem

Mr BEATTIE: I ask the Minister for Manufacturing and Commerce: can he outline the steps that have been taken by the State Government to help tackle Australia's balance of payments problem through reducing imports of manufactured goods?

Mr SMITH: The Industrial Supplies Co-ordinating Office established in this State and other States has played a significant role in reducing the amount of imports coming

into this country. Recently, the Government took a decision to fund, in the order of $700,000, for a further five years, the Industrial Supplies Co-ordinating Office, which is an incorporated company managed by the Metal Trades Industry Association in Queensland.

It is very significant that, in the period during which the Industrial Supplies Co-ordinating Office has been operating, approximately $40m worth of import replacement has been achieved. That is a magnificent effort.

The principal role of the Industrial Supplies Co-ordinating Office is to bring together the manufacturers in Australia who have the product and the people who, in other circumstances, might import the product. It is a valuable way of assisting to reduce the amount of imbalance in our balance of payments figures. I am sure that all members will be pleased that the office in Queensland will continue to fulfil that role.

Caspalp

Mr BORBIDGE: In directing a question to the Minister for Primary Industries, I refer to the Caspalp affair, and I ask: what was, or is, his relationship with Mr Ted Vibert and Mr Len Ainsworth? Did the relationship with either of those two people entail regular contact and correspondence, including discussions and correspondence on political tactics to have poker machines introduced in Queensland?

Mr CASEY: All relationships between me and anyone else within the poker machine lobby, as it was then called, were explained clearly in this House last Tuesday in a ministerial statement by me, in statements by the Minister for Tourism and in statements by the Minister for Police and Emergency Services. The only matter that has not been explained to this House is the relationship that existed between the gentlemen referred to by the member for Surfers Paradise and the National and Liberal Parties in this State.

Premier's Contact with Mr Speaker about Disallowed Question

Mr BORBIDGE: I ask the Premier: did he or any member of his staff make contact with Mr Speaker in respect of the question of the Leader of the Opposition that was placed on notice in accordance with the provisions of Standing Order 68, and disallowed?

Mr W. K. GOSS: I certainly did not. I have no knowledge of any member of my staff doing so, either. Members of the Government found out about it from the Opposition's press release.

Recreational and Environmental Plan, Moreton Island

Mr HAYWARD: I ask the Minister for Environment and Heritage: will he inform the House of his plans for proper recreational and environmental planning for Moreton Island? Has he had discussions with the Lord Mayor of Brisbane on this matter? If so, will he inform the House of the result of those discussions?

Mr COMBEN: I thank the honourable member for this pertinent question. As a result of his chairmanship of my Moreton Bay Advisory Committee, I know of his own personal interest in Moreton Island.

At present, Moreton Island is not well managed. It has a range of problems such as bikes being ridden on the sand dunes, reckless driving on the beaches, illegal camping, illegal dumping of rubbish and inadequate rubbish collection. The island needs a proper integrated management plan, one which we intend to put into place under the provisions of the Recreation Areas Management Act. To implement that plan on the island, we need the cooperation and consent of every land-holder on the island, apart from the freehold title-owners.

As a result of that need, today, I had discussions with the Brisbane City Council and the Lord Mayor. I said to her that, under the Recreation Areas Management Act

plan that I intend to introduce, there will be no commercial development in the national park, on vacant Crown land or on the esplanade controlled by the council; but we will assist with the removal of rubbish and the improvement of the old rubbish dump. We will also control illegal camping, provide better facilities and an interpretative centre and improve the roads. The Lord Mayor was not able to give me an assurance that she would cooperate in that matter. She said that it was an interesting comment and concept.

I urge the Lord Mayor to examine our plan. We need to manage properly that playground of Brisbane—Moreton Island. It is a place that she knows personally and at which she has often played. Today, she expressed concern that she had not visited the island for a year.

To properly manage Moreton Island, the cooperation of the Brisbane City Council must be obtained. I urge the council to consent to the declaration of a plan. We have offered it a substantial place on the recreation areas management board, which would be created alongside places for representatives of the conservation movement and industry.

To make the plan work, the council must be involved. If any honourable members—especially Liberal Party members—can assist us in obtaining the cooperation of the council, it would be appreciated. It is necessary for the recreational activities of the people in this city.

Films Board of Review

Mr HAYWARD: I ask the Minister for Justice: is he aware that the Films Board of Review has seen fit to ban another film, despite the fact that no complaints have been made about it? Can he inform the House of any action that he intends to take in the wake of the board's decision?

Mr MILLINER: I thank the honourable member for his question.

Yes, it has been brought to my attention that the Films Board of Review has in fact issued an order banning another film. The film that was banned was a Monty Python-like spoof called *Bad Taste*. It is interesting to note the review of that film in the *Courier-Mail* of Saturday, 19 May, which stated—

"The tongue-in-cheek tale has an incredible storyline."

The *Courier-Mail* gave the film a three-star rating.

The *Sun* of Thursday, 17 May also gave the film a three-star rating. That newspaper had this to say about the film—

"This R-rated offering is in the most appalling taste—but it's also very funny."

It is interesting to note that this film has run for a season in the cinemas of Brisbane and has been viewed by many thousands of people, including one very prominent journalist. The Justice Department has not received one complaint about it. The film has completed its season at the cinemas, but the Films Board of Review has now seen fit to ban it.

Mr Gunn interjected.

Mr MILLINER: I am told that Mr Gunn saw the film six times.

It is appropriate at this time to draw to the attention of the House some of the activities of the Films Board of Review.

Mr Gunn interjected.

Mr SPEAKER: Order! The member for Somerset! I heard the comment the first time. The honourable member is becoming tedious.

Mr MILLINER: The Films Board of Review has met six times in the last six months. Honourable members might be interested to hear about the cost of this expensive

exercise. The Chairman of the Films Board of Review receives an annual salary of some $15,000. So far this year the chairman has received $1,250—for a two-hour meeting!

I think it is about time that the Government examined the Films Board of Review. It is quite obvious from this particular incident that the Films Board of Review no longer represents the views of the community. I am in the process of taking the necessary action to relieve the Queensland public of the double standards that apply in this State. The Films Board of Review and the Literature Board of Review will go, and the Commonwealth classification regarding films and literature will apply in this State. Queensland will join the rest of Australia in 1990.

Report on Gaming Machine Concerns and Regulations

Mr PERRETT: I refer the Minister for Tourism, Sport and Racing to the public release on last Friday, 1 June, of the CJC *Report on Gaming Machine Concerns and Regulations*, and I ask: did the Minister or any member of his staff make approaches to the Chairman of the Parliamentary Committee for Criminal Justice prior to the public release of the report to express concerns about the substance of the report or to make any suggestion to the chairman about the public handling of the report, including whether it could be suppressed or delayed?

Mr GIBBS: As outlined earlier by the Premier, last Thursday night I did in fact seek a meeting with the Chairman of the Parliamentary Committee for Criminal Justice, the honourable member for Brisbane Central, Mr Beattie. Upon entering his room in the Parliamentary Annexe, I sat down, and within a matter of seconds Mr Beattie made it very clear to me that he was not aware of the contents of the report, nor did he know anything about what was contained in it. I did not ask him any questions about what was contained in the report, either.

I simply told Mr Beattie that, as the report was to be released on the Friday, I would appreciate a copy of it as and when it became a public document. That commitment was given to me. I did make an arrangement with the member for Brisbane Central that the document would be delivered to me at my ministerial office on the corner of George and Mary Streets. I expected the document to arrive at approximately 10.15. I understood that it was to be released at 10 o'clock. As I recall, I received the document at 20 to 11 that morning. As a consequence, I was late for an appointment at the Gold Coast. That was my involvement with Mr Beattie in relation to the report.

Inquiry into Level of Foreign Investment in Tourist Industry

Dr CLARK: I ask the Treasurer and Minister for Regional Development: what is the current status of the Government's inquiry into the level of foreign investment in the tourist industry? What is the position of the Government with respect to the sale of leases on Green Island and Fitzroy Island from Dreamworld to Daikyo? What is the progress of this sale to date? Will the Minister give a categorical assurance that the Government will veto the freeholding of leases on Green Island and Fitzroy Island to any company?

Mr De LACY: I thank the honourable member for her question. I recognise her concern about the issues that were raised in the question.

I will answer the question in relation to Green Island first. This Government stands, and will continue to stand, by its position. Firstly, this Government will not allow leases of off-shore islands to pass into foreign hands unless there is at least 50 per cent Australian equity. The Government has not changed its position on that point. Secondly, this Government will allow only leasehold tenure and not freehold tenure. So, in part, that answers the third part of the honourable member's question.

I have communicated this point of view to both the potential purchaser and the vendor. They both know the position of the Queensland Government. They have both accepted the position of the Queensland Government. Negotiations are under way by

Daikyo to secure a joint venture partner. I have recently held discussions with that company, and I understand that it is about to announce that it does have an Australian joint venture partner to go in with it on the ownership of the leases on Green Island and Fitzroy Island.

In respect to the study that the Foreign Investment Secretariat is proposing to undertake into the impact of foreign investment on the tourism industry—I can announce that that study has commenced. The purpose of the study is to assess the impact of foreign investment not only on the tourist industry but also on certain sectors of the tourist industry and certain areas, not least of all the area from which the honourable member for Barron River comes.

The study will be coordinated by my department or by the Foreign Investment Secretariat. Outside help will be obtained, if necessary. Submissions will be sought from the tourism industry and from other interested people. Aspects of the study include an assessment of recent and likely future reliance by the tourism industry on foreign investment, identification of the level of foreign ownership in the industry and the potential for vertical integration by foreign operators in the industry. Based on the study's findings, the secretariat will be identifying foreign investment policy options for the Queensland Government in relation to the tourist industry.

As to the third part of the honourable member's question—leases such as those for Green Island and Fitzroy Island will not be freeholded, and they certainly will not be freeholded into foreign hands.

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

PRIVILEGE

Alleged Misleading of House by Minister for Primary Industries; Referral to Privileges Committee

Mr BORBIDGE (Surfers Paradise—Deputy Leader of the Opposition) (11.53 a.m.): I rise on a matter of privilege. Earlier during question-time, I directed a question without notice to the Minister for Primary Industries concerning his relationship with Mr Len Ainsworth and Mr Ted Vibert. I also referred to comments made by the Minister in the House on the 5th of this month when he said that neither individual had any input into the formulation of ALP policy.

I now table documentation, including a letter to Mr Casey from Mr Vibert saying–

> "I would like a letter from you about the help etc. we gave the party in Queensland."

I also table documentary evidence which proves that the Minister has misled the Parliament. I request that this matter be referred to the Privileges Committee.

Whereupon the honourable member laid on the table the document referred to.

Mr SPEAKER: Order! I will undertake to rule on this matter at a future date.

SUNCORP INSURANCE AND FINANCE ACT AMENDMENT BILL

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (11.55 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill to amend the Suncorp Insurance and Finance Act 1985-1990 in relation to the conditions of employment of the Chief Executive Officer, Board membership and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (11.56 a.m.): I move—

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

The purpose of this Bill is to give the board of Suncorp Insurance and Finance Corporation the power to determine the terms and conditions of employment of the chief executive officer.

The Suncorp Insurance and Finance Act presently gives the corporation power to appoint and determine the employment conditions of all staff other than the chief executive. It is now proposed that the board also determine the employment conditions of the chief executive rather than reserving this to the Governor in Council.

While this Bill does not go so far as to give to the board the power of appointment of the chief executive, the Government will be addressing this as part of the broader issues of the operation of Government-owned enterprises and their relationship to Government. The only other significant change proposed in the Bill is to withdraw the ex officio appointment of the chief executive officer as a director of the board.

This does not mean that the undoubted skills and experience of the present chief executive officer, Mr Bernie Rowley, which have been invaluable to the board, will be lost. I would expect that, as happens in comparable private sector situations, the chief executive will attend all meetings of the board and continue to provide valuable input. On balance, however, given the need for the chief executive to be accountable to the board as an independent entity, and with the board now having power to determine his employment conditions, I consider that it would be appropriate that the chief executive not be an ex officio director. The chairman of the Suncorp board and Mr Rowley both concur with this view.

I commend the Bill to the House.

Debate, on motion of Mr Stoneman, adjourned.

CLEAN AIR ACT AMENDMENT BILL

Hon. P. COMBEN (Windsor—Minister for Environment and Heritage) (11.58 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Clean Air Act 1963-1989 to provide for controls on substances that, when released into the atmosphere, contribute to depletion of the ozone layer and for related purposes and to amend that Act in certain other particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. P. COMBEN (Windsor—Minister for Environment and Heritage) (11.59 a.m.): I move—

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

On 22 January 1990, the Queensland Cabinet adopted as Government policy the Australian Environment Council's Strategy for Ozone Protection. That was a commendable move by Cabinet, as it recognised that Queensland must take a stand against the use of ozone-depleting chemicals. It also recognised that our air pollution laws, which were inherited from the National Party regime, were inadequate in allowing Queensland to play a national and international role in ozone protection. Since publishing its ozone protection strategy, the Australian Environment Council has been expanded to include New Zealand, so it is now called the ANZEC.

This Bill amends the Clean Air Act 1963-1989 to provide the necessary legislative authority and regulation to make powers to implement this Queensland Government ozone policy. The Bill also provides regulation-making powers to allow the concentration of lead and other additives and impurities in petrol to be controlled.

The Government's ozone policy supports the Strategy for Ozone Protection, which was developed by industry and Government, and recommends a practical and affordable scheme for reducing the consumption of ozone-depleting substances by 95 per cent by 1995.

We must reduce our consumption of chlorofluorocarbons to control depletion of the ozone layer as depletion will affect human health, animals, crops and ecosystems. Because CFCs are slow to break down, even if action is taken now, the problem of ozone depletion will persist for decades.

CFCs are used in refrigerators and air-conditioning systems, as aerosol propellants and in the manufacture of plastic foam products. The chemicals are also a contributor to the greenhouse effect. Until now, CFCs have primarily been used in developed countries. But as the developing countries become more wealthy, more people are buying refrigerators and other CFC-using equipment. We in developed countries will be and are able to afford the more expensive technologies to replace CFC use, but developing countries will need our help with these alternative technologies.

The need to phase out the use of CFCs and arrest depletion of the ozone layer is paramount, so it is our responsibility to try to speed up the phase-out period. The strategy prepared by the Australia and New Zealand Environment Council will help speed up the phase-out. Each State must have regulations to support the strategy. We in Queensland can only have regulations controlling the use of CFCs through the amendments to the Clean Air Act found in this Bill. The effectiveness of the ANZEC policy hinges on the uniform national introduction of these control measures. Unlike the former Government, this Government accepts its world and national responsibilities and will, by this legislation, participate in the uniform national scheme.

The Queensland Government has a challenge here and I am proud to say that it has met that challenge—firstly, by Cabinet adopting the ANZEC strategy and, secondly, by producing this Bill. Indeed, all Queenslanders should be proud of our record and that of the whole nation in phasing out of the use of CFCs.

Australia is achieving a very fast phase-out rate—it is actually twice that of the Montreal Protocol on Substances that Deplete the Ozone Layer—because our Commonwealth Government introduced the Ozone Protection Act. Australia is also the only country to limit the export of CFCs.

Phasing out the use of chlorofluorocarbons requires cooperation between industry and government, and this has certainly occurred at both Federal and State levels.

this significant consultation with the community and industry happened—

at the national level, when the ANZEC strategy was developed, discussed and distributed;

at the State level, when over 750 copies of the ANZEC strategy were distributed to affected industries and groups, and my Department of Environment and Heritage has held discussions with all of the major organisations possibly affected by the strategy; and

at the local level, the issue was widely covered by both the media and technical magazines, and my department has dealt with a steady stream of requests for information regarding the nature and timing of legislative controls in Queensland.

The Bill will make the following changes to the Clean Air Act to allow control of ozone-depleting substances—

firstly, it will provide a definition of an "ozone-depleting substance" and include an ozone-depleting substance in the existing definition of "air impurity";

secondly, create regulation-making powers to control the manufacture, sale, storage, use, possession, recycling and disposal of ozone-depleting substances and the design, manufacture, sale, installation, use, maintenance and decommissioning of things that contain or are manufactured using ozone-depleting substances;

thirdly, it will allow the chief executive to grant exemptions to the regulations under appropriate circumstances;

fourthly, it will allow the chief executive to specify the qualifications or licences to be held by personnel engaged in activities that require the use of ozone-depleting substances;

fifthly, it will make provision for the seizure and forfeiture of ozone-depleting substances and things that contain or use ozone-depleting substances when there is reason to believe that an offence may have been committed against the Act;

sixthly, it will provide inspectors with appropriate powers for enforcing regulations aimed at controlling ozone-depleting substances; and

lastly, it will add to the Schedule of the Act premises on which an ozone-depleting substance is used to manufacture plastic foam.

Not all of these requirements will be enforced immediately. Regulations will be phased in when it is practical and the ANZEC strategy will act as a guide in this regard.

The other effect of this Bill is equally as important as phasing-out the use of CFCs. The Bill also gives the Queensland Government that much-needed authority to control the amount of lead and other additives and impurities in petrol.

Queensland has certainly been dragging the chain in this area of air pollution. Whereas other States have introduced controls over lead levels in fuel, in Queensland the levels allowed were basically a "gentlepersons' agreement" between Government and industry. That was the policy of the previous National/Liberal Party regimes. It was a policy that put at risk human health—because lead emissions from petrol are a known cause of health problems, especially in children, particularly learning difficulties and hyperactivity.

As a result of Queensland's previous policy on not controlling additives and impurities in petrol, the lead levels in petrol produced in our State are currently more than twice those permitted in other States. As a result, undesirable levels of lead have been occasionally measured in the air in close proximity to major traffic routes.

Negotiations have been initiated with oil companies to reduce lead levels in petrol. But we have had no legislative base to enforce a standard for and control over the additives and impurities in petrol. So the amendments to the Clean Air Act in this Bill will give us that legislative base.

It is expected that it will take a couple of years for the Queensland oil companies to reduce the amount of lead in fuel. This length of time will allow for a smooth transition for the companies.

The Bill is vital for the protection of our environment and to preserve public health. It provides for two basic important changes to the Clean Air Act: the introduction of controls over the use of CFCs and controls over the lead levels in fuel.

I commend this Bill to the House.

Debate, on motion of Mr Elliott, adjourned.

THE LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) BILL

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (12.07 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to provide for town planning and related environmental matters in Local Authority Areas, including the City of Brisbane, and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (12.08 p.m.): I move—

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

Members are no doubt aware that extensive consultation has taken place with respect to the drafting of this Bill.

Officers of my department first carried out a review of the existing town-planning provisions in 1986, and a Green Paper outlining proposed amendments was released for public discussion in November 1986. A number of seminars were also conducted at centres throughout Queensland, and discussions were held with various groups and individuals.

Numerous submissions were received from local authorities, professional groups and bodies such as the Local Government Association and the Urban Development Institute of Australia and from quite a number of individuals interested in town-planning. A draft Bill in the form of a working paper was then tabled in Parliament in November 1988 for further public discussion and comment.

In the light of those responses, that draft Bill was revised again and released for further selective comment from representatives of key players, including the Local Government Association, the Brisbane City Council, the Bar Association, the Law Society, the Queensland Conservation Council, the Wildlife Preservation Society of Queensland, the Urban Development Institute of Australia and other organisations representing the development industry, environmental groups, etc.

I add that this step was repeated on a number of occasions with further revised drafts of the Bill. Leaders of the opposition parties in the Parliament were also given the opportunity to be briefed on the proposals in the Bill. On that basis, all members must recognise that the widest possible consultation has occurred concerning this Bill.

Furthermore, as the resumption of the second-reading debate on the Bill will not take place until August or September, in the meantime, I will arrange for copies of the Bill to be widely distributed throughout the community.

At this point, I would like to acknowledge the contributions made to the preparation of this new legislation by Ken Mead and Harold Jacobs, former Directors of Local Government, and by Arthur Muhl, who is currently Executive Director, Commercial Developments, with my Department of Housing and Local Government. Those three gentlemen played a significant role in developing the Bill, along with Jenny Dobinson and Mark Baker of the department.

I turn now to the Bill itself. Quite simply, the provisions of the Bill, when enacted, will replace the town-planning and subdivision of land provisions of the Local Government

Act 1936-1989 and the City of Brisbane Town Planning Act. The legislation will apply to all 134 local authorities in this State.

The Bill has two major objectives. Firstly, it will provide a code by which a local authority or the Minister may undertake the planning of an area to facilitate orderly development and the protection of the environment. Secondly, it will provide an adequate framework for a person to apply for approval in respect of a development proposal and appropriate appeal rights.

I will now provide an overview of the more important aspects of the Bill.

The fundamental power of a local authority to decide planning applications and the rights of the public to view, object to and appeal against applications is preserved. The power of the Governor in Council to approve town-planning schemes and amendments is also retained.

However, provisions have been included in the Bill to assist local authorities in protecting the environment, which is defined to include natural, economic and social and cultural factors. For instance, before an application is lodged with a local authority in respect of certain prescribed developments, an intending applicant must request terms of reference for the preparation of an environmental impact statement from my department. Officers of the department are then required to consult with other departments, the relevant local authority and other bodies in the preparation of those terms of reference.

Prescribed developments will be listed in the Schedules to the new Act approved by the Governor in Council. Those Schedules could list noxious and hazardous industries, feedlots above a certain size or any development in a sensitive locality such as a dam catchment.

The role of the Magistrates Court has been retained but the offence provisions have been considerably widened. A planning scheme now includes the conditions of any approval granted under the scheme and therefore any person who breaches such a condition can be prosecuted.

It is also proposed to grant any member of the public the right to bring proceedings in a Magistrates Court with respect to offences against a planning scheme. This could overcome a considerable amount of hardship currently being experienced by people affected by offenders. The procedural steps that would need to be taken by a local authority if it was to act on a complaint can cause delays. The right of the local authority to bring proceedings in a Magistrates Court with respect to offences against a planning scheme has been retained.

The Local Government Court has been renamed as the Planning and Environment Court and will be empowered to make declarations and orders to remedy or restrain an offence against a planning scheme. Furthermore, any person, including the local authority, may bring such proceedings to this court.

The existing role and powers of the Planning and Environment Court with respect to appeals remain unchanged. However, I have instructed my department to investigate the role of the court and research possible alternatives to the court in line with ALP policy. A report on this matter will be finalised later this year.

The Minister will no longer have unfettered powers to amend a planning scheme—the so-called ministerial rezoning powers. Instances where the Minister is empowered to amend a planning scheme will be defined by regulations to be made under the Act.

The Bill will also enable the making of concurrent applications, staged rezonings and staged subdivisions. Those procedures are designed to reduce land development costs.

Another major planning initiative included in the Bill is that conditions of approval will run with the land and bind successors in title. This will reduce the need for complex deeds of agreement to bind purchasers of land, the subject of a town-planning approval. In addition, the subdivision of land provisions have been rewritten to provide a new code which recognises current practice.

Downstream drainage disposal difficulties have been recognised and addressed in this Bill. When dealing with a subdivision application, a local authority is required to consider the method of disposal of drainage and whether such method will have a detrimental effect upon neighbouring land. The local authority is empowered to require as a condition of approval of the application that the cost or a contribution towards the cost of acquiring land and undertaking the drainage works necessary to effect efficient disposal of the expected water run-off be met by the applicant.

The Bill also requires that public notification of a planning proposal must be given to persons elected to represent the area in which the land, the subject of the proposal, is situated.

Finally, I mention that action has been taken to reverse the current situation and provide that the applicant bears the onus of proof in an objector appeal. In addition, the power of the court to award costs has been precisely defined.

The Bill is a most comprehensive piece of legislation and will affect not only local authorities but also a wide cross-section of the community. Accordingly, officers of the Department of Housing and Local Government will be conducting seminars throughout the State to explain the legislation prior its coming into force later in the year.

I commend the Bill to the House.

Debate, on motion of Mr Gunn, adjourned.

LOCAL GOVERNMENT ACTS AMENDMENT BILL

Second Reading

Debate resumed from 30 May (see p. 2001).

Mr GUNN (Somerset) (12.14 p.m.): This Bill, which amends both the Local Government Act 1936-1989 and the City of Brisbane Act 1924-1989, is hailed as allowing local authorities a new freedom in their financial management. It has been described by the Deputy Premier and Minister for Housing and Local Government as a democratic initiative and local government deregulation.

At the outset today, I intend to examine the ramifications of that aspect of the legislation on which the Minister conveniently has adopted an attitude somewhat akin to Julius Caesar or, more colloquially, of having $2 each way.

It is widely known that the Brisbane City Council and the Gold Coast City Council have made urgent Budget representations to the Government seeking the power to strike additional levies on ratepayers in order to increase revenue.

In the case of the Gold Coast City Council, I understand that it wishes to strike a tourism levy, and in the case of the Brisbane City Council, it is an environmental levy, whatever that means when it comes down to financial specifics.

The Government, by introducing this legislation, has responded in favour of such representations. However, in his public pronouncements about the proposal, the Deputy Premier has been at pains to point out that neither he nor his Government endorses or supports the proposal. Just like Pontius Pilate, he gives the go-ahead and then tries to wash his hands of it.

The Minister maintains—and undoubtedly this is correct—that every council in Queensland must be directly answerable at the ballot- box for its own decisions.

Mr Burns: That's right.

Mr GUNN: That is right, is it not? However, what is proposed here is opening the floodgates to each and every local authority in Queensland to strike an additional levy to gain extra revenue if it believes that its electors will wear it. I understand that, if the council proceeds with its tourism levy, there are already some concerns on the Gold Coast about the implications.

An honourable member: It's a non-goer.

Mr GUNN: I do not think the members of the council have stopped running.

Mr Burns: They backed away.

Mr GUNN: Yes, they backed away pretty quickly.

But let us look at the possible Statewide connotations further down the track. The scope is there for numerous types of levies to be in place in a number of authorities across the State. Thus, the scope is there for a confusing patchwork of levies applying across the State, dependent only on the electoral whims of the various local authorities.

I believe, however, that there is a more significant impact of this legislation than this, and it may not be readily evident to some local authorities at this stage. This Labor Government came to power promising no new taxes and pledging to keep cost increases at or below the level of inflation. That latter promise has been bent in quite a number of areas, such as vehicle registration and third-party insurance.

However, what this Government has done effectively with this legislation is give local authorities new taxing powers which, in the future, could see local authorities being called upon by this State Government to raise their own revenue rather than rely on increased financial assistance from the State.

We are all well aware that the annual Premiers Conferences are tight affairs, with constant pressure being exerted by Canberra on the States and local government to justify their shares of the tax cake. At State level, local authorities rely heavily on various State subsidies to assist with roadworks, water supplies, sewerage systems and other infrastructure.

The hidden agenda of this legislation is that it raises the possibility for the State Government to put the squeeze on the financial assistance that it traditionally provides to local authorities. The Deputy Premier has delivered deregulation. What is to stop him, in the future, saying to the local authorities, "You have your own taxing powers now. We have to trim our sails and cut back on subsidies." That would be a decision of the Treasury, and we know how tight it is.

Mr Burns interjected.

Mr GUNN: I know that pretty well. I have been there. I know the way Canberra acts. All I am saying to the Deputy Premier, as a friend, is that he should watch Canberra.

What is to stop the Deputy Premier saying to the local authorities, "But you can raise the difference through a levy of some description." I have been here a long time and I know what happens at Treasury level. That is the potential impact of this aspect of the legislation being debated today. I am sure that local authorities are not fully aware of where this legislation may lead them.

I note that the Minister pointed out, in his second-reading speech, that local authorities had requested the changes, but I would doubt very much that they looked past the initial proposal to strike special levies. What I think they were looking at was the money. The difficult situation for ratepayers is that, whichever way it goes, the result will be an extra financial burden on them.

Australia is already a highly taxed country. Taxes have risen, particularly during the last seven years of the Labor regime in Canberra, which, I might add, will without doubt come to an end at the next Federal election.

Mr Hayward: You have said that for the last three elections.

Mr GUNN: I will record the honourable member's laugh and play it back to him.

Ratepayers rightfully expect their tax dollars to extract maximum value and be shared equitably among the three levels of Government. I must say that that is not

happening at present. When the Premier goes to Canberra, he will find that out and will return to Queensland very sad indeed.

We have seen what the Federal Government does, for example, with its fuel excise revenue. It is using motorists as a milking cow to boost revenue, with only a fraction of it flowing back to roads. Every petrol bowser is a cash register for Mr Keating, who has already publicly warned State Premiers and Treasurers that they can expect cut-backs at the Premiers Conference later this month. This is a common practice, of course, to test the water to see the reaction. It has been done for years and years.

In response to this, we have seen reports in the press of the Premiers Department advising local authorities to drastically cut their claims on the State for loan funding assistance. Next year, many Queenslanders face rate increases, because of State Government cuts to local authority borrowing. The Labor Government wants to hold borrowings by the local government sector to the level of last financial year, which, because of inflation, represents effectively an 8 per cent cut.

In a letter sent to all shires from the Premiers Department, councils have been told to generate funding shortfalls from internal sources. To me, this is the thin end of the wedge and is a pointer to things to come, as I mentioned earlier. The result is that some local authorities have already warned of increased rates and charges to meet the shortfall caused by borrowing restrictions.

Local authorities sought borrowings of some $285m, but the State Labor Government has told them that total borrowings must be held at $225m—the same level as last year. That leaves a $60m shortfall for local authorities to overcome. Those of us who have had experience in these areas know just what a hard task it is to squeeze extra revenue from what the Premiers Department cutely refers to as "internal sources".

The result is invariably that either rates and charges increase to some extent or some works get put off until another year, or a combination of the two. Albert Shire, one of Australia's fastest growing regions, sought $18.4m and has been told to expect no more than $10m in borrowings. The Gold Coast City Council has been told to cut its borrowings from $38.8m to $25m. Maroochy Shire has had its borrowings slashed from $16.6m to $12m. Caloundra City has had its borrowings cut from $9.6m to $6m, and Noosa Shire from $3.2m to $2.5m. They are just a few examples of the financial pressures facing local authorities and, clearly combined with this legislation, mean that ratepayers are facing a proverbial double whammy in the form of increased rates and the possibility of a special levy which some councils may set.

I find it intriguing that whilst this Government provides new taxing powers for local authorities and stoutly and loudly claims it does not support such measures, nevertheless the Minister has moved to qualify such powers. In his second-reading speech, the Deputy Premier said that the use of such powers was at the sole discretion of the local authority. However, he went on to state—

> "However, if a local authority were to apply these new powers in an inequitable manner, serious consideration would be given to repealing them or otherwise fettering their use."

That is like saying that we can have deregulation, but only as long as it suits the Government. It is a bit like the Federal Government deregulating Australia's financial sector, floating the dollar and other things. When Messrs Hawke and Keating did not like the results, they manipulated interest rates to bring about the de facto regulation of the financial sector, including the Australian dollar. The Labor Government in Queensland is doing a similar thing in this State.

I call on the Deputy Premier in his reply to attempt to define the limits whereby these new powers might be seen to be used in an inequitable manner, or how his Government might consider fettering their use. I also hope that he will come clean and admit that the implications of this Bill could result in councils being called upon in the future by this State Government to raise increased levels of revenue from their own sources whilst the State puts the financial screws on.

There are other matters I wish to comment on concerning the local government arena, and one reflects the treatment of the Local Government Department under this Government. The department has been emasculated. The Local Government Department has served the State extremely well and, as a former chairman of a local authority and later the Minister for Local Government, I wish to say that no other Government department has won the respect of the people like this department has in the past, and that respect has been well deserved. I wish to refer to a couple of the directors with whom I had the pleasure of serving. One was Harold Jacobs, who was mentioned by the Minister. He was an excellent Director of Local Government. During the time when I was the Minister I was fortunate to have Ken Mead as my director. Both were top men in their jobs. I know the Deputy Premier well enough to know that he respects the work that those two gentlemen have done for local government.

Over the years, local authorities have had to take on many more responsibilities, some of which have been welcomed and others which have caused objection. Local authorities are the correct authorities to take on this work, but it has added to their expenses. They are required to employ more staff and increase capital works for the provision of office space. In south-east Queensland in particular, the rapid increase in population has added to the problem. No-one would ever have thought that this would have happened. Even in country areas, the population has increased. The population of my own home town has almost doubled. When I was chairman of the Laidley Shire there were 5 000 people in the shire; today the population is 10 000. Similar increases have occurred throughout the State and this has resulted in a great strain on the ratepayers.

It is expected that there will be funding cut-backs from Canberra in the future which will affect local government. I believe that the future is very bleak for local government in Queensland and added charges will certainly be the order of the day for ratepayers.

Mr COOMBER (Currumbin) (12.26 p.m.): It is a pleasure to speak in this debate today. I acknowledge the presence of Mr Maurie Tucker, with whom I have had dealings in local government and as a member of the Beach Protection Authority of Queensland.

The Liberal Party supports these amendments to the Local Government Act. These amendments remove doubts that several local authorities have had in past years as to the legality of some of the implications of differential rating. The amendments clarify that a local authority has and always has had the power to determine a minimum amount of general rate. The explanatory notes to this amending legislation state that Clause 3.4 (b)—

> ". . . empowers the Council, where it makes differential general rates, to determine—
>
> (A) the minimum amount of any particular differential general rate within each category of rateable lands subject to the differential general rate;
>
> (B) a different minimum amount of each differential general rate;
>
> (C) the minimum amount of any differential general rate in respect of rateable lands within any category of lands subject to the differential general rate."

For some two years now, local authorities have been frustrated in attempts to use the provisions of section 21 (11) of the Local Government Act concerning differential rating to deal with various inequities in rating caused principally by the inordinately large number of Building Unit and Groups Titles Act properties on the Gold Coast. The application of lot entitlement against the valuation of a parcel of land means that the unimproved capital valuation for most individual units results in the owners being charged the minimum general rate even though, in many instances, their market value exceeds that of comparable individual dwellings in the area. This produces considerable inequity when one considers that some 34.7 per cent of rateable properties in Gold Coast City are owned by non-residents. With that percentage of non-resident ownership,

many of the financial benefits of tourism—and in many other instances where development has an impact—are taken from the city whilst permanent residents have to bear the infrastructure costs and social costs associated with that industry.

To remedy this problem, submissions have been presented to Government requesting amendments to section 21 (11) of the Local Government Act, either to allow the Valuer-General to fulfil his functions under the Act in relation to individual units—and not the building units plan or group titles plan per se which is claimed to be the parcel of land by the Valuer-General and Crown law—or have the Valuer-General's existing responsibilities removed from the Act and returned to local government in the same way as categories are listed in the Fire Services Act.

It was unjust that such a situation should pertain in relation to differential rating, despite the fact that the legislation was gazetted some five years ago. Hence, over the last six months, councils have explored the possibility of utilising section 21 (4), which refers to separate rating in order to relieve the burden on permanent residents and raise promotion funds from commercial properties and residential properties which are let to tourists. The amended section 21 (4) does address a function or part of a function of local government, such as tourism promotion.

Tourism promotion has obvious but less quantifiable tangible benefits than most other functions of local government. The Gold Coast City Council has obtained legal opinion indicating that tourism promotion is a legitimate part of the function of local government and that, in general, the benefits arising from activities associated with it are more abstract. One known result is the strengthening of the local economy, but that strengthening of each and every property and business within a city or shire is not a clear-cut issue. Accordingly, amendments of the type provided in the legislation must reflect the needs of the twenty-first century and the changing role, areas of responsibility and functions of local government.

It is envisaged that the proposed amendments that are before the House will allow local authorities or councils that choose to use the Bill's provisions to abolish the requirement that a city or shire, or divided subunits thereof, benefiting from the separate rate must be delineated on a map, which is the sole means of identification. It will also allow the use of real property descriptions to adequately identify each property, and will permit local government itself to levy a rate or charge in a manner considered just and reasonable to raise funds and fulfil a particular function of local government. It will also allow a local authority , whether or not it decides to divide its city or shire, to rate or charge non-contiguous land according to its use, or on some other basis as determined by the local authority. It will also mitigate the constraint of requiring local government to define the extent to which each or any divided subunit of the city or shire is benefited in the terms of the particular function or particular functions.

I wish to enlarge on the issues of special benefits or special rates for particular functions. In each year, under this amending Bill a local authority may make and levy a separate rate for a particular function or particular functions of local government for a special benefit for any particular part or parts of an area. The particular function or particular functions in respect of which the separate rate is made and levied shall be specified in the resolution making that a separate rate. The local authority shall define the part of parts of the area specially benefited by the particular function or particular functions in question. If the local authority thinks it is fit and proper to do so, it may divide the part or parts so defined into subdivisions. The local authority may also include in one subdivision lands that are not contiguous.

I wish to address one issue that I believe should be dealt with in the legislation but which does not appear in the Bill. If a local authority wishes to determine a separate rate in any year, I believe that it should publicise that fact in a newspaper that circulates in its area, with a notice to the effect that the local authority intends to make a separate rate for a particular function or functions of local government. The notice in the newspaper should specify the proposed particular function and it should specify the proposed part or parts, or subdivisions as the case may be, to which the separate rate

shall apply. That should be made available for public inspection at any office of a council or at any place that the council may determine, and it should be available for a particular time-span—for example, 21 days.

I now turn to address the issue of benefit. The Department of Local Government seems to be opposed to the use of the term "benefit" as opposed to the words "special benefit". It appears to be opposed to the concept of a reverse onus of proof for the ratepayers in connection with proof of that benefit. It is my view that this amending legislation goes some way towards councils achieving their stated aims, but I am still concerned about the concept of "special benefit" as opposed to simply "benefit". It is by no means certain that a successful challenge would be based on failure on the part of councils to show a "special benefit"; however, it is almost certain that the concept would be the source of a challenge being mounted to the validity of a levy under this Bill. I draw to the attention of the House a challenge to a tourism levy that was instigated in the Tweed Shire in New South Wales . The challenge was successful, and moneys that had been collected had to be returned to the people who had made donations.

Earlier, the member for Somerset raised doubts about the need for levies. He described them as another form of taxing that is available to local authorities. Having served on the Gold Coast City Council for almost nine years, I do not regard the application of a tourism levy as another tax. If one takes into account the impact of tourism on the Gold Coast, it is possible to quantify the extent of funds that would have to be provided by local people who pay rates on the Gold Coast. Unfortunately, the Gold Coast has a small ratepayer base of approximately 80 000 people. The population of the area on any given day of the year is approximately 400 000. Very few people are paying for the provision of very valuable services for tourism.

In terms of its impact on real estate values and local economies, nobody would doubt the benefits of tourism to this State, to local authorities or to the people who live in a tourism area. However, if one were to quantify the amounts of money that are needed to provide tourism facilities, one would find that, in the Gold Coast area, $6m to $10m is needed, depending upon the quality and nature of services provided. It would seem that there should and may be financial relief provided for permanent residents of the back streets of the Gold Coast by contributions from the people who benefit by the promotion of the area. The legislation that is before the House will provide a mechanism for recovering tourism promotion costs, if a local authority wishes to pursue that course of action.

It is sad that, once again, the Gold Coast City Council has decided not to pursue that course of action. Tourism promotion costs will be based on a ratepayer survey which will be distributed to all properties on the Gold Coast. I will take a couple of minutes to indicate that moneys raised by levies of the kind I described earlier can certainly be used to the advantage of the tourism industry. For example, there is only a miserable contribution made to tourism promotion on the Gold Coast by the Queensland Tourist and Travel Corporation. Moneys that are raised in kind and by way of donations from local authorities on the Gold Coast, including the Albert Shire and the Beaudesert Shire, actually provide approximately 50 per cent of the total amount expended by the local tourism organisation, the Gold Coast Tourist and Convention Bureau.

When we consider that places such as the Northern Territory are spending three times the amount of money that the Gold Coast is on tourist promotion, it is a wonder that we have the high profile that we have. The Gold Coast has the facilities and the natural resources to ensure that tourism is there to stay. It is being discovered internationally and its future is assured.

I admire the work carried out by John Polson and Judith Maesstracci of the Gold Coast Visitors Bureau. I wish them success in their future endeavours to improve the level of tourism on the Gold Coast.

Mrs McCAULEY (Callide) (12.38 p.m.): Once upon a time the responsibilities of local government used to be roads, rates, rats and rubbish. Life was fairly simple for

those involved with local authorities. However, these days local authorities have a much broader concern and responsibility. Increasingly, the onus is being placed squarely on local government to raise revenue. The Federal Government's attitude has reinforced that onus. In the case of the Banana Shire Council, of which I am a member, the Federal Government has said, "Your capacity to raise rates is far higher than you are presently doing. You are not charging the rates that you should be to the people in your area. So we are going to cut back your grant money." The Federal Government is virtually forcing the council to raise its rates. It is an unfair form of indirect taxation.

Good husbandry and careful accounting of ratepayers' money counts for nought. It was legend that, in the Banana Shire Council, of which Alf O'Rourke was chairman for 30-odd years, when the Premier or another important person visited the shire, they were asked to bring a cut lunch. Alf O'Rourke would not use ratepayers' money to feed them. He was quite happy to show them all his problems, but he did not want to spend any more money on them than was necessary. I applaud that line of thought. He always acted as though the Banana Shire Council's money was his own. He accounted for every penny and was very careful with it. Fortunately, compared with the rates in towns such as Emerald and Calliope, which are of comparable size, and in the Livingstone Shire, the rates in the Banana Shire are low.

Because of Federal Government cut-backs, in order to keep pace with the income that it has received in previous years, the Banana Shire Council will have to increase its rates in this coming budget, and in budgets for the next 10 years, by something like 10 per cent a year. That will place an onerous burden on the taxpayers.

These days, local authorities are involved in a variety of matters such as child-care centres, libraries, parks and gardens, bikeways, community centres, arts and crafts centres, sporting fields, sewerage and entrepreneurial activities. The Banana Shire Council is very supportive of the Biloela silo project that it hopes will bring tourists to the district. It is legitimate and realistic for local authorities to be involved in such enterprises.

Local authorities are also involved with the environment and lawn cemeteries. My father, who was very involved in local government, worked for a long time to have a lawn cemetery established in his small town. He was proud that the people of that small town were keeping pace with modern society. Unfortunately, he was the second person to be buried in that cemetery.

The environment is a concern of local authorities, but, in order to achieve improvements in that area, cooperation must exist between local authorities and the State Government. Cooperation makes life so much easier. A good example of an environmental concern of a local authority relates to the disposal of rubbish. In the Banana Shire, we have recently installed a transfer station of which we are very proud. It is one of the best in the country. Biloela is the only small town in Queensland to have such a modern, innovative and aesthetic method of disposing of its rubbish.

Mr Gunn: The best I have ever seen.

Mrs McCAULEY: I agree with the honourable member. It is a tremendous method of disposing of rubbish. In conjunction with that compaction method, we have encouraged people to recycle their rubbish, to save their glass for the Lions Club, and to save the aluminium cans and paper. I find it a contradiction in terms to give people wheelie bins and say, "Here is your wheelie bin. It has much more room, but we want you to put less rubbish in it. We want you to recycle." I can never think of wheelie bins without remembering a funny story that I heard which epitomises them. The story was about the garbage-collector who was coming along the street and asked a resident, "Where's your bin?" The man replied, "Oh, I've been working very hard." The garbage-collector said, "No, where's your wheelie bin?" The man replied, "Oh, I've really been out the back having a sleep."

Wheelie bins are obviously a sign of progress. However, we must be careful not to dump all our rubbish into them instead of recycling paper, glass and other materials.

Even when there are only two people in a house, it is easy to fill those bins up, which creates problems for everyone.

I envisage that the special levy referred to in this legislation could alleviate problems on the Gold Coast where tourists are great users of facilities but do not contribute other than indirectly by spending money in the shops. That must create a great problem for regions that have a temporary influx of visitors who use facilities but do not contribute towards them. The levy could also be used to alleviate problems such as the pollution of waterways.

In 1986, when Mr Comben was the Opposition spokesman on Environment, he visited Biloela and inspected its dreadfully polluted washpool gully, which was really a creek with stagnant waterholes into which we pumped our tertiary treated sewerage. The water was fit for animals to drink. He inspected the stagnant waterhole and said, "My goodness, this is dreadful pollution. We must do something about it." The people in that district still laugh about that. He received more laughs than he would had he ridden on his horse backwards down the street. He had no idea.

On occasions, a need exists for special rates to be levied on certain areas of a shire. Biloela has an excellent civic centre, of which its citizens are proud. It is paid for by a special rate that is levied on certain divisions and parts of other divisions. That is a fair way of doing things.

Local authorities impose the most visible form of taxation. That is why they are often not popular. The rate bill comes as an annual lump sum. People take fright when they see the amount of rates that they have to pay. If the rates could be paid over shorter periods, people would not notice them so much. Because they are very visible, people do get upset about any increases in their rates.

This morning I read that the Lord Mayor, Sallyanne Atkinson, has said that the environmental levy that she is thinking of imposing on the people of Brisbane will enable such things as the buying back of the Mount Coot-tha bushland, which is up for sale for development. I think that that is a good idea. Of course, the principle of user pays will have to apply. I do not imagine that the residents of Sandgate would be very pleased about contributing to that purchase. However, if it means that areas like the Mount Coot-tha bushland will be saved, it is a good idea, and I am sure that people will not mind. It is a difficult proposal because, as I have said, it is a highly visible method of rating. People can find themselves voted out of office before they have had time to instigate such differential rating methods and ratepayers have had time to find that they are not so badly off after all. As with all other tiers of Government, local government is very accountable to the people. Elections are held once every three or four years.

Differential rating has been used in some of the shires in my area. I cite the example of Miriam Vale Shire. The clerk tells me that it is a nightmare to administer. However, I believe that the Brisbane City Council may be a different case. It is the largest local authority in Australia and, of course, the rules of small country local authorities do not apply. It may well work quite well in Brisbane.

Rates are always a problem when there are inequities. Although many of the people who live in suburbs such as Ascot and Hamilton can afford to pay more in rates than people who live in Inala and probably get better amenities than people who live in Inala, consideration has to be given to elderly people. Many elderly people who have lived all their lives or have retired in suburbs like Red Hill and Spring Hill, which have become very trendy, are now being priced out of their family homes because the rates have increased. Some thought has to be given to such people. It is rather unfair that elderly people are being rated out of their homes.

I want to mention the environmental impact statement which the Minister mentioned in his second-reading speech. It has been my observation that many people think that environmental impact statements are the panacea for all ills in regard to development. However, I have seen environmental impact statements by some consulting engineers

which are just a joke. I believe that there must be a standard for these statements. I also believe that they are not the be-all and end-all of solutions to development problems.

As we approach the twenty-first century, local authorities have a challenge to adapt to changing conditions. That challenge is not an easy one and it can only be met if the State Government is supportive of, and cooperates with, local authorities.

Mr STEPHAN (Gympie) (12.48 p.m.): I have pleasure in joining this debate. I want to comment on a couple of aspects of the Bill.

I was interested to hear that this Government claims to support local authorities. I noted the comment of the Minister for Transport this morning when, in answer to a question, he said that should the Gympie City Council and the local member wish to reassess the road priorities in the area, he was sure that the Government would advance the work ahead of the schedule drawn up by the previous Government. What the Minister is talking about is reassessing the priorities. Everyone knows quite well that the priorities in respect of roadworks are established by the local authorities. It is not usual to alter the priorities without getting into all sorts of trouble. In this case an extra allocation was to be made. It had been approved by the previous Minister. That allocation has now been withdrawn by this Government. The Government is not being very practical. It is not delivering the goods. This Government is strong on rhetoric but weak on action.

An article appeared in yesterday's local Gympie newspaper headed, "Gympie pays for Nationals support". The Government has got the local authorities offside. That article states—

> "Gympie appears to be paying the price for being a strong base of support for the National Party, according to the district's two local authority leaders."

The article goes on to talk about the location of the new regional police headquarters and the new regional Fire Services headquarters. The Government has upset the Gympie City Council. That articles goes on—

> "In a letter to the Premier, council complained bitterly that there was never any input sought by the Goss Government from local authorities in the Gympie district over the site for the new Fire Services headquarters."

This Government talks about supporting and encouraging local authorities, but it is not putting its talk into practice. That article goes on to criticise the new Government for failing to live up to promises that were sought and promises that were given prior to the election.

I drew those matters to the attention of honourable members because I thought they might be interested in what is in fact going on in the community and the lack of support by this Government for local authorities, which is so desperately needed.

I want to comment on a couple of other aspects of the Bill. There appears to be a retrospective provision in one clause. Clause 2.2 (b) (ii) states—

". . . as always having included the power to determine a minimum amount of the general rate . . ."

I emphasise those words, "as always having included the power".

Honourable members are discussing the collection of levies. I wonder just what levies have in fact been collected which require retrospective legislation. The question remains to be answered as to who has in fact been collecting levies illegally.

Mr Burns interjected.

Mr STEPHAN: I notice that the Minister has introduced a Bill dealing with subordinate legislation. Sometimes one has to go through the clauses in subordinate legislation to find out what is being done legally and what is not being done legally. That was just something that came to mind.

Clause 2.6—Environmental Impact—states—

". . . 'environment' includes land, air, water and fauna. . ."

A great deal of emphasis is being placed on the environment and recycling programs, which are the way to go. The throw-away mentality within the community must be addressed. The community pays for it in terms of waste disposal costs and the pure waste of the raw product. I support recycling programs. There is no doubt that recycling will become a major issue during this 10-year cycle.

That reminds me of feedlots, which could perhaps be placed under the control of local authorities. I am aware that, from time to time, feedlots create many problems, particularly in country areas. Those problems should be addressed by all levels of government.

In his second-reading speech, the Minister seemed to contradict himself. He said—

" . . . if local authorities wish to use these additional powers, they will be asked to account for their actions when they face the voters at the next elections."

I agree that local authorities should be accountable for their actions. However, the Minister also stated—

" . . . if a local authority were to apply these new powers in an unequitable manner, serious consideration would be given to repealing them or otherwise fettering their use."

On the one hand, the Minister is saying that local authorities can do what they want to do, but, on the other hand, he is saying that if their actions do not meet with his approval, he will pull the rug out from under their feet. I wonder which one of the Minister's statements is accurate. I would welcome his explanation of that aspect.

The system of differential rating has been in vogue for quite some time. I hope that the new system will be more efficient than the differential rating system, which has not been very successful. I hope that this will be an improvement on the existing system, but only time will tell.

Mr BOOTH (Warwick) (12.55 p.m.): I am a bit surprised by the Minister's statement that he does not think he approves of some of the things that might happen under this Bill. The Opposition has usually respected the Minister, because he is fairly definite in his statements and does not waffle on too much. However, in his second-reading speech he did waffle on.

Although the Minister has said that he does not want what will happen to take place, he is introducing legislation that will allow it to happen. I believe that the Opposition spokesman put his finger on the button when he said that this is just an excuse to push back onto local authorities some of the things that the Government used to provide. I hope I am wrong in that.

Mr Burns: You know you're wrong.

Mr BOOTH: No, I do not know that; but I hope that I am wrong.

In his second-reading speech, the Minister said—

"In line with Government policy, it allows local authorities a new freedom in their financial management. I believe that every member of this Parliament should applaud that democratic initiative."

That is a highfalutin sort of an idea and ideal. However, when a Government does not accept its responsibilities and puts the responsibility back onto local authorities, I am not sure that that is democratic. I do not believe that local authorities want to levy people for tourism, etc. They are quite happy to allow the Government to do what it used to do.

The Minister also stated—

"Under existing law, a local authority can make a separate rate on the rateable value of land in a specific part of its area."

I approve of that. Sometimes a separate rate has to be imposed on home sites and so forth. However, many local authorities are not game to touch it. I believe that only about eight local authorities in Queensland apply that separate rate. Most local authorities are a bit afraid of it.

The Minister went on to say—

"A simple example of the use of this power would be the levy of a separate rate to recover costs from property-owners who benefit from the construction of a bitumen road that only services the properties held by those owners."

That is a bit unfair. Some roads in my electorate lead not from town to town but into very fertile agricultural valleys, including the Goomburra Valley, the Maryvale Valley and the Swanfels Valley. People should not always have to pay for the entire cost of a road. Much of the produce from those valleys helps businesses in other areas to continue to operate. Milk and vegetables, including potatoes, which arrive in Brisbane benefit the people of Brisbane. I realise that someone who wants to establish a tourist venture should be expected to contribute a large proportion of the cost of roads leading to that establishment. However, I am not particularly pleased about this provision in the legislation.

The Minister said that this proposal was initiated at the request of the Brisbane and Gold Coast City Councils, which seem to have lost some enthusiasm for it. If it has done no other good, at least it has done that. Whilst some benefits may accrue from this provision, the cure might be worse than the disease. For that reason, I am very worried that some councils will impose levies simply because they say, "The Government will not pay it any more. We have got to. The Government will not help us with subsidies. We have to impose another levy."

Mr Burns: You can vote them out.

Mr BOOTH: Yes. However, if the Minister cuts their subsidies, they cannot vote him out until the next election. That is the part that worries me. The Minister will be able to pressure the councils by doing that.

If the councils are thrown out because they impose levies that the Government will not pay, the Government should be thrown out, too.

Sitting suspended from 1 to 2.30 p.m.

Debate interrupted.

PRIVILEGE

Media Release by Leader of the Opposition Questioning Impartiality of Speaker

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (2.30 p.m.): I rise to a point of privilege. I have in my possession a media release by the Leader of the Opposition which brings into question the impartiality of the Speaker of our Parliament. It claims that the State Government has got at the Speaker. It also claims that the Speaker has been forced by the Government to do a backflip.

I move—

"That this matter be referred to the Privileges Committee."

Motion agreed to.

LOCAL GOVERNMENT ACTS AMENDMENT BILL
Second Reading

Debate resumed.

Mr RANDELL (Mirani) (2.31 p.m.): It is with pleasure that I rise to speak on this Bill, which will amend the Local Government Act. As honourable members would be aware, I was a Local Government Minister in the Ahern Government and enjoyed very much the time I spent in that Ministry.

At the outset, I point out that the Local Government Department was one of the most efficient departments in Government.

Mr Prest: Have you read the last Auditor-General's report?

Mr RANDELL: I do not think that the honourable member knows what he is talking about. The honourable member is casting aspersions on some of the loyal members of the Local Government Department. It is not very good of him to say that. I intend to refer to some of the most respected and experienced officers in the field. It behoves the honourable member not to say too much about them.

I refer to people such as Ken Mead, Arthur Muhl, Paul Smith, Morrie Tucker, Matt Miller, Noel Thorne and Harry Wadley. I could name more. They are all good men and true. They are men of integrity. I pay the highest tribute to them.

I pay tribute also to Mr Ken Mead, who was my Director of Local Government. Over a number of years, he provided a great service to the people of Queensland. I think the Minister would recognise that. He acted with great impartiality. He was a man of integrity. I pay the greatest tribute to him. His loss this year was certainly a great tragedy to that department.

The Department of Local Government was always run on high levels of staff morale. Our Government treated the staff well and gave them high status, and they appreciated this. But that does not in any way detract from the status of the Minister, who is also the Deputy Premier. However, I point out that the department is no longer a department, and that the director-general of the department is, by the Minister's own admission, a housing expert, and that things at the top of the department are not moving too quickly. I do not think that, when the Minister took the job on, he realised how immense the task was or the prominence of the Local Government Department. I think that he thought it was something that just existed and that housing was a priority. I know that he recognises now the great job that that department does.

Unfortunately, since the election of the Goss Government, the morale built up over years of National Party stewardship has been substantially eroded. The department no longer feels a part of Government. The Minister has amalgamated the department. The whole structure that was put together by the National Party has been taken away. This legislation is representative of this feeling. Admittedly, this legislation seeks to give more power to local authorities in respect of rating. At the same time, the legislation provides the Government with a good cop-out. Over time, it will allow the Government to pass the buck. Opposition members are suspicious that this legislation may be used to knife local authorities in the back at some time in the future.

I respect the Honourable the Minister. In the past I have had dealings with him. He is a man of integrity and he is honourable. I know that what I am saying might touch his heart. Over the years I have known that, if Mr Burns gives his word, it is good enough for all members on this side of the House. Whether we be in Government or in Opposition, we respect Mr Burns' word. We knew that he would stick with his deal. If he could not, he would have some very, very valid reason. However, we respected him. The only thing is that we know he may not be the Minister for Local Government for much longer. I have heard rumours that he will go on to bigger and better things. If he does not, he could be the Minister for Local Government for 12 months, two years

or whatever. While he holds his present position, we respect what he says. But someone could take his place and that person may not have the same influence in the Government as he has.

Let us consider the following: a local authority may run short of money and may seek to introduce a levy—for example, a tourism levy. It subsequently introduces that levy. It then goes to the Goss Government with a proposal for funding for some aspect associated with the tourism industry. What does the Government do? Does it say to the local authority, "Well, we gave it to you before; we'll give it to you again."? Or does the Government say, "Look, you introduced a levy for that. You are not getting any more money from us. You have imposed the levy and are receiving money. Why should we give you more?"

We in the Opposition are suspicious enough to suggest that the latter may in fact be the case. I would like the Minister or the Government to assure this House that the latter would not be the case. Can the Government assure this House that this legislation will not be used to divert revenue-raising powers to local authorities? Of course, it cannot give us that assurance. It cannot give that assurance because in this State we have a Treasurer who has proven to this Parliament and to the electorate of Queensland that he has trouble working out the debits and the credits. We have also heard the Minister for Sport, who has promised the world in respect of poker machines. Now the introduction of poker machines does not look all that good for the future. Whether they will be introduced or not, we do not know. Both the Treasurer and the Minister for Sport know that the revenue generated by poker machines was to support the Labor Party's 32-year want list that has not only put a strain on the Treasurer but is also weighing down his desk. The prospect of passing the taxation buck to the local authorities looks better every day.

Every day that the credits and debits do not line up on the Treasurer's desk, the idea looks better. As my learned colleague the honourable member for Somerset said in his address, the Premiers Conference will indeed be a tight affair for this Government. It will be a tight affair for everyone in this nation. If the Federal Government is to do the right thing by this nation, it has to bring down a tight Budget. The Federal Government has got the economy in such a mess that it has to try to pull it back. The people of Australia are demanding that it does so.

Today, I had lunch with some people who told me that businesses in Brisbane are going broke hell, west and crooked. The headlines in today's paper state that unemployment has increased to 7 per cent, and that will get worse. At the Premiers Conference there will be a lot of bargaining and purse strings will be tightened. If the words coming out of Canberra are correct, the States will be in for a tough time. Government members know that, Opposition members know it—everyone knows it.

Local authorities also will be in for a tough time, for they rely on the sharing of the tax cake that results from the Premiers Conference. I hope the Premier battles long and hard for them. Local authorities will have to take up the option that this legislation will provide, namely, to start imposing their own levies.

However, I warn them that once they start doing that they run the risk of their share of the revenue cake being reduced further and further as the Goss Government redirects money away from local authorities. If local authorities are permitted to raise their own funds, the Government will say to them, "You have got your money. We will reduce your share of the collection."

The real trap associated with this legislation may not be apparent to local authorities now. But I will bet that later on they will find out about it. They will be struggling for funds. Local authorities will lose. But as the member for Somerset pointed out, the real loser will be the poor old taxpayer. He will get slugged with another tax in addition to the capital gains tax, the fringe benefits tax, the assets test and an increase in motor vehicle registration fees. This morning, honourable members saw the headlines on the front page of the *Graingrowers Bulletin*. I shudder to think what taxes will be imposed on the trucks and motor vehicles that are used in rural areas.

There are also tourism taxes, environmental levies, and who knows what else. I would say that by the time the Minister for Environment and Heritage introduces his legislation and Mr Burns introduces his legislation on rezonings, developers in this State will be in for a difficult time in the future.

I stand in this place and say to the Government that it is about time that it started to think about the taxpayers, the ordinary people of this State. The Minister has a favourite saying about the poor old worker. I think it is about time that the Minister started to think about the ordinary people——

Mr Burns: The battler.

Mr RANDELL: That is the Minister's favourite term, "battler". I often think about the battler when I look at high taxation, the loss of homes, high interest rates, high inflation and the loss of jobs. It is about time that the Minister started to stand up for some of those poor old battlers. He is in a position now where he can do something for them. Now, he is not on this side of the House criticising the previous Government. He is in Government and in a position to make decisions for the poor old battlers in this State. They are coming to me and saying, "It is about time the Goss Government started to do something about it."

That is why this Government should not be encouraging local authorities to introduce new taxes. It should be discouraging them from doing that. No more levies should be imposed on the poor old battler. The Minister should sit down with representatives of local authorities, as I did when I was the Minister, and work out solutions to those problems. Some consultation would not go astray.

Mrs Bird: Ha, ha!

Mr RANDELL: I can hear an honourable member on the Government back benches laughing. If she cares to interject, I will answer her.

I am sure that the Minister is capable of engaging in consultation and, even at this late stage, I would ask him to do so.

I accept that the Government has the numbers to pass this Bill today. However, the Minister must not encourage the introduction of new taxes. He should discourage local authorities from taking up this option and he should consult comprehensively with them. Above all, he should point out to local authorities that the introduction of new taxes is not in the best interests of the community.

I was most concerned when the Deputy Premier in this place gave an inconclusive answer to a question from the member for Southport. He might care to touch further on that matter.

In the interests of time, I will sit down and allow the Minister to reply to some of the concerns that have been expressed by honourable members on this side of the House.

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (2.41 p.m.), in reply: I thank honourable members for their contributions to this debate.

Today, Opposition members were talking about hidden agendas and insinuated that some secret deals or tricks were being introduced by this legislation. I think that the term "keystone cops" could be used to describe honourable members opposite. They have all been looking for clues in this Bill, and it is a very simple Bill. Inspector Clouseau has been unable to find anything. Inspector Gadget who is sitting behind him was part of the team of detectives who have been out on the job.

This Bill is about autonomy and flexibility.

Mr Gunn interjected.

Mr BURNS: If one wants uniformity, one cannot have autonomy and flexibility. Things have changed. The National Party's old socialist idea of complete and utter control over local authority no longer applies. Those days are gone.

Councillors are elected in their local authority areas to represent their areas. Each area is different and each council is different, and they all have different agendas. There is no uniformity throughout the State on day-to-day general rates. Every council strikes a different rate. All that this Government is doing is giving those councils the autonomy to raise revenue the way they wish. There is no hidden agenda, as suggested by the member for Somerset. Local authorities have requested the changes. The changes were mooted earlier.

I know that all Opposition members are getting old and they find it a bit hard to remember things. I issued a book—it had a photograph of the honourable member for Somerset, Mr Gunn, on the front of it—containing suggestions for a review of the Local Government Act, and the legislation that we are discussing today has resulted from that review. The member for Somerset has the hide to get up and oppose the legislation today and suggest that there is some hidden agenda. It is his hidden agenda. He released the proposal into the community in the review of the Local Government Act. Today, the member has said that he is against the proposal. If there is any hidden agenda, it is Mr Gunn's hidden agenda. In December last year, this Government released the book with Mr Gunn's photograph emblazoned all over the front of it for everybody to see. I am saying to the honourable member that he cannot now attack the proposal that he himself released.

Seminars, based on Mr Gunn's document, have been conducted all over this State, and local authorities everywhere have supported the proposal. Only one local authority said to me that it does not want minimum rates. The Whitsunday local authority is the only one arguing about differential rates. Some local authorities have said that they do not wish to introduce a system of minimum or differential rating, and others have introduced it, as the honourable member would know; they have put their faith in the previous legislation passed by the previous Government and introduced more than one levy.

The honourable member talks about inequalities. It would be inequitable if the new powers were used to double the rates in a poor man's area and to reduce the rates in a rich man's area. If I saw a council doing that, I would be only too pleased to move in on it. Councils are not going to do that because they are responsible bodies.

When I answered the question from the member for Southport, I challenged the Gold Coast City Council about its proposal for a tourist rate, and it has already backed off. Once its members got out into the marketplace, they found that the proposal was not popular.

I will repeat what I have said to councils all over the State. They cannot hide behind the Minister and the Government. If they want to put up rates in their area in the next budget, they carry the can. They should not try to blame the Government or anyone else. They should carry their own can. If they put up rates, they must meet the arguments from the ratepayers themselves.

The honourable member for Callide spoke about environmental impact statements. That amendment is being introduced as a result of the decision handed down in the Supreme Court by Mr Justice Connolly and others in relation to the Land Court appeal in the Mon Repos case. The decision in that case was that the Government's environmental definition was sparse or lacking in a proper definition. The suggestion was that birds and animals might not necessarily be part of the environment. As a result of that decision, the Government decided that it should amend this provision now, because some local authorities are facing applications from developers who want those councils to knock their applications back so that they can get into court at this time and take advantage of that court's decision, which rules against the environment. We are bringing this in, but honourable members should remember that this new legislation will strengthen the arguments about the environment and make clear exactly where we stand.

In reply to the honourable member for Gympie—some element of retrospectivity is involved because, in the past, a lot of councils were working on differential rates. Any suggestion that they were not acting correctly is wrong. We believe that they correctly interpreted the intention of the previous Government.

Their concerns are that they may not be able to levy other than a flat general rate and a minimum general rate at the same time. It is ridiculous for the honourable member to say that. For many years, scores of councils have had minimum general rates, urban and rural rates, rural residential rates and differential general rates. It is wrong for anyone to say that we are changing the system. The system is a patchwork quilt now with each council entitled to do its own thing.

A consistent Local Government Act review is going on and that includes all rating questions. At a later stage, as I told the councils that wrote to me, I will be prepared to come back into this Chamber when the review is over and the position might be different. When councils are coming up to their budgets, they should be entitled to do something if they want to.

The honourable member for Warwick raised the example I mentioned in my speech about a road and the property alongside it. That is just what it was—an example. I am not trying to lead councils into charging a special rate for a particular area.

The most important thing is that this is part of autonomy. The councils want it. The Local Government Association of Queensland and others have shown no opposition to it. All councils do not have to implement it. Honourable members should remember that; it is not compulsory. The councils do not have to introduce the minimum rate.

Mr Randell: Will you answer my question?

Mr BURNS: What is the honourable member's question?

Mr Randell: If they collect revenue on one end under what you are introducing now, do you promise not to take it away from the other?

Mr BURNS: I have no intention of taking money away from local councils. I support the user-pays principle, and I have told the councils they should work on that principle. The same will apply in my department or anywhere else.

I give the House an assurance that there is no hidden agenda. My agenda is to deliver to those councils that want to change the system but are concerned about the rating system the opportunity to do what they have been saying they want to do. They should not hide behind me. If we had not done this, they would have gone into the marketplace and said, "We have had to put the rates up 10 per cent because Burns would not let us levy a flat rate and would not let us charge for this or that." I am saying to them that, if they do it, they do it on their own decision and they have to carry the can themselves at the next election.

Mr Randell: You won't penalise them for doing that?

Mr BURNS: No, there is no penalty involved. No-one in the local government system has ever gone through the charges that each council levies. Every council collects a different amount of rates and charges, and there is no way the Government could start taking a bit off one council because it raised a bit more than another. There has to be some equity in it.

Motion agreed to.

Committee

Clauses 1.1 to 3.5, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Burns, by leave, read a third time.

PRIVACY COMMITTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from 29 May (see p. 1860).

Mr GILMORE (Tablelands) (2.49 p.m.): The Opposition agrees with and supports this Bill. I would like to make a couple of remarks about the Privacy Committee and the work that it has done. It has been headed by His Honour Judge Sheahan, who has now retired. He has been an exemplary chairman of this committee and has provided excellent advice to the Government. He has done excellent work in the area of the privacy of Queenslanders, particularly with inquiries about credit.

We are very pleased that the Government has continued the initiative of the previous Government in respect of the Privacy Committee. We are pleased to support the Bill, which extends the life of the committee for one year until the matter can be properly resolved by way of new legislation.

Mr FOLEY (Yeronga) (2.50 p.m.): I support the Bill. It provides for an extension of the life of the Privacy Committee. This worthy committee is deserving of support by all members of the House.

It should be said that the law on privacy is still in its infancy. The common law does not provide a tort of breach of privacy. That matter is one which, perhaps in due course, might be considered by this House as a matter capable of reform by way of a statutory breach of a tort of breach of privacy. That reform has been considered by the Australian Law Reform Commission in its consideration of the law of privacy. The debate in that respect has achieved a great deal of force in modern times because of the extent to which the organs and quangos of the State collect and process vast amounts of information about individual citizens.

At present, the law confers certain powers upon the Privacy Committee and that is a desirable state of affairs. However, the time will come in the not-too-distant future when we must consider whether the law of privacy should extend beyond its current state. At equity there is an action for breach of the fiduciary duty of confidence which arises among certain classes of persons. That may give rise to a de facto action for breach of privacy. Similarly, privacy may arise as a term in a contract, for example, in dealings between employee and employer. We have not yet achieved that state of development in the law where a statutory tort has been established in this area, but it is perhaps a matter to which attention should be given in the fullness of time, so that as we approach the twenty-first century the state of our law may develop to a law of torts appropriate to the next century, and not remain limited to that class of tort or those classes of torts which characterised the Middle Ages.

I support the Bill.

Mr J. N. GOSS (Aspley) (2.54 p.m.): The Liberal Party supports the Bill. The issue of privacy is very much alive but, unfortunately, is not too well. Privacy is and will continue to be an issue of great debate into the future.

One of the concerns relates to police files and what access people should have to them. Another concern is that, because of the secrecy of tax files, illegal migrants can get a tax file number but the Taxation Department cannot inform the immigration department. There are also concerns about credit references.

The Liberal Party is happy to support this 12-month extension to the current Act. Great concern must be shown for people's rights and privacy, but we must be careful that in some cases we do not go too far and play into the hands of those dishonest

people who would use the information to rip off the system—as in the credit reference area—thereby causing consumers to pay a lot more than they should.

It is everyone's right to have privacy. Another area of concern is people's privacy from the press. For example, on occasions the press can be seen zeroing their cameras in on grieving relatives at funerals. My personal feeling is that the press should set their own standards rather than the Parliament making hard and fast rules. However, if the press do not want to adhere to self-regulation when it comes to people's privacy, then possibly hard and fast rules will have to apply.

Mr Beattie interjected.

Mr J. N. GOSS: They have to set an Australiawide standard, however they do it. It is nasty if Governments have to impose regulations, especially when they involve the press. Recently, on television, I saw a film of a coffin being wheeled into the crematorium, and——

Mr Beattie interjected.

Mr J. N. GOSS: We will all be there when they wheel in the honourable member for Brisbane Central, which may not be too far away.

Mr Santoro: Those are real knives, are they?

Mr J. N. GOSS: Yes, they are not rubber knives any more. I reiterate that the Liberal Party fully supports the 12-month extension of the current Act.

Ms ROBSON (Springwood) (2.58 p.m.): It is a pleasure for me to speak in this debate because over the years I have done a fair bit of work in this area. I congratulate the Minister on his mature approach to the review of this piece of legislation.

The protection and preservation of privacy is a very fundamental right of all citizens in a democratic society. It is clearly the duty of any responsible Government to ensure that this is kept securely in place. Over the years there have been many attempts by various industry participants to infiltrate the privacy of citizens and gain information which is deemed to help industry make commercial decisions. Whilst I have no problem with business trying to ensure that it is fully cognisant of all the relevant information required for good decision-making, I stress that the information must be relevant. Collection of information by centralised agencies is fraught with problems, as I have found out on many occasions. Too often such information is not checked for accuracy, particularly credit-related information which was referred to previously by the honourable member for Aspley. If the information is not updated or amended according to the standards that now operate, with the result that there are very real dangers that the information that is given out to people using credit agencies, such as financial institutions, will be inaccurate and will in fact disadvantage the consumer on whose behalf the inquiry is made.

This has been illustrated time and time again. As recently as last week, I dealt with a case in which a consumer approached a financial institution for a loan but it was refused. The agency concerned operates on the basis that if a consumer is refused a loan, he or she has the right to ask for a copy of the firm's record, which was the basis for the refusal. This case was a repetition of many cases with which I have dealt over the years. The information was grossly inaccurate.

There is no provision that will protect consumers by enabling them to obtain free access to credit-rating information. At a cost, a consumer can check the information, unless a request is made under the conditions of refusal. I find that an appalling way for a business to operate because it clearly disadvantages the users of the system, who are the consumers, and very clearly gives an advantage to financial institutions—those who operate the business.

When privacy legislation is considered in the future, I think it will be very important to ensure that a good deal of community consultation takes place. I am pleased to note that the Minister has undertaken that course and that he intends to allow fulsome

opportunity for complete and thorough community consultation. It will be interesting for me to observe this debate and its interface with proposed freedom of information legislation. The Minister is very wise in extending the period of consultation to June 1991, because I believe that that will be the only way in which the Government can fulsomely and substantially consult the community. I support the Bill.

Mr WELFORD (Stafford) (3.01 p.m.): I rise to support the Bill and, in common with the previous speaker, congratulate the Minister on his intention to consult extensively with the general community on new privacy laws that the Government will introduce in due course. I draw to the attention of the House the features of privacy laws that will operate in this State that are, to some extent, based on the Federal model.

It is important to recognise two elements of privacy legislation. The first is the issue of unwanted intrusion into the private lives or private affairs of individuals. The other factor is the use of information about individuals, the way in which the law regulates that use by various Government agencies, and the methods by which individuals can obtain access to specific remedies in circumstances in which privacy, under either of the heads I have previously referred to, has been abused.

This amending legislation is an interim measure only. It will operate until the Government completes its privacy legislative program. At this stage, it is important to recognise that the consultation upon which the Minister is about to embark will be just as important as the many areas of reform that the Electoral and Administrative Review Commission is engaged in, including freedom of information proposals and other forms of administrative law reform. When privacy laws are ultimately introduced, it will be important that the principles of privacy, which people require Government agencies to abide by in this State, complement other administrative reforms that will be introduced in due course.

Laws relating to freedom of information and privacy will lie at the heart of administrative reforms designed to protect the rights of individuals. They will be based on the essential human rights concepts to which members of the Labor Party subscribe; that is, each individual deserves equal respect. Respect for people is the principle that will underlie the new privacy legislation. It is also clearly the principle that underlies the Labor Party's commitment to consultation in the course of developing new legislation. When all the processes are completed, citizens' rights in this State will be properly protected. I congratulate the Minister on the manner in which he has proceeded in bringing forward this legislation.

Hon. N. J. HARPER (Auburn) (3.05 p.m.): I join in this debate briefly because it gives me a degree of satisfaction to know that I introduced the concept of a privacy committee into this Parliament approximately six years ago. A few minutes ago, a speaker referred to the importance of privacy in relation to financial and contractual arrangements and credit facilities. Soon after establishment of that committee, those matters were examined with considerable concern by the committee.

In February 1984, when I introduced the Bill to establish the committee, I indicated that the object of the legislation was to establish a privacy committee that would identify and report on unreasonable intrusions into the homes and private lives of Queensland citizens. I do not think anyone would disagree with that concept. It is important, however, to ensure that the concept works properly and that the interests of private citizens are safeguarded. I also indicated that when the committee was established, I proposed to refer to it the Invasion of Privacy Act with a view to recommending amendments to the Act that the privacy committee considered desirable in the interests of protecting the privacy of the individual. I also indicated that, because of advances in technology since introduction of the Invasion of Privacy Act, amendments were necessary. At the same time, I indicated that the Bill would be operative for five years.

It is perfectly obvious to members of the Opposition that the Minister is acting responsibly, and I commend him for bringing forward the legislation that will extend the life of the privacy committee for a period so that further consideration can be given

to making desirable amendments to its charter. I am sure that the member for Tablelands has already indicated that any justifiable move in that direction would certainly be supported by the opposition parties.

A few moments ago, I spoke to the member for Wolston. At the time of the introduction of this legislation, Mr Gibbs was the spokesman for the Labor Party on these matters. At that time, he indicated that he thought the Bill was unpalatable and that, even though it progressed an inch out of a mile, the Opposition was, regrettably, bound to support it. In this modern day and age, with the technology that is available, I hope that the present Government's view is that we need to spend a considerable amount of time and effort in ensuring the privacy of the ordinary citizen. In that direction, the role of the Privacy Committee is most important.

Because the Privacy Committee Act gives the Minister an ability and, indeed, an obligation to refer matters to it that relate to people's privacy, I wish to raise a matter for the Minister's consideration. A number of incidents that have occurred recently have led me to view with a considerable degree of concern, again in matters of finance, the role of the computerised accounting systems used by financial institutions—banks, in particular. I spent some time checking my facts with responsible officers. I suggest that the Attorney-General also consider this matter. Any employee of a bank in any branch throughout Australia who has access to a computer and who knows the name of a client of the bank—not necessarily even the account number— has the ability to turn up all facts relating to the account, to identify deposits and withdrawals, and to identify when they were made and the state of the account, whether in credit or in debit. When I consider the privacy rights of individuals, that concerns me greatly.

At Kingaroy, Sir Joh Bjelke-Petersen had a problem with a bank. As a result of that difficulty, I understand that action was taken by the bank against an officer who was identified as having divulged information. The bank manager to whom I spoke about the matter told me that, if an employee intrudes upon a client's privacy without any justifiable reason, that employee faces the risk of losing his or her employment. I wonder how many thousands of times a nosy employee, a person who has some personal objective in gaining information either for himself or for a relative, has intruded into the privacy of an individual.

I do not know the solution. I am sure that none of us would want a retrogressive step to be taken in which that facility was not made available to clients. I really do not know how the problem can be overcome, but I am sure that there are people who have much better brains than I have who have a knowledge of the technology that is involved. Perhaps the system could be set up to restrict access to private accounts and company accounts only to those who have a genuine need and responsibility to do so. In that way, a person's privacy is maintained.

Again, I say with a degree of satisfaction that it is pleasing to see that the Privacy Committee has functioned, and has functioned well, thanks in no small measure—probably principally—to the quality of the people who have served on that committee since February 1984 when it was introduced in Queensland. I compliment the Minister. With the effluxion of time, there is obviously a need to update the legislation. I trust that the concept of the committee members will not be lost in any future legislation that the Minister brings before the House. If that is the case, he certainly has an assurance of my personal support and, as the spokesman for the Opposition has indicated, the support of the Opposition.

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (3.14 p.m.), in reply: I thank honourable members for their contributions to the debate. The amendments that are being inserted into the legislation are relatively minor. All we are doing is increasing the time that the committee may run.

First of all, I thank the honourable member for Tablelands, Mr Gilmore, for his contribution and his understanding of what we are trying to achieve. I am pleased to say that Mr Gilmore is a very responsible member. I find it very easy to work with

him. I thank him for the cooperation that I received with this legislation. I assure him of my continued cooperation on these matters. Once again, I thank him for his support.

I thank the member for Yeronga for his contribution. I also thank the honourable member for Aspley, Mr John Goss, for his contribution on behalf of the Liberal Party. One of the points that he raised related to credit reference reporting bureaus. They are a problem. We must attempt to balance the need of people to obtain information with the need to protect people's privacy. The Credit Reference Reporting Bureau is a good example of why a Privacy Committee is necessary. A body is needed to act as a watchdog on these types of activities.

The honourable member also raised the matter of invasion of privacy by the press. I experienced that personally at the funeral of my late father. The invasion of my privacy by the press on that occasion was quite disturbing and upsetting. People who feel aggrieved by such activities need to have somewhere to go so that someone can at least hear their story, make a recommendation, and try to ensure that it does not happen again.

I thank the member for Springwood, Mrs Robson, for her contribution, interest and support. I know that she has had a considerable interest in this matter for a long period of time, as demonstrated by her involvement in a consumer organisation. She has made a valuable contribution to my parliamentary committee. I thank her for that. I have no doubt that in the near future she will be making further suggestions and representations regarding this matter.

I once again thank the member for Stafford, Mr Welford, for his contribution. There is an old saying that flattery will get you everywhere. I was very pleased with the comments that the honourable member made.

I thank the member for Auburn, Mr Harper, for his comments and support. I also thank him for introducing the legislation. It was progressive. I think all honourable members would agree with that. I give credit where credit is due. I thank the honourable member for having the foresight to introduce the legislation. This type of legislation is necessary. One of the most fundamental rights in a free and democratic society is privacy. We must do everything in our power to protect it.

The member for Auburn raised the question of privacy regarding finance. That is a very vexed question. At present, there is a Banking Ombudsman. Hopefully, many of the situations that the honourable member raised could be addressed by the Banking Ombudsman. However, I take on board the honourable member's comments. I think that these sorts of things could be referred to the Privacy Committee. It may consider them or it may refer them on to the Banking Ombudsman. At least it is a vehicle by which people can take some action.

Mr Harper: The difficulty is that we don't know when it is occurring.

Mr MILLINER: That is right. That is the problem. We do not know when it is occurring, and it is quite distressing when one finds out that it has occurred.

As I have said, there is a Banking Ombudsman. Hopefully, progress will be made towards putting in place safeguards within the banking system so that people will at least be aware when information is being sought about their private bank accounts. I hope that the problem can be overcome.

I give the House an assurance that, although the Government has increased the time of the sunset clause in reviewing this legislation, I welcome contributions from any member of this Parliament and outside organisations. I hope that when the final amendments are formulated and a permanent committee can be established, a bipartisan approach will be adopted. The Government wants to set up the best committee possible so that the privacy of the individuals of this State can be protected.

Motion agreed to.

Committee

Clauses 1 to 3, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Milliner, by leave, read a third time.

DISPUTE RESOLUTION CENTRES BILL

Second Reading

Debate resumed from 17 May (see p. 1719).

Mr LINGARD (Fassifern) (3.20 p.m.): The Opposition has pleasure in being able to support the Dispute Resolution Centres Bill. The Opposition thanks the Minister for his offer of a briefing regarding this Bill. However, quite obviously, the previous Government had intended to introduce this sort of legislation and was moving in that direction, so it was well briefed on it.

The Opposition does have some reservations about the Bill. However, the Opposition certainly does not have any thoughts of moving any amendments. The Opposition obviously has concerns about the mediators who will be appointed to take part in these resolution centres. However, the same concerns applied in relation to the community development officers, who were basically social workers, appointed by the previous Government. I had my own concerns about those types of people taking over social work. Community development officers were people who had shown a particular interest in that sort of work. I am prepared to accept that people who have some knowledge and interest in community development will become excellent mediators and will be able to carry out this type of work.

I ask the Minister to bear in mind the opposition which seems to be building up in the local government area, as evidenced by the Queensland Local Government Association, which is obviously very concerned about the facilities that may be required for these centres and the fact that the Government is imposing certain conditions in relation to the number of interview rooms, eating rooms, toilets and so on that are needed to enable people to take advantage of the mediators who are working in their area.

Unless the Minister moves very quickly and efficiently to counter that type of argument, some sort of opposition might arise. Quite honestly, those sorts of facilities—especially in growing satellite areas—are not readily available. In areas such as Logan, Jimboomba, Beaudesert and Beenleigh, where facilities are very hard to find, it is difficult to provide two very special rooms, additional toilets and eating rooms.

I am concerned about whether mediators will be allowed to move into workplaces, if required. I worry about the implications of mediators moving into the workplace to undertake discussions. I hope that sufficient numbers of mediators can be found. Once again, it is very easy to say that mediators should be middle-aged people or people who have had experience in dispute situations. Honourable members would be aware that, whereas some such people might exist, unfortunately many of those who are appointed can bring an entire project into disrepute. Margaret O'Donnell, who is working with the mediators at present, is obviously a very efficient person. Hers will not be an easy job.

I am concerned also that law students who cannot obtain employment might become mediators. I am concerned about the number of law students who will graduate from our universities during the next three or four years. Because Queensland's tertiary institutions are paid according to their student numbers, they will find it easier to train academic people such as law students who do not require the facilities that are necessary for chemistry and physics students. Perhaps in four or five years' time, 1 100 or 1 200

law school graduates will be seeking employment. I express concern that the mediators might be chosen from groups of young people who have just finished law school. Obviously, that is not what we are after. Mediators should be experienced people who have been somewhere and can provide suitable expertise. Margaret O'Donnell will have to be very careful. Today, I spoke to some people who were receiving dispute resolution training under Margaret O'Donnell at a mediation centre. I hope that the program works well.

I understand why the Minister is so determined to upgrade the course for justices of the peace. I note the success of a similar course in New South Wales. Whilst I have some concerns about the mediators and the facilities, I hope that the Minister can overcome the problems. The Opposition is certainly delighted to support the Dispute Resolution Centres Bill.

Mrs EDMOND (Mount Coot-tha) (3.26 p.m.): I rise to speak to this Bill for two reasons: firstly, I support the move wholeheartedly, and, secondly, I am not a lawyer.

Mr Beattie: You are not a failed lawyer, either.

Mrs EDMOND: No, I am not a failed lawyer, either.

I am sure that honourable members are well aware that much violent criminal behaviour arises from causes which, to an outsider, appear to be relatively minor disputes. For example, I refer to disputes about barking dogs, unwelcome fences, etc. Those irritations or disputes could relate to domestic situations, workplace conflicts or neighbourhood disputes. Dispute resolution centres find their strength in those long-term, simmering feuds in which the disputants must continue in an ongoing relationship, no matter what the outcome of the dispute may be.

One can imagine the distress, tension and heartache that is caused by the long delays that are involved in current legal procedures that allow conflicts to intensify out of all proportion. Those conflicts can flow on to all members of a family—even to the children—and can be exacerbated into violent confrontation and eventual tragedy.

The proposed resolution centres allow for early remedial activity to take place without a loss of face for disputants before a situation gets out of hand. Mediation aims at improved understanding and a solution without losers. I am sure that honourable members know personally—as I do—of many conflicts that could be solved by an unbiased referee and a large dose of common sense if applied early enough.

While allowing for speedy, inexpensive and convenient settlement, dispute resolution retains the right of the individual to the full legal process if mediation fails. It is not designed to replace the courts. However, in some instances the courts have become an arena for the jousting of brilliant legal minds, which can leave disputants feeling confused, alienated and dissatisfied with the system.

Mr Foley: And broke.

Mrs EDMOND: And broke.

A judicial decision will not give the guidance, counselling and future direction that is needed to maintain a shaky relationship that may exist between disputants under trying circumstances.

This move evokes the original moot system of ancient Scandinavia, whereby folk met to resolve grievances. Out of those discussions they formed laws to avoid future conflicts, and thus formed a very early form of government. The word "moot" is still used today in legal circles.

I stress that this system in no way attempts to replace the formal judicial system. It aims to provide an alternative, humane, dispute resolution procedure to assist people to reach a mutually acceptable resolution of conflict.

Dispute resolution centres, under a variety of names, have operated successfully for some time in the United States and other States of Australia. It is a tried and proven

system of dispute resolution. The centres have been well researched. I congratulate the Minister for his diligence and foresight in bringing this Bill to the House so promptly in the first term of the Goss Labor Government.

I support the Bill, because I believe that it will enable people to resolve disputes with dignity and to maintain existing relationships. It will do much to relieve the congestion of the courts and, hopefully, reduce the tension and violent disputation that is evident in society today.

Mr J. N. GOSS (Aspley) (3.30 p.m.): Madam Deputy Speaker——

Mr Beattie interjected.

Mr J. N. GOSS: In rising again, I am sorry to disappoint the member for Brisbane Central.

This Bill is welcomed by the Liberal Party. The introduction of dispute resolution centres will provide the mechanism to resolve many disputes between local residents. As a relatively long-term member of the Brisbane City Council, I have seen many disputes between neighbours, friends and even families. Some disputes have occurred between people and local authorities, Government departments or other bodies. The disputes range from relatively minor issues to those that should be referred to the Ombudsman.

Of all the disputes that occur in local authority areas, such as those in relation to making a contribution to the cost of a fence under the Dividing Fences Act, those relating to barking dogs would just about be in the No.1 position. Disputes also occur in relation to cats. In some local authority areas that do not ban incinerators, smoke problems occur. Other disputes involve trees hanging over a neighbour's fence, leaves dropping into a neighbour's gutters, noise from pool filters and noise generally.

Mr Beattie interjected.

Mr J. N. GOSS: The member for Brisbane Central might be pleased to learn that, unlike him, I am not wealthy enough to be able to afford a swimming pool.

Relations between neighbours become quite strained and stressful. In extreme cases, an element of violence has been involved. The common thread in nearly all of the disputes is that one party or both parties would not get down to talking to the other. The old proverb that in life one cannot choose one's parents or one's neighbours is very true. Disputes between neighbours would not occur if some dialogue between the parties was instigated.

This Bill provides the infrastructure to ensure that disputes are resolved at the proposed centres. A program such as the one that is proposed has been operating very successfully in New South Wales for about 10 years. I believe that this legislation is modelled on the New South Wales legislation.

The experience in New South Wales is that nearly 50 per cent of the disputes that are referred to the centres are resolved, because the parties come together and mediate. Of these cases, nearly 80 per cent are resolved by agreement between the two parties.

This Bill provides a venue in which the disputes can be heard. This venue does not involve the intricacies of law. I endorse the need to keep the conduct of these dispute hearings as simple as possible. As the saying goes: justice sometimes needs to be seen to be done. I am sure that the dispute resolution centres will emerge as community indicators of a commonsense application of justice.

When this Bill was introduced, I felt that this Government initiative was similar to the service provided by the Bar Association of Queensland for the resolution of disputes. In the past, the resolution of disputes has been the responsibility of the courts. Some disputes can be resolved only by the courts. The service provided by the Bar Association is not dissimilar from that provided under this legislation. The principle of

resolving disputes through mediation, without the need for legal representation, is common to both.

One of the matters of interest to me is the training of the necessary staff for the successful operation of this service. I would expect that they would need exceptional skills in interpersonal relationships and stress management, good communications and a willingness to listen. I would say that, at the moment, there would not be too many members opposite who would fit into the "willingness to listen" category.

My research indicates that in New South Wales a cross-section of the community is being employed to act as mediators. Retired people have a wealth of experience and knowledge and a willingness to help resolve disputes. Many of our elder citizens, who retire at the age of 60, feel they have a need to contribute in some form to society.

Although the Bill does not cover the employment conditions, I understand that the officers will be paid approximately $14 an hour and that they will be trained by professional staff under the community justice program.

The Liberal Party is concerned about the cost of implementing this program, especially the cost of providing the centres. Those centres need to be placed in locations with easy access to public transport, such as bus and rail services, and they should comply with the local authority town-planning requirements.

People would be concerned if those centres were located in a vacant house in the middle of a residential area. The introduction of a large number of people into a residential area would not be an ideal situation.

The Liberal Party will wait and see what the finer details of this program will be. Today, the members of the Liberal Party are happy to support this Bill.

Mr BEATTIE (Brisbane Central) (3.39 p.m.): I support the Dispute Resolution Centres Bill.

I intend to speak briefly on this Bill. I was encouraged to do so by that exhilarating performance by the future leader of the Liberal Party, the honourable member for Aspley, and I wish him well in his endeavours.

This is very commendable legislation, and the Attorney-General deserves the respect of this House, and indeed the people of Queensland, for initiating it so early in the term of this Government.

One of the major concerns of anyone who has practised law in recent times is making sure that law is not only easily available to people, but that it is available at a reasonable price. Before I was elected to this House on 2 December last year, I was involved in practising law in the personal injuries area. I was appalled that at that time the delay in the court system was between 18 months and two years, which meant that when a matter was set down for hearing before a court, after the various procedural steps had been gone through and there were no more pleadings, there was still a delay of between 18 months and two years before that matter was actually heard by the court.

Honourable members can imagine the sorts of hardship that are created by such lengthy delays. People who were injured—many of them quite seriously—were not in a position to receive a significant payment to compensate them either for their injury or to rehabilitate themselves financially or physically. That is a sad state of affairs for the court system in this State. I am pleased that the Attorney-General is moving to rectify that very serious problem.

One of the attractions of this Dispute Resolution Centres Bill is that domestic disputes, disputes between employees and neighbourhood-type disputes can be dealt with very quickly and in a voluntary manner. That will avoid the clogging-up of the court system. This process does not exclude people from availing themselves of the court system, but it prevents those types of disputes that clog up the system. Overall, that means that the system itself will be better off.

Many members in this House have had referred to them problems about overhanging trees, dividing fences, smoke, noise and barking dogs. I listened with great interest to the honourable member for Aspley when he was speaking about barking dogs. His voice was very reminiscent of many dogs that I have heard—very silent ones.

Very straightforward neighbourhood disputes can be dealt with under this legislation. It puts people in touch with a system that can help them to resolve their disputes.

There are two very important clauses in this legislation that I think are worth considering. The first is clause 4.4, which is headed "Mediation to be voluntary". The basic thrust of the legislation is in subclause (1), which states—

"Attendance at and participation in mediation sessions are voluntary."

Subclause (2) states—

"A party to a mediation session may withdraw from the mediation session at any time."

If one party is unhappy with the process, that party has an opportunity to withdraw.

Subclause (3) states—

"Notwithstanding any rule of law or equity, any agreement reached at, or drawn up pursuant to, a mediation session is not enforceable in any court, tribunal or body."

The very informal process is clearly spelt out in that clause.

The next clause that is important and worthy of consideration is clause 4.6, which is headed "Representation by agent". One of the sad circumstances about the system at present is the inequality which exists before the law. Those who have practised in recent times will know that some people who do not fit into the position of being able to be assisted by Legal Aid are in the low to middle income bracket. Private individuals who are confronted by a large corporation or a large organisation—it does not matter how one defines it—are placed in an inequitable position because they do not necessarily have the financial resources to take on that corporation in the courts.

Although the court system in this country is wonderful, it is very cumbersome and extremely costly to go through all the procedural steps. I know that we lawyers at times like to talk about the great procedures of the law, but the great procedures of the law to the ordinary person can, at times, be a very expensive pain in the neck. That is why it is very important that whenever one has this sort of legislation, one endeavours to get some equality before the law. That is why representation by an agent makes clause 4.6 important. It reads—

"(1) A party to a mediation session is not entitled to be represented by an agent unless—

(a) it appears to the Director that—

(i) an agent should be permitted in order to facilitate mediation;

and

(ii) the agent proposed to be appointed has sufficient knowledge of the matter in dispute to enable the agent to represent the party effectively;

and

(b) the Director so approves."

It goes on to provide that a corporation can be represented by one of its representatives but the process excludes lawyers from the system. Quite frankly, in this exercise, I think that that is a very important exclusion.

We have to get back into the law as much plain English as possible and I am delighted at the way this Government is going in getting the laws written in plain English so that the ordinary citizen can understand them. The days of having courts with all the pomp and circumstance of Louis XIV have gone. We need a procedure whereby the people can understand the law so that, when they appear in a court, they do not feel

that they are in a foreign jurisdiction where the proceedings are being carried on in a foreign language and in a way of which they have no understanding. That is why this process is very important. Again, as my colleague points out, cost is not a problem.

Because, on this Bill, I promised to be brief for the first time in my life, let me conclude by saying that I was interested in what the honourable member for Fassifern said about failed law students. In my first class in elements of law when I first went to law school, the lecturer said to the students in the huge lecture theatre, "Everyone look to the left." We all did. He then said, "Everyone look to the right." We all did. He then said, "Only one of you three will pass." I believe that some understanding should be given to those people who have suffered in the course of seeking higher education. I have no doubt that proposal this will not become a dumping ground for failed law students. Whilst I have no great fraternity with failed law students, I have a great deal of sympathy for them.

Mr PITT (Mulgrave) (3.48 p.m.): That the Government should bring this Bill before the House so early in its first term only serves to underscore the fundamental break with the past that our coming to office has made. It reflects our deeply held belief that societal problems are better resolved through consensus than confrontation.

The Industrial Relations Bill passed only last week provided a clear indication that Queensland has entered a new era in dispute resolution. While industrial relations in this State have been marred in recent times by a win/lose attitude in employer/employee differences, much the same can be said of our common law legal system. There is no doubt that the adversarial nature of court room procedures has its place in more serious cases. However, it is equally valid to argue that there exists a large range of minor disputes to which a right or wrong, guilty or not guilty result would seem totally inappropriate.

As a social creature, mankind has always had in place formal processes for dispute resolution. Through history, society has by and large delegated authority to a third party who has been given a brief to adjudicate on the issue at hand. Evidence is presented by both parties and the authority figure makes a judgment.

The obvious drawback in the arbitration concept lies in the fact that the solution may in reality not be a solution at all. Because the will of the third party is imposed on the disputants, it is most likely that the underlying causes may not be addressed. Those factors which collectively brought about confrontation will, in all probability, remain in place, thus leading at worst to further disputation and at best a lingering hostility. There is virtually no chance that the relationship between the people involved will be in any way enhanced by adjudication.

As a contrast, mediation may be seen as non-authoritarian. The whole process is voluntary. The parties are brought together because they desire a real solution. Resolution rather that retribution is the cornerstone of mediation.

The role of the neutral third party is abundantly clear. He or she is a facilitator who assists the disputants to find their own solution. The onus is shifted from the courts, juries, judges—in short, the system—back onto the disputing parties themselves. The disputants are placed in a position in which they admit shared responsibility for the problem itself and therefore also share the responsibility for its solution.

The informality of proceedings accompanied by face to face contact allows all concerned to tell the whole story. They are not giving evidence and, as such, are not bound by legalistic restrictions which lead to interruptions and a resultant feeling of frustration. Mediation is based upon agreement. There is initially a need to agree that a problem exists. There is a need to assume that each party may not be totally blameless. There is a need to agree that a long-term solution must be found. The terms of that solution should not only end the current dispute but also hopefully put in place conduct procedures which would prevent a recurrence of the dispute.

The Bill allows people the means by which they can manage their own affairs by enabling them to negotiate for themselves. It is a realisation that citizens, given the correct forum, can put in place mechanisms for better interpersonal relationships.

Frequently, courts interpret disputes as being minor and deal with them accordingly. I cite, as examples, such neighbourhood issues as noise problems, barking dogs, dividing fences and others which are best described as domestic in nature. The courts are traditionally slow in dealing with such matters because of their minor nature. Quite often, the police are understandably reluctant to become involved due to the inherent emotional nature of these problems. To the untrained mediator looking for a quick solution, they often seem insoluble. Clear evidence exists to support the belief that, if left too long, these minor problems can take on major importance in the eyes of the disputants. Sadly, if left unresolved, they often lead to violence or some other act which only exacerbates the problem.

The New South Wales experience points to a degree of consistency in the value of mediation. An 80 per cent to 85 per cent resolution rate has been achieved when the parties have adopted the process. It would appear that neither the type of relationship that exists between the parties nor the nature of the problem itself detracts from that consistency. Even when the parties are unable to reach an agreement, the majority express a degree of satisfaction with the mediation process.

Obviously the establishment of dispute resolution centres as outlined by the Minister will have a beneficial impact on society. Inevitably, though, we must address the financial implications of setting up a network of centres. What will be the cost to the taxpayer of this worthwhile method of dispute resolution? I again refer to the New South Wales experience of community justice centres and quote from the *Australian Law Journal* ,Vol. 59, as follows—

> "In 1983/84 the NSW CJC's cost $305,000.
>
> For this amount 2 200 cases were dealt with and assistance given in approximately 2 000 other inquiries. One thousand and fifty-eight disputes were resolved and almost 90% of matters were concluded in less than thirty days."

I am sure than honourable members will recognise the need to curtail the rapidly spiralling legal aid and court costs which mar our legal system. To some, these high costs may not be a barrier to justice but, to many, the formal legal option is financially out of their reach. Disputes resolution centres will provide relief in economic terms for the State as well as for the parties utilising their services. In fact, if we are to judge by other Australian experiences, the costs incurred by centres for mediated resolution involve mainly an initial capital outlay with fixed salaries and rental being major components. An increased case-load as demand grows would therefore not attract a substantial cost increase. Any remuneration which may be deemed necessary would pale in comparison with traditional legal costs.

There are also hidden benefits which will accrue to the community by the implementation of the system that is outlined by the Bill before the House. As a by-product of the process of mediation, both the victim and offender will have their skills of communication improved. These skills and newly acquired attitudes to conflict resolution can then be transposed into their wider community involvement. As a result, society as a whole is a beneficiary.

In his second-reading speech, the Minister referred to the recruitment of lay persons to act as mediators. He emphasised the need for careful selection as the quality of the mediator is at the core of the mediation process. The calibre of the individuals involved, their standing in the community and the quality of pre-appointment and in-service training are all of significance. However, I suggest to honourable members that other factors are of equal importance. The matching, where possible, by age, sex and ethnic background of the mediator to the disputants will improve communication. Careful matching will engender in the parties a notion of empathetic concern by the mediator for a meaningful solution to the problem. In my electorate, which has a high proportion

of Aboriginal and Islander people, the realisation of the need for cultural understanding when seeking solutions is a must. Hopefully, the processes involved will allow these people to obtain a fair hearing. It has always been my belief that under our present judicial system they have not always been placed on an equitable footing when compared with the wider community.

Mediation as a process appears to be lest costly than adjudication, it is definitely speedier than adjudication and it is more likely to result in a lasting solution than adjudication. For those reasons, I am happy to support the Bill.

Ms ROBSON (Springwood) (3.54 p.m.): I am pleased to speak in the debate on this mediation Bill today. I have had some experience in a community tax and legal centre when dealing with clients who required some form of mediation. In fact, an attempt was made in that community legal service to start a mediation service. Unfortunately, due to the fact that no State Government funding was available to support it at that time, it did not go ahead.

Mediation which involves a neutral third party who helps people in conflict to negotiate their differences is a most desirable alternative to the formal legal system, as my colleagues have stated. It is a low-cost option, which is designed to circumvent disputes before they reach explosive proportions and before relationships degenerate.

The model proposed under this Bill has been well tried in New South Wales and I have had the privilege of seeing that system in operation. I was extremely impressed during my recent visit to Sydney when I watched a mediation session in progress. That service is far more advanced than any other service I have visited previously, and I assure honourable members that they will be well pleased with the way that this service will work in terms of cost effectiveness. As the member for Mulgrave stated, the figures in New South Wales show that 40 per cent of cases opt for mediation, and of those 40 per cent, the success rate where mediation agreement is reached is approximately 80 per cent.

The advantage of mediation is that there is no third person giving an opinion and taking a stance to which two parties have to agree. The literal meaning is that the two parties will, with guidance, try to resolve the dispute themselves. No charge is made to the users of the service and therefore there is no discrimination within the community as to who has access to mediation and whose problems fall within the guidelines, which is an added advantage. This service will offer an opportunity to have matters which are in conflict dealt with quickly, economically, privately and fairly. Hopefully, dealing with conflict at this level will curb the escalation of neighbourhood disputes and domestic violence which have been observed in the community in recent years. This is a very real problem.

I will illustrate the problem with a case history which is a very basic but clear illustration of the nature of problems that will be dealt with through the centres. The case concerns an elderly man at Wynnum who was shot dead after an argument over a neighbour's dog. The argument followed a long-standing feud over the dog. The dead man had been living alone in his small house at the end of a street for six years since he had been on a pension. He was a happy bloke who loved his garden. The dog, which was a German shepherd owned by a neighbour, often jumped the fence and tore his garden apart. This upset the man very much. In addition, the dog also attacked members of his family who came to visit him. The dog used to attack the man's sister quite often. An argument broke out over this dog because the owner of the dog took offence at the dog being attacked, as he saw it. A gun was brought into the argument and the old man, who treasured his garden, was shot in the resulting fracas. That is a good illustration of the kind of thing that can happen. Had there been some form of mediation available, neighbours or family living in the area could have tried to intervene and brought in a professional mediator to address the problem. As a result, one man would not be dead and the other man would not be in prison.

Referrals to the service can be made by the police, courts, electorate offices, community centres, medical and legal practitioners, Government departments, and so on. The service will save a good deal of money when one considers that it will eliminate a lot of the strain on police, local government officers, social workers and members of Parliament. This benefit will be an offshoot of the legislation and makes good sense to me. I take up the point raised by the member for Fassifern that it is really important that the people who are appointed as mediators through this service are qualified and have been well screened according to tried and tested guidelines. It is my understanding that this is happening at the moment and I am quite confident that it will be achieved.

The freeing-up of the court system and the prisons will be another benefit that will flow from this mediation service. In addition, it offers a model of personal empowerment to people, because the people who go through mediation learn how to better conduct their lives. It is a lesson that, once learned, can be applied to other situations. It is not merely a one-off experience, which is a major benefit. It can also be argued that people who devise their own solution are more likely to adhere to it than to one that has been imposed upon them by a third party.

For many years, mediation has been practised in community centres throughout Queensland. However, as I mentioned previously, no Government funding has ever been available to support the practice, and in many cases the services cannot afford to pay the type of staff that is needed to provide the service.

One of the important functions of a community mediation centre is the education and training function. The Government does not wish to be able to deal with mediation in relation to only one particular type of dispute; rather, it wants to train people who will be able to act in their everyday lives in a facilitative way.

I believe that the community will be provided with a service that is guided by a Minister who has foresight and experience in community affairs and who recognises the importance of mediation. He will insist on a very high standard of operation. The unit will be very competently led by Marg O'Donnell, who is a skilled social worker, and in whom I have total faith.

Mr Perrett: A member of the Labor Party?

Ms ROBSON: I would not have any idea.

Ms O'Donnell is admirably qualified to guide the service, and I know that her contribution will ensure its success.

This Bill provides a valuable service to the community. I offer my unqualified support for the legislation.

Mr FOLEY (Yeronga) (4.01 p.m.): From ancient times, the courts of oyer and terminer have resolved disputes among citizens. That ancient description of the power to hear and determine disputes between citizens is the classic approach of the English common law to the resolution of disputes.

This Bill adopts a different method, but it is not a method that is strangely new to this century. Similar methods of disputes resolution have been known to the ecclesiastical law from ancient times. Also, in modern times, in communities where family networks are more extensive and more powerful, such opportunities exist. However, when the structure of community decays under the force of modern life, it is necessary for law-makers to seek to craft better ways of helping citizens to resolve disputes.

I applaud the efforts of the Minister in doing so through the medium of this Bill. It is modelled upon the community justice centres of New South Wales. The attempt in this Bill reflects an age-old attempt by this Parliament to deal with the problem of reconciling the need for speedy and inexpensive resolution of disputes with the rights of citizens. Lest we overlook the importance of the formal courts system, it should be said that these centres will operate as an adjunct to it.

One of the most powerful contributions to European civilisation made by English-speaking people has been the legal profession. The bar and attorneys have contributed a sense of British justice to Australia's history, of which all honourable members should be very proud. Similarly, in modern times, the role of the legal profession as a guardian of both property rights and human rights is an important one. The importance of alternative disputes resolution should not be confused with the great need to ensure that the field in which English-speaking people have achieved excellence, namely, the practice and philosophy of law, will not be downgraded in any way.

I turn to discuss a short point, which is the provisions of the Bill that oust the jurisdiction of the Ombudsman. Clause 5.10 of the Bill amends the Parliamentary Commissioner Act by ousting the jurisdiction of the Ombudsman that enables him to inquire into actions by a mediator at a mediation session under the Dispute Resolution Centres Bill. When I first read that provision, I felt a degree of concern because it is very easy for reformers to think that their particular area of law is so important that it should be immune from scrutiny.

This State has been very well served by the Ombudsman. Honourable members should be reluctant to fetter in any way the Ombudsman's powers. In this respect, I am reassured by advice I have received from the New South Wales Ombudsman. When the Parliamentary Committee for Electoral and Administrative Review visited New South Wales recently, I inquired of the New South Wales Ombudsman, Mr David Lander—an eminent and most distinguished lawyer—whether the similar provision in the New South Wales legislation that ousted the jurisdiction of the Ombudsman had caused difficulties. I was assured by the New South Wales Ombudsman that no such difficulties had arisen in practice and that, furthermore, in his view the provision was a necessary and desirable condition for the effective operation of the dispute resolution centres in New South Wales.

It is desirable that mediation centres should be able to practise freely to assist citizens to resolve their disputes. Significantly, the ouster of jurisdiction to which I have referred is carefully circumscribed. It relates only to actions by a mediator at a mediation session. In that respect, it does not relate to the overall administration of the dispute resolution centres, which remains a legitimate matter for investigation by the Ombudsman.

I take this point, for it is essential that in each of these Bills coming before the House we recall the overall process of administrative review which is so necessary if we are to ensure the preservation and enhancement of individuals' rights and freedoms in Queensland. This Bill will advance the capacity of citizens to resolve disputes and will assist in creating innovative ways for citizens to resolve disputes amicably rather than by unfriendly or violent means.

I support the Bill.

Mr HEATH (Nundah) (4.08 p.m.): This Dispute Resolution Centres Bill provides a means of overcoming several difficulties currently faced by members of the public.

Disputes over relatively small issues such as fences, litter from trees and overhanging branches, noise, smoke and the like can magnify into problems which seriously affect the enjoyment of a peaceful suburban life-style, either because the law does not allow for successful resolution of the problem or because recourse to the legal system is simply too expensive for too many people.

To illustrate the first example, I point out that there are currently provisions in the Brisbane City Council by-laws to ban backyard fires and incinerators, and neighbours who suffer annoyance from smoke nuisance have available an avenue through which action can be taken cheaply. But there is no provision covering smoke-pollution problems that occur if the smoke emanates from an internal household wood stove or similar appliance. House-holders burn waste substances in such stoves and create acrid, foul smoke. That occurs in one street within my electorate. At present, the neighbours who suffer that rancid intrusion are powerless to halt the pollution—unless the affected parties in that case, or similar cases, wish to approach the problem through recourse to the

legal system, where they can be faced with costs beyond belief; and, too often, far beyond the financial capacity of low and middle income earners. The cheapest fee charged by lawyers for briefing and attendance at court to represent a client is approximately $500 a day, plus court costs. In Queensland, as yet, there is no provision for a joint or class action to allow such fees to be minimised for complainants. The lack of such a provision is, to me, a disturbing aspect of Queensland law. I have already raised the matter with the Attorney-General, and I will continue to urge that legislation for joint or class actions be introduced. It is a change that will benefit many ordinary Queenslanders, as do the changes in this Bill before the House.

A further point is that the busy and backlogged courts should not need to attend to domestic or backyard disputes of a small nature if such cases are causing delays throughout the whole court system. In my electorate, there are two alleged rapists on bail awaiting trial, both of whom live in close proximity to their victims, and both of whom are unpleasant enough to be still harassing their victims in some ways. That proximity and harassment is causing the two women victims enormous distress. In one of those cases, the time that the accused has been on bail has stretched to almost 12 months. The case was set down for hearing by the court on 25 September last year, but delays have meant that it is still pending. By allowing many less serious cases than those to be dealt with satisfactorily before they reach the courts, this Bill will reduce the log jam which prevents the more important cases from being heard quickly.

The new dispute resolution system proposed in the Bill has many advantages for those citizens most in need. It introduces an avenue to prevent small neighbourhood disputes from escalating into ugly, long-lasting confrontations, and perhaps into violence. It introduces a method by which some suburban problems for which there is no reasonably priced legal solution may be amicably settled between the parties through the provision of a quasi-legal agreement negotiated at a mediation session. And it introduces a method of easing the delays in the courts for the more important cases.

As well, perhaps the Bill is a small step towards the loosening of the internal strictures and barriers within our legal profession, which is in itself log-jammed from the top down. The traditions of justice which we have inherited with our British-based legal system are very admirable and of a quality unsurpassed, but the traditions of privilege and strict hierarchy within the profession, which are also inherited features, are now anachronistic, contribute nothing to society and in fact disadvantage society as a whole and benefit only those at the top of the system itself.

The benefits available from this Bill, however, reach to all sections of the community and will provide both monetary savings and greater access to a pleasant and peaceful way of life for ordinary Queenslanders. That is important to me, and I have much pleasure in supporting the Bill.

Mr BRISKEY (Redlands) (4.14 p.m.): I am extremely pleased to rise to support the Bill, which establishes dispute resolution centres. The establishment of those centres is a further indication of the Goss Government's concern for the people of Queensland. Sadly, as community justice centres were established in New South Wales in December 1980, it shows once again that, under the previous National Party and coalition Governments, Queensland was behind the times.

Disputes will always occur between parties, whether they be over family affairs, neighbourhood disagreements or a myriad of other reasons. Mediation is a process aimed at enabling people to resolve their disputes by agreement. There are no rules. The process is informal and unstructured. In each mediation, the personalities and needs of the parties involved must be taken into account while the process is under way. No decision is reached. The end result is the negotiated agreement of the parties themselves.

As the honourable member for Yeronga informed the House, mediation is nothing new or revolutionary. It is simply an alternative to conventional dispute resolution in the courts. It helps the court system by taking away cases which can be resolved by mediation, thereby lightening the workload of the courts. It helps disputants because of

the savings in both time and money and its flexibility with regard to the types of resolutions available.

Courts often consider some disputes to be of a minor nature. However, in the eyes of the parties involved, they are of major concern. There is a great need for dispute resolution centres so that these minor disputes are able to be resolved and are not allowed to grow out of all proportion. Disputes over fences, for example, often grow out of all proportion, resulting in property damage. Violence is often the end result, as cited in the example given by the honourable member for Springwood.

The legal process is often seen as alien by many in the community. Dispute resolution centres give people the opportunity to have their say, which they believe, rightly or wrongly, has been denied them in a court. It is often the case that people have left a court and stated that they did not understand what was agreed to. In many instances, after a court case people have stated that the judge or magistrate would not listen or would not allow them to say what they wanted to say. The establishment of dispute resolution centres will help to overcome the perception by some people that the legal system is failing them.

Many disputes occur as a result of a break-down in communication. The mediation process enables disputants to talk about their concerns and their feelings. It also allows them to state their ideas on how the dispute should be settled. This communication of ideas and emotions is an important aspect of the resolution process. Clause 4.2 of the Bill provides as follows—

"• the rules of evidence do not apply to mediation sessions.

• a dispute may not be adjudicated or arbitrated upon

• at a mediation session."

That clause also provides for mediation sessions to be conducted in private.

Clause 4.4 states—

"• attendance at and participation in mediation sessions are voluntary.

• a party may withdraw at any time;

• any agreement reached is not enforceable in any court tribunal or body;

• the provisions of the Act do not affect any rights or remedies that a party to a dispute has apart from the Act."

These clauses enable open and honest communication between the disputants. Clause 4.4 allows disputants the flexibility to say what they feel. It states that disputants are not forced to attend mediation sessions and that they may withdraw from the sessions at any time. It also provides disputants with the right to take further action, if they so wish.

The mediation process requires a competent mediator, who must not take over the negotiations. The mediator must be someone whom the parties trust, so that they will communicate freely and with confidence. Mediators must set the parties at ease and ensure that the process is clearly understood. They must be skilled at drawing out the views of the parties in regard to the conflict, and they must manage tensions and help the parties work towards a settlement. Above all, mediators must be good listeners and show the parties that they care.

Clause 5.4 of the Bill requires mediators to take an oath or make an affirmation undertaking to maintain secrecy with respect to information obtained in connection with the administration or execution of the Act. It also provides that a person who discloses information, except for the limited purposes prescribed by the clause, commits an offence. This clause, and the preceding clause 5.3, will ensure that the parties involved in mediation will have confidence in mediators and the process of mediation and that their privacy will remain intact.

The mediation process also helps people to realise their own self-worth. They leave the session knowing that they can speak for themselves, that they can make their own decisions and thereby sort out their own problems. When people have agreed on a

solution, they gain a sense of achievement, and their self-esteem is enhanced because their confidence in their ability to manage their own lives is increased.

The mediation process works. It has been shown in New South Wales that 8 out of 10 people who go through the process reach an agreement. It works because the process does not look for winners or losers but aims to settle the dispute. Dispute resolution centres are a response to a recognised need in society. They will be able to mediate in disputes and will be able to lighten the heavy burden on our courts.

I support the Bill.

Mr FITZGERALD (Lockyer) (4.21 p.m.): It is with pleasure that I support the Bill.

I simply wish to draw to the attention of the House that at one stage the establishments that are set up under this Bill were going to be called community justice centres. There would have been quite some confusion if we had had the Criminal Justice Commission and community justice centres, that is, a number of CJCs.

As I have the name of FitzGerald, I can well understand how mail can go astray. It can be rather embarrassing when mail that is destined for a much lower place ends up in a much higher place and, in my case, mail that is destined for a much higher place ends up in a much lower place.

When the Budget was brought down last year, I was the Minister for Justice. Funds were allocated in the Budget for the establishment of a couple of community justice centres, as they were to be called at that time.

The honourable member for Redlands claimed that Queensland is 10 years behind New South Wales in some respects. However, I point out quite emphatically that I cannot let him get away with the idea that this is a brainchild of the new Government. It certainly is not. I claim some of the credit for the establishment of the dispute resolution centre system of resolving community problems.

An earlier speaker in this debate stated that similar legislation to this was passed in New South Wales in about 1980. In 1981 or 1982, shortly after dispute resolution centres first opened in New South Wales, a former Minister and I took quite some time to inspect one of the first dispute resolution centres in the Sydney area. Although this legislation is not identical to the New South Wales legislation, I understand that it serves the same purpose.

I agree with other honourable members who said that dispute resolution centres assist people to get problems off their chests. An independent third person who is rather skilled in the field of listening to people can often encourage two warring parties to resolve their differences by understanding each point of view and coming to an agreement that is acceptable to both of them. That system has more chance of success than when somebody makes a decision and rules one way or the other. One party will always say, "I do not accept that. I want to go to the next stage of the legal system." It is clearly understood that dispute resolution centres do not carry the full weight of the law with regard to the finality of a solution. If either party wishes to proceed with a dispute, the full weight of the law is still available. However, disputants can now say, "It is going to be quite expensive. At least I have got the matter off my chest.", and the matter might be resolved.

As was mentioned by other honourable members, much will depend upon the person who conducts those meetings. That person must be very skilled and must be able to listen to very hurt people. Although the people with whom they deal will attend meetings of their own volition, they will still have major problems of conflict. The people who conduct those meetings must be skilled enough to obtain a common ground and assist the parties in the resolution of their problems.

Many people have inquired of me about the chances of becoming one of those counsellors. Is that what the people who conduct those meetings will be called?

Mr Wells: Mediators.

Mr FITZGERALD: Mediators. I have been approached by many people who want to become mediators because they believe that they have the necessary skills. That is excellent.

The cost of justice is becoming increasingly expensive, particularly in relation to fiddly little disputes. Pursuing a matter through the court system can be extremely expensive. It is important that people feel that their problems have been settled so that, once again, there is some chance of peace and harmony reigning in this fair land.

I welcome this legislation. I ask the Minister to select the mediators very carefully, because they will have to deal with a wide range of people with differing views. I wish the Minister every success with this legislation.

Hon. D. M. WELLS (Murrumba—Attorney-General) (4.26 p.m.), in reply: I thank all honourable members who took part in this debate—the honourable members for Fassifern, Aspley, Mount Coot-tha, Brisbane Central, Mulgrave, Springwood, Yeronga, Nundah and Redlands. I thank them all for their very useful, constructive and valuable contributions. I assure them all that I will ensure that community mediation is established in their electorates as soon as possible.

I thank the honourable member for Fassifern for his wise counsel. As he pointed out, there are formidable administrative difficulties in getting the program up and running, because of the necessity of arranging accommodation here, there, and everywhere. As a result, centres will be established on a pilot basis in the greater Brisbane area. The program will then expand slowly outwards to reach all electorates as soon as possible. I thank the honourable member for Fassifern for his support of the Bill and his wise advice. I have taken that advice on board and will act accordingly.

At one stage there was a danger that we would achieve a mediated solution to this Bill until the honourable member for Lockyer came along and saved us from that most unparliamentary solution. I thank the honourable member for Lockyer for his frenzied and unheralded orgy of self-justification. The honourable member attempted to regale the House with some nonsense—utter claptrap—about how he was some sort of seminal force in the instigation of the process of community mediation. It was not like that at all.

The honourable member for Lockyer claimed that, in 1981, he visited mediation centres in New South Wales and that, as a result, community mediation has been introduced in Queensland only nine years later.

Mr FitzGerald: It takes me a while to get there.

Mr WELLS: It is true that when the honourable member was Minister for Justice——

Mr FitzGerald: Three weeks—I worked pretty fast.

Mr WELLS: It is true that the honourable member was a member of the previous Government at a time when money——

Mr FitzGerald: I did more in three weeks than you did in six months.

Mr WELLS: Yes, but I very carefully remedied many of the things that the honourable member did in those three weeks. Believe me, I was lucky to get through it in six months.

It is true that the honourable member for Lockyer was a Minister for a short period. It is true also that the previous Government voted a certain amount of money for community mediation. However, that Government made two mistakes. Firstly, it did not vote enough and, secondly, it did not spend any of what it had voted. Consequently, in January of this year, this Government really had to start from scratch.

I congratulate those members of the public service who were involved in the process of setting up the project. They worked very hard and were driven by an iron-handed taskmaster, but they got the job done. We will be ready to go as at 1 July.

I thank all honourable members for their participation in this debate and I congratulate the people involved. I look forward to honourable members taking the step in a moment of voting on this Bill that will lead to a more peaceful, more harmonious and better society.

Motion agreed to.

Committee

Hon. D. M. Wells (Murrumba—Attorney-General) in charge of the Bill.

Clause 1.1, as read, agreed to.

Clause 1.2—

Mr WELLS (4.31 p.m.): I move the following amendment—

"At page 2, line 10, omit—

'a date appointed by Proclamation'

and substitute—

'1 July 1990'."

This amendment will remove an administrative step. By virtue of the fact that the Bill was not debated until today, not many days are left until 1 July, when the program is due to commence. For this reason, the expression "a date appointed by Proclamation" should be omitted and the Bill will become operational from 1 July. I commend the amendment to honourable members.

Amendment agreed to.

Clause 1.2, as amended, agreed to.

Clauses 1.3 to 5.10, and First and Second Schedules, as read, agreed to.

Bill reported, with an amendment.

Third Reading

Bill, on motion of Mr Wells, by leave, read a third time.

COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) BILL

Second Reading

Debate resumed from 29 May (see p. 1857).

Mr GILMORE (Tablelands) (4.35 p.m.): As with the previous Bill, the Opposition is pleased to support this legislation. However, I want to say a number of things about it.

Essentially, this Bill, by allowing for the referral of State powers to the Commonwealth, transfers family law matters to the Commonwealth. At present, Queensland has a complicated system under which, if there is a break-down in the family, children who are born extramaritally or are from a previous marital arrangement, or other arrangement, as one might put it, are treated differently from the children of the marriage. That is to say, the children of the previous liaison are dealt with in the Supreme Court of Queensland and the children of the marriage are dealt with in the Family Court. That creates some concern about jurisdiction and cost and, of course, causes trauma to those families who are breaking up. Indeed, if they were not breaking up, they would not be in the Family Court. Presently, additional cost and trauma is created for those people. It is probably most unfair on the children who, by law, are singled out.

It is my understanding that the other States, other than Western Australia, have already referred these powers to the Commonwealth. Western Australia has established

its own family law court. I understand also that, in 1976, when the Family Court was established, and in succeeding years, some consideration was given to the establishment of family law courts in each of the States so that they would have their own jurisdiction.

Western Australia took up that option. The other States refused to do so, and, of course, Queensland was one of them. The Queensland Government refused to set up such a court because I understand that, at the time, it considered that the Supreme Court was dealing adequately with such matters.

A couple of years later, the Queensland Government changed its mind and moved towards the establishment of a family law court. However, the Commonwealth would no longer agree to that; it had a change of heart.

I am a determined federalist, and it is for that reason that I have had some serious concern with this Bill. I had to think about it long and hard and had to consult fairly widely, both with my colleagues, with others and with employees of the Department of Justice to satisfy myself and my parliamentary colleagues that what the members of this House are doing here today by way of referral of powers is indeed appropriate and proper.

It is my view that legislation of this type has now come so far down the track that there is no going back. Queensland will not be establishing its own family law jurisdiction. Therefore it is right and proper, and a reasonable thing to do, that this State move towards the referral of powers in this jurisdiction to take away the trauma of the dissolution of a family and the protection of those children who would be singled out by virtue of their existence. The previous legislation caused a further pointing of the finger, which was unfortunate and unfair. The introduction of this Bill into this House today is wholly appropriate.

As I said earlier, I am a dedicated federalist and I was very concerned about this legislation. However, I was pleased to see that clause 4 of the Bill allows for termination. In the future, either this Government or future Governments, if they deem it proper and appropriate, can terminate this legislation.

I note that the Schedule to the Bill ensures that the adoption procedures and Children's Services Department are not affected in any way by this Bill. Therefore, the ability to deal with children in this State is enhanced rather than badly affected.

I had the opportunity to discuss this legislation with the honourable member for Yeronga and I thank him for that. He explained to me that very often the time of the court is taken up with long legal arguments over the question of jurisdiction. I appreciate that that means that considerable funds are expended and the courts spend considerable time arguing those jurisdictional matters when they should be serving the community and especially the client families that are devastated by their matrimonial problems. For that reason alone, I agree with the introduction of this Bill.

In supporting the Bill, I congratulate the Minister on taking this step and I also thank him for providing access to his staff. That opportunity enabled me to consult with his departmental officers and remove those genuine concerns that I had with this legislation.

No doubt from time to time in this place the Minister and I will disagree quite vehemently on the question of referral of powers. In this case, I believe that this legislation is a great win indeed for compassion, fairness and common sense.

For those reasons I congratulate the Minister and support the Bill.

Mr FOLEY (Yeronga) (4.42 p.m.): I rejoice at this Bill. It puts an end to a most ugly part of Queensland's history when the welfare of children depended upon an arid jurisdictional distinction between the Commonwealth and the State.

As one who has practiced in the family jurisdiction of both the Supreme Court and the Family Court, I can assure this House that there is nothing more arid than to argue about matters of jurisdiction when there is an urgent need for a determination to be made about the welfare and custody of children.

One had the ludicrous situation of the custody of ex nuptial children being determined in the Supreme Court, whereas the custody of children of a marriage was determined in the Family Court.

In modern times, one has many blended families, reconstituted families where half-brother and half-sister may live together for large parts of their lives and yet find themselves with their custody determined in different courts. That is a situation which has no justification in logic or common sense. It relates only to the historical accident that the Commonwealth has power to make laws in respect of marriage and matrimonial causes.

I commend the Opposition for its support for this Bill. The honourable member for Tablelands, in supporting the Bill, has shown an important trend.

In the past, debates of this type were characterised by a predictable reliance upon States' rights. It is timely to remember that States are abstract entities. Only human beings have rights. Certainly children's rights should come first in this debate.

It is significant that this Parliament is referring to the Parliament of the Commonwealth powers in relation not only to custody and guardianship but also in respect of maintenance. I say "significant" because one of the important reforms of the Hawke Labor Government is the system of child support which is moving to ensure that those who bring children into the world have a duty in both practice and law to support them. This Bill will facilitate the operation of those laws so that the children of Australia, be they born in wedlock or out of wedlock, will have the advantage of assistance, if necessary, through the Australian Taxation Office Child Support Agency so as to ensure that they are property maintained.

I note that the jurisdiction of courts acting under a provision of the Children's Services Act has been retained in the State jurisdiction. That decision no doubt reflects the traditional distinctions made between child custody matters on the one hand and matters relating to the care and protection and care and control of children on the other.

While supporting the Bill, let me say that I look forward to the day, however, when it will be possible to decide in the one court both the custody as well as the care and protection of children. The dispute between the Supreme Court and Family Court jurisdiction is arid, but equally arid can be the problems which arise in the jurisdiction between the Children's Court and the Family Court.

Those problems have been cured to some extent by the cross-vesting of jurisdiction legislation passed by the Commonwealth and State Legislatures in recent years. But we must approach this area on the basis that the courts of the land are there to help children and their families resolve disputes as effectively, quickly and humanely as possible.

It is merely 12 years ago that the law of the land in our State drew a distinction between children born out of wedlock and children born in wedlock. The Status of Children Act introduced under the previous Government was an important reform, but it demonstrates how close we are to that savage time when the marital status of parents could reflect upon the rights of children. In supporting this Bill, the House will move away from the medieval prejudice against persons born out of wedlock and towards a more enlightened era in which that distinction will become merely a historical relic. I support the Bill.

Mr KING (Nicklin) (4.47 p.m.): I rise to indicate that the Liberal Party also will have much pleasure in supporting the Bill. The maintenance of children and their custody, guardianship and access are extremely important issues and ones that should not be put at risk by State borders. While normally we are very reluctant to hand over State powers to a centralist Government, irrespective of its colour, there are obviously times when such action is in the best interests of the people, and this would appear to be the case today.

In this case there is also the added protection that the Bill empowers the Governor in Council to terminate the reference of powers to the Commonwealth so it is a matter

of really giving a fair trial to something that seems to be a good idea. The fact that other States ruled by both Labor and conservative Governments have similar legislation is also reassuring.

It goes without saying that all children should have the right to be dealt with equally on all issues, including the Family Law Court, and this Bill will ensure that. It is a sad fact of life that in today's world there is so much break-down of the traditional family. The children of such break-downs suffer enough in so many ways. Hopefully, this Bill will rectify some of those problems.

I congratulate the Minister on his initiative, and the Liberal Party will have much pleasure in supporting the Bill.

Mr WELFORD (Stafford) (4.49 p.m .): It is my pleasure to support the Bill. Indeed, it is a long-overdue reform of what has been a veritable jurisdictional maze in family law. It caused considerable inconvenience to those who have to function within the legal system on behalf of parties to disputes relating to children and it has wreaked much social havoc on the children and families involved.

Unresolved disputes about children have had to be resolved in a variety of courts under a variety of Federal and State legislation. To some extent, that has been remedied in at least four other States and, of course, I certainly agree with the sentiments of the honourable member who has just resumed his seat that remedies will now occur in Queensland.

For the edification of those intellectual titans opposite and the public at large, I will dwell momentarily on some of the background to the referral of family law powers to the Commonwealth. Under the specific provisions of the Australian Constitution, the Commonwealth Government has constitutional authority in relation to family law matters. Of course, the legislative authority of the State Government is residual in the sense that the State has power to legislate with respect to those matters over which the Commonwealth does not have exclusive jurisdiction accorded by the Constitution.

The two relevant provisions of the Constitution relating to family law are section 51 placitum 21, which gives the Commonwealth legislative power with respect to marriage, and section 51 placitum 22, which relates to divorce and matrimonial causes and, in relation to them, parental rights and the custody and guardianship of infants.

In 1983, the Commonwealth Government sought to extend its powers with respect to the role of the Family Court in dealing with children to include ex-nuptial children and, for example, children of one of the parties to a relationship where there was not necessarily a marriage or, if there was a marriage, the child was a child of only one of the parties prior to the marriage. In particular, section 5 (1) of the Commonwealth Family Law Act states—

> "For the purposes of each application of this Act in relation to a marriage—
>
> . . .
>
> (e) a child of either the husband or the wife, including—
>
> (i) an ex-nuptial child of either of them;
>
> . . .
>
> if, at the relevant time, the child was ordinarily a member of the household of the husband and wife; and
>
> (f) a child . . . who has been, and was at the relevant time, treated by the husband and wife as a child of their family, if, at the relevant time, the child was ordinarily a member of the household of the husband and wife."

In those cases each application in relation to a marriage was deemed to be an application in relation to a child of the marriage.

That jurisdictional limit on what children constituted children of a marriage was legislated upon in 1983. However, there were a number of subsequent cases where the constitutionality of that provision was drawn into question. Ultimately, both those

provisions were struck down, which meant that the Commonwealth did not have constitutional authority in respect of children of the kind I have just mentioned. Clearly, it was sensible that where children were part of a family relationship in the broader sense—even though the child might have been born out of the marriage relationship or was the biological child of either of the parties who were not party to a formal legal marriage—it was clearly appropriate in those circumstances that the provisions of the Family Law Act which provided for the resolution of disputes in relation to those children should apply to those children.

To remedy that situation, four of the States, that is New South Wales, Victoria, Tasmania and South Australia, legislated to confer upon the Commonwealth powers in relation to all children, including the children I have just mentioned. Subsequent to that, the Commonwealth promptly legislated to extend the definition of children who were children of the marriage. In this legislation, in addition to a post-marriage biological child of a married couple, the definition "child of a marriage" was extended to include a child adopted since the marriage by the husband and wife or by either of them, a child of the husband and wife born before the marriage and a child born to a married woman as a result of an artificial conception procedure with the consent of her husband. However, the definition still excluded the categories of foster children and children of prior relationships.

As I have already indicated, Queensland was in the outrageous position where great numbers of children who were living in normal and appropriate family relationships were excluded from the operation of the Family Law Act and the Family Court and its procedures. For example, any dispute between parties to an existing, dissolved or void marriage which concerned the biological, nuptial or ex-nuptial child of only one party, or a foster child—whether or not the child had been accepted as a member of the family—or a biological child of both parents who was born after their divorce, but conceived through a casual encounter while the parties were separated, were all disputes which the Federal courts could not entertain. Similarly, where the parties were unmarried cohabitants or other parties such as grandparents were seeking custody, there was no authority for the Family Court to act whether or not the child was a biological child of one of them or of both, or born as a result of artificial conception or a foster child.

To remedy this, four States have already conferred power on the Commonwealth and it is appropriate and proper for the reasons that I have mentioned that this also be done in Queensland. The consequence is that power is conferred under a relevant provision of the Federal Constitution, that is section 51 (xxxvii), which states—

> "The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:
>
> . . .
>
> (xxxvii) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law."

It is under that relevant provision of the Federal Constitution that the State now has power to confer to the Commonwealth legislative authority in respect of the children who have previously been excluded and been the subject of the State court jurisdiction.

There are clear and distinct advantages in the Federal courts, in particular, the Family Law Court, being given this jurisdiction. The Family Court is a specialist jurisdiction. It has provision for counselling and mediation procedures to take place between the parties, as well as many of the other favourable features speakers referred to during the previous debate on the Dispute Resolution Centres Bill. Those procedures are not available in other State courts. However, when our court system is looked at in the future, consideration should be given to incorporating additional facilities for mediation of disputes before final adjudication into the rules of procedure. That is an advantage which the Family Court already has, and it is certainly one of the many specialist facilities which the Family Court can use in order to resolve disputes between

parties where there must necessarily be an ongoing relationship, and where the amount of conflict and level of acrimony needs to be minimised as much as possible. At the very least, those advantages justify the conferral of these powers to the Commonwealth. I support the Bill and congratulate the Minister on it.

Hon. N. J. HARPER (Auburn) (4.59 p.m.): I rise to join in this debate briefly. As the Opposition spokesman indicated, the Opposition is reluctant to refer areas of State responsibility to the Commonwealth. Although, at any time in the near future, I do not foresee that that fundamental philosophy will change, in cases in which matters can be argued in a reasoned and logical manner, the Opposition is pleased to support referral of such powers and, in the present instance, will do so.

It is unfortunate that at the outset Queensland did not take advantage of an offer that was made by the Commonwealth Government to all States for the establishment of a joint Federal/State family law court, which is what occurred in Western Australia. I see nothing wrong in admitting a mistake, and suspect that, except for Western Australia, the other State Governments now realise that they made a wrong decision. It is certainly my personal view that the decision made by the Queensland coalition Government was wrong.

As Minister for Justice and Attorney-General, I pursued with Commonwealth Attorneys-General, Senator Gareth Evans and Mr Lionel Bowen—who are two excellent gentlemen with whom to deal—the possibility of the Commonwealth Government's belatedly permitting Queensland to follow the Western Australian model. It is my view that the Western Australian model is the best family law court system in Australia. Unfortunately, at that late stage the Commonwealth Government's Ministers were not prepared to grant my request.

Although that was understandable, it was also unfortunate because, if that step had been taken five or six years ago, a joint Federal/State system presently would be operating at an advanced stage in Queensland. I hope that the present Government pursues that course because I genuinely believe that the present position, which has been referred to by other speakers in the course of the debate, is not adequate. During a very difficult period of family relationships, the present arrangements provide frustrations. For that reason, and with a view to the future, I hope that a more positive arrangement can be worked out, even at this late stage.

Throughout various jurisdictions, I undertook extensive discussions. In fact, I took the parliamentary committee to Western Australia to inquire into the administration of the Western Australian Family Law Court. At that time, the member for Lockyer was a member of the committee. Apart from me, he is the only remaining member of the committee who had the benefit of discussing with the senior judge of the Family Law Court the manner in which that court functioned. I appreciated that opportunity at the time, but it is a matter of regret that Queensland was not able to follow the lead given by Western Australia.

The member for Stafford referred to the Dispute Resolution Centres Bill. I agree that the role of mediation and counselling provided by the Federal Family Court serves a very useful purpose. It can achieve reductions in the astronomical costs associated with family law matters. I believe that the members of this Assembly who are trained lawyers would agree that costs associated with family law are probably the highest of those in any jurisdiction, which surely must be a matter of regret. Because this Bill will have the effect of reducing frustration and overcoming difficulties that inevitably develop in the situations envisaged by the Bill, I am personally pleased to express my support and reinforce the support expressed by the member for Tablelands on behalf of the Opposition.

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (5.05 p.m.), in reply: I thank all honourable members for their contributions to the debate. I am very pleased that this legislation has attracted a high level of support.

At the outset, I thank the Opposition spokesman, the honourable member for Tablelands, Mr Gilmore, for his support and understanding of this legislation. He and the honourable member for Auburn displayed an enlightened attitude to the Bill.

The member for Tablelands indicated that certain members of the community, particularly children, had previously been discriminated against. I do not think that any honourable member would wish children to become innocent victims of family conflict. I am pleased that the honourable member acknowledged the support that he obtained from officers of my department, and I indicate that I am only too happy to make departmental officers available to brief any member of this Parliament who wishes to discuss legislation in order to obtain a full appreciation of the provisions. If that procedure is followed, I believe that the end result will be a far better quality of debate in the Chamber and a far more enlightened Parliament, which will ultimately benefit the people of Queensland. Obviously honourable members will not be able to agree on every matter and, at times, I am sure that disagreement will become heated. Nevertheless, democracy is all about dialogue. If a debate is at least enlightened, the people of Queensland will benefit and better legislation will result. I reiterate my thanks to the member for Tablelands, who is the shadow Minister for Justice and Corrective Services, for his contribution to this debate.

The member for Yeronga is enthusiastic about this legislation—and so he should be. His reputation in legal circles is well known throughout the community. As a former President of the Queensland Council for Civil Liberties and a number of other institutions, he is well known as an advocate of reform. I congratulate him on his involvement in those activities and I thank him for his support and for his contribution in bringing this legislation before the Parliament. I have no doubt that the honourable member's suggestions that are in the pipeline in relation to other amending legislation will result in more progressive amendments being brought before the Parliament in the not-too-distant future.

I thank also the member for Nicklin, Mr King, for the support that he expressed on behalf of the Liberal Party, and the member for Stafford, Mr Welford, for his support and contribution to the debate. Obviously, as a lawyer and one who is involved in these matters, he probably has a greater appreciation of these matters than many other people. Really, the only people who know what goes on in family law are the parties involved and the lawyers. Because of their involvement in this area, lawyers have a far greater appreciation of the need for this type of legislation.

I thank the honourable member for Auburn, Mr Harper, for his contribution to the debate. He indicated that the Opposition refers power reluctantly. I hope that, in future, the referral of power is implemented with a view to improving legislation and improving access to laws for the citizens of Queensland. The honourable member indicated that we may have made a mistake in not having the State set up the Family Court. He indicated that he had visited Western Australia and examined its model. It is interesting to note that people have different points of view on which was the better course to take. I know that Western Australia is very happy with its system.

Recently, I attended a ministerial council with other Attorneys throughout Australia. Another Attorney-General commented that, in the early 1980s when Western Australia established its own Family Law Court, it took the correct course of action. However, that is a matter of opinion. All the Government can do is to monitor what occurs with family law matters. If problems exist, alternative methods may be investigated. Further down the track, the Government may investigate conducting further negotiations with the Commonwealth. However, we must keep an open mind and continue to monitor its progress.

The member for Stafford and the member for Auburn indicated that mediation is the best way to proceed and that, if we proceed in that fashion, we will probably end up with a far better society. I hope that in future we see more mediation than disputation taking place. If we mediate our disputes, we will finish up with a far better society.

Motion agreed to.

Committee

Clauses 1 to 5 and Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Milliner, by leave, read a third time.

CORRECTIVE SERVICES ACT AMENDMENT BILL

Second Reading

Debate resumed from 29 May (see p. 1858).

Mr GILMORE (Tablelands) (5.12 p.m.): I will have to lodge a complaint. The Minister is not giving me any Bills that I can debate vigorously with him. The Opposition supports this Bill, but not as vigorously as it supported the previous Bill.

The legislation is reasonable and appropriate. Only one of the changes has any real substance, that is, the change of jurisdiction from the Governor in Council to the Queensland Community Corrections Board. I support that change. For many years, it has been a matter of curiosity to me that members of Cabinet would want to concern themselves with the consideration of parole or freedom for prisoners serving life sentences. I would have thought that the Cabinet had better things to concern itself with, such as good government and the running of the State.

I welcome the change of attitude and approach to allow those matters to go before the Queensland Community Corrections Board so that there is no further concern about jurisdiction. In practical terms, community corrections boards, which are dedicated to the consideration of applications for parole and release, would probably give more appropriate consideration to applications than Cabinet would. As a result of this legislation, there will probably be more fairness and equity in the consideration of the release of prisoners than we have seen in the past.

I am pleased that the Bill contains a clause that provides that, if an application for parole or home detention is refused, the prisoner is entitled to a written reason for that refusal. That initiative is wholly in line with the Kennedy report, and the Opposition supports it.

I am a little curious about the changes in the structure of the Queensland Community Corrections Board. I suppose it is a neutral exercise. The Government has extended the membership of that board by adding an additional female member so that there will be two females on the board, which is commendable. The community corrections boards, as they were originally structured in the legislation in line with Kennedy's recommendations, were operating properly and adequately. Nonetheless, I am not going to oppose that change, because I feel that the Government is moving a little bit further down the track. Both set-ups were proper and appropriate, so I suppose it is neither here nor there in respect of the legislation.

The other change, of course, is to appoint a chairman and deputy chairman of the board. That is also an emotionally neutral exercise as far as the Opposition is concerned. The Opposition does not see any real reason to get excited about it.

With those few words, I offer the support of the Opposition for the legislation and trust that it will pass through all stages without much more comment.

Mr WELFORD (Stafford) (5.16 p.m.): I rise to support the Bill and to thank the Minister for proceeding early with this further reform of our community corrections services.

As the previous speaker indicated, these amendments basically go further down the track of implementing some of the recommendations of the Kennedy report and are

indeed the first step in this Government's process of dramatically improving the whole climate of community corrections and assessment in this State.

Taking the responsibility for decisions out of the control of the Governor in Council is clearly a desirable step. It puts that responsibility back in the hands of people who are largely representative of the community and also provides the opportunity of choosing the people who make those decisions on the basis of their special expertise and special interest in the proper management of prisons and corrective services in this State.

There is an important process that is part of the whole new outlook, the whole new attitude, towards community corrections and corrective services generally. It allows for those who receive custodial sentences as a result of offences to, firstly, serve a period in a correctional centre and, secondly, gradually be reintegrated back into the community. This is a vast improvement on the very primitive and, in a sense, unsophisticated approach that was taken in the past with respect to corrections, rehabilitation and imprisonment.

It is always a difficult and vexing question to determine to what extent custodial sentences should be designed to hand out retribution as against rehabilitation. That is a balance that it is difficult to strike. However, one thing is clear, and that is that people who are in correctional centres are human beings and are nevertheless justly entitled to the basic rights of any other human being. Our correctional centres are gradually improving in the way in which prisoners or inmates are handled and the way in which decisions are made in regard to managing the rights of those individuals to parole and to gradual reintegration into the community. That is a very important function that the boards will undertake.

I have much pleasure in supporting this Bill. I think that it will prove a positive step forward in resolving some of the political difficulties that Governments have faced in the past when people have been awaiting the judgment of politicians, who often do not have the political courage to make the decisions that need to be made on a rational basis. By taking it out of the political arena and giving it to people who are peculiarly qualified to make the decisions, these decisions can be made on a rational basis. Those people whose rights would otherwise await judgment simply because of the emotional hype that perhaps even Oppositions try to create from time to time——

Mr Santoro interjected.

Mr WELFORD: I note the interjection from the member for Merthyr, Mr Santoro, who along with his very small group of cronies in this place does much from time to time to try to whip up unjustified hysteria about the way in which people in correctional institutions are dealt with.

Members of the Liberal Party play on emotions. They have absolutely no expertise in this area. Clearly, what they do is deal with the rights of people in correctional institutions as though they were pawns in a political point-scoring exercise. These amendments will obviate that problem. No longer will honourable members need to sit in this Chamber and listen to the irrational rantings of members of the Liberal Party when they raise these matters.

Honourable members can be assured that, in future, decisions that are made within our correctional system and, indeed, the whole attitudinal focus of our correctional system, will be greatly improved and much more humane.

Mr KING (Nicklin) (5.20 p.m.): The Liberal Party is very disappointed with many aspects of this Bill and the Minister's second-reading speech. Indeed, the latter is notable for what it skirts over or avoids rather than for what it tells us.

Are honourable members told why Labor has reduced the whole area of corrective services to a shambles? As the honourable member for Toowong said recently, this ALP Government is ensuring that the prison system is primarily interested in making life behind bars for offenders as comfortable as possible. He also said—quite correctly—that people expect a prison system that protects the community from dangerous criminals.

It is patently clear that ours does not. Did the Minister seize the opportunity to tell Queenslanders why this appalling situation has been permitted to arise in just six months? No, he did not. The Minister has skirted over the problems and avoided the real issues.

The Bill itself covers a number of proposals, a few of which deserve support. However, many cannot be accepted under any circumstances. For instance, the Liberal Party supports the principle of widening community representation on community corrections boards, if this is to be done genuinely, with fewer public service appointees. In our view, it is a good idea. However, pursuant to the amended section 132 (1) (b) and (3) of the principal Act, the director-general or his deputy will be a member of the Queensland Community Corrections Board. These provisions will ensure that the board hears the view of the commission but will not be dominated by it. The input of an experienced professional officer of the commission will no doubt be of substantial assistance to the board.

Similarly, proposed new subsection 144 (1) (b) includes as part of the membership of a regional community corrections board "an officer of the Commission nominated by the Director-General". The positive aspects of the membership of the director-general or his deputy on the Queensland board will extend to regional boards by virtue of proposed subsection 144 (1) (b). Additionally, the commission input should assist in regional boards across the State being as consistent as possible in their decision-making. That is very important if equity in the system is to prevail.

The Liberal Party supports the inclusion of a legally qualified deputy president as a permanent member of boards, which will provide for continuity of board meetings and policy under experienced chairmanship and obviate the present need to abandon board meetings in the event of the sudden or last-minute incapacity of the more experienced chairman.

The Liberal Party is not opposed to the repeal of section 145 of the principal Act. No doubt, in most cases in which members of the community correction boards are diligent in their attendance at board meetings, the deputies to those members only rarely were present when the members themselves were unavoidably absent. As a result, they did not gain the necessary experience in the matters that were handled by the boards. That could lead to unfairness and inconsistency in board decisions.

The Liberal Party is in favour of a broadly based membership of community correction boards selected on the principles of merit and equal opportunity. To be fully representative of the community at large, boards must reflect prevailing attitudes in society. As well, the Liberal Party is in favour of the inclusion of people regardless of their gender. Naturally, the Liberal Party welcomes the involvement of both men and women in this and all other areas of government and society.

Similarly, the Liberal Party has no objection to the appointment to boards of Queenslanders who happen to be of Aboriginal, Islander or any other extraction. In our view, the guiding principle in all cases should be selection on the basis of merit—not on the basis of quotas or reserving jobs for certain groups in the community. If boards were to follow the Government's approach to its illogical conclusion, they would tend to become interest-based groups rather than community-based groups. Boards must represent the entire community, not merely some groups of it.

The Liberal Party believes in the principles of equal opportunity for all, regardless of whether they are men or women or their ethnic origin. Logically, it follows that the Liberal Party is opposed to Labor's principles in this Bill to entrench into the legislation both racist and sexist provisions. The Liberal Party cannot support Labor's attempt to restructure boards on racial lines.

The strong critics of the situation that formerly existed in South Africa seek to enshrine on the statute book laws allocating jobs to people on the basis of their racial origin. No doubt the Minister would seek to respond by claiming that his apartheid-style legislation is justified because Aborigines and Islanders, who comprise only 2.3 per cent of the community, comprise some 17 per cent of the prison population.

There is no doubt that the number of indigenous or part indigenous people in prison is of concern. However, stacking the parole boards by giving about 2 per cent of society some 12.5 per cent of the positions on the Queensland board and over 14 per cent of the positions on regional boards is hardly a step towards the Government's professed aim of making boards more representative of the community.

One may well ask: what are the Government's future intentions? Is this Bill a precursor to regular Government action to ascertain the ethnic composition of Queensland prisons so that, when an ethnic group attains a quota, it obtains an entitlement to board representation? In the future, will honourable members see statutory provisions for the representation of those who were born in Europe, Asia or New Zealand? At what stage would a group be entitled to representation, and how would it be calculated? Do we take the percentage of a group in prison, or in society as a whole, as the determining factor? What Labor proposes in this Bill is horrendous. It is the first step in an ethnic nightmare, and is quite un-Australian.

Proposed subsections 132 (1) (c) (i) and 144 (1) (c) (i) set dangerous precedents and must be rejected. We enjoy a harmonious society with relatively few ethnic tensions. Racial legislation on the South African or Queensland Labor model has no place in late twentieth-century Queensland.

The Liberal Party is concerned about proposed section 132 (1), which states—

> "At least two appointed members of the board shall be women."

That relates to the Queensland board. The Liberal Party is also concerned about clause 144 (1), which states—

> "At least one member of the board shall be a woman."

That relates to the regional boards.

Before the Liberal Party's opponents seek to misrepresent it—which they will undoubtedly try to do—I want to make a clear and unequivocal statement of the Liberal Party's position. It is in favour of community corrections boards containing men and women——

Mr Ardill: But not Aborigines.

Mr KING: The honourable member did not listen.

As I was saying, the Liberal Party is in favour of community corrections boards containing men and women who are appropriately qualified and are chosen on the basis of merit. The Liberal Party believes strongly in equal opportunity and in having the best people for the job—some of whom could be Aborigines, Islanders or members of any ethnic group in our society. Merit must be the paramount principle. To choose men or women on the basis of gender or racial origin cannot be accepted in a modern and enlightened community. The Government's provisions to the contrary are insulting, demeaning and patronising to women and those of Aboriginal or Islander extraction. I ask the Government to reconsider those provisions.

Labor seems obsessed with the welfare of prisoners as opposed to that of ordinary, law-abiding citizens. The honourable member for Toowong stated that the ALP is creating a prison system in which criminals are treated better than their victims. When one considers this Bill, Labor's attitude becomes obvious.

At present it is necessary to give reasons for decisions only when parole is being declined. However, clause 3 of the Bill requires written reasons to be given to a prisoner if an application for leave or absence exceeding seven days is refused. Clause 5 makes it necessary for written reasons to be given to a prisoner if an application to be released on home detention is refused. Despite the recommendations, I find that incredible. In other words, the commission and society are answerable to a prisoner, rather than the reverse being the case. It is difficult to accept that it should be necessary to give a prisoner written reasons why he is not being released before he has served the sentence imposed by a court. It is absolutely unbelievable.

In addition, when one considers debacles which have occurred since Labor came to office, it is clear that the system is close to total collapse. As the former Leader of the Liberal Party, Mr Angus Innes, said—

"Labor's revolving door gaol policy is putting the community at risk."

Let us look at the results of Labor's administration of corrective services. A prime example is that of Henry John Bartczak, who murdered his sister-in-law by shooting her in the head and who, for the past four years, has threatened to kill the rest of his family. Many in the community would maintain that, at the very least, he should be locked up forever and the key thrown away. But the ALP approach is quite different. Despite Mr Justice McPherson's recommendation at the trial that Bartczak not be released until he was no longer a threat to his family or the community, the Wacol Correctional Centre actually issued him with a pass so that he could make arrangements about a taxation matter. While one would hope and expect that the individual responsible for that decision had been transferred to less sensitive duties, the situation that occurred is typical of Labor's attitude. The rest is history. Bartczak has not been recaptured and, understandably, his family is living in fear.

Can honourable members believe that, under Labor's amendments now before the House, had Bartczak applied for more than seven days' leave and been knocked back, despite the judge's recommendation, it would have been necessary to give him written reasons? Can honourable members really grasp that?

Now, what about the infamous Valmai Beck. To remind members opposite, I point out that this monster, sentenced to life imprisonment, lured the young Noosa schoolgirl Sian Kingi to her rape and murder two years ago for the sexual gratification of her lover. Although she was found guilty of one of the most horrific crimes in Queensland's history, Labor has allowed her to enjoy a low-security classification so that she can associate with teenagers and with young women with babies.

Again, if Beck had applied for leave of more than seven days, would we have been considering giving her reasons for refusal?

Let me quote briefly other evidence that——

Mr ARDILL: I rise to a point of order. The member is misleading the House. He is claiming that that woman is in low security. She is not. She is in the women's prison at Boggo Road.

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

Mr KING: Let me quote briefly other evidence that demonstrates that Labor's policy is in tatters. Dangerous armed robber Marshall Steen escaped recently from a non-security area at Wacol Prison. What was he doing there? Almost 150 prisoners have been walking out of gaol every weekend. A convicted killer, who had served just three months of her sentence, travelled unescorted interstate. A convicted drug-trafficker, supposedly given weekend leave to see her family, was later seen in the company of other known drug offenders.

It is simply not adequate for Labor to claim that its filing system is in a mess. If it is, how many other violent criminals are being unleashed onto an unsuspecting community because their files have gone missing?

Up until the time that this Bill came before the House, the principal Act and the Kennedy reforms generally had enjoyed broad bipartisan or, should I say, multipartisan, support. The Liberal Party welcomed the Kennedy report and supported the former Government in the dramatic changes that were made in the area of corrections.

Jim Kennedy, vigorous, dynamic and effective, was a breath of fresh air. His determined, no-nonsense approach resulted in reforms which were the envy of Australia. Queenslanders owe him a great debt. In passing, I must say that I consider it churlish that, if reports are correct, the Labor Government saw fit, retrospectively, to cancel the recommendation that he be honoured by Her Majesty the Queen.

I turn now to the Government's pathetic attempt to alter what has previously been ordinary non-controversial English usage. I refer, of course, to the Government's capitulation to extremist opinion in its replacement of the term "Chairman" throughout the legislation with the word "President". Continued use of the description "Chairman" would not in any way have denoted the gender of the occupant of the office for the time being, as it is used to refer to both men and women performing the role of chairman.

We all know that Alderman Sallyanne Atkinson, despite her shabby treatment at the hands of the Government, is doing a superb job as Lord Mayor of our capital city. Is it Labor's intention to convert her into the president of Brisbane because it intends next to declare the term "Lord Mayor" sexist? Given its republican tendencies, who knows? Men and women are clearly equal, and we support the principle of equal opportunity. What is not needed is for Labor to distort, legislatively, the English language as it has always been used.

In his second-reading speech, the Minister claimed that it was unfair that the decision to release prisoners sentenced to life should rest, as it now does, with the Governor in Council. To use the Minister's words—

> "If the community at large has to accept those people back into their society, then it is reasonable that the decision to release should be made by a community corrections board that is truly representative of the general public."

If the Minister is admitting that the Cabinet is not truly representative of the general public, then we would wholeheartedly agree with him. The Minister appears to be saying that the Government does not represent public opinion. The Liberal Party concurs totally.

The Government clearly has a hidden agenda, and its real purpose could be explained as follows: the Government wants to escape the inevitable odium and criticism attached to the release of life-sentence prisoners, particularly when they reoffend. Because I think that statement is important, I will repeat it. The Government wants to escape the inevitable odium and criticism attached to the release of life-sentence prisoners, particularly when they reoffend.

If the Governor in Council and the Government can shed responsibility for the release, then hopefully the Queensland Community Corrections Board will cop the blame. Who does Labor think it is fooling? Regardless of whether this Government uses its numbers to inflict this Bill on the people of Queensland, the buck will stop fairly and squarely at its door, where it belongs. We will not be a party to this elaborate subterfuge designed to hoodwink the public of Queensland.

The Minister and his colleagues were quick to grab the perks of office, but now they must learn that, in addition to attaining power, they must exercise responsibility. The Government's attempt to hide behind the shield of the Queensland Community Corrections Board must be exposed for what it is—an absolute sham.

The Cabinet policy of the previous Government was that any release of life-sentence prisoners should not be entertained until the prisoner had served at least 13 years of a sentence and then, upon application, the application would be considered on its merits. The 13-year period may or may not be reasonable, depending upon community attitudes from time to time. In clause 24 of the Bill, Labor seeks to set in concrete the 13-year period and, in the view of the Liberal Party, that is too inflexible and a grave mistake. It could be that society may demand a minimum period of longer than 13 years and, with Labor's amendments, a Government could not respond until legislation is changed.

The Liberal Party is not happy with this Bill and, at the Committee stage, it will oppose it.

Earlier, I outlined the few clauses of this Bill that are worthy of support. The balance of the Bill is a clear indication of Labor's subservience to militant minority groups. Sadly, the Government appears to have abandoned the interests of the community

at large, while paying lip service to them. If this is the best Labor can do, then clearly it will be merely a temporary blight on the Queensland horizon.

The Government's motives in this Bill, as in so many others, are shabby, deceitful, dishonest and transparent.

For those reasons, the Liberal Party opposes the Bill.

Mr SPEAKER: Order! I suggest that, in future, members rise and not wait to be called.

Mr PITT (Mulgrave) (5.39 p.m.): The Corrective Services Act Amendment Bill before the House continues the gradual emergence of enlightened approaches to custodial procedures in this State.

Gone are the days when a prisoner could simply enter the system, do his or her time and get out at a cost to the taxpayer of in excess of $35,000 per annum.

The Director-General of the Queensland Corrective Services Commission, Keith Hamburger, has revealed that out of the approximately 6 000 prisoners who pass through Queensland's prisons each year, about 54 per cent have served time before. Obviously, the system as it has existed in this State and every other State for generations has not worked.

The previous Government, to its credit, had come to the understanding that alternative sentencing methods and ways and means of reintroducing offenders back into society needed to be put into place if the Gulag atmosphere which covered Queensland's custodial institutions was to be addressed.

At the nub of the dilemma has always been society's emphasis on punishment to the exclusion of effective rehabilitation.

I take the liberty of quoting Mr Hamburger—

> "As far as punishment is concerned, what we inflict upon offenders is the deprivation of liberty that is determined by the courts. Our approach to assisting to prevent offences must have its basis in the positive self development of the individual."

This Bill addresses in part the very question of re-entry into the community raised by Mr Hamburger.

For many years, it has been clear that the prisoners themselves and those groups that have taken an interest in their welfare have taken exception to the mechanisms governing prisoner release. They have expressed great dissatisfaction with the manner in which decisions were made relating to parole, home detention and work release.

Section 19.3 of the final report by the Queensland Commission of Review into Corrective Services takes a long hard look at the real purpose of parole. The report indicates—

> "It is not designed as a quick release scheme for prisoners. It is designed to release prisoners into community supervision."

Recommendations were consequently made to increase the power of properly constituted boards to place prisoners on community supervision.

The thrust of the recommendations contained in Mr Kennedy's report has been hamstrung by establishment processes. I refer in particular to that requirement that deems it necessary to have the Governor in Council make the determination relating to release of prisoners serving life sentences.

The Minister has quite clearly stated that political influence has no real place in the final decision to release prisoners into community supervision. He has made the quite valid point that it is the community against which the prisoner has offended and that it should be the community which decides when and how the offender should be accepted back into community life.

The natural extension of this line of thinking is the importance of the representative nature of the community corrections boards set up in the various regions. These boards

are expected to reflect community attitudes and standards and, as such, their actual constitution takes on added significance.

The Act, of which this Bill is an amendment, the Corrective Services Act 1988, took on board the recommendations put forward by Commissioner Kennedy in section 19.3 titled "Regional Community Correction's Boards".

This Government is determined to alter existing legislation in order to better provide for representation more truly reflective of the community at large.

Clause 12 of the amendment seeks to repeal section 144 of the Act. In its place, it inserts a new section which reshapes the composition of the regional community correction boards. It puts in place the positions of president and deputy president who, by regulation, must have a legal background. Included in that role are the professional descriptions of—

(a) retired judges;

(b) barristers and solicitors; and

(c) retired stipendiary magistrates.

The Bill also provides for the Director-General of the Corrective Services Commission to appoint an officer of that commission to act on his behalf. Additionally, there are four other members from the community, one of whom must be an Aborigine or Torres Strait Islander and one of whom must be a qualified medical practitioner. As a further condition, it is clearly stipulated that at least one member of the board must be a woman.

The seven members of the amended regional community correction boards as set out in this Bill will bring to the boards considerable expertise as well as views indicative of the community as a whole.

I applaud the Minister's determination to ensure the accountability of the boards through a process of selection which is clearly open to public scrutiny. A further test of the Government's commitment to accountability is the requirement that the board reports annually to Parliament.

The decision to ensure Aboriginal and Islander representation on regional boards is a positive measure indeed. It has been estimated that, although constituting only 2 per cent of the population of Queensland, the Aboriginal and Islander community finds that its members constitute nearly 20 per cent of Queensland's prison population.

Approaches have been made by various Aboriginal groups to establish hostels on reserves, operated by the people themselves, to provide for home detention and work release programs. With direct input into the body charged with overseeing early release to community organisations, I am sure that the Aboriginal and Islander people will be major beneficiaries.

It is pleasing to note that it is estimated that by 1993 some 10 per cent of prison staff will be of Aboriginal or Torres Strait Islander descent. With programs such as this on the drawing board of the Department of Correctional Services, it would appear that Queensland at last is moving in the right direction.

I draw the attention of honourable members to clause 24 of the Bill, which amends section 166 of the principal Act. This clause sets out conditions for "eligibility for parole" of prisoners. It is explicitly stated that a prisoner serving a term of life imprisonment shall not be eligible for parole until that prisoner has been detained for a period of 13 years. The clause also makes it mandatory for other prisoners to serve at least half of their prescribed term of imprisonment before consideration may be given to parole.

Those amendments serve to give the community and prisoners alike a clear understanding of where they stand by stipulating minimum terms of incarceration before parole may be granted.

Another important clause of the Bill is clause 28, which further enhances the rights of prisoners. It repeals section 174 and puts in place two basic elements.

Firstly, it addresses a concern raised by Mr Kennedy in his report on page 115 where he said—

> "Prisoners are particularly bitter about not being told why they are refused parole. They say they do their best, work hard preparing themselves, behave themselves in prison and 'get knocked back' while known troublemakers get parole. They say they should be given the reasons why they are refused and then they can do something about it."

This clause reaffirms the current requirement to give reasons in writing. Secondly, it sets into the legislation the assurance that a prisoner be guaranteed the right of reapplication for parole consideration within a six-month period after the rejection of an application.

These measures in the Bill give prisoners the correct perception that society has not cast them aside but is desirous of bringing them back into mainstream life. This, of course, is contingent upon offenders displaying altered patterns of behaviour that are acceptable to the community.

I am quite happy to support the Bill in the belief that it will bring a degree of fairness and compassion to an important issue in our society.

Mr SANTORO (Merthyr) (5.46 p.m.): I join the honourable member for Nicklin in opposing the Bill. In doing so, let me say that the Liberal Party and the people who speak on behalf of the Liberal Party do not question the sincerity of the Minister. I see the Minister shaking his head. As we oppose it, I ask honourable members opposite to respect our right to express our views. As I have said before, we listen in silence to Government members and we pay them the courtesy of respecting their right to express their views on behalf of their constituents. That is what the honourable member for Nicklin did and it is what I will do.

At the outset, let me repeat that we respect the sincerity of the Minister. We place on record our appreciation of the many fine officers working in his department. I refer to people like Keith Hamburger who, as dedicated and professional public servants, will follow the instructions of the Government. That is why they are good public servants. They will serve the public of Queensland and will follow the wishes of the public through their elected Government. Let nobody think that we launch ourselves into vitriol for the sake of doing so. We seek to represent the views of our communities.

I did not intend to speak to the Bill, but I have had four calls from constituents to put not only their views but also the views of many other people in the community. Through door-knocking and other regular contact, I have had those views expressed to me and I feel that I must express them.

The honourable member for Nicklin did a very fine job. He has read the Bill. He has gone through it clause by clause. He expressed what I believe are some well-founded reservations about the structure of the boards. For the members opposite to deride what he had to say was facile. It showed disrespect for the democratic nature of this place. I respect the members on the other side of the Chamber who do not indulge in the cheap denigration of the practices of government, as we have seen with CJC business. That is what is demonstrated by the contributions from some honourable members opposite, mainly by way of interjection.

The Bill transfers the decision-making process of parole and early release applications by prisoners away from the Cabinet and towards community-based boards. I will not elaborate in any great detail about the deficiencies of those community-based boards because the honourable member for Nicklin has already done so.

In introducing the Bill, the Minister said—

> "This opinion is held not only by this Government but also by numerous community groups and individuals. It is clearly unsatisfactory and unfair that the final decision to release prisoners to community supervision should rest within the realm of political influence."

In the campaign leading up to the election on 2 December, members opposite said that they were in touch with community feelings. They said that one of the reasons they

would be representing constituencies was that they knew what the constituents wanted. What this Bill does is admit that they are not in touch with the views of their constituents. We on this side of the House contend that we are in touch, and that is why we are opposing the Bill.

They claimed that they would be prepared to make the tough decisions. They promised to be a decisive Government. They promised that, in real terms, they would address the early release issue whether on parole, work release or leave of absence. Let me throw back at the Minister and some honourable members opposite some of their statements in the media. Unless it can be proved that what appears in the media is incorrect, I hope that they will accept them.

I saw the Attorney-General in the Chamber earlier. Before the December election, he said—

> "We believe that people should not be let out of jail until they are reformed."

He also said—

> "Queensland has shocking rates for repeat offences and people are getting out too early."

The honourable member for Archerfield was so concerned about the mass reclassification of prisoners and the ease with which inmates seemed to be able to obtain release that he said—

> "The role of the prison managers and prison officers is being usurped by the social worker and psychiatrist who don't have the day-to-day contact with the prisoners."

That is what the Minister's colleague said. If the people who were more intimately involved with the prisoners, their wishes and their applications were open to that accusation, I suggest that the community-based boards, which are not in such intimate contact with prisoners, would be even more out of touch than the people Mr Palaszczuk was castigating and reflecting upon.

I reiterate that I accept the Minister's sincere motives for what he is doing but he has come into this place after being elected and being appointed as the Minister and, I suggest, has discovered that he has a hot potato on his hands. Without wanting to be cruel or too critical or personal, I repeat, as the honourable member for Nicklin said, that the Government has almost been accused of being the Government for revolving doors and that the Minister is in charge of those revolving doors.

I ask the Minister to recall what has happened since the election. Since the Labor Party took over the reins of Government, under different circumstances, prisoner after prisoner has just walked out. When the honourable member for Nicklin said that the Government gave all sorts of excuses, including the loss of files, he was criticised. But the reason given in the media by Labor spokesmen was that there was confusion with the files. The Minister is nodding his head. I would be interested in, and genuinely receptive to, an explanation from him in his reply as to what those comments were.

The Minister has a reputation in the media for being a good Minister within his area of responsibility. However, if one compares his performance and that of Ministers who held this portfolio immediately prior to the current Minister with the performance of Terry White, the former member for Redcliffe, one will note that there were very few escapes when Terry White was the Minister for Corrective Services. I stand to be corrected—and even if I am corrected in an upward sense, I am sure that the comparison will be good—but only one prisoner escaped whilst Terry White was the Minister.

The statistics show that the average gaol term that lifers serve in Queensland is 14 years. Clearly, that length of time is not acceptable. One must ask why prisoners are being released early. I am happy to accept that in the past there has been a deficiency in terms of previous Governments, but one reason given for the early release of prisoners is overcrowding. I appreciate that steps have already been taken by the Government to direct resources to the building of new and more efficient retaining centres and prisons,

but the Government must make a genuine commitment towards the upgrading of the level of facilities. Prisoners are also being released because they are conning the authorities and existing boards and getting away with it. The honourable member for Nicklin made the point that the more distant this review board becomes from the people it is supposed to consider, the more opportunity there is for prisoners to con the members of the board.

I will quote some of the things that have been said by the people who have been involved in looking after these prisoners. A previous gaol superintendent by the name of Ron Stephenson said in the *Sun* on 7 February 1989—

> "It is not funny—it is sad. All prisoners have to do is impress someone, claiming they have reformed. That's the quickest way out.
>
> Prisoners do one of two things when they first come in—they either become born-again Christians or embrace the arts, or both.
>
> There are enough born-again Christians in the system to start another 12 churches."

In the same article, another senior prisoner officer was quoted as saying—

> "The first is to find God, the second to become a painter or poet and then donate your work to charity and the third to gain the confidence of misguided do-gooders to push your cause.
>
> And it's even easier to obtain special leave of absence—all that is required is to crawl to the managers (of the prisons) or work as a PR person for the (Corrective Services) Commission."

Those comments were made by people who had a very intimate and close working relationship with prisoners. They realised the difficulties involved in evaluating applications by those prisoners for parole and early release.

The contention of the honourable member for Nicklin is valid. If a board is created and it reflects community views—and I think the honourable member for Nicklin said enough to destroy the myth that the Minister is setting up a truly representative board—and if it is even more distant than the people I have just quoted, I suggest to the Minister that the public of Queensland and this Government will have problems. If the decision-making process is transferred away from the Minister to a board and things go wrong—and I place on record the Liberal Party's strong suspicion that things will go wrong—the public of Queensland will come back and haunt the Minister. They will not come back to the board but to this Government, which established such a system, and it will be non-responsive. The public of Queensland elected this Government to make the decisions, particularly in relation to hard criminals who are serving life sentences for murder, rape and other vicious crimes.

Previously, I spoke to our learned colleagues in the National Party and advised them that the Liberal Party would be opposing this Bill. They said that they wanted to retain the provision for the decision-making process in relation to lifers and hard criminals within Cabinet. The Liberal Party believes that that aspect has been taken away, and that is the reason why it opposes this Bill.

Mrs Woodgate: Have you read it?

Mr SANTORO: Yes, we have read it.

I suggest to the Minister that the types of prisoners who should not be let out early when they make application to Cabinet are the dangerous and violent criminals who have reoffended after having been let out early, and those prisoners with their files marked "never to be released". I strongly urge the Minister to reflect on those three categories of prisoner, change his mind and determine that Cabinet can consider applications for parole and make the decisions.

I will not go through all the various cases that graphically display the sort of trouble caused to society by repeat offenders. Several cases have been mentioned by previous

speakers in this debate, including the honourable member for Nicklin. One only needs to think about the cases of Darren Osborne and Lionel John Roberts to realise that the responsibilities that Cabinet has in relation to these types of prisoners are very real, but that is where the responsibility should lie.

The Liberal Party believes that the community demands truth in sentencing. Judges need to determine the minimum amount of time that prisoners should serve and, particularly for dangerous criminals, these sentences should not be subject to review and reduction by members of custodial authorities who, as I said, can be corrupted by prisoners. Recently, legislation was introduced in New South Wales to allow for the serving of a minimum of 75 per cent of a sentence.

A charter of victims rights is needed. Victims ought to be informed of progress made in the apprehension of offenders, eventual court proceedings, bail applications, appeals against sentence and applications for early release. In other words, the victims should know what is going on and, if necessary, should be protected from the effects of official decisions. It seems to members of the Liberal Party that the courts and officers of the Department of Corrective Services go out of their way to consider the feelings, needs and alleged rights of prisoners rather than trying to consider the feelings and rights of innocent people whose lives are affected by dangerous prisoners.

Members of the Liberal Party believe that in speaking strongly on these matters——

Mr Hayward: We have to hang them high.

Mr SANTORO: No, the Liberal Party does not advocate hanging.

Earlier, the Liberal Party was accused of bringing the debate down to a level of hysteria, being emotional and trying to create hysteria in the community. It is interjections of the type made by the member for Caboolture that perpetuate an image that we believe is not justified.

I have relayed to the Minister the complaints that have come to me from my constituents. As I said, I have had four direct contacts as a result of the article that appeared in the *Sunday Sun*. Those people claimed to represent the views of other people, and many other comments are made to me in my day-to-day representation of the electorate. I will never be intimidated by members on the opposite side of the Chamber; nor will the member for Nicklin or any other member of the Liberal Party be intimidated in their attempts to put forward legitimate concerns. The Liberal Party will oppose the Bill and will divide the House.

Sitting suspended from 6.02 to 7.30 p.m.

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (7.30 p.m.), in reply: At the outset, I thank the member for Tablelands for his contribution to the debate. His comments have demonstrated that, quite clearly, he is enlightened about Corrective Services and that he has taken the time to study and fully comprehend the provisions of this legislation. I pay a tribute to the member for Tablelands for the interest that he has shown in Corrective Services since he has been shadow Minister. He has taken advantage of an offer I made to him to visit the Queensland Corrective Services Commission and talk with the director-general, Mr Hamburger, and the chairman, Sir Edward Williams. I hope that he got something out of that meeting because I feel sure that both the director and the chairman were appreciative of the comments that he made. The honourable member has also taken the time to visit correctional institutions throughout this State, and I hope that he continues to do so.

The honourable member raised a number of issues, including the structure of the boards. I point out that the boards are being made community-based boards. I also believe that, in order to understand the direction in which Corrective Services is heading in Queensland, it is necessary to refer to the Kennedy report. For the benefit of honourable members who were not members of this Parliament in 1988, I point out that Mr Kennedy is a well known and respected Brisbane businessman. He carried out a very thorough

review of the administration of prisons under the auspices of the former Minister for Corrective Services and the present Leader of the Opposition, Mr Cooper.

Following presentation of Mr Kennedy's report, debate took place in this Parliament. I am very pleased to say that the thrust of Mr Kennedy's report received bipartisan support. Subsequently, the task of reforming Queensland's corrective service institutions was undertaken. I thank the honourable member for Tablelands for his continuation of that bipartisan support. During the time he has been the shadow Minister, he has made a very positive contribution.

I thank also the honourable member for Stafford for his contribution to the debate. Once again, he demonstrated his awareness of what is happening in corrective service institutions. He, too, made a valuable contribution to the debate.

The member for Mulgrave, Mr Pitt, once again made an enlightened address to the Chamber. It is quite clear that he understands the general thrust of the direction in which Corrective Services is heading. He is obviously well aware of the need to continue that thrust.

I now turn to the contributions made by the Liberal Party. The Liberal Party spokesperson on Corrective Services is Mr King. I was very disappointed with the attitude adopted by members of the Liberal Party during this debate because, as I indicated, in 1988 the thrust of the Kennedy report received bipartisan support, including that of the Liberal Party. The attitude that has been portrayed by the Liberal Party in the speeches that were made during the debate was rather tragic. I can only suggest that Mr King and other members of the Liberal Party have not read the Kennedy report because they obviously have not got a clue about what is going on in correctional service institutions, which is also rather disappointing.

The member for Nicklin referred to the composition of the boards. I point out to the honourable member that the boards are being structured to reflect the structure of the community. He spoke about Aboriginal representation, and I point out to him that that was a recommendation made by Mr Kennedy. If the honourable member had examined the composition of the boards previously, he would have noticed that a representative of the Aboriginal community was included in the provisions of the legislation. If he had examined the composition of the Queensland Corrective Services Commission, he would have noticed that a representative of the Aboriginal community is a member of the board as of right. Again, I suggest that it is quite clear that the member for Nicklin has not read the Kennedy report. I suggest to him quite seriously that he should go the Parliamentary Library and obtain a copy of the report and, over the next few weeks, he should read it. I suggest also that he should take up the offer I made to the member for Merthyr when it was announced that he was the Liberal Party's spokesperson on Corrective Services. I wrote to him and suggested that he visit the Queensland Corrective Services Commission and correctional institutions in this State. At a function, I spoke to the member for Merthyr, who indicated to me that he was no longer the spokesperson on Corrective Services and that he would pass on my letter to the member for Nicklin.

To date, I have not heard one word from the member for Nicklin. He has not taken the opportunity to talk to anybody in the Queensland Corrective Services Commission; nor has he visited one correctional service institution in this State since he has been a member of this Parliament. It was absolutely astonishing and disappointing to hear the contribution made by members of the Liberal Party to the debate.

The member for Nicklin commenced his remarks by stating that the Government is making life easier for prisoners. If clear standards and goals designed to turn prisoners into better people means making life easier for prisoners, this Government does not mind being found guilty. If attempts are being made to discredit the achievements of this Government in the administration of prisons, the honourable member should think back to the term of the last Liberal Minister for Prisons. The member for Merthyr tried to score a few cheap political points by referring to the period when Mr White was the Minister for Prisons. I point out that at that time the late Kevin Hooper

criticised gaol security in this House and brought it to the attention of the former Liberal Minister, Terry White. Despite his warnings, Mr White saw fit to take no action whatsoever.

The late Kevin Hooper called a press conference at Boggo Road and, with the media looking on, produced a key to the front gate of the gaol. The key had been posted to him. With a flourish, Mr Hooper opened the main gate to Boggo Road and everybody walked into the gaol. So much for Mr White's outstanding record in administration of the Corrective Services portfolio! If the member for Merthyr wants to get away with a few cheap political potshots, I will do the same.

I hesitate to label Mr King's remarks about Aboriginal representation on the board "racist" or his criticism of the requirement to include women on the board "sexist". I will leave that to honourable members to determine. However, if recognising the presence of Aboriginal people in custody is a problem for that member, perhaps he should offer some constructive solutions. He did not come forward with one constructive solution. If a prisoner is Chinese, an interpreter is obtained to provide assistance. Should any less be done for an Aboriginal person when Aborigines are so heavily represented in prisons? Why should not the presence of female members be required on the Community Corrections Board? Females are frequently victims of violence.

Provisions relating to Aboriginal and female representation on boards were contained in the previous legislation which was supported by the present Opposition, including the Liberal Party, in 1988. Evidently, the Liberal members have changed their minds. It is evident that, as far as community correction is concerned, the Liberal Party's attitude has changed completely. Whereas it once supported the thrust of the Kennedy recommendations, the Liberal Party is now opposed totally to any reforms in corrections, and the reforms as outlined in the blueprint supplied by Mr Kennedy.

The same position applies to the requirement to provide reasons when home detention and leave of absence is refused. The legislation already requires that, when parole is refused, persons be given reasons for the refusal. If a person is denied parole, he must be notified in writing of the reason that parole was not granted. The reasons for that are obvious. In the pre-Kennedy days when a prisoner applied for parole, he received a one-line letter saying that parole had been denied. No reasons were given why parole was denied. Mr Kennedy suggested that reasons should be given to allow the inmate to rehabilitate himself and to overcome the problems that he had. If the problems were clearly identified in writing, the prisoner at least had some chance to mend his offending ways. The legislation contains a provision to enable that to occur. If a person applies for a privilege and it is denied, that person will be given reasons why the request was denied. The honourable member for Nicklin wants to return to the dark old ages in which prisoners received a one-line letter saying, "Your application for parole has been refused." Does the honourable member want to return to those dark old days? I think he does. If that is so, it is a tragedy. If reasons are not given for a refusal of parole, how is a prisoner to know what he must do to improve himself? Those ideas were inherent in the Kennedy recommendations.

Community corrections boards are made up of lawyers, doctors and other highly professional people. In his remarks, Mr Santoro denigrated the capabilities of those persons and others who provide them with the best possible information on which to base their difficult decisions. The boards have the powers of a commission of inquiry and must be thoroughly satisfied with the information before them before they make a decision to release prisoners.

The member for Nicklin said—

> "The Government wants to escape the odium and criticism attached to life-sentenced prisoners, especially if they reoffend . . . they want to hide behind the shield of the board."

That is not so. Such decisions require full and considered judgment after a thorough assessment of each individual. That can best be accomplished by an appropriate board. It already applies to all other prisoners, apart from those who have received life sentences.

The previous Government also considered the matter of life-sentenced prisoners and decided that the eligibility period of 13 years was not unreasonable. There is no guarantee of release; it is only an entitlement to apply for parole. As long as they constitute a danger to society, some life-sentenced prisoners will remain in prison, and rightly so. No-one would ever support the release of a depraved individual. The quality of the membership of the Community Corrections Board will ensure that such prisoners remain where they belong.

I agree with the member for Merthyr's comments that the community at large does not want dangerous criminals to be released into society. The Community Corrections Board, appropriately constituted, will be in the best position to judge the risk levels of prisoners and to refuse leave where appropriate.

I return to the rather ridiculous remarks that were being bandied around by members of the Liberal Party. They were an insult to the dedication of the officers and people who work in the correctional institutions. As I indicated, the member for Nicklin has not even set foot in a prison, so he would not have a clue.

The member for Nicklin spoke about Valmae Beck. All the member for Nicklin did was quote from a newspaper report. He did not take the time or show the interest to find out whether the information contained in that article was correct. I can tell him that it was not correct; it was wrong. Yet the honourable member accepted it as fact. Valmae Beck is being held in a maximum security prison in a cell in which she is under constant surveillance, 24-hours-a-day, seven-days-a-week. She is the most watched prisoner in the Brisbane women's correctional institution. Has the honourable member for Nicklin got that right? He did not even take the time to check that out. All he did was quote a newspaper report.

The member for Nicklin also raised the Bartczak incident. That was an unfortunate incident. However, if honourable members examine the history of his case, they will discover that the problem was caused by a misunderstanding by the previous Prisons Department, which was a subdepartment of the Welfare Services Department. I am not running away from the Bartczak incident. It was an unfortunate incident which should not have happened, but it did. The Opposition cannot blame the Government for something that occurred under the previous administration. When the mistake was made with Bartczak, the former Government was in power. I do not in any way criticise members of the National Party for that. An incorrect administrative decision was made. The decision should not have been made, but it was. We are now suffering the consequences. If the honourable member for Nicklin suggests that the Government is responsible for that, he is kidding himself. It shows clearly that he does not have a clue about corrections. He is not interested in the subject. He is still deputy chairman of the Maroochy Shire Council. He spends more time on the council than he does in this place. Yesterday, he asked a ridiculous question about the Green Paper. He did not even know that the Government released a Green Paper. I made a ministerial statement on the Green Paper and every member of the House received a copy of it. The member for Nicklin did not even know what was going on.

Recently, the member for Nicklin asked a ridiculous question about a very dangerous person. If that question had proceeded, it could have had dire consequences. I pay tribute to you, Mr Speaker, for stopping that question.

Mr Littleproud: Mr Harper.

Mr MILLINER: Yes, I pay tribute to Mr Harper. He jumped to his feet and moved that the record be expunged. I pay him credit for that. The member for Nicklin's action was totally irresponsible. It deserved the condemnation of this entire House.

Mr KING: I rise to a point of order. The Minister is saying that I have spent time on local government issues when I should have been in this House. That is not correct. I have not spent one moment outside on local government affairs when I should have been in this House.

Mr MILLINER: If I can get on with what I was saying—it was totally irresponsible of the member for Nicklin to ask that question in the way that he did. Had it gone ahead, it would have had dire consequences. He stands condemned for his actions. I am absolutely shocked and appalled at the attitude of the Liberal Party in that respect and in respect to corrective services in this day and age. The members of the Liberal Party have abrogated their responsibility in this area. Previous members of the Liberal Party——

Mr SPEAKER: Order! I have become increasingly annoyed by the sound of beepers in the Chamber. I think that honourable members should turn them off when they enter the Chamber.

Mr MILLINER: It is about time the Liberal Party moved into the 1990s. The Queensland Corrective Services Commission is doing a tremendous job. The Government is putting in place genuine programs that will assist people to rehabilitate themselves. The Liberal Party wants to go back to the dim Dark Ages.

The members of the Liberal Party in this State are so ill-informed that they made the suggestion that I direct the staff of the Queensland Corrective Services Commission. For the benefit of members of the Liberal Party, I point out that the Queensland Corrective Services Commission is a statutory authority set up under an Act of this Parliament. I do not direct the Queensland Corrective Services Commission. It is an autonomous body; I do not direct it. Members of the Liberal Party do not even understand that. They have absolutely no concept of corrective services in this State, and they have absolutely no idea what is going on.

It is a tragedy that the Liberal Party finds itself in the position that it is in today. Is it any wonder that the Liberal Party has eight members sitting at the back of the Chamber? I honestly believe that if the Liberal Party continues to adopt this head-in-the-sand attitude, in years to come it will not even have eight members in this Parliament.

Motion agreed to.

Committee

Clauses 1 to 30, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Milliner, by leave, read a third time.

PAY-ROLL TAX AMENDMENT BILL

Second Reading

Debate resumed from 30 May (see p. 2002).

Mr STONEMAN (Burdekin) (7.49 p.m.): Obviously, the Opposition has no basic objection to the passage of this Bill. Of course, it was a part of a package of Bills that was introduced by the former Premier, Mr Mike Ahern.

I think it is worth while recounting the initiatives contained in the Bill that were announced in the 1989-90 Budget Speech by the then Premier, Mr Mike Ahern. In his speech, Mr Ahern said—

> "Major tax concessions were provided in last year's Budget,"—

that is the 1988-89 Budget—

> "including a commitment to increase the pay-roll tax exemption to $500,000 as from 1 July, 1990. That commitment has now been brought forward by six months and the new $500,000 limit will apply from 1 January, 1990."

Mr Ahern then went on to say—

> "There will be a major rationalisation and standardisation of exemptions applying to religious, charitable, and educational bodies under the Stamp Act, the Pay-roll Tax Act, and the Land Tax Act. These Acts were riddled with inconsistencies in this area, and, in future, these bodies will not have to satisfy different criteria under different pieces of legislation."

Of course, the Opposition compliments the Minister for proceeding with that process. Mr Ahern went on—

> "Major benefits will flow to a number of such bodies who are currently required to pay pay-roll tax, but who will no longer have to pay under the new arrangements."

It is worth while noting that payroll tax is probably one of the most iniquitous taxes that a State Government has to impose. As I understand it, the tax was a part of a package put together during the war to provide for certain contingencies in time of war and was maintained after the war. However, the Commonwealth—being somewhat big-hearted—passed that role on to the States under arrangements made at the time.

Payroll tax comprises a very substantial proportion of the income of the State. In fact, in the 1988-89 receipts, payroll tax generated some $670,616,000,000. I note that the receipts for the three months ended March 1990 were some $180m.

I believe that there would not be one member of this Parliament—and certainly not a businessman in this State—who would not love to see that tax disappear.

Mr De Lacy: Tell them not to hold their breath.

Mr STONEMAN: I accept that. Unfortunately, regardless of the colour of the Government, I think that that is one of the facts of life.

Nevertheless, I think it must be recognised that, like some other taxes that I have mentioned during debate on other Bills this week, payroll tax is a web that is catching people who would not have been caught were it not for the escalation of wages and the salary push, increases in the CPI and all the other factors that generate taxation increases. When one thinks about it, the $500,000 minimum exemption is not a great deal of money. The Treasurer has a great responsibility to maintain a parity with reality.

In my electorate and in other areas to the south in the electorate of the honourable member for Bowen, many employers have itinerant workers on their payrolls. I am speaking particularly about the horticultural industry, in which many vegetable-farmers quite commonly have annual wages bills in excess of $1m. I do not intend to demean them by calling them vegetable-farmers; they are engaged in the horticultural industry.

When the original legislation was structured, there is no way in the world that the Federal Government of the day meant to catch such people. Many of those employers operate on a very sketchy basis and can be wiped out overnight. However, if they have a reasonable year and harvest a good crop, they face a huge payroll tax bill. In fact, many of them pay more payroll tax than do owners of station properties that run 40 000 or 50 000 cattle or 100 000 sheep.

As to the problems facing small businesses—it would not be unreasonable for the manager of a small business to earn $50,000 per year. If he has a couple of assistants who earn $40,000 each, a foreman earning about $30,000 and a few tradesmen on $25,000 to $30,000, the total annual salaries for a total staff of about 14 are approximately $460,000. The Minister would have to agree that many businesses that have that level of structure are genuine small businesses. Once an employer employs a couple of office girls and one or two truck-drivers, the annual salary for his business totals more than $500,000.

The small-business community is the backbone of this nation. It is the greatest single employer in this country. It has always concerned me both in Opposition and in Government, as a member of this Parliament and as a member of the community that small businesses effectively are being fined for creating employment. That is one of the

great inequities with which the community and the business community must come to grips.

In the last financial year, revenue from payroll tax amounted to $700m. I am aware that the removal of such a large item from the Budget would create a huge problem for the Treasury, the Government or whoever has to strike some sort of levy to overcome that deficiency. It is impossible in practical terms to do that. However, we must recognise increasingly that the small business community is the milking cow of payroll tax.

In many instances, small businesses do not have the capacity to pass on that tax. I refer particularly to horticulturalists in my electorate and the Bowen and Bundaberg electorates. Because many small businesses that have a huge number of itinerant workers are price-takers—not price-setters—they do not have the capacity to pass on payroll tax. Governments need to be made increasingly aware of this problem. As well, they should be warned that payroll tax will create a backlash in the community that will create an even larger problem.

Unemployment levels have reached 7 per cent. As legislators, we must be aware of the problems facing small businesses, otherwise we will force them out of business when the payroll tax threshold level is increased from time to time. Honourable members can pontificate about that, but it is commendable that the threshold level is increased from time to time. The National Party in Government increased the threshold, and no doubt the Treasurer will do the same during the short period that he is in Government. It must be recognised that many factors combine to force payrolls to creep up to the threshold levels so that they have to be from time to time.

As I said, it is not unreasonable to suggest that a small business employing 14 or 15 people could face a wages bill of half a million dollars. However, many construction businesses and small businesses of all types are effectively fined for employing that many people. As legislators, we have a major responsibility to accept that processes which avoid that imposition must be increasingly searched out.

The Opposition supports the Bill. Because the Bill increases the payroll tax threshold, it is a benefit. As I said, the original commitment was announced by the previous Government in the 1989-90 Budget. I commend this Government for continuing to honour that commitment, which was implemented in practical terms. The Opposition certainly will support the Bill.

Dr WATSON (Moggill—Deputy Leader of the Liberal Party) (7.58 p.m.): On behalf of the Liberal Party, I support the Pay-roll Tax Act Amendment Bill. The member for Caboolture reminded me that, on quite a number of occasions, the former member for Nundah, Sir William Knox, enunciated the Liberal Party's position, and I do not intend to try to replicate what he did in the past.

Mr Hayward: Don't do it.

Dr WATSON: No.

The Liberal Party's position is very simple. It supports the increase of the exemption level to $500,000. Obviously, the Liberal Party supports the moving of the exemption from 1 July to 1 January of this year. I recognise that this Bill is really only completing the Budget process that was started by the former National Party Government.

Mr De Lacy: But are you going to abolish it like you were abolishing the ones last night?

Dr WATSON: Actually, I am surprised that this Bill was not dealt with last night along with the others. We could have been efficient and passed them all last night. Obviously, when we get into Government, we will be more efficient. All kinds of things are possible with a competent and efficient Government. When the Minister is sitting on this side of the House, we will let him know exactly how we will organise things.

Mr Comben: You won't be sitting over here for a while.

Dr WATSON: You never know your luck.

As I was saying, despite interjections from time to time, the Liberal Party will be supporting this legislation.

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (8.01 p.m.), in reply: That was a rapid conclusion to what I thought was developing into a well-reasoned argument.

I thank both spokesmen opposite for their contributions and for their support of this legislation. The Opposition spokesman, the member for Burdekin, quite rightly drew attention to the fact that these measures were foreshadowed in last year's Budget and were in fact introduced administratively from 1 January this year. He made the point that payroll tax is an iniquitous tax. I guess that argument could be applied to any tax at all. It was argued last night that land tax was an iniquitous tax. Most people say that income tax is an iniquitous tax. Most taxes are taxes on business. Regrettably, most taxes are taxes on people. I do not know what can be done about it. People in the community still want a range of services and they expect Governments to deliver those services.

The Opposition spokesman rightly said that payroll tax represents a sizeable part of the Government's Budget. In fact, payroll tax represents about 40 per cent of the domestic tax revenue of the Queensland Government. The Budget estimate for this year was $715m. In the first nine months of this financial year, $540m was collected by way of payroll tax.

In fact, until just recently—in the last two years or so—payroll tax was the largest single source of revenue for the State Government. If we are to consider seriously abolishing payroll tax because of its so-called anti-employment effects, alternatives will have to be considered. I wonder whether Opposition members would support the Government if it decided to introduce some sort of a broad-base consumption tax, such as fuel tax, to take the place of payroll tax. I venture to suggest that they would scream this House down if the Government suggested that that be done.

Although I take on board the points that were made, I cannot offer very much hope of relief in the very near future. The Government is entering a period in which revenue will obviously contract as the economy winds back. The Opposition spokesman pointed out that an employer needs to employ only 14 people before he becomes eligible to pay payroll tax. I understood the number to be a little bit higher than that—up to 20. However, I would make the point that employers do not pay full rates of payroll tax immediately; it is phased in. An employer needs to have a payroll of $2m before full payroll tax is paid.

The other point I would like to make is that as different revenue sources are being considered, there is an obligation to compare Queensland's tax system, or revenue base, with that of other States. It seems to me that, although payroll tax is levied in different ways in the various States, employers in Queensland are at least as well off, and in most cases better off, than those in every other State in Australia. It is this Government's objective to maintain the status quo in that regard.

Mr Stoneman: You would have to agree that the former Government brought about that state of affairs.

Mr De LACY: I do not think that I would be prepared to agree with any comments such as that. I think that anything good that happened in this State happened in spite of, not because of, the previous Government.

In conclusion, I thank honourable members for their contributions.

Motion agreed to.

Committee

Clauses 1 to 10, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr De Lacy, by leave, read a third time.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from 30 May (see p. 2004).

Mr STONEMAN (Burdekin) (8.08 p.m.): At this point I reluctantly say that I feel sorry for the Treasurer and, even on some occasions, I dare to say that I feel sorry for the Federal Treasurer, although very few Australians would do so.

As the Treasurer has indicated, Bills dealing with taxation matters are necessary if those services expected by the community are to be provided. To that end, it is necessary to gather taxes. It is in those circumstances that I feel sorry for the people who have to bring down the heavy arm of the taxation-collecting process.

Earlier this evening, I indicated that the members of this House need to be constantly aware of the relevance of any such legislation and that they need to ensure that the arm that sweeps in the tax dollar is not also sweeping away the livelihood and the employment prospects of those people whom honourable members are elected to represent.

The Bills that this House has been debating, particularly the Stamp Act Amendment Bill, are complex and difficult for most honourable members to understand, particularly in the finite sense. I would be the first to admit that I am one of those who would find some of the clauses of such legislation difficult to understand.

It is incumbent upon the members of this House, as legislators, to ensure that the legislation is not only understood clearly but also defined in a consistent, fluid and reasonable way.

The Opposition has some concerns about certain clauses in this Bill, and I will give a brief overview of them. However, I indicate to the Minister and to the Government that the Opposition supports the broad thrust of the legislation and that it will not oppose the Bill.

The Opposition is concerned about the process that is followed in the drafting of legislation. I believe that the Minister should consider introducing a consultative process that draws together Bills similar to the Stamp Act Amendment Bill. Given the changes in technology and community needs, the way the tax revenue is passed on to the community, the way in which that revenue impacts on job generation and the capacity of the community to grow and prosper, legislators should ensure that revenue-producing legislation has a relevance to the community.

Any such consultative process should also apply to other legislative support areas. In the somewhat brief time that I was the Minister for Primary Industries, I became aware that over the years previous Ministers had established a number of ministerial advisory councils and committees. I believe that that was a very worthwhile process and one which I not only encouraged but had proposed to expand.

Had the present Minister for Primary Industries adopted the suggestions that I put forward when I was Minister, then he may be in less trouble than he is at the moment. I am not referring to the poker machine issues; I am referring to those issues affecting the productive primary industries—the sugar industry, the wool industry and so on. I believe that the Minister would be advised to follow that course.

I do not walk away from the fact that my party was in Government for many years and did not do that. I think that the Opposition should admit that. In fact, one consequence of the failure of former Governments to establish proper consultative arrangements with the legal and accounting professions in relation to draft legislation—a failure which to date has not been remedied by the present Government—is that the

legislation that has been enacted does not intelligently address the problems at which it is directed.

One such problem area arises from the interrelationship of sections 56B and 56C of the Act. Honourable members will be aware that, together with sections 56F to 56FO, those sections form a scheme for imposing duty on the transfer of interests in companies and trusts on the basis that what is transferred is a proportionate interest in the underlying asset.

Section 56B applies to unit and fixed trusts and imposes duty on a transfer of an interest in such a trust. Section 56C originally applied to discretionary trusts which had a corporate trustee and imposed duty on the transfer of shares in such a company.

In 1988, the ambit of section 56C was widened to include all trusts, with the result that the transfer of interests in a unit trust and its trustee would normally result in double duty being payable. I do not believe it is the intention of anyone to impose double duty, but that is the effect of what applies in that instance. In order to overcome that problem, later amending legislation, which was also passed in 1988, inserted section 56C (15) in the Act. While this subsection gives a discretion to the Commissioner of Stamp Duties to grant relief in a limited number of cases, it is by no means apt to afford relief from double duty in all cases.

I am advised that this anomaly is well known to the commissioner and his officers and that it has been the subject of representations to the Government by the profession. It is therefore unfortunate that the opportunity has not been taken to include in this Bill a provision to correct that anomaly. I am informed that the drafting involved is not major, and I invite the Minister to consider amending the Bill at the Committee stage. I intend to address this matter at that stage.

What this highlights is the need to establish proper consultative mechanisms to allow critical assessment of technical legislation such as this. Like the Treasurer, I voted on both 1988 Bills without any real appreciation of the technical issues involved, and that is not to depreciate the Treasurer's understanding of the Bill.

Mr De Lacy: I even had to bring it in without understanding it.

Mr STONEMAN: I think the Treasurer would therefore understand my point. I am sure that what I am saying applies to many honourable members on both sides of the House. We all owe it to the people of Queensland to put in place a mechanism to ensure that such mistakes will not be repeated.

I refer also to representations made by the Australian Stock Exchange in Brisbane in respect of the anomalous situation in regard to the imposition of stamp duty on security transactions made on the floor of the exchange. They are of particular relevance. The taxes, fees and stamp charges are as follows: in Australia, 0.6 per cent; in Canada, nil; in Japan, 0.55 per cent; in New Zealand, nil; in Singapore, 0.3 per cent; in the United States, nil; in the United Kingdom, 0.5 per cent; and in West Germany, 1.6 per cent. Singapore, the United States, Sweden and West Germany have announced their intention to abolish taxes on share transactions. The European Community will have no such taxes, charges or duties after 1992. The Australian securities market is therefore internationally uncompetitive. It is important that honourable members appreciate that Australia is in a diabolical, difficult time. By any standard, we are in trouble. It is impossible not to recognise that. We have to look at means by which we can address our lack of competitiveness. If Queensland is taken in isolation, we would be doing very well but, unfortunately, Queensland has had to carry the rest of Australia and has been able to do so because of the good management in this State for three decades.

The Minister for Environment and Heritage shakes his head, but many of the matters that he will be addressing—no doubt a number of them will be highly commendable—can be implemented only if Queensland is competitive, people are working productively and our export structure is organised to such an extent that it certainly exceeds imports. Queensland has to lead the way. It always has led the way and the

document tabled by the Treasurer a couple of days ago underlines the processes I am talking about, that is, that Queensland needs to continue to lead the way if this nation is to drag itself out of the mire.

The Australian securities market is therefore internationally uncompetitive and will become increasingly uncompetitive as other countries reduce or eliminate their stamp duties. Australia's internationally high level of stamp duties has two main effects on the Australian stock market. Firstly, it drives Australian share transactions overseas and discourages foreign companies from attempting to be listed here. This reduces the liquidity of the Australian share market and, of course, reduces the number of jobs available for Australians in the financial services sector. I might say also that that goes on right down the line and even to the horticultural areas of my next door colleague, the honourable member for Bowen, to which I referred earlier. Secondly, it discourages trading and new listings on the exchange, which reduces its liquidity and efficiency and, in turn, results in the misallocation of capital resources.

The Queensland Government currently raises $6m, or 0.1 per cent of its revenue through stamp duty on securities transactions. I do not walk away from the fact that that $6m has to be pruned off the services provided to the community, or found elsewhere. I think we must also be aware that, on some occasions, a sprat must be cast to catch a mackerel.

The Queensland Government attempted to eliminate stamp duty on securities transactions in early 1984. There was a significant upsurge in the number of share transactions processed through Queensland. I think we would all like that to become a permanent feature. Unfortunately, as the move was bitterly opposed by the other States, it had to be reversed.

If this is a reformist Government, this is a wonderful opportunity for it to set the standard for the rest of Australia. Honourable members would be aware of an article that appeared in the *Australian* yesterday urging Mr Greiner to abolish stamp duties. That is a pretty powerful statement and one that I believe any Treasurer or Government would find difficulty in implementing overnight.

Mr Hayward: Urged by whom to abolish them?

Mr STONEMAN: It was urged by a New South Wales finance sector strategy report which was released in London, and I will be quoting from it. I am not suggesting that this take place overnight, but I alert the House to the fact that these pressures are increasingly being exerted in other States and, if Queensland is to maintain its pre-eminence in a lot of areas, but more particularly increase its activity as a financial centre—and I understand that this is one of the aims of the Goss Government—it must change some of the orders of the day.

I will quote from the article referring to the Premier of New South Wales, Mr Greiner, which stated—

> " . . .the tax concessions sought by the task force would be difficult to finance in the near future given revenue difficulties with the State Budget."

I do not believe that any member in this House could responsibly do other than agree that that statement is correct. The article continues to refer to Mr Greiner—and this is important—

> "But he promised to phase in the recommendations, including reductions and abolition of stamp duty, as the budgetary position permitted."

If the structure and progress of Queensland is to be maintained, it must be recognised that States such as New South Wales have the capacity to do to Queensland what Queensland did to the rest of Australia when the former Premier, Sir Joh Bjelke-Petersen, moved—as part of National Party policy—to remove death duties from the Queensland statutes. Everyone knows what happened. It created an unprecedented landslide in development and an increase in population in Queensland.

Mr Littleproud: And investment.

Mr STONEMAN: Naturally, investment. The member for Condamine is quite correct. It must be recognised and realised that if a similar initiative takes place in another State, and in New South Wales in particular, it could well create a reverse flow.

Under those circumstances, as legislators who are addressing this problem tonight, we have a responsibility and duty to understand the problem. I am pleased that the Premier is now in the Chamber, because hopefully he can incorporate this into his future planning. Unless we address the problem, Queensland will not have the prosperity to enable the Government to continue to undertake the sorts of initiatives for which this State has become famous. I sincerely hope that the Labor Government is able to continue these initiatives. Unfortunately, the early signs are not at all good.

The problem raised by the Brisbane Stock Exchange in its letter should be seriously addressed. I seek to table this letter for the information of honourable members so that the very major points made in the letter from the chairman of the stock exchange, Mr Russell McCauley, can be understood. I acknowledge again that any sudden movement or change will not be possible because it creates counter movements in other areas. This particular initiative will create the right climate and send a signal out to the business community. It will have the result of supporting businesses and the operations of the stock exchange, which mean so much. I earnestly suggest that the Treasurer give the matter some consideration, and, with your permission Mr Deputy Speaker, I table the document.

Whereupon the honourable member laid the document on the table.

Mr STONEMAN: Most of the other aspects I wish to cover can be contained largely within the debate on the clauses during the Committee stage. I have made a copy of the Opposition's amendments available to the Treasurer. These are worthy amendments which have been drawn up in consultation with the Tax Institute of Australia and the Queensland Law Society. These amendments have been fully discussed in an open manner with those groups, the Opposition and the Government. I do not say that either of those two groups approached the Opposition. As protocol demands, they first approached the Government and then the Opposition. This is a very responsible and realistic approach. I am grateful to those people for the manner in which they have so diligently and responsibly gone about their deliberations. At this stage I am unaware of whether or not the Treasurer has considered some of these amendments. In the interests of time and in view of the hour, perhaps I should leave the debate for the moment.

I will wind up by reiterating that the Opposition supports the structure behind this amending legislation. These amendments are certainly necessary, however, the Opposition is extremely concerned about some of the drafting errors which the Treasurer would have to acknowledge do exist. I do not want to heap fault on the officers involved, because these things do happen.

Mr De Lacy: I did them myself. I should have left them to the officers.

Mr STONEMAN: Yes. The Treasurer and I have already agreed that we are both laymen in respect of some of the technicalities.

Later on I will read out one of these amendments to the House. To quote one of my former colleagues in this House who made a remarkable speech, "If you can understand that particular section, you are a better man than I am." It is interesting that the people from the Tax Institute of Australia and the Law Society—who are eminent people in their own right—also said that they were unable to understand the meaning of amended section 59FA.

I conclude by noting the deficiencies of previous Governments—including the one of which I was a member and Minister—in not setting up a consultative process that would bring together those practitioners, that is, the people who in a day-to-day sense were applying the provisions of the Stamp Act and were in fact the gatherers of the

taxes, and the people who were affected by it. A consultative process needs to be formalised to ensure that before the legislation is brought forward, the community is well aware of the Government's intention and the legislation is eased into the community in a practical manner.

I note that the Premier is now in the Chamber, although he was not present earlier. I know that in his spare moments he will read my speech with a great deal of interest. I notice also that the Minister for Primary Industries has returned to the Chamber.

Mr Casey interjected.

Mr STONEMAN: The Minister need not worry about any brickbats. The consultative process adopted by the Department of Primary Industries whereby representatives of the pastoral industry, the horticultural industry, the fishing industry and amateur fishing groups are all involved could well be emulated by the Treasurer. If that were done, it would provide great assistance to people who work with such dedication and receive such little thanks. I make the point that people often refer to the gnomes in the Treasury Department. Let me say that they are a wonderful group of dedicated people. They have guided the finances of this State in a splendid fashion. I commend them on their dedication, but point out that they are in a position similar to the one in which politicians sometimes find themselves; that is, it is impossible for them to have a full understanding of legislation and amendments.

The Opposition supports the general thrust of the Bill. I look forward to hearing the Treasurer's comments, particularly in relation to the amendments that I circulated earlier this evening.

Mr HAYWARD (Caboolture) (8.32 p.m.): This is an important Bill. As the shadow Treasurer said, it will have a significant impact on State revenue. The honourable member rightfully pointed out two things. Firstly, he pointed out that the Bill is complex and, secondly, he recognised the important role of Governments in the provision of services.

In Australia recently, a vigorous debate has taken place over the size and role of the public sector and how large the national and State economies should be. Literature circulated by the Institute of Public Affairs is put on honourable members' tables quite regularly and reflects the way in which that body wails about the expansion of the Government sector. In May 1990, the Business Council of Australia stated that the States should make substantial cuts in spending. The substantial cuts referred to amounted to more than $1 billion and, when that organisation was asked how the cuts were to be achieved, the response was that general revenue grants should be cut or conditions should be placed on States and Territories in relation to the receipt of general grants.

The problem faced by the Queensland Government in relation to cuts in spending and the size of the public sector is largely that this State has the ability to raise money only through the imposition of State taxes. Stamp duty is a very significant part of that revenue because of Queensland's continual population pressure. This State is growing at a rate that is higher than the national average. In December 1988, Queensland's population growth was 2.8 per cent compared with 1.5 per cent Australiawide. Combined with net interstate migration and natural increases, there is a continuing demand for services.

It is important for honourable members to understand that much of Queensland's population growth is sectional and that it is concentrated in the south-east corner of the State. However, as the Treasurer said in his second-reading speech, the major purpose of this Bill is to provide stamp duty concessions that were announced by the previous Government in the 1989-90 Budget. Before I go any further, I wish to comment on remarks made by Mr Stoneman when he referred to the brief he received from the Brisbane Stock Exchange concerning the abolition of duty.

Mr Stoneman: It was a letter.

Mr HAYWARD: He received a letter. It is interesting to think about that because, in 1984, the Government of which he was a member abolished duty. It lasted 56 days.

To this day, the reason why it was reinstated is an absolute mystery. The Bill that was introduced to reinstate it said that the provisions were of an administrative or technical nature only.

Mr Stoneman: I said that in my speech.

Mr HAYWARD: I recognise that.

Mr Stoneman: I said that it was an outcry from the other States. I do not walk away from that.

Mr HAYWARD: They were clearly bitterly opposed to that action. Nevertheless, by suggesting those particular measures, the Opposition spokesman is reducing the ability of this State to raise revenue.

If the honourable member refers to the *Estimates of Receipts and Expenditures 1988-90*, he will notice that stamp duty for this financial year is estimated to be $652m. Stamp duty for the previous year was $877m. In the 1987-88 financial year, the figure was $664m. Those figures indicate a serious budgetary pressure. It must be understood when discussion focuses on amendments to stamp duty legislation that stamp duty amounted to 8 per cent of the total receipts for Queensland's 1989-90 budget. Total receipts from stamp duty for this State amounted to $8m and total taxes raised by the State amounted to $1.6 billion. The actual figures for 1988-89 reveal that stamp duty raised more than 50 per cent of this State's taxes, but in 1989-90 that proportion was reduced to 40 per cent of this State's taxes. Queensland is faced with the problem of having a shrinking income base.

As the Opposition spokesman has said, this legislation involves a number of complex issues. I want to try to concentrate on matters approved by the previous Government and implemented administratively in the absence of supporting legislation. The Treasurer has summarised a series of amendments that are being introduced He said that one of the amendments related to the implementation of the FAST share transfer system. Although I am sure that every honourable member would know what that means, I will explain that it means flexible accelerated security transfer. This is an important point.

Mr Perrett: Do you know what it means?

Mr HAYWARD: It is on everyone's lips in the electorate of Barambah, that is for sure. They talk about nothing else.

This amendment is introduced to effectively accommodate the technological advances in share-dealing. Mr Stoneman talked about the abolition of duty, but we must expand the nature of the transaction so that it at least recognises the computer technology that presently exists in our community.

Earlier today, Mr Harper spoke on the Privacy Committee Act Amendment Bill, and similar questions will arise in regard to stamp duty. He alluded to the problems with computer technology and the break-down in privacy that it causes. This system of share transfers deals with the transfer of people's property.

Previously, a buy and a sell contract note was issued. Some weeks would pass before the share certificates could pass into the hands of the new owners. Share transfer forms were mailed for signature and returned with certificates prior to payment. If someone sold a stock, the share transfer form would be sent out, signed and returned.

This FAST system is a new simple system for the transfer of securities. It is designed to speed up the transfer of legal title from sellers to buyers. As I said earlier, a series of delays and problems previously arose. One could imagine the type of delay that could occur. People who sold shares would delay delivery of the certificates; perhaps they went on holidays or business trips, or they got ill and did not sign the forms. Share certificates were lost, mislaid or stolen, or they disappeared in the post. Sometimes people did not have their new holdings registered in time to receive notice of entitlement for dividends. Occasionally, sellers received company dividends to which they were not entitled. It was a difficult problem to extract that money from them.

This system that the legislation allows to be introduced avoids the inconvenience of keeping share certificates as evidence of ownership of shares in public companies listed on the stock exchange. It is an important initiative. That is the type of system towards which the Government is moving.

What is interesting is that this system is the first step towards a paperless electronic transfer of securities. It is important in that it is also the first step towards a short fixed period of transaction settlement. All the delays that I mentioned before about getting forms signed are now eliminated. This system is commonly used overseas. The idea is to improve the efficiency of the Australian securities market to enable it to maintain its standing in the eyes of local and foreign investors, which is what the legislation is moving towards.

As we all know, favourable investors' sentiment is an important factor in maintaining the value of Australian securities compared with foreign securities, and Mr Stoneman alluded to that matter. He commented that people would shift their money out of the country into other stocks overseas. They are the new systems that are being introduced to make the Australian market a competitive, aggressive, modern trading market.

Another amendment to the legislation provides for the transfer of Australian stock on the London Stock Exchange—this is again on everybody's lips—to accommodate the abolition of jobbers and the introduction of market-makers, to apply from 26 June 1989. Section 31J of the Stamp Act covers the situation. Not only is this a complex subject, but also the terminology is difficult. The definition in the Act prescribes that the term "jobber" means a person who is recognised as a jobber according to the rules and practices of the London Stock Exchange. That does not tell one much about what is involved.

However, in summary, prior to the introduction of electronic trading on the London Stock Exchange, it was the role of the jobbers to provide a market in all listed equities. In other words, jobbers were another tier in the trading system who acted as an intermediary between stock-brokers. When a broker had something to sell, the jobbers would buy it, transact it and then sell it to someone else through another broker.

That is different from what occurs in Australia, where brokers on the trading floor can trade directly with other brokers. With the introduction of electronic trading in London—it is interesting that this should suddenly be an issue for the Queensland Parliament, but we are talking about the internationalisation of markets—English brokers are now able to trade directly with each other, so the role of the jobber has now changed to that of a market-maker, whereby he is not the sole intermediary but creates liquidity in the market for the ease of trading in various stocks.

As I said, the changes to section 31J of the Act recognise that London brokers are now able to trade directly with each other and, as such, a particular transaction may not attract stamp duty. Because they are trading with each other, if the stocks come from Australia, or Queensland, they no longer attract stamp duty. That is what these amendments are all about. It is again recognising the internationalisation of the share trading market.

Other amendments to the broker provisions in the legislation are described as necessary to accommodate the restructuring of the Australian Stock Exchange. It is the role of stock-brokers to collect stamp duty on all trades undertaken by clients. When the buy contract note goes out, on it is the price that the client paid and the duty involved, and then the gross total, including brokerage charges, is listed below. The client then owes that amount of money. The stamp duty is calculated and is detailed on the contract note, which is issued to clients.

This amendment that the Treasurer has introduced resolves technical issues related to the restructuring of the Australian Stock Exchange. Previously, the various trading floors operated independently—Brisbane, Sydney, Melbourne, Perth and Adelaide operated independently—but they cooperated with each other to a parent company. Now, with the amendments introduced tonight, we have what is called a prescribed stock

exchange, which means that the prescribed stock exchange is now the Australian Stock Exchange Limited, whereas previously it was the Brisbane Stock Exchange Limited.

The Act now provides for an exemption to the Australian Stock Exchange Nominee Company used to facilitate brokers delivering securities interstate. Between various broking houses there is now an exemption from stamp duty. It is also very important that the Act now provides an exemption for transfers from and to brokers for various stock loans.

It is now common practice for brokers to borrow share certificates from either their own reserves or from large clients to meet scrip delivery deadlines and maintain the efficiency of the system. As I was saying before in relation to the FAST system, this is an experimental process and the Act recognises that. It is a move towards the time when it is applied to the whole market. Currently it deals only with a small number of available stocks. What brokers have had to do to try to speed up the Australian system is take the opportunity to borrow share certificates or share scrip, as it is called, from either their large clients or from reserves that that may have. They do that just to keep the system moving, efficient and competitive. This exemption means that transfers to cover short positions will not attract stamp duty on the basis that physical ownership has not changed. In other words, they have virtually been lent to somebody else to use so that they can settle and the transaction can occur.

Short speeches seem to be the order of the day today. The Bills seem to be passing through fairly quickly. However, I want to emphasise that these amendments are very important to the operation of the equity market in Australia and in Queensland. Mr Stoneman talked about certain things that had been done by the Bjelke-Petersen Government which had gone away and that nothing has happened since. That might be something to be considered further down the track. When one takes away the actual duty that is collected—and I am sure all honourable members understand this—that means fewer schools, fewer hospitals, fewer services and fewer police in electorates. Honourable members are no doubt experiencing the pressures of trying to satisfy what seems to be an insatiable demand for these services.

The changes about which I have spoken tonight are being made in an endeavour to at least make the market efficient, to make it function well and to make it competitive. These amendments are a recognition of a number of things, such as changes in technology and electronic information. That is very important because it means that we are moving towards the twenty-first century. The amendments also recognise changes in the operation of the London Stock Exchange. Section 31J of our Act is specifically concerned with such activities.

These amendments are important because they provide the climate to encourage local and foreign traders in the Australian and Queensland equity market. The demand is there. There is a reason for people to be involved. It is competitive. After these amendments are passed, people will be able to settle quickly and other people will be able to be paid.

These amendments also recognise that the transaction level and the size of transactions determine the amount of duty collected. I think that that is what Mr Stoneman was alluding to. The Treasurer has certainly given practical support by introducing these amendments. It encourages increased share-trading activity in Queensland. That again shows the recognition and determination of this Goss Labor Government to create and maintain Queensland as a financial centre. It is one of the things that the Government campaigned hard on, and it is a very important issue. This Government is determined to make Queensland the financial centre of Australia. It is able to do that by two methods, that is, by bringing about a situation in which there is ease of trading and also—and this is very important to the future of this State—by way of these amendments, maintaining a market. What the Government is trying to do, and what it is doing by way of these amendments, is retaining equity-raising facilities in this State.

I support the Bill.

Dr WATSON (Moggill—Deputy Leader of the Liberal Party) (8.49 p.m.): For the second time tonight and the third time in the last couple of days, I rise to indicate that the Liberal Party recognises that this Bill is a machinery measure designed to implement the promises that were contained in last year's Budget delivered by the previous Government. That being the case, the Liberal Party will be supporting this Bill.

I must admit that I was a little bit intrigued by the Treasurer's second-reading speech on the last Bill and the speech that the member for Caboolture has just made. It seemed to me that there was developing in those speeches a bit of an apology for what might happen after this Government's forthcoming Budget. There is, of course, no doubt—and I empathise with the Treasurer—that each of the States in Australia does suffer from the fact that a number of the taxes that they raise apply to very narrow bases.

The Treasurer indicated a little while ago that payroll tax, land tax and stamp duty all seem to apply to businesses and, in that sense, to a narrow proportion of the community. Of course, as the Treasurer indicated, nobody likes those taxes. Businesses do not like those taxes because they raise the cost of doing business. There is also no doubt that the revenue from the kinds of taxes that have been discussed tonight in this and other Bills fluctuates quite substantially with variations in economic activity. That, of course, is also a problem for the States.

It will be interesting to see what the Treasurer comes up with when he brings down his first Budget. One of the challenges facing the State, as well as the Commonwealth, is how to rationalise the revenue-raising functions of each of the Governments in Australia. I will be interested to see what the Treasurer comes up with. These Bills implement the promises of the previous Government made in its last Budget. The real test for the Treasurer and this Goss Labor Government is to see what they come up with in the future. We will see how imaginative and how good this Government is.

Mr De Lacy: I look forward to the challenge. You will be in for a surprise.

Dr WATSON: If the Treasurer's past performance in determining the debt situation is any guide, we are all in for a big surprise.

The Liberal Party supports this Bill. In his reply, I would be interested to hear the Minister explain the implications and the impact of the amendments that have been circulated.

Mr BARBER (Cooroora) (8.53 p.m.): Clause 29, which relates to the amendment of section 55A of the principal Act, is welcome, because stamp duty concessions will apply to the purchase of land on which subsequently is built a principal place of residence or a first principal place of residence. I feel obliged to applaud that amendment, because one of the major crops on the Sunshine Coast and in my electorate of Cooroora is houses.

As has been mentioned, this legislation gives legislativeforce to matters that have had someadministrative force for some time. The amendments that were made administratively last year regarding concessions on stamp duty for land purchases have been operating for approximately 10 months.

The proposal that first home builders deserve concessions and assistance from Government has widespread community support. I have never heard criticism from any party to the effect that people who are trying to get into their first home should receive positive discrimination from Governments.

Before I became a member of this House, I was involved in activities relating to the property market and people getting into their first homes. Once that dichotomy of stamp duty as it relates to residential and commercial property was explained to people involved in conveyancing, they have never protested. The concession, which has dominant support in the community, should be commended.

Concessions such as those contained in clause 29 of this Bill have met with overwhelming approval from home-builders and home-purchasers. When young people

purchase their first home, almost without exception their financial situation is very lean. If they are lucky, they have saved a deposit for that transaction. However, in all likelihood they will have to borrow from a bank not only the balance of the purchase price but also their stamp duty, legal fees and incidentals. The bank will say to them, "We can lend you up to 80 per cent of the purchase price. If you need to borrow more, all sorts of alternatives are available." Those alternatives always involve additional and unwelcome expense. For instance, the bank will quote to them the HLIC premium that they might pay—perhaps $1,000—in order to borrow more than 80 per cent of the purchase price, or the bank will offer to lend them the additional sum via a personal loan at higher and more burdensome interest rates.

First home buyers are usually desperate to stop renting. They want to jump off the home rental roundabout. They may be starry eyed in that they have spotted their dream block of land. As well, they have a certain desperation to get out of renting and into their own homes.

Because clause 29 provides a positive incentive to first home buyers to take the plunge, to jump out of the endless cycle of renting and paying dead money and to get into what can become a decades-long investment in their first home, it meets with the approval of the community.

Fortunately, concessions already exist on the purchase of house properties. Those concessions, which have been administered, are now being made law. Once a home-builder has built his or her home on a block of land, relief will arrive. That person will receive a refund of part or all of the stamp duty paid, depending on the price of the land purchased. Even though that monetary relief is further down the track and is not paid until the house is built, it is still a positive incentive for people to take the plunge into home ownership. As the member for Cooroora, I approve of this. Not only does it get people into homes—which is really a Labor Party egalitarian policy—but it also stimulates the home-building industry, which is one of the major industries on the Sunshine Coast. In 1988-89, in the Maroochy Shire, there were 1 835 home construction approvals worth approximately $115m in construction costs. That is quite apart from approvals for the construction of home units and commercial buildings.

The stamp duty concession to which I have referred has a twofold advantage. Firstly, it allows the battlers to get into their own houses and, secondly, it gives a Government stimulus to the home-building industry, which is one of the largest small-business industries in my electorate and, no doubt, throughout Queensland.

This concession comes alongside the welcome news this week from the Attorney-General that solicitors' conveyancing fees in relation to residential conveyancing are to be reduced by 20 per cent. This is to be applauded. From my observation of solicitors carrying out conveyancing work in years past, I found that a large amount of self-regulation occurred. I never observed a firm of solicitors in my circle which was charging the Law Society scale for residential conveyancing. Simply, they discovered that the scale was outrageous. In my experience, no-one was charging it.

As I said, the reduction by 20 per cent of residential conveyancing charges is to be applauded. It has come out of consultation between the Attorney-General and the Law Society. Hand in hand with the amendment that I have given my attention to this evening, it is a real bonus for those undertaking home-ownership.

In summing up, I point out that this legislation puts into law matters that have been administered in the Stamp Duties Office for some months. It is a boon to home-builders. It is a boon to first home buyers. It is proper that home-builders should now receive the same stamp duty concessions as home-buyers. I support the Bill.

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (9.01 p.m.), in reply: I thank all honourable members for their contributions to the debate and for their support in principle for the amendments to this legislation. As the Opposition spokesman pointed out, the Stamp Act is indeed a very complex Act. In fact, I can remember that, when I sat on the opposite side of the House, I pointed out

that this Act was probably the most convoluted piece of legislation on the Queensland statute book. However, it imposes a duty in a very complex area. The more the holes are plugged up, the more somebody else finds some new holes. I think this legislation, on balance, will simplify the Act. In that respect, it is good.

The honourable member for Burdekin spoke also about the need for a consultative group or consultative arrangements. In principle, I cannot argue with that. I advise the House that the Government is investigating the possibility of setting up a tax liaison group. I am looking at what complications may occur with setting up the group. I understand that such a group exists at the Commonwealth level and also in New South Wales.

I simply make the point to everybody in this Chamber that my department and I are always prepared to consult on new legislation and complex tax legislation. I extend an invitation to both the National Party and the Liberal Party spokesmen that, if they ever want a briefing on legislation that we are proposing to introduce, I am prepared to arrange it for them.

Mr Hayward: It still doesn't make it any less complex.

Mr De LACY: I thank the honourable member. Some of this legislation is very complex indeed. It is not easy for Opposition members to get on top of it. Let me say also that it is not easy for Ministers to get on top of it.

The member for Burdekin made a plea for exemptions on behalf of the stock exchange. As was well said by the member for Caboolture, we have been down that track and it did not work. If we go our own way again, without the support of the other States, it will not work again. To a certain extent, Queensland does not really have too much to lose from the point of view of stamp duty on securities transactions. Something like $6m was mentioned. But, of course, the Melbourne and Sydney Stock Exchanges would have very much bigger operations. It is a bigger issue to be faced by them.

The fact is that, if an attempt is to be made to attract business from other countries by removing stamp duty on those transactions, it needs to be done in a uniform way. Just this afternoon, the Premier, the Minister for Transport and I had our first meeting with CEDOQ, the Committee for the Economic Development of Queensland, an august group of Queensland businesspeople.

Mr Booth: What is CEDOQ?

Mr De LACY: In case the honourable member does not know, I point out that it is the Committee for the Economic Development of Queensland, chaired by Sir Bruce Watson. If members opposite knew the personnel who were involved in CEDOQ, they would not be questioning what it can do or what its strength is.

It is a committee which aims to address major economic issues in Queensland. We understand that we need to work together very closely with business for the development of this State. The prospect of removing stamp duty on securities transactions, coincidentally, was raised. These businesspeople all agreed that it is something that cannot be done in isolation. If we are to go down that track, we need to have a uniform State approach.

Reference was made to drafting errors. I will admit that some drafting errors were made. I have circulated some proposed amendments and I will take them up during the course of debate in Committee.

I thank the honourable member for the kind words he offered in respect of the Department of Treasury. I concur completely with his comments.

The member for Caboolture, as is his custom, made a very learned contribution to the debate and spent some time pointing out that the securities industry is one of the fastest-growing industries in the world. It is increasingly becoming an international industry and it is all about efficiency. Queensland needs to move in line with other countries in introducing those efficiencies.

He also gave us a learned discourse about FAST, the flexible accelerated security transfer scheme. From listening to him, there is no doubt in my mind that these days in the streets of Caboolture they speak of little else. I thank the honourable member for his contribution. As a chartered accountant, he is a very valuable member of my committee, particularly when it comes to tax legislation.

I also thank the member for Moggill for his support for this legislation. I note that he is awaiting with bated breath to hear the result of the challenge that confronts this Government in drawing up the next Budget and, as I said by way of interjection, I also look forward to the challenge.

The member for Cooroora spoke about the extension of the stamp duty concession that will now apply to both the first principle place of residence and the principle place of residence when people are purchasing land on which they intend to develop a residence. The honourable member pointed out that that clause will be particularly beneficial for the battler—as it will—and that is the reason that this Government introduced it.

I foreshadow some rather technical but important amendments to be moved at Committee stage. I commend the Bill to the House.

Committee

Hon. K. E. De Lacy (Cairns—Treasurer and Minister for Regional Development) in charge of the Bill.

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr De LACY (9.11 p.m.)**:** I move the following amendment—

"At page 2, line 17, omit—

'18'

and substitute—

'18 (a), (b) (ii) and (c)'."

This amendment ensures that the retrospective commencement of clause 18 from 26 June 1989 relates only to the changed name of the London Stock Exchange and the replacement on that exchange of participants known as "jobbers" with "market makers". The Bill currently incorrectly applies this commencement date to two unrelated matters.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5, as read, agreed to.

Clause 6—

Mr STONEMAN (Burdekin) (9.13 p.m.): I had previously expressed my concern to the Minister in relation to this clause, and I appreciate the opportunity to have the discussion that I have just had with his officers. It seems to me that on page 6, under paragraph (k) (i), the person is clearly penalised. The paragraph states—

"that a person did not know and could not reasonably have been expected to have known that the relevant instrument was an instrument chargeable with duty under this Act."

Mr De LACY: I rise to a point of order. I think the honourable member might be referring to clause 9.

Mr STONEMAN: I am sorry. I think the Minister is right. My apologies. It is page 6, clause 9.

Clause 6, as read, agreed to.

Clauses 7 and 8, as read, agreed to.

Clause 9—

Mr STONEMAN (9.14 p.m.)**:** As I said, it seems to me that, if a person honestly and reasonably believed that the instrument was an instrument chargeable, he should not be criminally liable. I am aware of the rationale that has been put forward. It had originally been my intention to move an amendment in respect of this, but I believe that there is a doubt. I accept the rationale that the Minister's officers have put forward, but I flag the concern of myself and other members of the Opposition that it does not seem reasonable that a person is not able to make an honest mistake without becoming criminally liable.

I think the Minister would have to admit that there is a grey area that gives rise to concern. Perhaps before going further, I should get the Minister's assurance that, in his mind, it is not sweeping up the innocent. I indicate in my foreshadowed amendment that, at the end of paragraph (n), the words "unless such expectation is reasonably held" should be added. I know that that is still ambivalent, but I have some concern and would appreciate the Minister's comments.

Mr De LACY: I thank the honourable member for providing me with a copy of his foreshadowed amendments. I understand his point on this one. My officers and I believe that we cannot do anything that would weaken the anti-avoidance provisions in this clause. I can give the assurance that the honourable member is looking for. We are not aiming to sweeten anything or do anything other than what is provided. We believe that there is a need to place an obligation on persons to ensure that dutiable instruments are stamped.

Mr STONEMAN: I accept the bona fides of what the Minister says, and I believe that it is sufficient. What I should like from him is an undertaking that, if it is found that this militates against honest people, the next time the legislation is before the House he acknowledges that there is a problem and that he will address it. Under those conditions, the Opposition is prepared to let the matter lie.

Mr De LACY: I can give an assurance that, if ever any of our legislation militates against honest people, we will address the problem.

Clause 9, as read, agreed to.

Clauses 10 to 12, as read, agreed to.

Clause 13—

Mr De LACY (9.13 p.m.): I move the following amendments—

"At page 8, omit lines 12 to 15 and substitute—

'(b) whose principal place of business is located in another State or Territory prescribed for the purposes of this paragraph;

"Dealer" means a Queensland broker or a corresponding broker; ' ";

"At page 8, line 13, omit—

'State, other than Queensland, or a Territory'

and substitute—

'declared State'."

The stock exchange provisions are the Queensland aspects of what is broadly a cooperative scheme of provisions among the States. In conjunction with the restructuring of the Australian Stock Exchanges and the formation of the national exchange, relevant definitions have needed to be altered. The relevant clause provides accordingly.

In respect of the definition "Dealer", two special situations apply—

1. Where a broker transacts with someone who is not a dealer, he must pay 0.6 per cent duty on the whole transaction rather than 0.3 per cent on his part in the sale or purchase;

   and

2. where a broker makes a sale or purchase pursuant to an order to sell or purchase lodged with him by another dealer, the transaction is exempted as relevant duty is accounted for by that dealer.

This structure can work only when "Dealer" is defined in terms of brokers who are in the stamp duty return system for all of their transactions either in Queensland or a declared State. The definitions of "Dealer", "Queensland broker" and "Corresponding broker" currently in the Bill are deficient in this regard and the proposed amendment rectifies the position.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 17, as read, agreed to.

Clause 18—

Mr De LACY (8.21 p.m.): I move the following amendment—

"At page 11, line 19, after 'is a' insert—

'Queensland'."

This amendment corresponds with the amendment to the definition of "Dealer" in clause 13. It relates to London brokers effecting transactions with Australian brokers where the exemption given by this provision is on the presumption that the duty will be paid by the Australian broker. It needs to be specified that the exemption applies only when the Australian broker is a Queensland broker or a corresponding broker, as defined, and the amendment provides accordingly.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 32, as read, agreed to.

Clause 33—

Mr De LACY (9.23 p.m.): I move the following amendment—

"At page 21, line 36, omit—

'in paragraphs (a) to (c)'

and substitute—

'in paragraph (a)'."

This amendment corrects an incorrect cross-reference from proposed new subsection (4) of section 56F to paragraph (a) of subsection (3) thereof.

Mr STONEMAN: This clause is the one that has given the Opposition and myself as spokesman so much trouble. I do not wish to appear insulting, but this clause appears to be quite confused in its drafting. I have a great deal of difficulty with the clause, although that is not the main component of my opposition to it. My advice is that the clause really does not do anything and, if it does, it could be retrospective in effect. It seems to me that this clause tries to sweep through such a wide loop that it has been badly thought through and should be deleted. The Opposition will be voting against the insertion of this clause.

For the benefit of honourable members present, I will read the new section 59F (3) (b) to give an indication of the concern of the Opposition. The clause states—

"(b) the Commissioner is of the opinion that the units in the relevant unit trust scheme or the shares in the relevant company, as the case may be, were listed principally in contemplation of ensuring that section 56B, 56C or the prescribed provisions, as defined in section 56F, do not apply in respect of that disposition (or the series of dispositions of which that disposition is a disposition) or acquisition, as the case may be."

I would have thought that the only person in Australia who could come up with a sentence like that is the Honourable Prime Minister, Bob Hawke. It goes around in circles. I have received advice from some eminent advisers, whom the Treasurer's officers have also had discussions with. I am aware that we are in disagreement on this clause, but it appears not to do very much at all. I go back to the point raised earlier that this is a technical and difficult Bill to understand. Having recognised that fact, there is no point in making it more difficult to understand or confusing.

It could well be that this clause closes off a loophole, but no-one can really point to its existence. It appears that this clause is being inserted just "in case", but the Government is not too sure what it has been inserted in case of. The Treasurer would have to agree that there is some substance in what I am saying.

The Opposition does not intend to divide the Committee on this issue, but suggests that the Treasurer seriously contemplates leaving this clause out of the legislation, tidying it up to give it more meaning or, more importantly, researching it to discover what effect it has on the taxpayers of this State. The Opposition wants compliance as much as possible, but unnecessary laws should not be imposed on the community or inserted in what is already a difficult Act to understand. I would like to hear the Treasurer's comments.

Mr De LACY: The honourable member almost got it right; this clause is one of those "in case" clauses. It is an anti-avoidance measure against possible abuse of exemptions for listed shares and trusts. We do not expect that this clause will be used very much at all, but it needs to be there as a deterrent. I accept the point made by the honourable member; it is not really the Queen's English and is not that simple. However, writing stamp duty legislation is not simple, anyway, and even Shakespeare would have had some problems with it. The clause needs to be in the legislation.

Mr STONEMAN: I acknowledge that the clause is there "in case". This reminds me of the time when I attended a mustering camp. I was going to be away from home for a month and I felt I should belt the kids in case they were going to be naughty whilst I was away. This applies in this case.

Mr Schwarten: Were they naughty?

Mr STONEMAN: Like all kids, they probably were. I do not know. They are marvellous kids and in fact one of them is here tonight. He turned 20 today—our baby.

I will not embarrass the Treasurer by asking him to give me the instances of when a similar situation has applied. As the Treasurer has acknowledged, this is an "in case" clause. The Opposition believes that it is not reasonable to insert such a clause and opposes it. However, the Opposition will not divide the Committee on it.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clauses 34 to 39, as read, agreed to.

Clause 40—

Mr De LACY (9.30 p.m.): I move the following amendment—

"At page 23, line 27, omit—

'the relevant qualifying'

and substitute—

'a qualifying exempt'."

This amendment is to ensure that the defined terminology is used, that is, "a qualifying exempt purpose" as against the current incorrect reference to "the relevant qualifying purpose".

Amendment agreed to.

Clause 40, as amended, agreed to.

Clause 41, as read, agreed to.

Clause 42—

Mr STONEMAN (9.31 p.m.): The First Schedule refers to recognition that I believe needs to be given to the transfer of a marketable security in respect of shares of a company which is incorporated in Queensland. I recognise and understand the Treasurer's comments in relation to this point. Perhaps he is correct when he says that there is no point taking this action unless every other State does, but I suggest to him that in the case of the abolition of death duties, if Queensland had not taken the initiative, it would not be deriving the benefit that it presently does from that abolition. Every other State imposed death duties but Queensland moved into uncharted waters with a great degree of success by abolishing of those duties, and this State continues to reap the benefit of that initiative. It is my belief that, on occasions, States have to take initiatives, lead the way and show that they are prepared to break new ground.

In this instance, I believe that the State could benefit from the initiative of sending a signal to the financial community to make it known that this State will be not only a financial capital, but the financial capital, and that Queensland will be paving the way. One might argue that that is a rather pious hope, but that has not stopped far more pious hopes that have been expressed during the years from coming to fruition.

The Opposition does not intend to divide the Chamber over this clause, but I am hopeful that the Treasurer will reconsider and accept the amendment that will be moved in respect of amending the First Schedule. I also point out that the National Party Opposition will be developing a series of initiatives that will give substance to the National Party's belief that Queensland should not only be able to maintain its pre-eminence but should also be able to move forward from that point. I move the following amendment—

"At page 28, at line 24, insert—

'17. A transfer of a marketable security or right in respect of shares of a Company which is incorporated in Queensland or outside Australia which are listed on a recognised Stock Exchange within the meaning of the Securities Industry (Queensland) Code.' "

Mr De LACY: I cannot argue against the thrust of what the honourable member has said. I also would like more financial activity to take place in Queensland which would make Queensland a more effective centre. However, as I said in the second-reading debate, the fact is that that has been tried. It did not work, and it will not work now. The only way to stimulate financial activity is to devise uniform legislation. I think that most Queensland businesses would accept that position.

I point out that the Government, together with all other State Governments and the Federal Government, is currently considering a submission from the Australian Stock Exchange in respect of this duty. If uniform legislation can be passed, this Government would support that move; but the Queensland Government cannot move on its own.

During the honourable member's speech during the second-reading debate, he pointed out that many other countries impose less duty than is imposed in Queensland. To a certain extent that is true, but the submission I received makes it obvious that most other countries also have lower commissions. If the Australian Stock Exchange is serious about becoming a world centre, it will have to examine more than the Government charges that are being imposed. It should start to look at its own charges as well.

One matter in which I am not prepared to become involved is the dutch auction. If Queensland were to outbid Victoria and all the other States, the end result would be that, because each State is part of a national economy, all State Governments would lose. In common with most Government members, I believe that the Government should be examining very closely the possibility of implementing uniform business regulations and the possibility of expanding into the national and international financial markets. Although I understand what the honourable member is saying, I cannot accept the amendment.

Mr STONEMAN: I acknowledge the points made by the Minister. However, may I say without equivocation that I do not believe—nor does any member of the Opposition—that Queensland should seek to be on an equal footing with any other State or be equal by imposing the same rates of tax.If that were the case, we would be in a dreadful position relative to the rest of the nation.

I am proud to have been a part of the Government that guided this State to its pre-eminence. That was achieved as a result of the initiatives and sound management of the former Government and the guidance and support that was given through the Treasury Corporation and its officers. Nevertheless, we need to continually seek out new methods and new initiatives so that we do not become like the rest of Australia. We do not want taxes that are much higher per capita than those imposed in other States. It would be a sad day if the Minister believed that we would seek to have the same level of taxes as that in other States. I do not think he was saying that; I hope that he was not. If such a level of taxes existed in Queensland, that would be an impost on the people of this State that could not reasonably be sustained. It would be immoral to impose such taxes on them.

Amendment negatived.

Mr STONEMAN: Following discussions with the Minister's officers, I do not propose to move the further amendment that I have circulated. However, I have a concern on page 30 in relation to paragraphs (2) (a) and (b). I am not certain how to describe the problem, but the line numbers seem to be wrong. I am concerned about the inclusion of the words "the Commissioner is satisfied that it" in both those subsections. Originally, I intended to move for their removal. The reason for the suggestion is that proposed paragraph (2) exempts collateral securities from the liability otherwise imposed under proposed paragraph (1) (c) if the primary security to the commissioner's satisfaction is duly stamped. The present arrangement is that such securities incur a payment of duty of $1. However, the lower nominal charge is not dependent on the commissioner's opinion. The purpose of the proposed change to exempt status is to avoid the necessity for submission for assessment instruments upon which negligible duty is payable—in other words, the $1. That purpose is defeated by the insertion of the requirement for the commissioner's satisfaction, as the exemption is available only upon that arising. Until it does, the instrument is exigible and must be lodged for assessment. In effect, I am suggesting that the only change made, unless the Bill is amended as I suggested earlier, will be that for the same work the commissioner will recover nothing instead of the $1.

Discussions with the Minister's officers have indicated to me that opinions differ on this matter. We have some eminent legal practitioners in the Chamber. However, if ever we get two lawyers to agree, it will be remarkable. As I speak, I welcome the presence in the Chamber of the member for Yeronga. I hope that he did not come to do combat with me. I accept that there are various opinions on the matter. It is probably not such a significant matter that the Opposition should further seek to amend the clause. However, I reiterate that this clause should be monitored, because I am concerned that later the $1 could be increased. More particularly, I am concerned that it could hold up the free flow and the streamlining of the intent of the amendment.

Perhaps the Minister might like to comment?

Mr De LACY: In common with the honourable member, I bowed to the advice that I received from the eminent legal people to whom he referred. The object of clause

16 of the amendment Bill is that the commissioner must be satisfied that the duty is paid. I understand that it is aimed at providing encouragement for people not to leave securities in their safes. The commissioner must be satisfied. It is necessary that that reference to the commissioner be retained.

Mr STONEMAN: I thank the Minister. The Opposition will not move the further amendment that was proposed to remove certain words. However, I give notice that we will monitor the position and discuss with the legal people the effect of the processes that will apply as a result of these amendments. I seek the Minister's assurance that, if problems are encountered, we can return and address the matter at a future time.

The Opposition will let the further amendment lie.

Mr De LACY: The honourable member has my necessary assurance.

Clause 42, as read, agreed to.

Clause 43, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr De Lacy, by leave, read a third time.

SELECT COMMITTEE OF PRIVILEGES

Report on Matters Referred by the Honourable the Speaker by Letter of 6 April 1990

Mr FOLEY (Yeronga) (9.46 p.m.): I lay on the table of the House the report of the Select Committee of Privileges on matters referred by the Honourable the Speaker by letter of 6 April 1990.

I thank the deputy chairman, Mr Neal, and all members of the committee for their hard work in the preparation of this report. I gratefully acknowledge the professional assistance given to the committee by Mr Don Bletchley, the Clerk Assistant (Committees), and I move that the report be printed.

Whereupon the document was laid on the table, and ordered to be printed.

MINERS' HOMESTEAD LEASES ACT AND ANOTHER ACT AMENDMENT BILL

Second Reading

Debate resumed from 29 May (see p. 1862).

Mr HOBBS (Warrego) (9.47 p.m.): It is my pleasure to speak to this Bill. The Opposition has no objection to this amendment. Much of this legislation was formulated during the term of the previous Government. The Mineral Resources Act Amendment Bill—which passed through the House last night—and this Bill go hand in hand.

This amendment provides for the transfer of legislative authority from mining wardens, who previously performed duties of registration and valuation in the regional districts, to officers of the Department of Lands, and allows land commissioners to undertake valuation and inspection work. I hope that valuations will not escalate during this period of change or in the foreseeable future. We have already seen leases go from $30 to $300 in a very, very short time. These leases relate to very small pieces of land. In this category of mines, there certainly is not a high margin of profit. It is a very, very hard game. I believe that some consideration should be given to the cost pressures on those smaller miners.

The Bill also provides for land agents and other officers who will be charged with the duties of registrars for the appropriate miners' homestead districts, and transfers

legislative procedures for the forfeiture and recovery from the Wardens Court to the Land Court and the Magistrates Court. Obviously, the Wardens Court will no longer be available for this purpose.

Land tenure is certainly under scrutiny at present in Queensland. It is unfortunate that some of the decisions that have been made by this Government are pre-empting decisions of the commission of inquiry that is at present under way in this State. Recently this Government requested the Supreme Court to overrule its own Government department and departmental head. This, too, may happen in the case of miners' homestead leases, which will now become the responsibility of the Department of Lands. The Government has put itself in a very precarious position.

The way I see it, the recent use by the Government of section 205 of the Land Act is an abuse of legislative power. It is like giving a child a hand grenade. A child would not know what to do with it. I think the Government has blown itself out of the bathtub. What the Government has done has made it the laughing-stock of Queensland.

I refer to a publication called *Queensland Insight*. In one edition the front-page article is headed "Cabinet decisions worthless?" Australia is experiencing very difficult economic times. I do not believe that this is the time for making incompetent decisions, which is what has certainly happened. Some very learned people are responsible for the publication of *Queensland Insight*. I refer to Mr Bailey, Mr Davis and Mr McPhee. Mr Davis only recently resigned as a member of this Parliament. He was a very eminent Whip for the Labor Party. He, too, says that Cabinet decisions have now become worthless.

The article in *Queensland Insight* to which I have referred states—

> "A Supreme Court decision last week effectively brands all Cabinet and Statutory Authority decisions as worthless."

It goes on—

> "The decision may even extend to Railway Leases, Harbour Board Leases and Mining Leases."

That situation should be addressed. It goes on further—

> "The Government went on to say that the Land Administration Commission was not authorised or empowered to enter into any agreements or to make any of the alleged representations."

That is the crux of the whole matter.

The Government has actually taken away the lease from one company and given it to another when the first company—Walsteam Pty Ltd—had been given Cabinet approval, ministerial approval and departmental approval. Does that mean that, next week, a miner's homestead lease could receive the very same treatment?

We in Queensland can now ask ourselves: what is the value of a Cabinet decision and departmental commitment following that Supreme Court ruling that favoured the State Government and allowed it to renege on contractual arrangements that were made to Walsteam Pty Ltd over the conversion of a pastoral lease to a special lease for tourism and recreational purposes on Hummock Hill Island?

The Government won a Supreme Court case that allowed it to renege on its commitments, because the approval had not been enacted by Executive Council. That was despite the fact that $2m had been spent on the development of that project. That means that no longer does one wait for ministerial approval to move onto a new block of land, buy a house, or whatever the case may be. People now have to wait for the Governor's stamp of approval.

Banks and financial institutions will have to consider their positions. Business confidence in Queensland is shattered because the Government cannot be trusted to honour its contractual obligations or to give compensation when such obligations are not in the public interest. I wonder whether the Minister appreciates that no financial

institutions can now lend funds on the basis of a Government contractual commitment unless Executive Council approval has been notified in the *Government Gazette*.

The Supreme Court ruling, which cleared the way for the State Government to grant authorities to prospect over Hummock Hill Island, which is just south of Gladstone, gives a clear pointer to the Government's intentions with regard to the giant mineral sands deposits in the Byfield area north of Yeppoon, which was previously committed by the State Government for a future national park.

Mr Eaton: Is this to do with MHPLs?

Mr HOBBS: No, but it is to do with the same thing. It is very similar. It relates to mining and it all ties in.

RZ Mines, which is wholly owned by the Japanese company Nissho Iwai, holds authorities to prospect over approximately 5 000 hectares of the proposed Byfield national park and has demonstrated substantial reserves and a comprehensive drilling program. The company has applied for a mining lease and is currently preparing an environmental impact statement in support of that application. The value of the prospect is estimated by the company at $6 billion at the site, but could be upgraded four or five times in value by downstream processing to produce the fully extracted minerals.

An extraction and processing plant is planned for Gladstone at a possible cost of $600m to $800m, with the mineral sand extracts being transported by barge from Byfield to Gladstone. However, before the company can contemplate this project, it needs to test the processes with similar sands of higher grades closer to Gladstone. Therefore, the company proposes to develop a sand mine at Middle Island, where the company holds leases. Hummock Hill Island is critical to the development of the Byfield deposit. A small pilot plant at Gladstone would be established at an approximate cost of $15m to $20m so that the local leases at Hummock Hill Island and Middle Island can be developed.

Unfortunately for the Government, during the election campaign the Labor Party totally committed the new Government to a national park declaration over the Byfield reserves. Stage 1 of the Byfield national park proposal involving 13 000 hectares has now been declared. That covers an area of 4 090 hectares. Stage 2, which contains forestry areas of approximately 4 000 hectares, was announced by the previous National Party Government, but it was never gazetted. The remaining area is covered by the RZ authority to prospect.

During the election campaign, Mr Comben—supported by Mr Goss—gave an unequivocal commitment that no sand-mining would take place and that the entire area would be declared national park. Because of the Government's actions over Hummock Hill Island, it is clear that it has reversed that commitment.

The take-over of RZ Mines by Nissho Iwai for $241m was supported by the FIRB on the grounds that the company would provide value-added processing of the mineral sands. Foreign ownership of 100 per cent was permitted on that basis. However, the State Government supports only 50 per cent foreign equity. But its actions in reneging on the Cabinet commitment over Hummock Hill Island would suggest that it has abandoned that policy.

All of this contains serious implications. I do not want the use of section 205 to be abused.

Mr Eaton: The court reversed the decision made by your Government in 1982.

Mr HOBBS: That is not entirely the point. That section has been used on only two occasions in the history of Queensland.

The provisions of section 205 were used to mine an island on the Barrier Reef. That is a little bit different from what would normally be the case. This is a very serious situation. The Government is certainly in deep water and deep sand. Very soon, it will be up to its neck in greenies.

I support the legislation. I will discuss the clauses in more detail at the Committee stage.

Mr SMYTH (Bowen) (9.58 p.m.): This is only a machinery Bill that must be introduced to allow the administration of miners' homestead leases to be carried out under the Land Management portfolio. At present, mining wardens carry out valuations and registrations of leases under the old Mines and Energy legislation.

The new Mineral Resources Act contains no clause covering miners' homestead leases and miners' homestead perpetual leases. This Bill gives the Land Management portfolio the administrative power to evaluate, which is the logical course for land use.

It never ceases to amaze me that, when members of the Opposition address this House, they hope to put the fear of God into the Government by making inferences that have no basis.

The Opposition spokesman spoke about sand-mining and everything that included mining. This Bill relates only to the transference of administrative powers from one portfolio to the other. To do that, new mineral resources legislation was introduced, but it did not include this particular responsibility.

We should not pre-empt what the commission of inquiry will put forward to us to decide in this place. I am sure that the Minister will bring us up to date about what is happening with that review. There is nothing in this Bill that states there will be an increase in rates or fees—nothing at all.

Mr Hobbs interjected.

Mr SMYTH: But it will still be the same Act. It will still be the same valuation.

This Bill provides only for the transfer from one portfolio to the other. Honourable members opposite should speak about the Bill instead of holding up the business of the House. They say that nobody trusts the Labor Party Government. This Government has been in power for six months. I am sure that more people in this State trust the Labor Party than trusted the National Party Government during its 32 years in Government. That was pointed out very plainly in the Fitzgerald report. When members opposite stand in this place and talk about trust, they should think back to what is contained in the Fitzgerald report.

Mr Elder: They should read this report and the figures contained in it.

Mr SMYTH: Mr Hobbs should read the report of polling details at the last election and look at the figures.

I support this Bill.

Dr WATSON (Moggill—Deputy Leader of the Liberal Party) (10.01 p.m.): In common with the previous speaker, the Liberal Party recognises that this Bill is of a machinery nature, simply as a consequence of the proclamation of the Mineral Resources Act. The Liberal Party will support the Bill.

Mr DOLLIN (Maryborough) (10.02 p.m.): It gives me great pleasure to speak to this Bill. The night is late and time is of the essence, so I do not intend to hold up the business of the House. I for one would like to get out of this place fairly early tonight. This Bill is of a machinery nature. Most of the things that could be said about it have been said. I have great pleasure in supporting it.

Mr STEPHAN (Gympie) (10.03 p.m.): I have the impression that the previous couple of speakers do not know much about the Miners' Homestead Leases Act. They certainly did not elucidate in any way at all. However, they were correct in saying that this Bill is only of a machinery nature.

Mr Beattie interjected.

Mr STEPHAN: I welcome Mr Beattie back to the Chamber. We are pleased to see him.

In his second-reading speech, the Minister said—

> "The Bill gives legislative authority for the transfer of the registration, valuation and other matters dealing with miners' homestead leases, miners' homestead perpetual leases, business areas, residence areas and market gardens from mining wardens to registrars of miners' homesteads and land commissioners."

In the mining homestead areas such as Gympie, this legislation has been long-awaited. As Gympie is an old homestead area, its residents are very well aware of the number of miners' homestead perpetual leases in the area and some of the problems created by them.

Mr Beattie: It is a nice area, too.

Mr STEPHAN: I thank the honourable member. It is a nice area. However, from time to time, it does have problems with the old miners' homestead leases. I will refer to that later.

One of the reasons for the amendment is that the various regional areas handled very little mining administration work. Regionalisation goes back for quite a number of years. In a 12-month period, the Gympie mining warden's office handled 21 mining claim applications and 21 lease applications. I admit that that is not a particularly large number. Approximately 70 man hours per week is spent on this work.

Gympie used to service a greatly enlarged mining district which extended from Stanthorpe in the south, west to Roma and north to Maryborough. With that in mind, it was decided to establish the centre for this area in Brisbane. One of the concerns that I and other members of my area have is that that office has been located outside Gympie. I point out that this will mean that two staff positions will be removed from Gympie to other areas of the State. I certainly hope that the other areas will benefit from their relocation and appreciate what they are receiving.

On a number of occasions, the whole issue of the regionalisation of the Department of Mines has been considered. It is believed that the centres now decided upon will be suited to achieve the required result of an administrative framework which will expedite exploration and mining throughout the State. With that in mind, I take this opportunity to point out that mining is occurring in other areas of the State. Over the last few years, strong growth in exploration and mining has occurred in various areas. This has resulted in a substantial increase in the demand for the rapid processing and granting of exploration and mining tenures.

As to the provision of district offices—the concept of a regional framework for the effective administration of the regulatory requirements of the Department of Mines was proposed in the Government's Green Paper on the Mining Act back in 1987. As I pointed out, it has taken quite a considerable time for the introduction of this legislation. We look forward to the successful operation of the department when the proposed transfer is made to the Department of Lands.

I have previously tried to ensure that the people of Gympie do not lose anything in the transfer from one department to the other. I mean by that that the people of Gympie do require to quickly search the ownership records, the tenures and the boundaries, as well as the records of survey plans of miners' homestead tenures. Those records should remain available in the local area so that people do not have to go to the regional centre, in this case Brisbane. It would be unfortunate if the people of my electorate had to travel to Brisbane to obtain copies of those plans.

Mr Dollin: A lot better than Maryborough?

Mr STEPHAN: No, I would not want to go to Maryborough either. I do not think the people of Maryborough would want to travel to Gympie, for that matter. There should be no need for those people to leave their major centre.

Lists of registered dealings, transmissions, records of deaths and marriages, easements, subdivisions and surrenders which are executed locally should be available to the local residents. Under previous arrangements, those records were provided quickly upon application.

Advice on freehold mining homestead-type tenures has been previously provided, and that is a service that the area does not wish to lose.

Then one has the old problem of lease payments, particularly for homestead perpetual leases. I could go on to a longer story about some of the continuing problems in that area. In recent times, dramatic increases have occurred in the valuations of those perpetual leases. I have continually been receiving deputations with suggestions as to what should be done about those valuations.

Miners' homestead leases are fully paid-up leases and the valuations put on those leases by the Crown are paid for over 30 years. However, the miners' homestead perpetual leases have never been commercially valued for freehold or leasing purposes. As the name implies, those leases go on in perpetuity.

One has the problem that while one lease is a fully paid-up lease, the other lease attracts a charge of $300, $400 or $500 a year. I can assure honourable members that that system of leasing does create problems, even amongst neighbours, and particularly amongst the elderly pensioners who often have lived on those properties for many years.

There has been so much concern about those leases that a petition was circulated. I believe that the Minister has received that petition from the people of Gympie requesting that the pressure for payment of those perpetual leases be alleviated. It was suggested that they transferred into fully paid-up leases as in fact the MHLs are.

In the past, I have requested such transfers, and I will not cease making that request now. I do point out that problem with the perpetual leases. The Gympie residential area still contains many perpetual leases and they are causing me and many of my constituents great concern.

I also point out to honourable members that although Gympie was the town that saved the Queensland economy back in the 1860s, once again it is coming to the forefront as far as prospecting in the mining field is concerned. The BHP Eldorado company has been operating in the Gympie area for quite some time now and has outlaid a considerable amount of money on exploration work. So far it has drilled underground for 900 metres and will also excavate to 900 metres in an endeavour to determine the actual cost of recovering the ore and extracting the gold from that ore. I understand that the company is getting closer to a decision on whether or not that project will proceed. I am hopeful that it will proceed and be a very successful enterprise.

Another problem associated with mining areas is the frequency of cave-ins, which often occur after heavy rain.

Mr Elder interjected.

Mr Dollin: Hurry up!

Mr STEPHAN: I wanted to educate honourable members about some of the problems associated with the old mining fields.

For instance, if one's house happens to be sited over an old mine shaft which collapses—and this has happened on a number of occasions—one could wake up in the morning and find that one's previously stable block of land has suddenly collapsed into a mine shaft. Honourable members may or may not be interested, but when people discover these mine shafts under their property, it does not give them any confidence about the stability of their properties.

I know that some honourable members are not interested in what I am saying, but I wanted to mention those cases to highlight some of the problems associated with the mining homestead areas and the fact that all is not plain sailing. Although large sums

of money originated from those old mining projects, it was not just the Department of Mines that received those benefits but the whole area. Certainly it was not the residents situated above those mining leases that gained any benefit, but they are the ones who are left with the problem. The local council and the Department of Mines do contribute towards the cost of capping and filling, but a cave-in is still a very frightening experience and a problem that this Government needs to address.

I support the Bill. It has been a long time coming, but I believe that it will be successful when it is finally passed.

Mr NUNN (Isis) (10.14 p.m.): Tonight, members of the Opposition have been very accommodating about this Bill, so I will make my address very brief.

I rise to support the Bill. It gives the necessary legislative authority for the transfer of the registration, valuation and other matters dealing with certain land tenures, including miners' homestead leases and miners' homestead perpetual leases, from the mining wardens to registrars of miners' homesteads and land commissioners.

The present situation appears to me to be just a hangover—historically, no doubt—from the old mining days. That these land tenures should be under the umbrella of the Mines Department now is slightly incongruous. It needs to be tidied up so that they will conform with other legislation.

It is appropriate that responsibility in this area be transferred to the Minister for Land Management. Everybody knows that he is a fine gentleman and an excellent Minister. He is also noted for his very quick, prompt and to-the-point answers to questions without notice, especially those coming from the Leader of the Liberal Party. He is a man of great ability and must be admired for his grasp of the job that he is doing. The granting and administration of land tenures for business and residential purposes is more logically the business of the Land Management portfolio.

This Bill will not inconvenience anybody. Clause 4.1 expressly provides that an application for a lease existing at the commencement of the Act continue under the repeal section, the only difference being that the warden will now be called either the commissioner or the registrar. So this Bill is a simple piece of legislation designed to correct some anomalies created by legislation put through by the Minister for Resource Industries. It needs very little explanation and I support it.

Hon. R. C. KATTER (Flinders) (10.17 p.m.): The miner's homestead perpetual lease is an issue that causes great bitterness and great rancour among members of Parliament who represent mining areas and who are aware of some of the problems that beset their constituents. When it was proposed that mining tenures be taken from the Mines Department and handed to the Lands Department, I did not know the position that would be taken by my predecessor from Mount Isa, Mr Bertoni, who is in the House this evening.

I went to the meeting and said that I was adamantly opposed to the shifting of these tenures from the Mines Department to the Lands Department and I quoted a series of cases in which it had taken two years to accomplish land transactions with the Lands Department when, almost invariably, such cases had taken two months with the Mines Department, the difference being that there was a local officer in the Mines Department who knew the local community, knew his job well and was able to make decisions efficiently and quickly.

Mr Harper: A different attitude, too.

Mr KATTER: And possibly a different attitude as well.

I was very pleased and surprised later on to see Mr Bertoni turn up and quote exactly the same figures I had quoted—that it had taken him two years to accomplish any sort of land transactions through the Lands Department and two months through the Mines Department. Following the switching over of those leases, my records indicate

that anything with respect to the mining homestead tenures is taking about two years. It was with very deep regret that we saw this change.

To me, the other occurrence I am very fearful of is in an area that is very poor; the people living there do not enjoy high incomes. In fact, in Charters Towers, one-third of the people are on pensions of some description. In that town, people have purchased in good faith a piece of land, and in most cases a house, on the basis and in the knowledge that, for the last hundred years, successive Queensland Governments of various political persuasions have taken the position that the mining rent should not be an onerous burden on the household. There was a reason why we had mining tenures instead of land tenures. That rationale has been swept away with the new mining legislation. There is no substantial reason why these things should be MHPLs rather than freehold tenure.

It has been argued—I think spuriously—by people who do not know their history or land law very well that, at some stage, the Crown had alienated the freehold title. Of course, these titles were not freeholded or alienated in any way. Because I took notes when I was speaking on the telephone, I can almost quote verbatim what one officer told me. I was quite staggered to hear him say, "You do not own this land." If a technical sort of interpretation is made, all right, the lessees do not own this land, but it is very provocative to say to a person who has paid $10,000 for a piece of land in Charters Towers that he does not own that piece of land, or his house, and that it is owned by the Crown, who can charge what it likes for it because it is the landlord and he is the tenant. I draw the Minister's attention to the remark made by that officer.

I am not one for vindictiveness. The Minister is a person who has a reputation for being fair minded and a person with a bit of humanity. I do not really think that he wants some of his own constituents with MHPLs to be told that they do not own the land, that it belongs to the Crown and that it can charge what it likes for the land. I do not think that is the sort of attitude that should be adopted by any public servant and I deeply regret that we have some public servants like that in Queensland.

I remember a previous Minister with responsibility in this area saying to me, "Unfortunately, that seems to be an attitude which is prevalent." I said to him, "Seriously, you are not going to hit pensioners in Charters Towers with $300?" He said, "Yes, they can afford $300 a year." In all sincerity I ask: why does a pensioner in Charters Towers, Mount Isa, Gympie, Cloncurry or Ipswich have to pay $300 when no other landholder in Queensland with his house on a piece of land has to pay that sum of money? It is an iniquitous, unjust and unfair charge, and it should be removed at the first available opportunity. Any logic behind this separate tenure has been swept away by the new Mineral Resources Act.

Let me explain the sort of problem that exists in Charters Towers. For the last 20 or 30 years, land in Charters Towers has not cost more than $1,000. So everybody bought that land assuming that there was a nominal charge. Of course, there was a sensible administration and the clerk of the court, the mining warden, or whatever——

Mr Eaton: Which Government changed that?

Mr KATTER: I do not hesitate for a moment to admit with deep regret that it was my own Government that changed it and it was in the teeth of very bitter opposition that those changes were introduced. I do not hesitate to admit that freely and frankly. Tonight I am not here to make a political point; I am here to make a point on behalf of my constituents because those old people simply cannot afford to pay the $300 on top of the rates which—in spite of all the assistance they are given—cost them $600 or $700, which is a total of $1,000 per annum. Worse still, those land prices will not stop at $10,000.

Mr Wells: Through the Chair.

Mr KATTER: Yes, through the Chair to the Minister.

Very shortly, the price of land in Charters Towers will increase to $15,000, and I will not bore honourable members by telling them the reason for that. As a result, those people will be paying in excess of $500 a year. They simply cannot afford that and, unless something is done, old people in Charters Towers will be thrown out onto the streets. That is not an exaggeration in any way. I can provide the Minister with the names of people who have had enormous difficulty in paying this iniquitous charge.

The former Government had a policy that enabled people to freehold land in terms of the 1980 valuations. Before that, the last valuation was carried out in 1972 and, if someone wanted to purchase land in Charters Towers, a fairly acceptable arrangement could be made. Before the last election, I told people that there was a possibility of a change in Government and that this position could change.

Mr Neal interjected.

Mr KATTER: The result of the change in Government is that whereas previously that piece of land could have been purchased for $1,000, that is no longer the case, and these pensioners are forced to pay $300 a year. Previously, they could have escaped by freeholding the land, which suddenly they are no longer able to do.

I plead with the Minister to stick to the previous Government's policy of allowing people to freehold their land in terms of the prices in 1972. I make the point that almost half of the population of Charters Towers has already done so, and it would be extremely unfair not to let the other half of the population freehold their land for the same price. If the Government does not allow that to happen, then it will be imposing a charge upon those people which they simply cannot meet and it will be breaking a policy implemented by successive Governments for the last century of this State's history. I have heard the honourable member for Mount Isa speak very strongly on this matter, and all representatives in this place who are worth their salt should stick together and make a firm, committed and joint assault upon the Government—no matter what political persuasion the Government of the day happens to be—so that it removes this iniquitous anachronism that is still hanging around and causing problems and unhappiness.

Mr Smyth: You didn't do that too often in your Government.

Mr KATTER: I have just pointed out to honourable members that, as far as the National Party Government was concerned, the freeholding arrangement in Charters Towers and Cloncurry suited us fine. It was not quite as suitable for Mount Isa, and I admit that some other solution might suit Mount Isa better.

Whatever the solution is, this Government must either abolish the rent or come up with a freeholding arrangement that enables even poor people to freehold their land. The fact that 100 years ago the land was let out under a miner's homestead perpetual lease instead of a freehold title is of absolutely no relevance to us in the year of our Lord 1990.

I have two other minor matters that I wish to bring to the Minister's attention. One concerns the fact that local people were running, operating and administering the Act, and that worked extremely well. The Government's plan to shift that administration to Townsville and Brisbane is appalling and should appal every person who lives beyond the capital cities. Surely there is some other way in which the Act can be administered. If it could be administered so successfully before from Charters Towers, I do not understand why it cannot be administered now from Charters Towers and Cloncurry.

Mr Eaton: Your Government was the one that wanted to close the warden's office down and transfer it away.

Mr KATTER: As Minister, I certainly was not responsible for that. Instructions were issued that the position was not to be changed, and that included the office in the Minister's electorate as well as in mine. If the Minister is pointing the finger at me, I can assure him that I most certainly was not responsible for doing that. I saw no reason

in the world why computer terminals could not be put in each of those offices. How it could be argued for one moment that it was saving money to put an extra five people in Mount Isa and sack one little girl in Cloncurry was beyond the wildest stretch of my comprehension. I do not know why it would be an onerous burden to put a computer terminal in Cloncurry as well as in Mount Isa. That completely befuddled my sense of logic. I most certainly was trying to do the right thing by the Minister and the other members who suffered as a result of that very lamentable decision.

I ask for local control and the abolition of the rents. The second matter I wish to raise concerns people who forget to pay their annual rent. I would not like to count the number of people throughout the State who forget to pay their accounts each year. Many people forget to pay their rent and, believe it or not, under this legislation their home is automatically forfeited. It is not decent law that a person can make a simple mistake and lose his or her home. However, at the present time that is the law of Queensland. Certainly the present Minister is not to blame for that, but, since the whole legislation is being revised and since there is no logic that justifies the continued existence of the MHPL title, I plead with the Government to abolish that law and to simply provide for a freehold title, or, alternatively, to abolish the rent and this requirement for the annual payment of rent. People should not live with that sword of Damocles hanging over their heads. The switch from local administration and from a two-month operational and decision-making period to a two-year period has not been a happy event, and an increase in efficiency would be very much appreciated.

Mr McGRADY (Mount Isa) (10.28 p.m.): I congratulate the Minister and his committee on the speed with which they have worked on this piece of legislation. As has been said by previous speakers tonight, this legislation is basically administrative and is not really of much concern to those people who live outside mining communities. I believe that it makes sense for the Minister for Resource Industries to look after his portfolio and for the Division of Land Management to take over the control of land and land usage in this State.

On a number of occasions I have informed this Parliament of the strong feelings which the people of my city have regarding Crown rents which apply today in this State. Prior to the last State election, the Premier, Mr Wayne Goss, promised to set up an inquiry into all aspects of land administration, land usage and Crown rents. I congratulate the Minister, his officers and his committee for setting up an inquiry that has already travelled throughout the State to interview the people concerned. In Mount Isa, 100 people attended the inquiry's hearings. I presented a submission to the inquiry and met with members of the committee for more than two hours. The Mount Isa City Council and many other Mount Isa residents also presented submissions. I appeal to the Minister to take into account the representations that were made to the committee before this legislation is passed by the Parliament.

Although I have some sympathy for the situation described by the member for Flinders, it never ceases to amaze me that people change their attitudes, actions and performance when they move from one side of the Chamber to the other. The member for Flinders has been a member of this Parliament since 1974. For the past five years, the Mount Isa City Council, the Mount Isa Chamber of Commerce and I had been trying to bring to the attention of the previous Government the anomalies that existed under the previous system. During that whole period, I never heard the member for Flinders come out and support me or the Mount Isa City Council—and the member was a Cabinet Minister at the time.

A couple of weeks ago, I read a local paper that stated that the member for Flinders was praising the member for Mount Isa for the action that he had taken. One of the things that is wrong with politics is that people change their minds simply because the position they occupy in this Chamber changes. As I said earlier, although I have a good deal of empathy for what Mr Katter is saying, all he is doing is repeating, word for word, what has been said by other people in other places. Quite frankly, those statements might make good headlines in the *Northern Miner* but the people of Charters Towers

know full well that the member for Flinders is not sincere on this issue and does not give a damn. With all due respect to the honourable member, I point out that, in spite of the fact that he has been a member of this Parliament for 16 years, he has never previously raised this matter. Members of this Parliament should realise that people such as the member for Flinders, who come into this Chamber and indulge in posturing——

Mr KATTER: I rise to a point of order. The honourable member has accused me of not raising this subject in the House or in public. However, 12 years ago on the front page of the *Bowen Independent* newspaper, I was attacked by one of my own ministerial colleagues. On numerous occasions in this place I have raised this issue. At Charters Towers, there were 1 700 applications before the last election.

Mr DEPUTY SPEAKER (Mr Hollis): Order! There is no point of order.

Mr McGRADY: I have two concerns, but I do not regard them as problems. I regard them as being a challenge. The point made by the member for Flinders—this late convert—was that there are delays in the Land Administration Commission. That is true.

Mr KATTER: I do not wish to take up the time of the House, but the member persists in referring to me as a "late convert". This issue is 12 years old and has been recorded in every newspaper in north Queensland. The man cannot read.

Mr DEPUTY SPEAKER: Order! There is no point of order. The member for Flinders will resume his seat.

Mr McGRADY: I regard this as a challenge for the new Government.

Mr Katter interjected.

Mr DEPUTY SPEAKER: Order!

Mr McGRADY: The Government is faced with the challenge of speeding up the processing of some of these applications.

Another concern I have is the policy used by the Department of Lands in assessing rents. That policy should be considered when the inquiry is under way.

Earlier I mentioned that the member for Flinders has been a member of this Parliament since 1974. I refer to comments he made earlier about the senior citizens of Charters Towers and to the fact that I am a new chum in this Parliament. Section 23A provides that people who are experiencing difficulty paying rent can apply to the Governor in Council. The point I make is that I have been a member of this Parliament for six months, whereas the member for Flinders has been a member of this Parliament for 16 years. I suggest that nothing has changed.

It is all very well for members of the National Party to complain, but I point out that they held power in this State for 32 years and they could have made decisions and taken action that would have solved many of these problems. They sat in this place and did nothing at all. I cannot stand hypocrites.

Mr STEPHAN: I rise to a point of order. The member is not accurate when he says that nothing has been done. Changes have been made. People are able to obtain freehold title now whereas the previous Labor Government would not allow freeholding.

Mr DEPUTY SPEAKER: Order! There is no point of order. The member for Gympie will resume his seat.

Mr McGRADY: As I was saying, I cannot stand hypocrites who say one thing in Charters Towers, something different in Cloncurry, something else in the Cabinet room and something entirely different in this Parliament.

At the beginning of my speech, I said that I would be brief. I have expressed the concerns that have been conveyed to me by the people who live in my electorate. I have no doubt at all that the Minister will bear my comments in mind. I look forward to continuing the work that will result in resolving some of these problems. In conclusion, I point out that the Labor Government has been in office for only six months, whereas members of the National Party were in Government for 32 years and achieved precious little. I commend the Bill to the House and urge all honourable members to support it.

Hon. A. G. EATON (Mourilyan—Minister for Land Management) (10.37 p.m.), in reply: I thank honourable members for the comments they have made during this debate. If Opposition members intended to express their support for the Bill, they certainly went the long way about it. I believe that much of what was said was unnecessary. It was fortunate, however, that there is such a place as Hummock Hill; otherwise, the member for Warrego would not have had anything to talk about. I believe that that matter was well covered yesterday. I suggest that, if the member closely examines the issue, he will discover that the media has indulged in a great deal of hype and that some of the facts stated are untrue. I will leave my comments at that.

I am aware of the concerns expressed by honourable members in this debate. The Herberton minefield is in my electorate. The issues that honourable members raised have been canvassed previously with me. I was interested to hear the concern of the members for Flinders, Mount Isa, Bowen and Gympie, who represent mining areas. In many towns in Queensland, the entire residential area of the township consists of miners' homestead perpetual leases. In other towns, half the residential area consists of miners' homestead perpetual leases.

We must look back in time to the reason why MHPLs were created. They were created so that miners could build a hut alongside their mines.

Mr Stephan: That was many years ago.

Mr EATON: I know it was many years ago.

This legislation abolishes the old Mines Department. In conjunction with the Mineral Resources Act Amendment Bill that passed through the House last night—it was introduced by the former Government prior to the election and tidied up by our Government to take the place of the old Mines Act—this Bill transfers the administration and the authority from the old Mines Department to the Lands Department.

During this debate, many misconceptions have been raised. The Bill is a machinery measure. No mention was made of an increase or reduction in rents or lease fees or of any impositions being made on lessors of Crown land in Queensland. Those matters must be taken into consideration.

An honourable member mentioned a land review. If the Government was merely attempting to raise revenue, it could have increased the cost of all leases and land charges without conducting a review. However, the review was set up for the purpose of giving the citizens and the land-holders the opportunity to make a contribution to a review, and we hope that it will correct many of the anomalies that exist in the legislation today. That was the sole purpose of the review. When the report is released, we hope that those anomalies will be corrected.

I have utmost confidence in the three people who are conducting that review. They visited the country centres of Queensland and, no doubt, took submissions from people from various sections of primary industry as well as rural and residential areas. Queensland will benefit from that review.

It is 32 years since a similar review was conducted into land administration and tenures in Queensland. The review was carried out because the Government is attempting to stabilise not only legislation but also land management in Queensland. The people of Queensland want long-term, secure tenure. We hope that this review will enable us to bring forward legislation that will give the people of Queensland that security.

Land-holders know that, if they have only a 12-month occupational licence or a five-year special lease, none of the financial institutions will lend money against such a short-term lease. I am getting away from the Bill, but I assure the people of Queensland that the Government is not merely attempting to rake in revenue and neglecting the needs of the State. Today in Australia, land degradation is one of the greatest conservation issues.

I thank honourable members for their contributions to this debate. I have taken on board the constructive criticisms that have been made. I know the feelings of the people

in western areas. I assure honourable members that the Lands Department has a responsibility to the people of Queensland to obtain a fair return on the State's assets, but it will achieve that with compassion and understanding for people who will be affected by any changes that are made.

Motion agreed to.

Committee

Hon. A. G. Eaton (Mourilyan—Minister for Land Management) in charge of the Bill.

Clauses 1.1 to 2.25, as read, agreed to.

Clause 2.26—

Mr HOBBS (10.43 p.m.): I would like the Minister's comments on a minor matter. Subclause (2) (b) provides for the Minister, after a lessee has been taken to the Land Court, to waive the liability to forfeiture subject to such terms and conditions as he thinks fit to impose upon the lessee. It is important that we have an indication from the Minister as to the terms that he might impose upon the lessee.

In the past, I have witnessed a mining lease being taken from a lessee and he did not get it back. I think it is very important that honourable members receive some indication from the Minister as to what particular instances he foresees arising.

Mr EATON: I take it that the honourable member is talking about the MHPLs that have already been issued. There will still be miners' homestead perpetual leases, or MHPLs, as they are known. The reason for the urgency of this Bill is that, because of the abolition of the Mining Act as such, it must be passed in conjunction with the Mineral Resources Act Amendment Bill.

In future people, will not be able to apply for a miner's homestead perpetual lease. They will have to apply to the Lands Department for a lease, irrespective of whether it is in respect of a residential area or a five-acre rural/residential block. The Lands Department will issue a lease under one of the tenures. It may be a special lease or, if it is thought suitable, a long-term lease. It may be an agricultural lease or a lease for a specific purpose. The same conditions will apply to those leases as applied to the miners' homestead perpetual leases.

I repeat that miners' homestead perpetual leases as such will no longer be issued. Any leases issued after 1 July will be issued as special leases, agricultural leases, grazing leases or rural/residential leases for a set period. As I have said, the same conditions will apply then as apply at present.

Clause 2.26, as read, agreed to.

Clauses 2.27 to 4.4, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Eaton, by leave, read a third time.

SPECIAL ADJOURNMENT

Hon. D. M. WELLS (Murrumba—Attorney-General) (10.48 p.m.): I move—

"That the House, at its rising, do adjourn until Tuesday, 31 July 1990."

Motion agreed to.

The House adjourned at 10.49 p.m.