THURSDAY, 20 NOVEMBER 1997

Mr SPEAKER (Hon. N. J. Turner, Nicklin) read prayers and took the chair at 9.30 a.m.

INFORMATION COMMISSIONER

Annual Report

Mr SPEAKER: Order! Honourable members, I have to report that today I have received the annual report of the Queensland Information Commissioner for 1996-97, and I table the said report.

PETITIONS

The Clerk announced the receipt of the following petitions—

Nursing Home Care

From **Mrs Edmond** (45 petitioners) requesting the House to act to ensure that nursing home care is freely available to all who need it and further deplores budget cutbacks on services to the frail aged and elderly.

Toowoomba Hospital Laundry

From **Mrs Edmond** (864 petitioners) requesting the House to direct the Minister for Health to reverse his department's decision to close the Toowoomba Hospital laundry.

Crown Land R250

From **Mr Elder** (1,971 petitioners) requesting the House to preserve the following Crown land R250 (Old Gravel Reserve) bordered by Redland Bay Road, Windermere Gardens, Wimbourne Road and Redruth Street, the area bordered by Winchester Road, Hanover Drive and McDonald Road and Corner of McMillan and McDonald Road, north of Finucane Road and not allow this land to be resumed for housing development.

Cairns City Council

From **Mrs McCauley** (1 petitioner) requesting the House to investigate the Cairns City Council and their management of our water resources, including an investigation into the impact studies that were carried out prior to imposing these drastic cuts. We respectfully request a fair water allocation and a reasonable excess charge that suit our climate shifts from wet to dry.

Petitions received.

PAPERS

The following papers were laid on the table—

(a) Minister for Education (Mr Quinn)—

Education Queensland—Annual Report for 1996-97

Explanation for the late tabling of the Education Queensland Annual Report for 1996-97

(b) Minister for Transport and Main Roads (Mr Johnson)—

Final response to Select Committee on Travelsafe Report No. 20—Unsecured Vehicle Loads

Annual Reports for 1996-97—

Queensland Rail

Ports Corporation of Queensland

Port of Brisbane Corporation

Bundaberg Port Authority

Gladstone Port Authority

Townsville Port Authority

Cairns Port Authority

Rockhampton Port Authority

Mackay Port Authority

Queensland Motorways Limited and its Controlled Entities

The Gateway Bridge Company Limited

Logan Motorway Company Limited

Sunshine Motorway Company Limited

Letter, dated 19 November 1997, from Mr Johnson to The Clerk of the Parliament relating to the late tabling of the Annual Reports for 1996-97 of the Queensland Motorways Limited and its Controlled Entities, The Gateway Bridge Company Limited, Logan Motorway Company Limited and the Sunshine Motorway Company Limited

Letter, dated 20 November 1997, from Mr Johnson to The Clerk of the Parliament relating to the late tabling of the Annual Reports for 1996-97 of the Queensland Rail, Ports Corporation of Queensland, Port of Brisbane Corporation, Bundaberg Port Authority, Gladstone Port Authority, Townsville Port Authority, Cairns Port Authority, Rockhampton Port Authority and the Mackay Port Authority.

MINISTERIAL STATEMENT

Broadley Auto Group; Ms T. Jackson

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (9.34 a.m.), by leave: Yesterday the

honourable member for Bulimba continued his attack on the integrity of officers of the Office of Consumer Affairs. He has now extended that attack to me. I totally refute the member's statement that I have interfered in the Broadley investigation. Neither I nor, as far as can be ascertained, anyone in my office has had any contact with Mr Broadley or any members of his family. If the member persists with these totally unfounded allegations, he may jeopardise the investigation into this matter. The member should have a little patience and await the outcome of this matter.

Yesterday the honourable member for Mount Gravatt also raised some comments about the acting chief inspector, Ms Tracey Jackson. I am shocked that the member has been making representations and inquiries on behalf of Ron "the Con" Fredericks, a notorious con man with over 50 prosecutions for fraud, stealing, false pretences and assault, among others, who has been jailed in other States for his blatant disregard for the law. I would remind members of the ministerial statement I made in this House on 1 May 1996.

In relation to the specific matter raised by the member for Mount Gravatt, an ongoing investigation is being conducted into potentially serious breaches of the Fair Trading Act. It would be quite improper for an officer to discuss details with any members of Parliament, be they Government or Opposition. In fact, the Fair Trading Act specifically prohibits investigators from revealing details of an ongoing investigation. I can assure honourable members that officers of the Public Service are available to speak with any member of Parliament, even if they are the subject of unfounded allegations from the members for Bulimba and Mount Gravatt. In this case, as it turned out, Ms Jackson was interstate for two days, which unfortunately coincided with the member's telephone inquiry. Ms Jackson has and continues to demonstrate the utmost integrity and a real ability in managing the Investigations Branch of the Office of Consumer Affairs.

I would think that instead of unnecessarily subjecting public servants to political game playing, the member for Mount Gravatt would have raised this matter with me personally.

MINISTERIAL STATEMENT

Measles Vaccinations

Hon. M. J. HORAN (Toowoomba South—Minister for Health) (9.36 a.m.), by leave: Last week I announced emergency funding of $270,000 to combat a developing Statewide measles outbreak. Queensland has experienced 100 more cases of measles already this year, with 170 measles cases to October 1997 compared to 76 cases in 1996, an increase of 124%. By providing emergency funding, it is hoped that we can prevent the number of measles cases reaching 1993 and 1994 levels, when more than 2,500 cases were notified. To date, outbreaks have occurred in Wide Bay, North Queensland and Brisbane South. The most recent Queensland Health figures show that 37 cases have now been notified in Cairns and north Queensland, with 35 reported cases in Brisbane South.

Weekend vaccination clinics commenced in Cairns last week, with extra clinics also planned this week. I am pleased to inform the House that since Saturday 15 November, more than 500 people have been vaccinated in schools, TAFE colleges and shopping centres in far-north Queensland. In Brisbane, the campaign will target areas and schools that have low immunisation levels. Queensland Health is working with divisions of general practice and councils to address areas with low vaccination rates.

Queensland Health is extremely concerned that measles outbreaks may spread Statewide. Queensland Health's Vaccination Information Vaccination Administration System, VIVAS, is being used to identify and focus the emergency program on other areas in the State that have low rates of vaccination coverage for measles. Elements of the emergency plan include increased vaccines to be distributed Statewide; increased advertising and public education campaigns; targeted campaigns in parts of the State that have low vaccination coverage for measles; vaccination clinics in shopping centres; and special weekend vaccination clinics.

Many parents still believe that measles is a normal, harmless childhood illness that all children go through. Recent outbreaks have illustrated that this is not the case, with 1 in 10 people having to be hospitalised. The campaign will put special attention on stressing to parents the importance for their children to receive the full course of measles vaccinations. Many parents are successful at gaining the first vaccination at 12 months but seem to forget the second vaccination at 10 to 14 years. Measles is a disease that affects not only children but also teenagers and young adults. Parents are encouraged to catch up on any vaccinations for measles through their local doctor or council clinic.

MINISTERIAL STATEMENT

Tokyo Home Show; Buderim Ginger Company

Hon. D. J. SLACK (Burnett—Minister for Economic Development and Trade and Minister Assisting the Premier) (9.39 a.m.), by leave: Queensland can be proud of its presence at one of Asia's great exhibitions, the Tokyo Home Show. I was fortunate to visit the show last week and support the Queensland housing and construction exporting companies which had taken advantage of my department's coordination of a special Queensland display stand.

These companies deserve recognition for taking Queensland expertise and products to one of the world's largest and most competitive markets. It is also a market that has grown substantially and continues to offer commercial opportunities as a result of Government-initiated liberalisation. Participating Queensland companies included Bradnams Windows and Doors, Logan City Joinery, Stairco, Shade Design Australia, Scan-Mac Cabinets, Multistore, Textor Metal Industries, International Systems, Comerford Sandstone, AMIT, and Wide Bay Bricks. As further evidence of Queensland's expertise in the housing and construction export sector, I am pleased to report that initial business done at the Tokyo Home Show, or expected to be done over the next year, amounts to an impressive $11m.

During my visit to Tokyo I also met with the giant Japanese trading house Kanematsu and the Japanese dairy products company Morinaga. Both companies were extremely impressed by the range of agricultural and food products that Queensland has to offer. To assist in further boosting Queensland products into such a vital market, I have arranged for samples of these products to be delivered to Japan for future inclusion in those company's products range.

Both companies already have one Queensland food in common, ginger produced by the Buderim Ginger Company. Kanematsu's contract to import $2m of Buderim ginger is, I believe, the first time Japan has imported this quantity of ginger and the first time ginger has been used as a confectionery in Japan. Some of this ginger will be used by confectionery manufacturers in the city of Kobe to produce confectionery in recognition of the sister-city relationship between Kobe and Brisbane and to raise funds for Kobe's earthquake relief program.

Buderim ginger is becoming a new taste sensation in Japan as a result of the Morinaga company's move to launch new ginger flavoured yoghurt and ice cream in Tokyo next month or early next year. I congratulate Buderim Ginger and the many other companies which are winning valuable export dollars in Japan, which are building bridges of commerce and cultural understanding in this the centenary of official relations between our two countries, and which are doing such a great job in taking our State to the global marketplace.

MINISTERIAL STATEMENT

Queensland Olympic 2000 Task Force

Hon. B. W. DAVIDSON (Noosa—Minister for Tourism, Small Business and Industry) (9.42 a.m.), by leave: It gives me great pleasure to inform this House of the tremendous achievements to date of the Queensland Olympic 2000 Task Force. As members would be aware, the task force was established to ensure that Queensland capitalises on the enormous opportunities created by the Sydney 2000 Games. While the task force has only recently been reconstituted, its secretariat has been extremely pro-active in a number of key areas in the last 12 months.

To maximise the tourism opportunities for Queensland flowing from the 2000 Games, the task force is implementing a marketing strategy through the Queensland Tourist and Travel Corporation. The main objective of the strategy is to focus worldwide attention on Queensland as a distinctive world-class tourism destination and sports host.

The profiling that results from this activity is worth literally millions of marketing and advertising dollars. The Queensland Tourism Olympic marketing strategy has been developed in view of the potential one million international visitors expected to visit Queensland until 2004 as a direct result of Olympic interest, activity and promotion. The task force has also undertaken an extensive program of promoting Queensland as an ideal Olympic and Paralympic training and competition venue.

Since December 1996, the task force has been working closely with the Office of Sport and Recreation and the Queensland Olympic Council in promoting Queensland's world-class facilities internationally. I would like to take this opportunity to acknowledge the involvement in this area by my colleague the Honourable Mick Veivers and his department.

While still three years away, some major successes have been achieved in this area, including the announcements of both the British and Italian Olympic and Paralympic teams to train in south-east Queensland from 1998. The economic impact of the British training camps alone is currently estimated at $10m. In addition, the high-profile US Olympic swim team have also announced their intention to base themselves in Brisbane in the lead-up to the 2000 Games.

The task force is also developing, in association with the Queensland Events Corporation, major Olympic Games-related events. Such events are intended to generate substantial economic activity and put Queensland on the world stage. Members would be aware of the task force's success in having Brisbane selected to host part of the Olympic football—or soccer—tournament. Preliminary and independent estimates on the direct economic impact of this event have suggested a value of $76.3m.

The task force has also been working with the Arts Office on major cultural and artistic events. I am advised that negotiations with the Sydney Organising Committee for the Olympic Games have been successful in advancing major initiatives to enhance Queensland's cultural industry. Such initiatives will highlight Queensland's artists and performers, as well as giving regional and metropolitan events, accredited to the Olympic Arts Festival Program, the marketing might of the Olympics.

Importantly, the Olympics are also providing many opportunities for Queensland business and industry. I would like to draw the attention of the House to the Queensland Olympic 2000 Business Opportunities Project established by the task force and my department. The purpose of this project is to liaise with New South Wales Olympic agencies to ensure that all commercial opportunities emanating from the Games are brought to the attention of Queensland business. I am delighted to inform members that lucrative contracts to the value of $12m have already been won across Queensland, and we are well on the way to achieving our target of reaching $50m worth of business in this State.

The task force, supported by the secretariat, has been a successful lead agency in coordinating a whole-of-Government approach to identifying and addressing Olympic opportunities. I would like to place on record my appreciation of the efforts of all task force and secretariat members. The many benefits to be captured from the Games are not confined to Sydney. The initiatives of this Government will ensure that all opportunities to be gained from the Games are realised for Queensland.

MINISTERIAL STATEMENT

Brisbane River

Hon. B. G. LITTLEPROUD (Western Downs—Minister for Environment) (9.46 a.m.), by leave: This morning, at a policy council meeting of the Brisbane River Management Group, which I chair, a decision was taken to phase out all dredging of extractive material from the Brisbane River by 31 December 1998.

Mr Welford: That's five years old.

Mr LITTLEPROUD: The only remaining company currently dredging on the river's lower reaches around Brisbane and Ipswich will have to access gravel and sand resources off river. The decision was taken in recognition of the need for the Department of Transport to determine where this company will be accessing its resources and to plan for the upgrading of roads accordingly. Regard was also given to the need for the Department of Transport to liaise with the local governments to be impacted by this decision.

The decision on dredging fits in with the primary role of the Brisbane River Management Group "to preserve, protect, and improve the quality and amenity of the Brisbane River and its tributaries".

In relation to that interjection by the member for Everton, might I add that the Labor Lord Mayor of Brisbane expressed repeatedly his frustration with the four years of mismanagement by the previous Labor Government on this issue. It has been only in the past 20 months that some focus has come to the management of the Brisbane River. We have a draft management plan out, there will be a strategy on improving the water quality of the Brisbane River, and now we are stopping the dredging. All that we get from the honourable member for Everton is a lot of hot air.

MINISTERIAL STATEMENT

Vocational Education and Training Bill and TAFE Institutes Bill, Consultation Drafts

Hon. S. SANTORO (Clayfield—Minister for Training and Industrial Relations) (9.47 a.m.), by leave: I am pleased to be able to inform the House that, as a consequence of the efforts of my department and the numerous stakeholders in the vocational education and

training sector during the Year of Training, I am now in a position to lay upon the table of the House consultation drafts of the Vocational Education and Training Bill and the TAFE Institutes Bill. These drafts reflect the results of extensive consultation with stakeholders and herald long overdue changes to a system that is critical to the success of this State.

Honourable members on both sides of the House would accept that, to a large extent, the future of this State's economic wellbeing depends on the strength of our vocational education and training system and its capacity to meet current and emerging skill shortages so that international competitiveness is strategically managed. The changes proposed in these draft Bills are significant, and we must remember that this is a system that has experienced massive change in recent years. It would be remiss of the Government to stifle Queensland's potential by retaining legislation that was no longer serving its purpose.

This Government is committed to open and honest decision making and, for this reason, by tabling these exposure drafts, all stakeholders to the vocational education and training system will have the opportunity to view and constructively critique the proposed changes. Essentially, the draft Bills have evolved through a process of consultation and contributions from stakeholders. The position paper that I released in August of this year, Vocational Education and Training in Queensland—Training for Prosperity, announcing the intent of the Government's reforms, was the result of an analysis of national development, recent key reports and wide consultation with stakeholders across the State.

More than 9,000 copies of this document were distributed throughout the State and the nation. I expect to distribute more than 5,000 copies of the draft Bills to stakeholders for their feedback. Forums will be held during January to provide information on the draft Bills and stakeholders have until 6 February to provide their feedback to the task force. By tabling these draft Bills and asking for further public consideration, the Government will be in a position to enact legislation that will be flexible and responsive, easy to administer, and, most importantly, that will enjoy the full support of all stakeholders.

The Vocational Education and Training Bill has six main features. Firstly, industry will drive the system. The new Queensland training authority will be an industry body and will provide strategic advice on policies and priorities for training. It will ensure that public funding is targeted and that the system is easy to use and meets the real needs of users. Secondly, apprenticeship training will be streamlined to allow a broader range of industries to enter the vocational education and training system and will benefit from a greater variety of products and services. Thirdly, industrial relations arrangements for apprentices will be simplified. Fourthly, registration and accreditation arrangements for training organisations will be improved to place the onus for regulation with industry and ultimately the clients who, through consumer choice, will demand a level of quality and value. Fifthly, the legislation governing vocational placement will be rationalised. Commonsense prevailed here, seeing vocational placement and vocational education and training being amalgamated into one concise and clear statute. Finally, the reforms offer the establishment of an independent review process which will help to generate quality training outcomes. This will ensure public confidence in the decision-making process where dispute resolution is reviewed independently of the Department and the Queensland training authority.

Similarly, the TAFE Institutes Bill will herald some important changes for Queensland's public provider of training. The Bill recognises the State's investment in TAFE and values the position and special conditions that apply to the public training provider operating in an increasingly competitive training market. Further support for separate legislation to govern the activities of TAFE comes from the Queensland Commission of Audit Report, which recommended the distinction of purchaser and provider roles. Finally, consequential amendments to the Agricultural Colleges Act 1994 will ensure that those colleges too will be better able to operate in the training market and will meet the needs of this State's vital rural industries and communities.

By tabling and releasing consultation drafts of the Vocational Education and Training Bill and the TAFE Institutes Bill, I am giving assurances that the broadest possible consultation has occurred and will continue to occur. The aim is to have legislation that will meet the needs of all stakeholders of the vocational education and training system in Queensland and allow them to operate at their full potential.

MINISTERIAL STATEMENT

Dawson River and Comet River Dam Proposals

Hon. H. W. T. HOBBS (Warrego—Minister for Natural Resources) (9.51 a.m.), by leave: I expect that members are aware of the Nathan and Starlee water storage development proposals in the Fitzroy River Basin which are currently under investigation by my department. Those proposals have the potential to underpin major economic growth in central Queensland, including the development of rural industries, mining and power generation, particularly in the Surat Basin region.

My colleague the Minister for Economic Development and Trade has, of course, recently announced a short list of potential private-sector developers of infrastructure in the Surat Basin. This includes a short list of three consortia interested in developing the Nathan Dam. At the same time, it is essential that any such developments are sustainable and economically viable, with any impacts being minimal and manageable.

As part of its investigations, the department, working with local community reference groups and key referral agencies, developed terms of reference for impact assessment studies. These studies, which were undertaken by independent consultants, have recently been completed. The reports, each including a draft environmental management plan, have been presented to me. For each proposal, the consultants concluded that no impact was identified that was of such significance as to suggest that the proposals should not proceed.

Through the release of study reports at meetings in Taroom, Blackwater and Rolleston on 3 and 5 November respectively, and through a media release issued by myself, it was advised that a 28-day period had been set for the community to review and respond to the impact assessment studies. The review periods, although slightly shorter than usual, were nominated given that—

> The department and its consultants had already worked in a highly consultative way with both the Dawson River and Comet River communities in developing the proposals and in the conduct of the impact assessment studies. This included providing component reports to stakeholder groups all along the way during the months of investigation work.
>
> Strong representations had been received from affected landholders seeking a speedy decision, one way or the other, to allow them to get on with their lives.
>
> As the proposals are required to underpin economic growth, it is obviously desirable for them to be implemented as soon as possible to maximise their benefit.

However, at the meetings a view was expressed that, given the volume of material to be considered, the review period was rather short. This opinion was shared by affected landholders and by other members of the community who have written to me seeking an extension of time.

I am very interested in knowing what the central Queensland community has to say about these proposals. As there appears to be a genuine view that there was not enough time to contribute to the process, I have determined that the review period will be extended by three weeks to Friday, 19 December 1997, bringing the response time provided to seven weeks. Following receipt of submissions, these will be reviewed and a report will be prepared, which will provide a basis for consideration by Government on whether the proposed dams should or should not be approved in principle. The question of water allocations will not be finalised until the water allocation and management planning process for the Fitzroy catchment is completed next year.

SITTING HOURS; ORDER OF BUSINESS

Sessional Order

Mr FITZGERALD (Lockyer—Leader of Government Business) (9.55 a.m.), by leave, without notice: I move—

> "That notwithstanding anything contained in the Standing and Sessional Orders, for this day's sitting, the House will continue to meet past 7.30 p.m.
>
> Private Members' motions will be debated between 6 and 7 p.m.
>
> The House will then break for dinner and resume its sitting at 8.30 p.m.
>
> Government Business will take precedence for the remainder of the day's sitting, except for a 30-minute Grievance debate."

Motion agreed to.

SITTING HOURS; ORDER OF BUSINESS

Sessional Order

Mr FITZGERALD (Lockyer—Leader of Government Business) (9.56 a.m.), by leave, without notice: I move—

"That pursuant to Standing Order No. 26, the House will meet for the despatch of business, in addition to the days agreed to pursuant to the Sessional Order of 2 April 1996, at 9.30 a.m. on Friday, 21 November 1997 on which day the routine of business shall be as follows—

(a) 9.30 am to 10.30 am—

Prayers

Messages from the Governor

Matters of Privilege

Speakers Statements

Motions of Condolence

Petitions

Statutory Instruments

Ministerial Papers

Ministerial Statements

Ministerial Notices of Motion

Any other Government Business

Personal Explanations

Reports

Question Time

(b) 10.30 am to adjournment of the House—

Government Business."

Motion agreed to.

OVERSEAS VISITS

Reports

Mr DOLLIN (Maryborough) (9.57 a.m.): I present to the House a report on my recent visit to Ghana, where I attended the ninth annual Commonwealth Parliamentary Association Conference held at the International Conference Centre at Accra, Ghana, between 12 and 18 May this year.

Following the completion of my responsibilities as delegate to the Commonwealth Parliamentary Association Conference in Ghan, I took the opportunity to travel home via Johannesburg, where I stayed for two days to view first-hand a very successful timber plantation of mostly Australian species of trees. I also present to the House the report of that trip.

NOTICE OF MOTION

Trust Accounts, Basil Stafford Centre

Ms BLIGH (South Brisbane) (9.57 a.m.): I give notice that I shall move—

"That this Legislative Assembly, pursuant to Section 77(1) of the Financial Administration and Audit Act 1977, requests the Auditor-General to—

(a) conduct a thorough audit of the financial management of the trust accounts of residents of the Basil Stafford Centre, and the circumstances surrounding recent problems with bank reconciliations of these accounts, and

(b) report to the Parliament on the status of those trust accounts with recommendations regarding mechanisms to ensure the proper administration of all trust accounts to residents of the Basil Stafford Centre."

PRIVATE MEMBERS' STATEMENTS

Public Service Hit List

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (9.58 a.m.): There is no doubt that the hit list of alleged Labor Party operatives in the Public Service went right to the top, to the office of the then Opposition Leader, Mr Borbidge. So far, Premier Borbidge has denied that he was responsible for the list. This is the man who said this week that he had never seen the hit list, despite an admission by a senior public servant that when Mr Borbidge was in Opposition one of his staff had a copy, and despite the fact that just about every journalist has a copy. This is the same Premier who told the Courier-Mail on 24 September 1997 that the Government's advertising policy meant that it would not promote individual Ministers.

The Premier says that he could not care less about the political sympathies of public servants. If he did not care about their sympathies, why did he ask former National Party heavy Mike Evans to spend six months in the Executive Building? That was so secret that the name of Mr Evans did not appear on an internal phone list. In a written parliamentary answer to me, the Premier said that Mr Evans had never been employed in the department. However, at the end of August at a breakfast function, Mike Evans told the Conservative Club—

"I had six months in the Premier's Office helping the Prem last year. I took

> the microscope, I looked at Government Departments and I came across all these cells of Labor Party supporters."

At that breakfast, Mr Evans asked Liberal Party President Bob Carroll and National Party President David Russell, in front of everyone—

> "Have you made any decisions on what is to be done to try to stop that situation or remove those people?"

Mike Evans says that he spent six months in the Premier's office with a microscope finding cells of Labor Party supporters who were to be removed. Why was he doing this if the Premier could not care less about their political sympathies? Who is telling the truth?

Premier Borbidge claimed in the Courier-Mail that he still had not seen a list. It has been around for ages, but he has not even bothered to ask any questions about it. No-one runs this Government; it just happens. The Premier says, "No overseas trips for Ministers", but off the Ministers go. The Premier expresses his disgust with his ads, and then we find that he authorised them.

Time expired.

Planning Study, Southern Moreton Bay Islands

Mr HEGARTY (Redlands) (10 a.m.): Honourable members will be interested to know that the planning study into the southern Moreton Bay islands in my electorate has been completed. The study, jointly funded by State and local government, has produced a broad vision for the development of the islands based on social, environmental and ecological studies, as well as input from the community reference group and other consultation.

The current planning provisions provide little opportunity or incentive for the protection of the environmental attributes of the islands, or for the achievement of the island lifestyle which many landowners appear to be seeking. Unfortunately, the present potential density of development on most of the islands, under the existing subdivision pattern, is higher than that in most Brisbane suburbs. The current allotment sizes, therefore, make it difficult to protect most of the existing vegetation or to set aside areas of significant environmental value.

The consultants have prepared a number of alternative development scenarios for consideration by the community, based on the image for the islands, together with planning principles, to provide a range of infrastructure and services. The options to be considered do not offer the range of facilities expected by residents of mainland suburbs, but rather reflect the island character and easygoing lifestyle sought by residents.

To achieve any of the proposed scenarios, a considerable amount of capital needs to be injected into the islands' future development. Whilst the local government authority has the responsibility for administering the islands and providing services funded from rate revenue, because of the unique way in which the islands were developed I believe the State Government has an obligation to assist with funding to achieve a better future development outcome.

Marine infrastructure such as jetties and facilities such as community halls are needed immediately. The acquisition of some land to reduce urban density and its impact on the Moreton Bay Marine Park requires a coordinated State and local government approach and financial commitment. I know that both the Minister for Local Government and Planning and the Minister for Environment have shown interest in the outcome of the study and have visited the islands to see first-hand the extent of the problem and the desirable solution. I now call on the Ministers to commit to funding assistance for a long-term solution for that community that has been forgotten up to now.

Juvenile Justice Laws

Hon. M. J. FOLEY (Yeronga) (10.02 a.m.): It is the duty of every society to treat its children and youth with care, respect and encouragement. Future generations will look back on this era as one in which young people faced the unprecedented challenge of mass unemployment, health risks unknown to previous generations and an extraordinary suicide risk which blights our nation. What has been the Government's response to this? Has it been to provide support for our youth? No, it has been to shut down the Youth Employment Service and to introduce a set of juvenile justice laws which have brought this State into international disgrace.

Yesterday, the Australian Law Reform Commission reported that the juvenile justice amendment laws introduced by the disgraced Attorney-General, Mr Beanland, breached the United Nations convention on children's rights. They did so by placing the emphasis upon the detention of juveniles rather than on their rehabilitation. There is one thing that the Attorney-General told the Parliament

yesterday of which I am very proud. Speaking of the Opposition, he said this: "They voted against the juvenile justice laws in this State when they were toughened up." We are proud of that. The Labor Party stood up for basic human rights and for the decent young people of our State who deserve better than idle slogans.

What this is all about is the flight into unreason of Ministers such as the Attorney-General and the Premier, who recite the inane slogan about anyone opposing them being soft on crime. I say to them that they should take care that their minds do not go soft from the uttering of such mindless slogans. They should care for our young people.

Time expired.

Sunday Trading

Mr HEALY (Toowoomba North) (10.04 a.m.): This morning I wish to draw the attention of the House to the pleas of a wide-ranging cross-section of local Toowoomba businesses concerned at the impact of Sunday trading on families and livelihoods. I have felt privileged to have been asked by members of Toowoomba's small-business community to have been a voice in this place, and in the wider public community, questioning the appropriateness of allowing Sunday trading for major shopping centres and supermarkets.

The Knox report, which examined the issue of trading hours and the effect extensions would have in communities such as Toowoomba, identified that "the continuance of wide-scale trading outside of normal hours by small business" was a viable practice. However, the decision by the Property Council of Australia, the Retailers Association of Queensland and the Women's Network Australia to challenge, before the Industrial Relations Commission, the decision by the State Government to maintain the existing trading hours for larger scale retailers in Toowoomba is regrettable and potentially deadly for small business.

For smaller businesses in Toowoomba, the opportunity to provide a service to the local community on a Sunday does give a small degree of benefit to shop owners and retailers who, on a daily basis from Monday to Saturday, are confronted with unrealistic competition and aggression from the likes of the major retailers. There is no doubt in my community that the fear and uncertainty which surrounds the expansion of shopping hours for large-scale retailers would bring genuine problems for our smaller retail networks.

Only a couple of weeks ago, a meeting of nearly 80 small-business people demonstrated their fears and their concerns at any prospects of increased trading hours. I was asked, and I am happy to oblige on behalf of small-business people in my community, to support calls to exclude Toowoomba from any move to allow any non-exempt stores to trade on Sundays.

I have been reminded that, for every per cent of market control the big companies gain, 1,800 jobs are lost to independent retailers. In my opinion, and in the opinion of many of my constituents, that is a frightening statistic which would see a large number of our small retailers decimated. The constituents of my electorate have given me a very clear message. They have asked this Parliament to recognise their cries and respond where possible.

The issue of influencing the power of large-scale retailers to impose their agendas on trading hours is an important one. Small-business people in my region have highlighted this fact. Let us all seek to recognise the potential harm these retailers can bring to a smaller regional community which has, in the past, been spared from the ravages of wide-scale competition that hinders, not helps, ordinary communities.

Leading Schools

Mr BREDHAUER (Cook) (10.07 a.m.): Today I wish to draw the attention of the House to a process that has been undertaken at the Bray Park State High School to ascertain the views of the parents about Leading Schools. The principal of the school says that he took advice from the local government member on how to ascertain reliable opinions. That local government member was Councillor Graham Ashworth, a former Liberal Party candidate, and not the local State member of Parliament, the member for Kurwongbah. It says, in part, that we—

> "... invite parents who are opposed to entering Phase II, to respond on the form provided by Tuesday 18 November."

Parents did not receive this letter until Monday, 17 November. If they wanted to register their ballot, they had to take it to a box outside the office of the school—they had to deliver it personally—by 3 p.m. on Tuesday, 18 November.

It further states—

> "Parents who do not respond will be considered to be in favour of entering Phase II.
>
> There is no need to respond under this method of opinion polling if you are in favour."

If they wanted to vote against Leading Schools, they had to fill in the form and take it up to the school. When people filled in the ballot paper indicating that they want to vote against Leading Schools, they had to include on the voting paper their name, signature and also the names of their kids attending that school.

Earlier this year, we saw that principals nominated their schools against the wishes of their staff. They got into creative voting methods to get a different outcome—the one they wanted. Now it appears as though principals of schools are starting to rort the voting processes again so that they can get the outcome they want and con the parents into appearing as if they support Leading Schools, or to leave their kids open to possible victimisation from the administration at the school by having to name their kids on the voting paper. Parents say to themselves, "If I vote against Leading Schools, people will know that my little boy, John, or girl, Mary, in Year 10 is my son or daughter and that I am opposed to Leading Schools." This is a rort. These are the sorts of processes that this Minister has not just tolerated but encouraged under Leading Schools. It makes a mockery of his suggestions that there is democracy in Leading Schools.

Time expired.

National Parks, Mackay

Mr MALONE (Mirani) (10.09 a.m.): The Wheel of Fire walking track west of Mackay in the Finch Hatton Gorge and Eungella National Park was officially opened by the Minister for Environment, Brian Littleproud, during his business visit to Mackay for the country Cabinet meeting recently. The track, which was built more than 40 years ago, was closed some years ago due to safety concerns. The restoration project costing $190,000 was commenced as a Youth Conservation Corps project for young unemployed people and was completed over the last year by parks staff and contractors. These walking tracks provide recreation for people of all ages, enticing the locals as well as tourists to visit. More than 120 tonnes of building material had to be moved over very difficult terrain to enable this project to be completed and a good percentage of that was carried on backpacks. I believe congratulations are due to all those concerned on their determination and ingenuity.

In the Eungella Broken River section of the national park, $26,000 was allocated to footbridges, walkways and platypus viewing areas. In the upgrading of the sky window section of track facilities for wheelchair access and barbeques, $65,000 was allocated which was jointly funded by the Commonwealth Environmental and Indigenous Tourist Section and the Office of National Tourism. This project has the potential to enhance the viability of the tourist industry throughout the Pioneer Valley, puts dollars in the pockets of tourist operators, creates a major tourist destination in the Mackay district and encourages visitors to stay an extra day in the Mackay area.

National parks are an exciting asset to our communities, and word of mouth communication brings visitors from all over the world to visit our national parks in the Mackay region. While enhancing the facilities, it is important that we protect the natural habitat and fauna of the national parks throughout Queensland. I say congratulations again to the Minister and the staff of the department.

Solar Hot Water Rebate Scheme

Mrs ROSE (Currumbin) (10.11 a.m.): I wish to bring to the attention of the House one of the latest poor decisions of this Government on matters concerning the environment. The Government has scrapped the Solar Hot Water Rebate Scheme. The rebate of up to $500 for installing a solar hot water unit is no longer available. After budgeting $1.8m in this financial year for the program, the Government has decided to keep what remains—nearly $1m of the original $6m budgeted by Labor in 1995. It is going to take the remaining money and run—maybe it will spend it on Government advertising instead.

The Gold Coast community had fully embraced the rebate initiative. It is estimated by the solar industry that there are more than 10,000 units on Gold Coast houses. More than 1,500 were bought during the period of the scheme. The evidence is that Gold Coast residents, in common with those throughout the State, are keen to buy solar when it is affordable. There is no doubt that the rebate did put solar hot water within more people's reach.

What did people buy when they went solar with the help of the rebate? They bought an average 40% reduction in their domestic

energy requirements; they bought a Statewide reduction of over 40,000 tonnes of greenhouse gas emissions because they use less energy from the power grid; they bought almost a doubling in the life of their hot water unit, reducing the number of hot water units going into landfill; and they bought the knowledge that at the community level they were doing the smart thing, they were conserving energy and they were helping the environment. Now that is gone.

A whole range of schemes contained in Labor's efficient and alternative energy policy are gone. Even the Energy Innovation Division within the Department of Mines and Energy has been abolished. While this Government has scrapped the program, other State Governments are introducing it. New South Wales has just adopted a package very similar to the one that was introduced by the former Labor Government. Either we are serious about renewable energy and greater efficiency as a community or we are not. This Government has shown that it is not serious; it has no policy for energy innovation or energy efficiency.

Borumba Dam

Mr STEPHAN (Gympie) (10.13 a.m.): I take this opportunity to congratulate the Minister for Natural Resources on announcing last week a project to raise the Borumba Dam. This is the first time in quite a number of years that a project such as this has been put in place. Not since Teemburra Dam was completed has there been such a project. That dam was begun by the conservative side of politics long before Labor came into power. It is very heartening that once again we are seeing our projects beginning to help people, particularly in the rural areas, to compete in the marketplace.

In this particular instance the project to raise the dam by 2.5 metres was completed within budget and two months ahead of schedule, increasing the dam's capacity by one third to 45,000 megalitres. That is certainly a step in the right direction, but we cannot stop there. A lot of producers are looking forward to the situation in which more water conservation measures can be taken. We must remember that at present the Mary River is supplying water to areas such as Caloundra, Noosa and Maroochydore, and they are running very short. We cannot really expect the water measures in place at the moment to last into the next century. For that reason, it is very important that these measures are put in place.

Time expired.

Toowoomba Hospital, Laundry

Mrs EDMOND (Mount Coot-tha) (10.15 a.m.): It is surely a sign of the grossest incompetence that a Minister cannot even pork-barrel his own electorate without incurring the wrath of the locals and causing chaos. Eight hundred and sixty-four residents of Toowoomba are so outraged at the Health Minister's intention to close the Toowoomba Hospital's laundry that they have petitioned Parliament. The Opposition exposed this harebrained scheme at the Estimates committee hearing when it was revealed that the new state-of-the-art laundry at PAH was to be downsized with jobs lost so that dirty linen could be ferried from Logan, Beaudesert and Wolston Park Hospitals to a new laundry in the Minister's own electorate at the Baillie Henderson Hospital. Luckily, those hospitals had enough sense to say: no.

Mr HORAN: I rise to a point of order. I find that offensive. That is not in my electorate at all, and I ask for that to be withdrawn.

Mr SPEAKER: Order! The Honourable Minister has asked for it to be withdrawn.

Mrs EDMOND: I withdraw. What about the workers at Toowoomba Hospital who have worked hard to create a more productive and efficient linen service, beating the benchmarks and named with Nambour as the most efficient laundry by Queensland Health? Is this their just reward? Is this what they get for working so hard? Where was the member for Toowoomba North when this farce was planned? Did he plot this move with the Minister? Why would hospital workers ever trust this Government when promises of consultation have just been wiped, when promises of savings to be spent on modernising the laundry to improve working conditions have just been wiped, and when this blatant pork-barrelling is done without even any attempt to justify it because the Minister cannot?

IT & T, Gold Coast

Mr CONNOR (Nerang) (10.16 a.m.): Members of this House will be pleased to learn that the information technology and telecommunications needs of the Gold Coast region are to be assessed in a new study which has been announced by the Minister for Tourism, Small Business and Industry, Bruce

Davidson. It has become well recognised that information technology and telecommunications, or IT & T, is rapidly changing traditional services such as education, health care and financial services. These changes are raising some fundamental issues for the Gold Coast region.

The study announced by Mr Bruce Davidson is a $25,000 scoping study which has been jointly financed and conducted by the Minister's department in partnership with the Gold Coast City Council. It is proposed to better understand the short to medium term information technology needs of the region. This scoping study will identify specific projects that can be undertaken to address these needs quickly and successfully. It will also provide opportunities to increase the region's ability to grasp the prospects offered by the new information society.

Opportunities in electronic commerce services, multimedia content and software applications alone could generate 30,000 to 40,000 new jobs nationally by the end of 2005. With the level of youth unemployment and a rapidly growing population base, it is to our advantage that the Gold Coast region captures an adequate share of this growth market. The extent to which information technology and telecommunication opportunities are effectively applied will be a strong determinant in addressing the immediate needs of the region and its long-term social and economic prosperity. It is hoped that this study will lead to higher levels of employment and economic growth on the Gold Coast in the information and telecommunications area. I congratulate the Minister for Tourism, Small Business and Industry for funding this scoping study on the Gold Coast.

Mr B. Sorenson

Hon. D. M. WELLS (Murrumba) (10.18 a.m.): Honourable members will remember this edition of Sector Wide, and public servants will remember it even more. In this edition, the State Government moved to offer maximum job security to public sector workers. It says, in part—

> "... a commitment that 'no tenured government employee will be forced into unemployment as a result of public sector organisational change' except in 'exceptional circumstances' and with the express approval of the Public Service Commissioner."

Unfortunately, despite those grandiose claims, that is not what these FOI documents show. They show that a public sector employee in the Brisbane Institute of TAFE called Bruce Sorenson—an employee of 22 years—was offered a VER and he refused it. The Government then proceeded with the disemployment process without the express approval of the Public Service Commissioner. It did this relying on documents which were prepared and authorities which were established before Sector Wide was put out. In other words, these authorities, this circular letter, this authority for the process of disemploying somebody—these things, which were operational before Sector Wide, remained operational afterwards, and the Premier, despite his proclamations in Sector Wide, has done nothing to cancel the old authorities. The Premier made this statement but he did not cancel those authorities. Bruce Sorenson is not the only victim at the Brisbane Institute of TAFE. John Laverty, John Reid, Neil Westbury and Clive Ball have received exactly the same treatment with the exact same lack of proper procedure.

The Premier should intervene to protect the employment of the public sector employee, Bruce Sorenson, and uphold the spirit and the letter of his promises about job security. He should also intervene to protect the employment of John Laverty, John Reid, Neil Westbury and Clive Ball, who are also employed at the Brisbane Institute of TAFE, or else his promises are not worth the paper that they are written on.

Time expired.

Information Industries Branch Web Site

Mr WOOLMER (Springwood) (10.20 a.m.): Members of this House will be pleased to learn that the Government is fulfilling its promise to provide Australia and the world with easy access to information on the State's information technology and communications industry. The Minister for Tourism, Small Business and Industry, Bruce Davidson, has launched a new and unique web site which aims to be seen as the definitive centre for information on Queensland's IT & T industry. The web site is operated by the Information Industries Branch, which is in the Minister's department. The site is regarded as a goldmine of good information for those of us who like to surf the earth on the Net. The Internet address, for those who wish to look it up, is: www.iib.qld.gov.au.

This branch, established as the State Government's primary means for developing the IT & T industries, has redesigned its web site to take advantage of the very latest Internet technologies and to become a more active player in the Internet business world. With the launch of the new web site, the Queensland Government is providing a medium for the easy and cost-effective dissemination of information on Queensland's growing IT & T industry. The new site offers value-added services to IT & T businesses in Queensland by facilitating access to current information in an efficient and reliable manner. To accomplish these goals, the new web site uses effective navigation tools and facilities to provide for the efficient downloading of information. Aiming to be seen as the definitive centre for IT & T-based information for use by businesses, the IIB web site has been enhanced to provide access to a variety of Internet-based information sources which are directly relevant to those businesses.

This unique site has been developed by a group of four Queensland organisations called the Internet Services Consortium. The consortium is made up of Consult the Net, Hub Communications, Thom Saunders and Logical Solutions. Working together, these organisations have been able to bring a range of complementary skills and services to this project. The new web site should be visited by all in the industry.

Time expired.

Taigum State School

Mr NUTTALL (Sandgate) (10.22 a.m.): As the State heads towards the next election, it is becoming more and more apparent that Labor electorates in particular are being starved of funds in relation to minor capital works. Let me cite an example to the House. One of my local State schools, the Taigum State School, has a swimming pool which is used by a swimming club. Unfortunately, a flock of ducks has decided to make the swimming pool their home. Because these ducks are living in the pool, the kids cannot swim in the pool and the swimming club cannot use the pool.

As the local member, I approached the Education Minister and said, "We just need some help to get rid of the ducks." I was told, "We have no money to fix your duck problem", even though the Government can afford to spend heaps of money on self-promotion. This Government is all about self-promotion. Meanwhile, minor problems such as this cannot be resolved because no money is available. There is plenty of money to put photos of Ministers in the paper, but there is no money to get rid of ducks! The question that I and the people in my electorate want answered is: where are the priorities of this Government?

Mr Gibbs interjected.

Mr NUTTALL: I can tell the member one thing: the Government is not too flash on looking after problems in Labor electorates. It highlights the hypocrisy of this Government that——

Mr SPEAKER: Order! I can see why the honourable member for Sandgate was "dux" of his college!

Time expired.

Funding for Arts and Cultural Groups, Townsville

Mr TANTI (Mundingburra) (10.25 a.m.): In a joint press release dated 13 November, the Deputy Premier, Treasurer and Minister for The Arts and myself announced an outstanding result for 15 arts and cultural groups. The following groups received between them $488,000. Just to keep the member for Sandgate happy, I point out that this funding went into all electorates in Townsville. The Umbrella Studio Association, $85,000; Perc Tucker Regional Gallery, $19,000; Amanda Feher, $7,500; Lyre Bird Press, $4,500; Lyre Bird Press again, $3,000; Jenny Mulcahy, $5,000; Townsville Community Music Centre, $50,000; La Luna Youth Arts, $50,000; the Australian Festival of Chamber Music, $45,000; Queensland Youth Services incorporating Hedgehog Productions, $12,000; Theatre Up North, $22,000; Tropic Line Theatre, $35,000; Woomera Aboriginal Corporation, $95,000; Professional Arts Working Group Inc., $15,000; Townsville Youth Entertainment Inc., trading as The Lab, $15,000; and the International Festival of Young Playwrights Ltd, $25,000.

This is over and above the grant given to Dance North, which is now on a multi-year funding arrangement. They are to receive $385,000 per year for three years. The Minister for The Arts earlier this year gave Dance North a cheque for $250,000 for their building. I said in our joint press release that I was particularly pleased to see the strong support for the Townsville cultural sector. I am very pleased for all the groups that received funding, and they deserve every amount they receive. 53% of all projects announced by the Minister for The Arts went to regional Queensland. There was a high priority for

youth and Aboriginal and Torres Strait Islander arts. In particular, I was pleased to see The Lab, La Luna Youth Arts, Hedgehog Productions and the International Festival of Young Playwrights receive support following the Government's launch this year of——

Time expired.

Redland Hospital

Mr BRISKEY (Cleveland) (10.27 a.m.): I wish to bring to the attention of the House the plight of a Wellington Point constituent and pensioner within my electorate. He is another in the long line of people who have received unsatisfactory treatment from the Redland Hospital due to the underfunding policy of the Minister for Health and the coalition Government. I wish to place on record my strong support and appreciation for the first-class job the hospital staff perform. My constituent's situation and others are not the fault of the hospital staff; instead, my constituent and many others are suffering at the hands of this Government, which is more concerned with using taxpayers' money on blatant political advertising campaigns than with spending to improve the quality of life of Queenslanders. My constituent is a prime example of the effect that such underfunding of the health system is having on Queenslanders.

This constituent recently underwent a double hernia operation at the Redland Hospital. At 8.30 on Saturday morning, 18 hours after the operation, he was discharged. The underfunding of the hospital prevented the employment of enough staff to care for recovering patients as well as new admissions. Not only was my constituent still in pain from his operation but he also suffers from a work-related lung incapacity and should have stayed in hospital much longer. After he complained of severe pain in his abdomen on Sunday, his GP visited and immediately admitted him to Chermside Hospital, as he was grievously ill. This situation should never have happened. Due to inadequate funding and, consequently, understaffing, the Redland Hospital is forced to discharge seriously ill patients to make room for new admissions.

To be released 18 hours after a serious operation is just not good enough. Such action could have easily cost my constituent his life. How many other lives are being put at risk because of this Government's warped priorities? How many patients have to die before the coalition will accept the health of Queenslanders as a valid and vital concern? It is time for the Minister and the Government to wake up to themselves and to stop their continued use of taxpayers' money on blatant political advertising.

QUESTIONS WITHOUT NOTICE

State Government Advertising

Mr BEATTIE (10.30 a.m.): I refer the Premier to his assurance in the Courier-Mail on 24 September that his Government was—

> "... not promoting individual Ministers. In our Government advertising, we leave out the Ministers, and what we put in the advertisements are statements of fact, not statements of political propaganda."

Further, I refer to Tuesday's Courier-Mail, which stated that the Premier was "not impressed" by a four-page Government newspaper supplement at the weekend which featured photographs of himself and three other Ministers, and I ask: is it not true that the Premier only suddenly developed a conscience about this blatant political self-promotion after his Tourism Minister admitted in the Parliament yesterday that responsibility for this advertising supplement rested with the Premier?

Mr BORBIDGE: The short answer to the Leader of the Opposition is: no. The answer that I will give in some detail I am sure he will find educational. The situation is that, under this Government, in terms of campaign advertising across Government, there has been a reduction of 20% on the amount of money spent by the Labor Party. According to figures that have previously been presented to this Parliament, in calendar year 1996 some $5.9m was spent on advertising across departments. In calendar year 1994, the Labor administration spent $6,965,610, and in 1995 it spent $7,218,843 on what is termed campaign advertising by departments.

The gall of the Leader of the Opposition even to raise this issue in the Parliament just demonstrates the extent of the honourable member's hypocrisy. Let us not forget that, when Labor was in Government, as we were going into a State election we had no fewer than seven television campaigns on the go—seven television campaigns, all political propaganda. May I remind the Leader of the Opposition of those campaigns? We had advertisements for the $1.2 billion disaster, the Home Ownership Made Easy scheme, for which we are still paying. We had TV advertisements running for the then TE score system. We had TV advertisements running about women's safety. We had TV

advertisements running for the Sunlander. We had TV advertisements running for the licensing of building contractors. We had TV advertisements running about recycling, and we had TV advertisements running for Q-Link—all at the start of an election campaign.

An Opposition member interjected.

Mr BORBIDGE: I take that interjection that the Labor Party did not have its Ministers in its advertising. Let me talk about one example from the now Deputy Leader of the Opposition, who was then Minister for Business, Industry and Regional Development. If this was not an advertisement with a smiling Colgate photograph, what was it all about?

There was a mail-out to every small business in Queensland telling them that it was Queensland Day. The headline beside the Minister's photograph was "We are a great State." Alongside that smiling photograph of the Deputy Leader of the Opposition was a summary of other issues that the Minister wanted to talk about. I thought that one of the other items in this piece of political propaganda was very appropriate for the Deputy Leader of the Opposition. It was a story titled "Moulding Success with Plastic". That speaks volumes about the plastic standards of the Deputy Leader of the Opposition and other honourable members opposite.

In respect of other issues in regard to Queensland Government advertising—I have already highlighted the 20% reduction under this Government in respect of campaign themes across whole of Government—a 20% reduction on what the Labor Party spent. I decided to take out the figures on non-campaign advertising. In 1992-93, the previous Labor Government spent $10,515,489 on non-campaign advertising. In 1993-94, that figure went up to $13,262,211, representing a 15.1% increase in one year. But not content with that, in 1994-95 it went to $15,505,224. When we came to power, under the advertising rules of the previous Labor Government expenditure was $15,317,755. So Labor, during its term in office, increased spending on non-campaign advertising from $10.5m to $15.3m.

What is our record? I will tell the House what our record is. In 1996-97, we reduced the amount being spent on non-campaign advertising from $15,317,755 to $13,000,007.81, which represents a decrease of 16.9% under this Government. So the record is simple. In terms of campaign advertising across Government, there has been a 20% reduction under this Government on what Labor spent. And in terms of non-campaign advertising, there has been a 16.9% reduction.

I suggest to the Leader of the Opposition that hypocrisy does not go too well in the political scene. We know his record in Government. We know his record of 100 days of listening and self-promotion in the hospital system and the health system as we are being confronted with a public health crisis. Under this Government, we have decreased the amount of money being spent on advertising compared to that spent by our Labor predecessors.

State Government Advertising

Mr BEATTIE: My second question is also directed to the Premier. Now that he has finally bowed to pressure and banned the use of Ministers' photographs on all Government advertising, I ask: will he give a commitment today that the National and Liberal Parties will reimburse taxpayers for the scandalous waste of millions of dollars on blatant political advertising by his Government, including the $1m workplace reform campaign featuring the Industrial Relations Minister, Santo Santoro, and the weekend four-page advertising supplement featuring a photograph of himself, the Deputy Premier, the Minister for Tourism and the Minister for Training?

Mr BORBIDGE: I find the hypocrisy of the Leader of the Opposition absolutely breathtaking. Is he going to, on behalf of the Labor Party, refund $10m plus $13m plus $15m plus $15m?

Mr Beattie interjected.

Mr BORBIDGE: Loose lips again! The Leader of the Opposition refers to a so-called million dollar advertising campaign by the Minister for Training and Industrial Relations. How much was it, Mr Minister?

Mr Santoro: Certainly not a million.

Mr BORBIDGE: It was certainly not a million. It was a lot less. I offer an invitation to the honourable member opposite: ask the Minister how much he did spend. Don't pluck numbers out of the air. Don't judge us by your standards.

Honourable members interjected.

Mr BORBIDGE: The simple fact is that, despite the fact that we have had major advertising campaigns in respect of the gun buyback scheme, which was the big item——

Mr SPEAKER: Order! The House will come to order. Do members want to return to what happened yesterday, when I named half of the members of the House, and I start throwing members out? Let us have some dignity and decorum. The question has been asked of the Premier. The Premier is answering it. I call for some order.

Mr BORBIDGE: As I have said, there has been a 20% reduction in whole-of-Government campaign advertising and a 16.9% reduction in expenditure on non-campaign advertising. Perhaps the Leader of the Opposition might like to lead by example and pay the taxpayers of Queensland the difference between what the Labor Party paid in advertising and what the coalition has paid for advertising.

United Nations Convention on the Rights of the Child

Mr SPRINGBORG: I refer the Premier to calls by the Australian Law Reform Commission for the Government's Juvenile Justice Act to be repealed on the basis that it breaches the United Nations Convention on the Rights of the Child and support for that proposition from the honourable member for Yeronga. I ask: are those assertions correct?

Mr BORBIDGE: I noted the enthusiastic support for that body and for the United Nations convention by the honourable member for Yeronga this morning. May I assure the people of Queensland that the laws of Queensland are made by the duly elected Parliament, not by a cabal of lawyers and not by the United Nations. In this country and in this democracy we have the sovereignty of the Parliament, which I respect and the member opposite does not.

Opposition members interjected.

Mr BORBIDGE: Honourable members opposite are so sensitive about their soft line on crime and the fact that they backed the perpetrators of crimes instead of the victims——

Mr Foley interjected.

Mr SPEAKER: Order! I warn the honourable member for Yeronga under Standing Order 123A for persistent interjecting.

Mr BORBIDGE: The honourable member for Yeronga and his colleagues who side with the perpetrators of crime instead of the victims of crime are more than happy——

Mr FOLEY: I rise to a point of order. That is offensive and untrue. I ask the Premier to withdraw that assertion forthwith.

Mr SPEAKER: Order! The honourable member has asked for a withdrawal.

Mr BORBIDGE: If the honourable member finds it offensive, I will withdraw. When given a choice between defending the sovereignty of the Parliament, which is accountable to the people, and supporting a United Nations treaty, where does the Labor Party run?

Opposition members interjected.

Mr SPEAKER: Order! Honourable members did not hear what I said: if honourable members continue in this vein, they will not be here for question time. It is their decision.

Mr BORBIDGE: They opposed the juvenile justice legislation which was intended by this Government——

Mr Foley interjected.

Mr SPEAKER: Order! I have warned the honourable member for Yeronga. I ask him to leave the Chamber.

Whereupon the honourable member for Yeronga withdrew from the Chamber.

Mr BORBIDGE: When given a choice in this place, the Labor Party has opposed every major reform in terms of tougher penalties and sentences in this particular State, which is consistent with their soft-on-crime agenda.

I will make some observations in respect of the comments of the Australian Law Reform Commission. The members of that body are not elected. This Parliament is elected. This Parliament enacts legislation. If the people of Queensland do not like the legislation enacted by this Parliament, once every three years, unlike the Australian Law Reform Commission, we are accountable to the people. I respect enormously the sovereign rights of the Parliaments of this country. The sovereign rights of the Parliaments of this country to make the law must not be undermined by appointed bodies or by international United Nations conventions. If the Law Reform Commission goes down this track, as it has on a number of issues, it will be further proof that it increasingly sees itself as another tier of government. That is wrong and that is irresponsible.

It is the view of this Government that the juvenile justice legislation enacted by this Parliament and introduced by the Attorney-General strikes the right balance. Obviously, the lawyers at that particular commission are unaware of a number of the initiatives in respect of this legislation, in particular the fact that this Government has introduced

community youth conferencing and that it has extended community service orders. The sentencing options available to the court are contained in sections 120 and 121 of the Juvenile Justice Act. The most recent amendments have increased the severity of the existing penalties by increasing the amount of time that a child may be held under an order. Unlike honourable members opposite, I believe that if a juvenile breaks into my home and attacks my family, that juvenile should face the consequences at law. These juvenile offenders should not be allowed to do the sorts of things that the honourable members opposite seem to think that they should be able to do.

With respect to the balance in this particular argument—we have increased diversionary options and community conferencing is currently being piloted in three areas, two in south-east Queensland and one on Palm Island. Obviously, that is beyond the understanding or the knowledge of the learned members of the Australian Law Reform Commission.

I endorse the comments made by the spokesman for the Queensland Victims of Crime Association, Mr John King. An article in the Courier-Mail states—

> "Queensland Victims of Crime Association spokesman John King said that while there 'may be a United Nations charter on the rights of children, victims also have rights to be treated fairly and equitably'.
>
> Mr King said that while he did not want first-time offenders to become better criminals as a result of being jailed ... 'I don't think we should ever go soft on those people who have committed extreme violent acts or who have great form for committing violent acts'."

We are with the victims of crime. If members of the Labor Party want to align themselves with the perpetrators of crime, with a cabal of lawyers or with the United Nations, let them say so. That is their policy. We look forward to making sure that the people of Queensland know all about this policy of the Labor Party during the forthcoming election campaign.

Surgery on Time

Mr ELDER: I refer the Health Minister to his claims in Parliament that hospital waiting lists have been reduced. I ask: how does the Minister explain his admission in a letter to the member for Logan on 29 October that "there is a long waiting list for semi-urgent appointments" at the Logan Hospital? I also ask: why has he been deliberately misleading people about the true state of Category 2 and Category 3 waiting lists at public hospitals? I table that letter for his information.

Mr HORAN: I thank the honourable member for his question, because it once again gives me the opportunity to talk about the success of Surgery on Time. When we took over Government, there was not even a strategy to address the long waiting lists in Queensland. When we took over Government and when we started Surgery on Time on 1 July, 49% of Queenslanders were waiting more than 30 days for Category 1 elective surgery. Firstly, we put in place a plan. We now have computerised systems in the 10 hospitals that are involved in Surgery on Time, namely, Cairns, Townsville, Rockhampton, Prince Charles, Sunshine Coast, Princess Alexandra, Royal Brisbane, Gold Coast, Ipswich and Toowoomba. Of all of those 10 hospitals——

Mr LIVINGSTONE: I rise to a point of order. The Minister mentioned Ipswich, where there is a two to three year waiting list for Category 2 and Category 3.

Mr HORAN: It is amazing how disrespectful the local member is when Ipswich is one of the leading hospitals in that group of 10. There has been an outstanding performance from the staff of the Ipswich Hospital, and he stands up and denigrates them.

Mr LIVINGSTONE: I rise to a point of order. At no stage have I knocked the staff or the hospital. All I am saying is that this Minister is not telling the truth and he is incompetent.

Mr HORAN: Once again, the member has been proved wrong.

When this Government put in place Surgery on Time, through the system of waiting list coordinators and the accurate recording of statistics it was able to show hospital by hospital, category by category and specialty by specialty the absolute number of people on each waiting list and the percentage of those people who were waiting for longer than 30 days, 90 days and then for 12 months. No Government in Australia has had the political courage to set the targets that this Government has set, and it is setting those targets in a practical way so that they can be achieved one by one.

The former Health Minister, Mr Elder, who was famous for his five months and the 21 signs that he whacked up one night before the election, is upset because we are doing what

he could not do. He did not even have the organisational skills to be able to put in place some sort of system. Those were the days when waiting lists were on some sort of carbon copy notebook in the back pocket of various people all over the place. No-one knew what was what. At least now we know and, in a proper and organised way, we can attack the problem.

This Government has put in the funds; it has put in the staff; it has put in the organisation; it has put in the management; it has put in the consultation with all the specialist colleges, the nursing profession, the superintendents, the directors of nursing and everybody else; and it has put in place this professional plan. What this Government achieved in five months was to take the waiting list for Category 1 surgery—and that was our target—from 49% long waits down to less than 5%, which we have maintained now for some 12 months.

Yesterday I told the Parliament that, for the month of October, in absolute numbers a record number of elective surgery procedures were performed. This financial year we are some 1,860 elective surgery procedures ahead of last year's record. So more people are being operated on. Just recently we extended that program, which covered the 10 major hospitals in Queensland that perform well over 55% of all elective surgery procedures in this State, to a further nine hospitals. We are not just concentrating on the 10 major hospitals; we are in the process of extending that successful program to the other major hospitals in the State.

In this year's Budget we provided an additional $43m. That means that on top of all that we did during 1996-97, we provided an extra $43m worth of extra surgery and extra equipment. That $43m comprises $25m of one-off funding to attack the Category 1 waiting lists and some $18m in funds to keep those waiting lists down. Again, this Government is doing something that the former failed Health Minister, the member for Capalaba, was absolutely incapable of doing. The coalition Government is getting on with the job. It has taken Category 1 waiting lists in this State from the worst in Australia to now the best.

Native Title Act

Mr CARROLL: I refer the Premier to the Labor Party's criticism of the Commonwealth Government's proposed amendments to the Native Title Act, and I ask: does the Premier have any further evidence of actions proposed by the Commonwealth, opposed by Labor, and supported by the former Labor Government in this State?

Mr BORBIDGE: I thank the honourable member for his question. Once again, we are seeing very strong evidence of the campaign of hysteria from Labor Party members in regard to the proposed changes to the native title legislation. Much of what the Commonwealth is now proposing, which Labor is opposing, Labor in Government in Queensland supported.

Mr Beattie: So?

Mr BORBIDGE: Once again, we are seeing the massive duplicity of the Leader of the Opposition who, in his own sense of judgment on such issues says, "So? It does not matter if we believed in something in Government; we are going to oppose it in Opposition." Never mind the economic future of Queensland, never mind the security of land tenure in this State, never mind basic political principle, the Leader of the Opposition says, "So? It does not matter. We can support something in Government and oppose it in Opposition."

I refer to a couple of the issues that are central to Labor's opposition to the native title amendments. The Commonwealth says, and indeed Queensland says, that compensation should be capped at freehold. Labor says that there should be no cap. However, in relation to the original Native Title Act, Labor in Government in Queensland said—and I refer to an official document of the Office of the Cabinet—

> "To impose a 'just terms' requirement represents the unbalancing of elaborate State/Territory compensation regimes. Unless the 'just terms' requirement equates in effect to those existing regimes then it will mean that either native title holders or other landholders would be treated unequally. Furthermore, 'just terms', particularly if it is taken to incorporate the concept of 'special attachment', has no upper limit and is unpredictable from the point of view of Governments seeking to make provision for the future quantum of compensation which may be needed.
>
> The Outline should also consider the cumulative effect on compensation for impairment which may ultimately exceed the cost of extinguishment.
>
> Accordingly, the Commonwealth Outline should provide for:

> Commonwealth to use 'just terms' for its own jurisdiction;
>
> States and Territories to use their general compensation regimes which apply to the general community and cap the amount of compensation payable to what would be payable for the extinguishment of freehold (which is the greatest interest in land that Australian law knows)."

That is precisely what the Commonwealth is proposing; that is what Labor is opposing; that is what Labor in Queensland wrote to the former Federal Labor Government to say should happen.

Mr Beattie interjected**.**

Mr BORBIDGE: The Leader of the Opposition says that I am telling a lie. I will table the letter from the Office of the Cabinet to Mr D. S. Hollway, Deputy Secretary, Department of Prime Minister and Cabinet.

Further, the Labor Party seems to have a problem with a sunset clause in regard to native title laws. The Commonwealth says, and indeed Queensland says, that we should have a sunset clause. Labor in Opposition says that we should not. However, what did Labor in Government in Queensland say? The letter states—

> "Ordinarily, and in order to introduce certainty about the existence or non-existence of rights, States/Territory/Commonwealth legislation provides for limitation of action periods. An equivalent regime should operate in respect of the existence or non-existence of native title. Accordingly"—

and these are the words of the Office of the Cabinet of the previous Government—

> "the Commonwealth Outline should contain a sunset period of 12 to 15 years."

Mr Elder: Table it.

Mr BORBIDGE: I will table it, and I will tell the member something else: furthermore, the former Labor State Government—of which the member was a member and a Minister—in its own Aboriginal Land Act had a sunset clause. That Government's own Aboriginal Land Act, which it introduced into this Parliament, has a sunset clause. However, somehow if the Commonwealth or if the coalition advocate a sunset clause, we are racist. I say that we are not racist; the members opposite are hypocrites. Let us not forget that a sunset clause was also an element of the Northern Territory Land Rights Act that was initiated by a previous Federal Labor Government.

So we see this dishonest campaign of false political morality being perpetrated by the political hypocrites opposite who say that there should not be a sunset clause, that there should not be a cap on compensation and a whole lot of other things. In terms of a number of these initiatives that are being proposed by the Commonwealth, we find that Labor in Government not only supported that policy but also it openly advocated it.

Mr Braddy interjected.

Mr BORBIDGE: The former Minister, who deserted Rockhampton and came down to Kedron, says, "Prove it." I am more than happy to table a copy of correspondence from the Office of the Cabinet to the deputy secretary.

Mr BRADDY: I rise to a point of order. The Premier has accused me of saying, "Prove it." My interjection was, "It was pre-Wik." Again, as always, the Premier is misleading the Parliament in relation to what we on this side say.

Mr BORBIDGE: The honourable member was asleep during question time yesterday and I think he had a relapse this morning.

Mr FitzGerald: The day before.

Mr BORBIDGE: It was the day before. Unfortunately, I missed the honourable member yesterday, but I do not intend to miss him this morning.

I am quite happy to table this document. We see the false political morality and outrage that the Labor Party opposite displays on issues of native title. By seeking to amend the native title legislation in the Senate, it is openly prepared to make sure that instead of 1,500 Queensland families being open to native title claims, 15,000 families will be open to claims. In the not-too-distant future, native title legislation will be before this Parliament and the Labor Party in this place will have nowhere to hide.

Elective Surgery Waiting Lists

Mrs EDMOND: I refer the Health Minister to the claim that he made in Parliament yesterday that only 2% of Category 1 public hospital patients requiring surgery within 30 days are being forced to wait longer than the prescribed period, and I ask: why did he not also reveal the waiting list figures for the other 97% of elective surgery patients in Categories 2 and 3 which, according to his own Health Department statistics, show that the percentage of long-wait patients still waiting for surgery under Category 2 has increased from

34.3% in October 1996 to 43% last month, and that the percentage in Category 3 has increased from 27.2% to 34.9% over the same period?

Mr HORAN: The honourable member and the previous——

Mrs Edmond interjected.

Mr SPEAKER: Order! Before the Minister has even started to answer the honourable member's question, she is singing out and interjecting. The member will behave or she will follow the member for Yeronga.

Mr HORAN: The member for Mount Coot-tha and the member for Capalaba remind me of the members of a football team that has just been flogged 40 to nil who come off the field and say, "The wind was against us both ways, the half-back had the flu and the ball was a bit wet." They are just devastated and disappointed.

I again point out some absolute numbers. In the first four months of this year, 1,860 more elective surgery operations were performed than in the corresponding four months of the previous financial year. Does the Opposition not care that thousands and thousands more operations are being done? The almost 2,000 additional Queenslanders—that is over and above the record numbers of last year—who have had their operations are very happy. They are thankful that the coalition is in power, because under a Labor Government they would still be sitting at home waiting for their operations.

The Government recognises that the Surgery on Time program has resulted in a return of public confidence in the Queensland Health system. GPs are referring patients in ever-increasing numbers. We knew that that would happen and we have to face up to and deal with it. Under the previous Labor Government, everybody knew that an urgent elective surgery patient had a 50% chance that their operation would not be performed within 30 days. One of the most important things that a public health system can achieve is to have urgent elective surgery performed on time.

Mr ELDER: I rise to a point of order. I do not mind robust debate, but I find that remark offensive and I ask for it to be withdrawn. It is untrue.

Mr HORAN: I made no personal references whatsoever.

Mr SPEAKER: Order! The Minister will continue.

Mr HORAN: Queenslanders now have confidence because they know that the Government has fixed the problems with the most important category, Category 1. In the Queensland public hospital system, one can have an operation performed within 30 days. Under this Government, less than 5% of patients have long waits, compared to 49% under the previous Government.

The most important statistic relates to how many thousands more patients are having operations now, compared to when Labor was in power. In the four months of this financial year, 1,860 more operations are being performed than were performed last year, which was also a record year. The Opposition has been done over, exposed and absolutely devastated because this Government is providing for thousands more operations to be performed, because we fixed the problems with Category 1 waiting lists and because we are working on the Category 2 lists. Opposition members do not like that because they were failures and we are achieving gradual success in the most difficult area of health care in the public system in Australia. They are devastated and they have been done over. In common with the member for Cleveland, all that Opposition members want to do is stab the staff in the back. At the start of his speech——

Mr BRISKEY: I rise to a point of order. I take offence at those remarks. They are totally untrue and I ask the Minister to withdraw them.

Mr SPEAKER: Order! The honourable member finds the Minister's remarks offensive.

Mr HORAN: I withdraw. The member for Cleveland talked about good staff, but then criticised the clinical decision of a doctor. The doctors decide whether one stays or goes.

Mr BRISKEY: I rise to a point of order. The doctors have no choice. The hospital is under-funded and the doctors have no choice.

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

Mr HORAN: The member has been shown up for what he is. This year, 1,860 more operations have been performed than were performed in the record year of 1996. Thousands of Queenslanders are happy that we are in Government.

Labor Postcards

Mr WOOLMER: Is the Deputy Premier and Treasurer aware of Labor's latest postcard campaign and can she tell the House at whom the campaign is aimed?

Mrs SHELDON: I would like to share with the House the latest edict from that brilliant postcard deliverer, Mike Kaiser. Members will remember his "Labor lies" campaign, which said that the coalition was going to sell off all the hospitals. Didn't that backfire! This postcard is a doozey and I would like to share it with honourable members. One side of the postcard reads—

> "Eat. Drink. Work. Study. Talk. Eat. Drive. Sex. Work. Save. Sleep. Wake. Wash. Eat. Work. Rest. Drink. Talk. Work. Reproduce. Give up. Die."

Then it says that there might be an alternative. The inference is, "When you're dead you can join the Labor Party." This is a recruiting drive! We should be very grateful for Mike Kaiser for letting us see the other side of life with the ALP, because this person has a very sad life. They have no play, no hobbies, no lifestyle and no family life. Obviously, Mike Kaiser believes that joining the Labor Party is a fate worse than death because the postcard states, "Give up. Die. Do something else ...", that is, join the Labor Party.

Obviously, the Labor Party practises what it preaches. If one looks at the recent preselection round in Townsville and Thuringowa, most of the people whose names appeared on the ballot boxes were already dead. Someone had gone around to various tomb stones and got relevant names. Possibly there is one other line to this, which is that the Labor Party is recruiting the dead because then the Leader of the Opposition could not be challenged by anyone.

High School, Jimboomba

Mr BREDHAUER: I refer the Minister for Families, Youth and Community Care to his answer in Parliament yesterday when he said—

> "I certainly never said that the Jimboomba State high school would be built."

How does the Minister reconcile that statement with his announcement in the 19 February issue of the Beaudesert Times that "a $10 to $11m Jimboomba State high school will be opened by the Year 2000" as part of a $20m State Government accelerated capital works package for the Beaudesert Shire? Can the Minister tell the Parliament whether he was being deliberately dishonest in February when he announced that the new high school would be "built in the middle of the Jimboomba community" or whether he was being dishonest yesterday when he claimed that he never said that the school would be built?

Mr LINGARD: I have spoken to the person who wrote that article in the Beaudesert Times. As to the person who wrote that article, let me say this: that person also knows that when the member opposite was at Tamborine he said that he would not support the Tamborine high school.

Mr BREDHAUER: I rise to a point of order. This Minister could not lie straight in bed. That is not true. I find it offensive and I ask him to withdraw.

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

Mr LINGARD: When the member went to the establishment group at Tamborine and they asked him whether he would build the Tamborine high school, the member said, "No, we will not."

Mr BREDHAUER: I rise to a point of order. The remarks of the Minister are offensive and untrue. I ask that they be withdrawn.

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

Mr LINGARD: I withdraw. The Beaudesert Times then spoke to the member opposite and a photo and an article appeared in that newspaper saying that the member would not support the Tamborine high school.

Mr BREDHAUER: I rise to a point of order. The Minister's comments are untrue and offensive. I ask that he withdraw.

Mr SPEAKER: Order! The honourable member has asked the Minister to withdraw.

Mr LINGARD: I withdraw. But a Mr De Lacy, the nephew of the Keith De Lacy in this Parliament, suddenly realised that the member had gone across his policies and that Labor would not win any votes at Tamborine. So what the member had to do was come back to the Beaudesert Times and write a special article stating, "The Leader of the Opposition has now agreed that we will build the Tamborine high school." The member had to go back on his word. He had spoken personally to the people of Mount Tamborine and told them that he could not support the Tamborine high school. The member said that in the Beaudesert Times. But then the member was given a stitch-up——

Mr BREDHAUER: I rise to a point of order. The Minister's comments are untrue and offensive. I told them that I would advise them after I had had discussions with the leader. I did so and I advised them

accordingly. At no time did I say that I would not support the school.

Mr LINGARD: So little blondie could not make any decisions himself. Little blondie had to——

Opposition members: Withdraw!

Mr SPEAKER: Order! I listened carefully. The member did not ask for a withdrawal at that time. When the honourable member rose on the point of order, he did not ask for a withdrawal. If he asks for a withdrawal, I will ask the Minister to withdraw.

Mr BREDHAUER: Mr Speaker, I asked for a withdrawal at the beginning of that statement. I do ask that it be withdrawn.

Mr LINGARD: I withdraw. Little blondie ran around the whole electorate. He cannot make any decisions himself. He told the Tamborine establishment committee that he could not give a definite commitment to a high school. It appeared in the paper. Mr De Lacy said, "What are you doing to my campaign?" I think the Leader of the Opposition answered a question in Parliament. In a comment across the Chamber to the Minister for Education, he said, "We will therefore commit ourselves to any new promise as far as schools are concerned." The shadow Minister for Education had to go back and write another article to the Beaudesert Times.

Mr Elder: What about Jimboomba?

Mr LINGARD: What has the Opposition done about Jimboomba? I will tell the House what it has done about Jimboomba. The Government in power prior to 1989 decided to buy a site at Jimboomba and to build a Jimboomba high school. However, as a result of pressure, the former Labor Government said, "No, we will build it at Flagstone Creek." They took it away from Jimboomba. For the first time ever, I won the booth of Jimboomba. I absolutely killed the members opposite. They suddenly realised that if they were ever to get the Jimboomba vote, they would have to talk about the Jimboomba high school. We have now allocated a block of land for the Jimboomba high school for the future.

Interruption.

PRIVILEGE

Alleged Misleading of House by Minister for Families, Youth and Community Care

Mr BREDHAUER (Cook) (11.14 a.m.): I rise on a matter of privilege suddenly arising. In the Beaudesert Times on 19 February the Minister promised to build a high school in Jimboomba. Yesterday he said that he never made that promise. He has clearly and deliberately misled the Parliament. Mr Speaker, I ask you to consider referring that matter to the Members' Ethics and Parliamentary Privileges Committee, and I table the documents for your information.

Resumed.

QUESTIONS WITHOUT NOTICE

Small Business Promotion

Mr MALONE: I ask the Minister for Training and Industrial Relations: can he inform the House of what the Government is doing to promote the welfare of small business from his portfolio's point of view?

Mr SANTORO: I wish to thank the honourable member for Mirani for doing what the Opposition refuses to do, and that is——

Mr LUCAS: I rise to a point of order. Mr Speaker, my point of order is that the question to the Minister is identical in terms of a question that was asked of the Minister yesterday by the member for Albert. I would ask you to rule that question out of order.

Mr SPEAKER: Order! I call the Minister.

Mr LUCAS: Mr Speaker, I refer you to Erskine May and the ruling of Speaker Hanson on 15 January 1943 that questions asked in one period of a session may not be repeated in another period, and the ruling of Speaker Brassington on 16 August 1950 that a question answered may not be repeated.

Mr SPEAKER: Order! The honourable member for Lytton would be correct if the question was asked yesterday. I am not sure whether that is the fact.

Mr LUCAS: Mr Speaker, the question from the member for Albert yesterday stated—

> "I ask the Minister for Training and Industrial Relations: can he inform the House of further initiatives that the Borbidge/Sheldon Government is putting in place to promote small business in the State of Queensland?"

Mr SPEAKER: Order! I rule the question out of order.

Ambulance Service

Mr WELLS: I refer the Minister for Emergency Services to the editorial in today's Gold Coast Bulletin, which slams his failure to adequately fund the Queensland Ambulance Service and states—

> "Surely 21 months has been ample time to address a financial deficiency in an area where lives could be at stake."

I also refer the Minister to his commitment to ambulance officers that he would resign if he could not convince the Treasurer to provide the $32m that his consultant mate Lyn Staib says the service needs to operate effectively. I ask: when will the Minister be in a position to announce that he has secured the $32m for the Ambulance Service or, alternatively, that he is resigning?

Mr VEIVERS: The honourable member has been listening to his very good friend Steve Crow, who has told another fib. Mr Speaker, I will not say "lie". I asked for four weeks and, on a handshake, he gave me four weeks. In two and a half weeks, he went back on his word. That was his first fib, or "lie" as I said yesterday. Secondly, he has now said that I said I would resign. I would never tell anyone that I would resign. They would have to drag me away kicking and screaming. I would never resign from anything that the honourable member opposite could throw up, and I will not resign because of anything that the fibbing Mr Steve Crow might say. Let me say that I have nothing further to add on this particular matter.

Mr Wells interjected.

Mr SPEAKER: Order! The member for Murrumba asked a question and now he is shouting across the Chamber. I warn him under Standing Order 123A. That is the member's first and final warning.

Mr VEIVERS: Is it not wonderful how the truth hurts so much? As I said earlier, the member has been listening to his little mate Steve Crow, who does not even belong in any area of Emergency Services or the Ambulance Service. I thought I would point that out to the——

Mr WELLS: Mr Speaker, I rise to a point of order. The Minister is misleading the Parliament. Steve Crow is a former ambulance officer.

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

Mr VEIVERS: I rest my case. "A former ambulance officer"; the member does not know what he is talking about. All this is about is Mr Steve Crow trying to defend himself against a TWU man, Mr Huey Williams, who is endeavouring to poach people from the ambulance transport area to go across to the Transport Workers Union. Is that not what he is doing? All of a sudden, the member has lockjaw! This is really a demarcation dispute between two unions. Unfortunately, the poor officers of the Ambulance Service have had to——

Mr Elder: What about the $32m?

Mr VEIVERS: That was $32m that members opposite ran up when they had six years in Government. As the responsible Minister, I am now generally getting on top of that. I did have a nice workable plan to put before Cabinet next week. However, because of the situation, I have had to go back to the drawing board.

Reforms in Industrial Relations Portfolio

Mr HEGARTY: I ask the Minister for Industrial Relations and Training: will he provide further information to the House regarding reforms to his portfolio in relation to——

Mr SANTORO: Mr Speaker, I thank——

Mr MACKENROTH: I rise to a point of order. I know that the Minister wrote the question, but we would actually like to know what it is, if the Minister gives the member a chance to read it.

Mr SPEAKER: Order! I ask the honourable member to read the question again.

Mr HEGARTY: I refer the Honourable Minister for Training and Industrial Relations——

Mr Schwarten interjected.

Mr SPEAKER: Order! I warn the member for Rockhampton under Standing Order 123A. I ask the honourable member for Redlands to try again.

Mr Dollin interjected.

Mr SPEAKER: Order! I also warn the member for Maryborough under Standing Order 123A. I call the member for Redlands.

Mr HEGARTY: I ask the Minister: will he provide any further information—outline to the House——

Opposition members interjected.

Mr SPEAKER: Order! We have not got the facts in the question to the Minister. The honourable member will read the question. I will hear it and rule it out of order, if necessary.

Mr HEGARTY: I ask the Minister: will he provide any further information to the House regarding reforms undertaken in his portfolio in the areas of industrial relations, workers' compensation and workplace health and safety?

Mr SANTORO: In the limited amount of time that I have left, I would like to outline to the House information which, clearly, the honourable member for Lytton and other members opposite do not want to hear. I would also like to congratulate the member for Mirani and the member for Redlands on the interest that they take in the welfare of small businesses in their areas. Before I get into the substance of the question, I would like to make some references to an advertisement. The advertisement that Mr Beattie has been referring to during the past couple of days is exceptionally relevant to this question, given that that advertisement sought to promote precisely what this Government, including this Minister, has been doing for small business.

When we were in Opposition, I used to count myself as a friend of Mr Beattie, and I say that very sincerely. I say that for two reasons: firstly, clearly to damage his reputation within his own party, and I do so happily; and, secondly, to make the point that there has been a tremendous change in the Leader of the Opposition. He just does not tell the truth—and I will explain.

Mr BEATTIE: I rise to a point of order. I seek for that to be withdrawn. It was bad enough for the Minister to say that I was a friend of his, but to now say that I am untruthful in any way I find offensive and I seek for it to be withdrawn.

Mr SPEAKER: Which part? Both parts?

Mr BEATTIE: I am happy for the latter part.

Mr SANTORO: I withdraw. The fact that the Leader of the Opposition has been untruthful is clearly proven by reference to Hansard, and particularly to his most recent statements. The Opposition Leader totally resiles from all commitments, particularly in relation to advertisements. In this particular case, he disregards the knowledge that was provided to him and his party in this Parliament in answer to a question on notice precisely in relation to advertising by the member for Sandgate. I would ask members of the media to report these statements just as they reported that facile, untrue claim that $1m was used to advertise the workplace reforms of this Government.

Members on this side of the House treat this Parliament with respect and dignity. In answer to question on notice No. 239 on Wednesday, 26 March, we provided the full details of the total cost of that advertising campaign. It certainly was not $1m; it was much, much less—like $446,000. However, in order to grab a headline, the Leader of the Opposition makes up the figures on the run; he doubles them or triples them; he gets his grab and then refuses to ask the responsible Minister a question.

Never in the history of this Parliament or any Parliament has an Opposition sat so silent when the responsible shadow Minister, who regularly goes to sleep on the job, and the Leader of the Opposition refuse to ask the responsible Minister a question on the major issue of the day and on the major issue of the week. The reason for that is that Mr Beattie got it wrong. Time after time I have challenged him to prove his points, and he always refuses to do so because he clearly cannot prove them. If he has any proof about the $1m tag, he should table it. He will not do it again because he has not got the proof. He is a fraud, he is untruthful, he is totally discredited and the electorate will eventually judge him as that. Not only has he lost me as a friend, but he has also lost plenty of others out there.

Unspent Capital Works Funding

Mr HAMILL: I wrote this question. I refer to your answer——

Mr SPEAKER: Order! That could be ruled out of order.

Mr HAMILL: Sorry, the question is to the Treasurer. I refer to the Treasurer's answer yesterday in which she said that nothing more could be done to provide vital infrastructure and services for Queenslanders. I refer to her promise to the Conservative Club on 19 March 1996 that—

> "... the coalition will make sure that the entire capital works budget, each year, is in fact spent."

I ask: in view of that promise, why then are her priorities so wrong that she has allowed $174m of capital works funding from the Building Trust Fund alone to remain unspent, denying Queenslanders the infrastructure that she promised?

Mr Johnson interjected.

Mrs SHELDON: I think the Minister for Transport is right; why would one bother answering that question? The fact of the matter is that——

Mr Schwarten interjected.

Mrs SHELDON: The honourable member can put it down. If I were the member for Ipswich, I would not be terribly proud of the fact that I wrote the question. We had a major Capital Works Program of $4.25 billion, and

the record of our spending in capital works far outstrips the record of Labor when in Government. The history of this capital works flow-on should be put into perspective. The Labor Party put this in place. Before that, if a department had not spent its capital works funding before the end of June—

Mr Hamill: So it's our fault?

Mrs SHELDON: The honourable member opposite would not know what his policies are, but I will tell him—that department had to hand back the capital works funding to the Consolidated Fund. We put in place a process so that any department which had not completely used its capital works funding would be able to use it in the next year, and that was quite sensible. The whole situation is that, during the past two years in Government, we have spent more of our Capital Works Program than the Opposition ever did in Government, and I will give honourable members those figures. In fact, Education and Health overspent their capital works—they overachieved. One of the rare areas in which capital works was not fully spent was in the building of prisons. That was not fully spent so that the prisons Minister could undertake full and adequate consultation with everyone in the areas where the prisons were being built so that they could have an input and be listened to. We have had a record Capital Works Program. We have created more jobs in the State of Queensland than any other State in the nation. Our record is a proud one.

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

CRIME COMMISSION BILL

Second Reading

Resumed from 19 November (see p. 4476).

Hon. J. P. ELDER (Capalaba—Deputy Leader of the Opposition) (11.30 a.m.): This Bill is before us today because of a chain of events that says it all about this Government, a chain of events that is the entire story of this Government. The most important link in that chain is the weak and indecisive Premier who cannot control or discipline his Ministers. To examine what brought us to the point of this absurd legislation, one needs to go all the way back to 1995 and perhaps even 1994. The Premier was then the Leader of the Opposition. I think it is fair to say that he was safe in his job back in those days, because nobody, least of all his parliamentary colleagues, believed that he would win the next election. But the Premier has always been a man who looks ahead when it comes to looking after his own interests. He realised that if he was going to stay leader he needed a respectable showing in the 1995 election, so he adopted an old tried and true strategy: the coalition would be everything to everybody; it would promise every group everything they wanted, and it did.

Nobody in the National Party bunker ever considered that the promises would have to be fulfilled, so it did not matter what they were and it did not matter how much they cost. Nobody in the press took the then Opposition seriously—nobody actually thought it could win—so there was no close scrutiny of its amazing array of promises. Every town was promised a new hospital and more doctors and nurses. There would be two police officers for every citizen. The National Party had suddenly had a conversion on the road to Damascus and embraced environmental issues. Every small business would be entering Nirvana. Eventually, the coalition cooked up a promise that looked like it was going to aircondition every school in north Queensland. This was a new National Party that had put its bad old corrupt days behind it! Finally, the best promise of them all: the Premier had a contract with Queensland and would step aside if he broke any of his promises.

As the then shadow Ministers travelled around Queensland meeting with various groups, they simply promised whatever the particular interest group wanted. The strategy worked, and in July 1995 the coalition came to the very brink of Government. What a mixture of excitement and dread it must have been in those days after 15 July 1995. There was the excitement of a return to the good old days of snouts in the trough for all the old National Party mates and cronies, but for the few on the other side of the House with some commitment to good government, there was real dread and fear about how they could ever manage the expectations their promises had built up and the reality of what they could actually achieve.

After July and in the lead-up to Mundingburra there was some expectation that the coalition might actually become a bit more responsible in its dealings, a bit more responsible in its promises, and a bit more responsible when out in the community. As the reality of Government dawned on some, there were at least some who tried to moderate the excessive promises and the buy off everybody attitude. But that did not apply to everybody, and certainly not the Police

Minister, who continued to promise everything to everybody. Who knows what the Premier thought of what was going on at that time? What is certain is that the Premier had absolutely no capacity to control the Police Minister, who continued to do whatever he wanted. He continued to associate with the spivs and charlatans who spun him half-truths and conspiracy theories which he lapped up as he promised them whatever they wanted.

What did the Premier do when the Police Minister cooked up his dirty deal with the Police Union and presented the memorandum of understanding for his signature? What did this weak and pathetic Premier do at that time? He tells us that he signed it without even reading it. Was it that he trusted the Police Minister so much that he knew that, if it came from Russell, it must be okay? Somehow, I do not think so. Was it that he is so hopeless and incompetent that he did not understand that this was important? At least that is believable. Was it that he was so weak and powerless that he did not dare question the Police Minister? Most reasonable people in the Parliament and outside this place would accept that as an explanation. Another charitable explanation that some might find believable is that the Premier knew what this meant and was only too happy to sign it in his lust for power. I think most people, at least on this side of the House, believe that that is the credible explanation. But when it came to a head at the Carruthers inquiry, he simply lacked the fortitude to face up to the consequences of his actions and was only too happy to dump the Police Minister in it. That course of action fits in with the history of this Premier's pattern of behaviour during his entire public life.

That brings us to the Carruthers inquiry, which played such a pivotal role in the life of this Government and which laid this Government bare as the fundamentally corrupt and morally bankrupt rabble that it is. The history of how the Government desperately thrashed around trying to scuttle Carruthers is well documented and there is little that I can add to that story of shame. But a couple of points need to be emphasised because of the vital role they play in bringing us to the point where we are considering this legislation. As we all know, the Government engaged its own political henchman, Peter Connolly, to get rid of Carruthers. Of course, Connolly had a longstanding hatred towards the CJC, and in scuttling Carruthers he would also gut the CJC. The deal for Connolly to gut the CJC had been done long before the 1995 election.

Mr T. B. Sullivan: He had a hatred for the Labor Party too.

Mr ELDER: My word. That was understood, particularly by those on this side of the House.

During this episode, the Premier found an ally whom he could trust. There are not that many, but he found one he could trust: the Attorney-General. Why could he trust the Attorney-General? Because in the Attorney-General the Premier finally found someone who was incompetent just like him, but the Attorney-General was even weaker and lacking not only in principle but also in backbone! Finally the Premier found someone he could lord it over. Like the kid in the playground who has always been bullied and picked on, when he found someone weaker than himself, the Premier proved what a tough guy he was and went in boots and all. The Attorney-General cowered appropriately and a bond was formed. Suddenly the Premier could kid himself that he was a tough guy and the Attorney-General could kid himself that he had a powerful friend.

When it came to gutting the CJC, when it came to removing a genuinely independent force against corrupt practices, a bulwark against going back to the worst excesses of the bad old National Party days of the past, all the warring and divided blocs in the coalition could unite. It became an obsession. "The coalition cannot govern while the CJC is there" became the battle cry. Of course, there was some truth to that, because a genuinely independent CJC would make it much more difficult for the coalition to get back to business as usual, to get back to the way that it ran this State during the eighties. Of course the CJC would make it difficult; that is exactly why Fitzgerald designed it. It was supposed to make it more difficult for Governments to behave like the corrupt National Party regimes of the seventies and eighties.

In the rhetoric of members opposite, the idea that the CJC had some ideological bent against them began to emerge. We saw evidence of that time and time again. The tragedy of it is that many members opposite actually believe it when, of course, the real story is that the CJC does make governing more difficult, and so it should. It makes it more difficult to cut corners here and there. Even with the best intentions, it makes it more difficult. It is no surprise that it was like that when Labor was in Government. It sometimes made governing a bit more difficult, and it sometimes frustrates Ministers and public servants. But under Labor, we ultimately

recognised that those frustrations were a price worth paying to insure against any festering corruption in the system. That is what this legislation will see recur in this State in the future, because the Government got what it wanted. It has been able to gut the CJC. It has been on that agenda right from the Fitzgerald days. It has been hard on that agenda right from 1994, and this is the ultimate act in terms of reaching that objective—an objective of the Premier, an objective of the Police Minister and an objective of the Attorney-General. All had a vicious, vindictive agenda to gut the CJC. Today we are witnessing the end of that path and, in fact, that act.

This Government cannot accept any constraints. We have seen that in the 21 months of abysmal Government to date. It just does not accept any constraints on its right to govern. We see that in its current advertising campaign. We see it when it is caught out—a few judicious leaks to the Courier-Mail to say, "We won't do it again", a pat on the back and away they go! This Government believes that it has a right. It is the old National Party belief in that right to govern—a belief that it should not be constrained in Government.

The Premier continually seeks absolute power—no checks, no balances. If the High Court seeks, for instance, to interpret the law, as the courts have always done—there is nothing unusual about the High Court interpreting the law—it is attacked. The Minister for Police shakes his head, but time and time again when the High Court interprets the law the Premier comes into this place and attacks the High Court and the judiciary. The Police Minister might well shake his head, but that is the action of the Premier when he is put under pressure: he walks straight into this House and, when he does not agree with it, he attacks the High Court.

Mr T. B. Sullivan: He has no respect for the British legal system that we inherited.

Mr ELDER: Exactly. I do not know how many times the Premier has gone in to bat with his own Crown law advice in the High Court and Federal Court jurisdiction and been done over. Time and time again this Government is done over in the High Court. And time and time again, when that happens and when the Premier has got it wrong, he walks in here and criticises the High Court and the judges.

For instance, if the CJC dares to question whether the Government is acting within its own laws, it is attacking the Government. If the CJC questions the inappropriate activity of this Minister or the Premier or this Government, then it is attacking the Government. At the end of the day, this Government's view is that the CJC must be steamrolled. At the end of the day, this Government's view is: if it is attacking us, we have to get them. That has always been its agenda. Just like with Carruthers, it needed to get him before he got it. Now it is the CJC, and it is well within this Government's sights.

This Government has no fundamental principles at its core. It stands for nothing. It only seeks to govern for itself. It governs by bribing interest groups. It has no policy framework and no underlying or unifying goals and principles. If we have seen anything, we have seen evidence of what I have just stated over the past 20 months of folly and rabble in terms of this Government's efforts to deliver any services to the community right throughout Queensland. Such a Government cannot deal with checks and balances. It cannot stand up to proper and open scrutiny, because its decisions have no base other than political expediency, and that has been the case from day one. They are not based and have never been based on principle.

This Bill is fundamentally flawed. It is fundamentally flawed not because a crime commission would never work, not because the CJC is perfect and should never be scrutinised or reviewed, and not because it does not need to fight against organised crime, because it does. It is fundamentally flawed because of the circumstances in which it was created. It was not created in an open and consultative manner. It was not created with the primary intention of fighting organised crime. It was not developed with the primary intention of improving the structure of crime and corruption fighting in Queensland. Its sole purpose—its one and only purpose—and its ultimate purpose is that it was created to get the CJC. It was created to do the job that Connolly/Ryan could not do. It was created to do the job that the Attorney-General, the Police Minister and the Premier have wanted done on the CJC since the day they fell into Government, and it probably goes right back to the pre-Fitzgerald days. It probably goes back to the fact that they enjoyed the corrupt regimes that they had. They enjoyed being able to govern without those safeguards.

Mr Cooper interjected.

Mr ELDER: It was not me who signed the memorandum of understanding, it was the Police Minister. It was him who did the dirty deal. It was him who went out of his way, with the acquiescence of what I call the weakest

Attorney-General we have had, to actually get Carruthers. It has everything to do with the Crime Commission—my word it does! Vengeance vowed by angry Cooper! It has everything to do with this Government's approach to the CJC and the way in which it has dealt with the CJC, and it has everything to do with the Attorney-General's approach. The trouble is that what we have in this State is an acquiescence of an Attorney-General—an acquiescence at all times when it comes to being put under pressure by the Police Minister or the Premier—someone who at the end of the day is prepared to do the dirty work and gut the CJC. That is what the Crime Commission has been about from day one. We have never disagreed with having a crime commission, but we disagree with this Crime Commission, because the genesis of this Crime Commission was this: it is based on vengeance by angry Ministers who have been ticked off and who have been, in this sense, out and after the CJC probably since Fitzgerald.

Mr Palaszczuk interjected.

Mr ELDER: That is right. The problem with the Police Minister is that he is so loose with the truth that he eventually gets found out. He was found out, and that is why he ended up before Carruthers. The great shame about Carruthers and the great shame about the system of justice in this State is that the Minister managed to get Carruthers before he got him. The Police Minister actually set up a royal commission to get a royal commission. No other Government would have contemplated that, but for this Minister it was just second nature. For him it was a matter of: how do we get them before they get us and how, ultimately, do we get someone to do it? He found an ally in Peter Connolly, and from that day it was easy until, of course, Connolly fell over his own feet and buried himself.

Mr T. B. Sullivan: The Supreme Court said that it was biased.

Mr ELDER: My word! The Supreme Court found it for what it was. It was a sham from day one, and the Supreme Court found that it was biased from day one. But ultimately it did not deter this Government from going after the CJC. It used the Children's Commissioner, it used paedophilia, and it has used a whole range of issues through which it could criticise the CJC to bring the Crime Commission before the Parliament, to get the support of the member for Gladstone—and that is not too hard these days—to get the CJC, to get the Crime Commission, and to get what it wants. That is ultimately the price that has been paid by every Queenslander. At the end of the day we get less than is desirable. At the end of the day the Government gets what it wants. It has been able to deliver on its political objective. That is a shame. I would have thought better of the member for Gladstone, actually. It is a shame that all these circumstances have come to pass and that, ultimately, we see the death of the CJC today.

As I said, it was created to get the CJC. The Government has achieved that. It was created to throw a veil of sleaze and corruption over Queensland again. That disappoints me more than anything else. I thought that was left behind in 1989. The actions of this Government and this Minister have convinced me that it is a return to those bad old days and that they have not learnt. It is created with the most basic motives of hate and revenge. It will never work because its creators never cared whether it worked——

Time expired.

Mr HEALY (Toowoomba North) (11.49 a.m.): It gives me great pleasure to contribute to this debate on the Crime Commission legislation today. I congratulate the Minister for this landmark legislation. It is the second piece of landmark legislation that has been debated in this House this week. I congratulate him on the way he went about a very thorough consultation process on this legislation in an attempt to inform as many Queenslanders as possible about the legislation. I refer to meetings that took place around Queensland. It is probably fair to say that the people who turned up at some of the meetings in my electorate were probably more concerned and had more input into the police powers and responsibilities legislation than they had into the Crime Commission legislation. When the Crime Commission legislation was taken to the people, there seemed to be a lack of interest in it. It seemed to me that people were not terribly concerned about the introduction of this legislation at all. They did express some concerns at those meetings. Unfortunately, that is how it went. Still, there was a process of genuine consultation. Whenever this Minister introduces legislation into this Parliament—whether it be associated with Police, Corrective Services or Racing—he attempts to consult genuinely with the community and to hear the thoughts of people who need to have an input into the legislation.

Establishing a permanent Crime Commission to investigate organised crime and paedophilia will deliver an effective assault against criminal low-lifes striking at our

communities. Queenslanders expect strong and decisive action against organised crime and paedophilia. That is what they will get from this Government and from the Crime Commission. The Parliament and the people of Queensland have expressed the view loudly and clearly that the Crime Commission is wanted and needed to comprehensively address organised crime and paedophilia. The Crime Commission fulfils the need for a body that is not only capable of, but wholly and solely devoted to, tackling those types of major criminal activities. The creation of the Crime Commission will quarantine the substantial issues of conflict that arise between the CJC's watchdog role over police and its current direct working relationship with police through the Joint Organised Crime Task Force. Furthermore, many more accountability checks and balances are built into the Queensland Crime Commission proposal to ensure that those powers are not inappropriately used. That means that police can get on with the primary job of serving the community with local crime detection and prevention activity and will have access to the powers and investigative expertise of the Crime Commission to tackle major crime.

In their contributions not only in this debate but also in the media, there have been attempts by the many short-sighted members on the opposite side of the Chamber, who have plainly political agendas, to try to paint the Government's Crime Commission initiative as some sort of get square with the Criminal Justice Commission. We have heard that from various members during this debate. We have just heard it again from the member for Capalaba. That it is a get square is nothing more than a fallacy and a political myth that is being perpetuated for purely cynical political motives. For an example of political cynicism one needs to look no further than to the Leader of the Opposition, who is on the record innumerable times advocating a crime commission. He will take any opportunity to score petty political points.

The truth is that the establishment of the Queensland Crime Commission will free up the CJC to concentrate more fully on its very important charter of corruption detection and prevention, which is a function that this Government wholeheartedly and unreservedly supports. Let us consider what the CJC itself said about organised crime in its submission to the Bingham committee of review. It said—

"The QPS"—

the Queensland Police Service—

> "already has enormous demands placed upon it in attempting to satisfy the everyday needs of the community. There is a strong argument that the body which has the task of attacking organised crime must be free of other pressures upon its resources or calls upon its time. Organised crime is such a special problem that there needs to be a concentration and dedication of resources if inroads are to be made in it."

The Parliament never intended the CJC to take permanent carriage of organised crime. Section 3 of the Criminal Justice Act clearly states that the CJC was to take measures to combat organised or major crime for an interim period.

I will touch briefly on a few of the more specific areas of the legislation. The new body will be given special coercive powers that mirror those of the CJC in line with its specialised role in the pursuit and prosecution of major organised crime. I repeat that many more accountability measures are built into the Queensland Crime Commission proposal to ensure that those powers are not used inappropriately. A significant initiative of the Bill is the provision of a scheme through which a person is entitled to apply for financial assistance to fund legal representation before a Queensland Crime Commission hearing or if a person has appealed a decision of the Crime Commission to the Supreme Court. The Attorney-General will consider issues of hardship or other circumstances in determining the level of and conditions attached to the approval. The cost of that assistance must be met by the Crime Commission.

The significant powers of the Crime Commission are necessary to penetrate the complex, secretive and sophisticated curtain of organised crime, major crime and paedophilia, particularly networked paedophiles. The Queensland Crime Commission will have the power to direct an individual to produce a document or thing or to appear as a witness. That direction is open to appeal to the Supreme Court. On successful application by the Queensland Crime Commission, the Supreme Court may require someone to attend a hearing immediately where any delay in attendance might result in the commission of an offence, the escape of a suspected offender, the loss or destruction of evidence or result in the prejudice of an investigation. A person must comply with a notice to attend or to produce. A system has been put in place whereby a person may seek to claim privilege. In that instance, the person will be required to

attend a Queensland Crime Commission hearing to establish whether the person has reasonable excuse to withhold the requested evidence. An attendance notice must disclose, as far as practicable, the general nature of the matters about which the person may be questioned at the hearing, unless doing so would prejudice an investigation.

The Crime Commission will have the necessary powers at its disposal to penetrate the complex curtain of organised crime and paedophilia. The commission will also liaise with other law enforcement agencies in the coordination of intelligence gathering and in the investigation of major criminal activity to keep tabs on major crime bosses and their activities. The Crime Commission will be able to exercise powers similar to the Queensland Police Service with regard to the use of search warrants and the seizure of evidence. The use of surveillance devices and covert search warrants will also be available to the Queensland Crime Commission upon successful application to a Supreme Court judge or, in some instances relating to tracking devices, upon application to a magistrate. Surveillance and covert search warrants can be issued only after due consideration of a number of factors and the issuing judge or magistrate may impose any conditions considered necessary in the public interest. Of course, the Public Interest Monitor must be advised of surveillance and covert search warrant applications and will appear before the Supreme Court judge hearing the matter to test the validity of the application by examining and cross-examining witnesses and making submissions. The Queensland Crime Commission will be obliged to maintain a register of applications for search warrants, surveillance warrants and covert search warrants that is open for inspection by both the monitor and the Parliamentary Commissioner. The Public Interest Monitor will provide critical and independent advice concerning the use of surveillance warrants and covert search warrants by the Crime Commission.

The need to establish a Crime Commission arises because of the increasing sophistication of criminals. It has been recognised for some time not only here in Queensland but also in jurisdictions around the world that traditional policing methods are now simply not effective enough to deal with certain types of offences and offenders. The features of organised criminal activity as described by Tony Fitzgerald, QC, include large-scale illegal conduct that is planned, complex and uses sophisticated techniques and skills. Organised criminal activities utilise a level of organisational planning that is normally associated with business enterprises. Its sophistication, adaptability and wealth make it extraordinarily difficult to combat.

Organised crime generates billions of dollars per annum Australiawide, giving criminals an extensive capacity to avoid detection and to defend themselves against prosecution by purchasing the skills and expertise of lawyers, financial advisers, accountants and other specialists. For law enforcement agencies to be on a remotely level playing field to combat highly organised and sophisticated criminal activities, it has long been recognised that a similarly sophisticated and focused organisation armed with extraordinary powers is required. The Queensland Crime Commission fits that requirement. I have much pleasure in supporting the legislation.

Mrs CUNNINGHAM (Gladstone) (12 p.m.): I am going to take only a couple of minutes to comment on the Bill because, despite the comments that have been made to the contrary, I do support it. I believe that the Crime Commission is a major step forward in giving protection to our children, particularly in regard to its standing paedophilia reference.

The history of the inception of the QCC is long. Previous speakers have talked about the Crime Commission giving the CJC the ability to now concentrate on the area in which it has shown a great deal of expertise and a great deal of interest, that is, the investigation of official misconduct and corruption. The QCC will take over the responsibilities of major and organised crime and paedophilia. I notice that this same approach is being adopted by other States, and I refer to a speech by a New South Wales member, Paul Whelan, who stated—

> "Today I can inform the House that last week on 10 November the NSW Crime Commission created a reference enabling the use of its powers to assist the Child Protection Enforcement Agency to go after serial paedophile offenders, paedophile networks and those producing child pornography.
>
> This was a recommendation of Royal Commissioner Justice James Wood.
>
> The strongest powers are now available to law enforcement in NSW to investigate paedophiles.
>
> ...
>
> To date the CPEA has netted almost 70 offenders and preferred more than 700 charges.

> Closer analysis of those figures shows the need for powers which allow us to more effectively deal with organised and serial paedophile offenders.
>
> Of those arrested 47 were serial offenders against who were charged with a total of 572 offences.
>
> These charges include:
>
> sexual intercourse with a child under 10;
>
> aggravated sexual assault;
>
> aggravated indecent assault; and
>
> engaging in acts of child prostitution."

Those activities are abhorred by the community, and in the same way that New South Wales has vested in its Crime Commission the powers to investigate paedophilia, the QCC in Queensland is going to have very extensive powers and very intrusive powers to investigate those crimes against children, who are our most vulnerable people. The Crime Commission has a review period, which I think is wise. Over time, investigative methods could change, as could the actual program of investigation. In five years' time it might be that another issue needs to be addressed, and I think that having a review period is a healthy approach to take.

There has already been discussion about the management committee and the Public Interest Monitor. In the interests of time, I do not want to revisit those matters. Instead, I want to restate something that I have said on other occasions. The credibility of the Queensland Crime Commission and the credibility of the Minister and the Government will be in direct proportion to the appropriateness of the appointment of the commissioner and the assistant commissioners and the transparent structure under which they work. I believe that the community in Queensland is 100% in support of the abolition, if it is possible, of offences against children. That is idealistic, but if in the process of the Crime Commission carrying out its activities it is alleged to be politically motivated or unnecessarily politically influenced, then the primary role that we are empowering this commission to play—this standing reference on paedophilia—will also come into question. That would be a great disservice and a great tragedy for our children.

Again, I implore the Minister, and members on both sides of this Parliament, to ensure that at all times we treat the work of the Crime Commission with respect and not to politicise it or to bring it into disrepute by making meaningless allegations about it in this place so that, at the end of the day, the winners are the children of our State. We keep on saying that our children are our most valuable resource. In a few years, they will be the leaders of the State. Those kids need to be balanced kids who have been protected from the mongrels who are involved in paedophilia. I commend the Bill and I commend the Minister.

Mr HARPER (Mount Ommaney) (12.05 p.m.): It is with pleasure that I rise to speak to this Bill, which I consider is probably one of the more important that this Parliament will address in this term. I commend the Minister for having the courage to face up to the issues and bring this Bill forward.

I am sure that, as members of Parliament, each one of us deals with the problems of drugs and paedophilia within our electorates. I do not think that any of us who have done so and have to do so would have any doubt that we should ensure that those responsible are brought to justice and that those who are intending to enter those fields are discouraged to the point at which they will not even think about it.

I think that we need to reflect on the way in which crime has progressed—and I hate to use that word—over the years and the amount of money that is now involved in those criminal activities. That money makes it so much easier for those involved in those activities to set themselves up. In some ways, given the massive amount of money and networks that those people have, they can be better resourced than even our police forces. Certainly, those people can wave around thousands, tens of thousands or hundreds of thousands of dollars to get what they want for their own greedy purposes.

For those people who enter into the organised crime of drug pushing, trafficking and growing, however they may have reached that point—whether they started as users themselves, as unfortunately sometimes happens, and then had to start down the sorry road of becoming involved in supplying simply to be able to fund their own habits—I think that once they do reach that point they need to be dealt with severely. I am not talking about the users who are the unfortunate victims of those people; I am talking about the people who actively cultivate, produce and then distribute drugs or who actively get involved in paedophilia by setting up networks and organisations simply so that they can make money, whatever they happen to

eventually do with that money. I think that those people need to be well and truly dealt with by the laws of the land. This Parliament needs to ensure that the Police Service and other crime bodies have the necessary ability and resources to do that. I believe that if people look in our hospitals and indeed, unfortunately, in our morgues, they will soon come to that persuasion.

Although in years gone by I have been involved with addicts and such people through my involvement in welfare work, last year when I was in an emergency ward in a hospital for a few hours I had the experience of seeing young people and not-so-young people being brought in. It was during Schoolies Week, and the medical staff were doing a fine job in dealing with those poor unfortunate people who really did not know where they were or what they were doing. Obviously they were setting out on a path that would lead to the destruction of their lives.

I have been privileged to be invited to AA and drug abusers' meetings at which some of those people have given their testimony. They recall the old adage that we do not see too many older drug users simply because they do not live long enough. To hear those people outline some of the changes that occurred in their personalities, their brain patterns and their abilities through substance abuse and the way in which they then approach society is nothing short of horrific. To see young people whose lives are being wasted as a result of drug addiction can only make us want to clamp down on drug dealers in the most severe way.

The situation is similar in regard to paedophilia. Some time last year I had the privilege—and the unfortunate experience—of assisting a family whose young daughter had been kidnapped and abused over a number of days by a young person who had gone through a similar experience in his younger days. Some would say that that is what eventually caused him to commit this crime. That was an horrific experience for the young lady whom I was privileged to assist. No doubt she will bear the scars of it for the rest of her life.

There is no doubt that the present system has failed. If a car, a computer system or a management system consistently breaks down, we make changes to it. If we have tried to repair something a number of times but do not get anywhere, we have to face the fact that we need to change it. It is no different when dealing with major organised crime groups, drug dealers and paedophiles.

There is no shadow of doubt that the current CJC system has not worked, because those major criminal elements are still out there, they are still organised, they are still making profits and they are still abusing the lives of young people. As the Minister has done so responsibly, we must acknowledge that something has to change. Because of the progress of crime, the traditional law enforcement methods and the powers that cover them are simply not effective enough any more. We have to match and better the methods, resources and abilities of the criminals. As legislators, we must face up to the issues and back the people who want to do something about crime. We have to come up with newer methods for law enforcement and the resourcing of crime fighting agencies. We have to find better ways of dealing with the problem.

I know from extensive discussions that I have had with the Minister and his staff that the Crime Commission will have at its disposal the necessary special powers that are material to penetrating the complex, secretive and sophisticated curtain of organised crime and paedophilia, particularly networked paedophile groups. That is important. Once again, the Minister and his staff are to be commended for the way that they have gone about this exercise. I attended one of the briefings that the Minister held in the country. The public was invited to attend and present submissions, to learn and to make further comment and their comments were taken on board. The extensive public consultation and discussion that took place and the amount of information that was gathered have certainly added to the validity of the legislation, which will become a hallmark when dealing with problems such as this in the future. The Minister is to be commended for taking that path.

As I said earlier, if a car or a computer system has not performed properly, it should be repaired or replaced. Likewise, the CJC system has not performed properly and we need to do something about that. By taking certain functions from the CJC and giving them to another body—as the member for Toowoomba North said—the CJC will be free to get on with what it really should be getting on with. The CJC needs to perform specific jobs. It has an important role to fill and it will still have an important role to fill, despite what members opposite and others in the community say. The CJC will still carry out its job. From listening to some people, one would swear that after the legislation is passed there will be no CJC any more. Of course, that is

total bunkum. The duties of the CJC will still be clearly defined and they will still be important.

By taking certain functions from the CJC and giving them to a separate crime commission, the CJC will be able to give its wholehearted attention to what is seen to be its most important functions. In this way, it will not get caught up in possible conflicts of interest, for example, when allocating preferences. It will be free from that problem. I believe that the CJC will then operate more effectively. It is important to note that this is not a duplication of roles by the CJC and the Crime Commission. We are transferring certain functions from the CJC to the Crime Commission, which will have other functions as well. Therefore, both bodies will be more focused on their key roles.

Another aspect that I want to comment on is the fact that the legislation has a sunset clause. A lot has been said about the review of the CJC. I have no doubt that those who were involved in the creation of the CJC five years ago—many of whom are still members of this House—intended that the CJC would be reviewed. Similarly, the legislation before the House today specifically sets a sunset clause of five years. The legislation says, "Let's establish the Crime Commission. Let's make it the best that we can, but in four years' time let's step back and see what has happened. Let's decide then whether it has been effective or needs changing. Let's decide then whether it has carried out its role and is no longer needed." Unfortunately I believe that it will always be needed. In four or four and a half years' time, the Parliament of the day will have the right and the duty to review the Crime Commission. It is important that all members note that sunset clause.

The discussion paper questioned whether or not we should have a crime commission. The paper states—

> "The features of organised criminal activity as described by Tony Fitzgerald, QC include large scale illegal conduct which is planned, complex and uses sophisticated techniques and skills. Organised criminal activities utilise a level of organisational planning normally associated with business enterprises, and its sophistication, adaptability and wealth make it extraordinarily difficult to combat.
>
> Organised crime generates billions of dollars per annum Australia-wide, giving criminals an extensive capacity to avoid detection and defend themselves against prosecution by purchasing the skills and expertise of lawyers, financial advisers and accountants and other specialists."

In fact, some legitimate businesses would be more than happy to have those particular attributes. The paper continues—

> "For law enforcement agencies to be on a remotely level playing field, to combat highly organised and sophisticated criminal activities, it has long been recognised that a similarly sophisticated and focused organisation armed with extraordinary powers is required."

That sums up very well why we need a crime commission to get on with that job.

I turn now to a couple of specific issues, the first of which is the management committee and its composition. As we have heard before, the management committee will have nine members: the Commissioner of the QCC will be the chair and the other members will be the Commissioner of Police, the chair of the National Crime Authority, the chair of the CJC, the Children's Commissioner, the chair and deputy chair of the PCJC and two community representatives, one being a female and one having a demonstrated commitment to civil liberties to prevent the inappropriate use of compulsive and extraordinary powers. That make-up guarantees that all interested groups and individuals will be represented and will have an input into the management committee, which will play such a key role.

Community representatives will be nominated to the Governor in Council after applications are called from Statewide advertisements and the Leader of the Opposition has been consulted. It will not be a secretive process. It will be open for people to apply and it will be seen easily. Importantly, certain stated persons will not be eligible for appointment as a community representative. I do not have the time today to go through why that is the case, but that is clearly a reasonable expectation. Importantly, the new body will not succumb to political agendas, as it includes bipartisan parliamentary representation and community representatives. That will be prevented. The Commissioner of Police, the chairperson of the CJC and the chairperson of the NCA may each appoint a deputy committee member to act for them. That is essential. Given their positions, they will not be able to attend all management committee meetings.

The functions of that committee will be to refer criminal paedophilia, organised crime and

major crime for investigation by the QCC. It will have that key reference role. Importantly, its other functions will be to arrange for and coordinate joint investigations by the QCC and a police task force or another entity, and to receive complaints or concerns about the QCC or one of its officers. That is another safeguard and another very important aspect of the role of the management committee. Another of its functions will be to review and monitor generally the work of the QCC.

With respect to referrals, the management committee may refer criminal paedophilia and organised crime for investigation by the QCC on its own initiative or at the request of the Police Commissioner or the Crime Commissioner. It may refer major crime for investigation by the QCC at the request of the Police Commissioner. On its own initiative, it may refer further investigations.

I turn to the role of the Parliamentary Commissioner or, more fully, the Parliamentary Criminal Justice Commissioner. This role will have extremely wide powers to undertake its functions, and appropriate accountability measures will be built into the legislation to counteract the misuse of those powers. We would all be aware of concerns concerning the misuse of powers in the past. Recently, we have had plenty of examples of that, one of which would be when a body has become self-ruling, answerable to nobody, thinks that it does not need to be answerable to anybody, takes on more powers than it was ever meant to have and causes more strife than it ever should have. That is important.

The office of Parliamentary Commissioner has been created through amendments to the Criminal Justice Act. This office will have a number of specific functions, including receiving complaints about the Queensland Crime Commission. People will have somewhere to go to complain and be heard, unlike the present situation with respect to the CJC. The Parliamentary Commissioner and the Public Interest Monitor, with which I will deal in a moment, have critical watchdog roles to play in oversight of the QCC.

The commissioner will be required to undertake an annual review of the intelligence data held by the QCC, the Queensland Police Service and the CJC. That review will establish the appropriateness of the data held, reveal unnecessary duplication and determine whether agencies are working cooperatively with respect to their intelligence management.

The Parliamentary Commissioner is also to consider whether any agency is unnecessarily restricting access by other agencies to intelligence data. Recently, it has become obvious that that will be very important and beneficial for the sake of combating crime and making sure things are done properly. The Parliamentary Commissioner is also charged with deciding whether the CJC will be allowed access to QCC information in instances where access is disputed. It has the power to provide access to the CJC for its investigations.

The Public Interest Monitor is obviously for people in the community. The monitor must be advised of surveillance and covert search warrant applications. The monitor has the important function of appearing at each application for those warrants and taking the active role of questioning the applicant and making submissions to the Supreme Court judge. In that way, not just one side of the story will be put forward. The monitor will provide that balance to safeguard the public. The QCC will be obliged to maintain a register of applications, and the monitor and the Parliamentary Commissioner will be able to look at those. The Public Interest Monitor will provide critical and independent advice concerning the use of surveillance warrants and covert search warrants by the Crime Commission. Further, the position will gather statistical information, record on non-compliance by the QCC to the management committee and, importantly, submit an annual report to the Minister which then has to be tabled in Parliament.

Obviously, based on the aspects I have concentrated on, there are sufficient safeguards for the public to be assured that their interests will be watched and that they will be given a fair go. Also, the people involved in fighting the crimes we have talked about will also be given a fair go. I support the Bill.

Hon. T. R. COOPER (Crows Nest—Minister for Police and Corrective Services and Minister for Racing) (12.25 p.m.), in reply: I acknowledge the contributions of all speakers from both sides of the House. Before going into any detail, I wish to refer to some errors in the Explanatory Notes, which I will read and table. On page 23, the paragraph referring to clause 75 should be amended. The last sentence of the paragraph, commencing with the words, "The provision allows the seizure of evidence ..." should be omitted. I refer to a second error in the Explanatory Notes. On page 24, the last sentence of the paragraph referring to proposed section 76(4) presently reads—

> "The Magistrate must also be satisfied that it is in the public interest to approve the search."

This sentence should be amended to read—

> "The Magistrate may also approve the search if he or she believes it is in the public interest to do so."

Again, I acknowledge the contributions of all speakers. Obviously, today's debate is different from yesterday's debate on police powers, when a lot of commonsense and unanimity of purpose was displayed. That was certainly pleasing to see. As I said, not only the Police Service but also the general public will benefit from having such broad agreement on such significant legislation. Today and last night the debate centred around political issues and ideologies. For one reason or another, members expressed opposition to the Crime Commission Bill. That was not because of anything relating to the Bill at all; it was because of their personal and political beliefs. Various levels of vitriol and hatred were demonstrated, in particular by the member for Capalaba, who really has his heart filled with hate. It is pointless even dealing with any of the matters that he or anyone else opposite raised. As I said, members on the other side of the House have their reasons for saying what they said. They introduced a lot of red herrings, scare tactics and fear into this debate. There was no need to do so. There was no need for any fuss. Their contribution to the debate could be summed up as being much ado about nothing.

The Crime Commission is the way to go. It has been demonstrated clearly that that is the next phase. It was always clear that the role of investigating major and organised crime and paedophilia would move away from the CJC. That was envisaged in the early days. We are now seeing a move to the Crime Commission. The police officers involved in that will come under the control of the Police Commissioner. That is as it should be. There will be a clear focus on paedophilia, major crime and organised crime. The Queensland Police Service will continue to do its day-to-day job.

This legislation is not the big deal that some members are trying to make out. However, it is certainly a focused effort. That is what the people want. It is the will of the people that we move in that direction. As has been pointed out, having a five-year sunset clause is the way to go. In five years' time, the Government of the day must review the performance of the Crime Commission. If it needs upgrading, so be it. If it needs to be moved on and to have some of its powers handed back to the police, so be it. That will be up to the Government of the day. In the meantime, we have a responsibility to make it work, and that is exactly what will happen.

I acknowledge also the speakers from this side of the House who made constructive contributions and kept some balance and sense in the debate. The members for Warwick and Gympie spoke yesterday. The member for Broadwater spoke on the issue of the CJC and many other related matters. Those issues must be spoken about. We hear so much from the other side of the House. Many hate-inspired issues have been raised by members opposite. They cannot focus and concentrate on the real issue, nor on the pro-active positive issues. The member for Broadwater made sure that the other side of the case was put. I believe he put that case very well. It is on the record, and that needed to be said.

The members for Mount Ommaney and Toowoomba North today have very clearly elucidated many of the aspects of the Crime Commission Bill in relation to the Public Interest Monitor and the Parliamentary Commissioner, and the difference between the powers that the Police Service has and the Crime Commission will have.

I know that the member for Gladstone supports the establishment of a crime commission. She was fully briefed on this Bill all along the way. The only concerns that she has expressed are that the children concerned—the victims of paedophiles—must be the winners. It is up to each and every one of us to ensure that that is the case. We can set up the grandest structures in the world and think they are almost perfect—if one thinks that is possible—but it means not a wit unless we have the right people in the right places to do the job. That is our responsibility: to see that those dedicated people are put in place to do the job.

One of the most extraordinary things about this debate so far is that the Leader of the Opposition, who was one of the architects of a crime commission—and this goes back to a thesis he wrote in 1994 supporting the concept of a crime commission, and everyone knows that—did not speak. He was in support of it right up until August/September, or even later. Then came this massive backflip, which is very difficult to understand, especially when we are dealing with something that is going to happen—this Crime Commission is going to be established. He should have and could have had input into this legislation. The reason

he did not speak in this debate is either an act of cowardice or an act of principle—honourable members can take their pick. If the reason was cowardice, that means that he agrees with a Crime Commission but was not willing to stand up and say so; if it was a matter of principle, it means he withdrew and allowed others to take the fall. Either way, that shows the shallowness of the Opposition and the fact that they are just playing politics on this very important issue.

It is an important issue to every single one of us in this place. I know that the people opposite know that because I speak to them privately. I know that they are concerned about the issues of paedophilia and major and organised crime. They are also concerned about the fact that we want to nail these people to the wall and that there has not been enough focus on these major issues in the past. There has been focus, but the real focus that this Crime Commission is going to give is all important, and the people opposite know that. That is the sad part about the way in which they are conducting themselves in relation to this particular Bill. As far as I am concerned, that defies all logic. Nevertheless, that is their choice, not mine, and they will have to live with that. We are proceeding and we are going to get this Bill under way.

I will go through the public issues that have been raised during the course of this debate without going through individual speakers. As I said, we heard a lot of repetition from the other side of the House and it is pointless going through that. Nevertheless, issues have been raised by both sides. One such issue was in relation to public consultation. We had 15 days of discussion of this Bill in the public arena. We went to nine locations throughout the State and the date for submissions was extended. We received quite an extensive number of submissions. All of those were dealt with, including one from the Council for Civil Liberties.

Mr Barton: That is the discussion paper. That is how it should have been done.

Mr COOPER: The member opposite did not have any problem with it at the time, yet all of a sudden he has a problem.

We also had submissions from the Queensland Law Society and the Criminal Justice Commission. Every single one of them has been dealt with and taken into account, as will be witnessed from the amendments as they come through. As we did with the Police Powers and Responsibilities Bill yesterday, some amendments must cross-pollinate between that Bill and the Crime Commission Bill. As such, people will have to take note of some amendments that have probably been distributed already, and we will deal with them at the appropriate time.

Before I go on, I want to acknowledge some people whom I certainly do not wish to forget. Firstly, I want to acknowledge the extensive workload that this legislation has placed on my staff. This is something that had to be done. It is something that the Parliament by way of resolution wanted; it is something that Cabinet chose to proceed with, as did the party room, and that is the way the legislative process goes. I also wish to acknowledge all of those people from the Queensland Police Service who have played a tremendous role in this. I especially wish to mention Frank O'Gorman, the former Assistant Commissioner of Police, who, as I said before, worked on my staff from daylight to dark on issues such as this is. I also wish to acknowledge current serving police officers Mark Jackson and Peter Doyle. They have shouldered a huge workload.

I also acknowledge my Bills committee which has also had to take on this extra workload in order to get the legislation right. I believe we have gone a long way towards doing that. I find any talk about lack of consultation wanting. As we did with the police powers Bill as well as this Bill, we went around the State doing something that is rarely done: enlightening the people as to our intentions before the legislation was passed. That is unique, but it is a method that I can recommend, although it certainly places a great workload on the people involved.

As we had during the consultation on the police powers Bill, we had good roll-ups at the meetings that we held. Not so many turned out for the meetings in relation to the establishment of the Crime Commission. I guess the issue of police powers was what grabbed people. If people did not wish to turn out in great numbers for the discussion on the Crime Commission, that is entirely their business, but they had plenty of notice. It does not matter whether we give three months' notice, six months' notice or three days' notice, the first complaint we get at any public meeting is, "We did not know about it." That happens every time. Those complaints come only from those people who were not in a position to attend or did not want to make the effort. Those who did make the effort got the benefit, because they are far more enlightened now than they ever would have been had we not carried out that consultation

process. For these reasons, I will not brook any talk that there was a lack of consultation.

The Crime Commission will not duplicate the investigative role of other agencies, particularly the Queensland Police Service, which will continue to carry out its role on a day-to-day basis on all matters, be they paedophilia with operations such as Operations Argos or Paradox, or their day-to-day work in the area of drugs. That was proven by that huge drug raid on the Gold Coast a couple of months ago which took 11 months to coordinate and was the largest drug bust in Queensland police history. It demonstrated that police will continue to carry out their day-to-day job. People will say, "Therefore, why do we need a Crime Commission?" I asked the same question of a senior investigating police officer. They said that that operation took 11 months but, if we had had the Crime Commission, they probably would have knocked it over in four. That is why the police officers want to continue to do their jobs. In the main, they want the Crime Commission to help them do their jobs and do it better. If they do that the people will be the winners, and that is how we want it.

The relocation of major crime and organised crime from the CJC to the Queensland Crime Commission is not a duplication at all, it is a relocation of the major crime investigations that are being undertaken. Investigations carried out by the CJC will gradually transfer to the QCC. We will do that as we proclaim various parts of the Act. The Queensland Police Commissioner is absolutely A1 on this and he knows that it can be done. Any suggestion that it cannot and that some of the big cases are going to fall through the cracks is utter rot. I support the confidence of those people involved with it. As I say, the relocation will be in support of investigations which the Queensland Police Service cannot take any further. Police officers will continue to do their jobs. However, if they need those extra coercive powers and the power to hold hearings in private to enhance their role, that is exactly what will happen.

The agencies will not be tripping over each other; they will be working cooperatively together as they already do. This Bill will ensure that that occurs, and the Parliamentary Commissioner will have a role in that. It is not just the CJC, the QCC and the Queensland Police Service who will be cooperating with each other; it is also the National Crime Authority, the Australian Federal Police, the Australian Bureau of Criminal Intelligence, Customs and the Australian Taxation Office. All of those bodies, including international bodies, which currently work together sometimes with varying degrees of cooperation, will continue to do so. All of those agencies will be part of joint task forces depending on the type of crime being investigated.

It has been said by some that there is not much difference between the powers of the Queensland Police Service after the passage of the Police and Responsibilities Bill yesterday and those of the Crime Commission. That is not so. There is not a huge difference; we do not want there to be a huge difference. This is not a great bureaucracy that we are creating at all. It is to be lean and mean and is there as an adjunct and to assist the Queensland Police Service to do its job.

As to surveillance warrants and covert search warrants—the Crime Commissioner can give approval to a QCC officer to make application to a Supreme Court judge for surveillance warrants and covert search warrants. As with police powers, the Public Interest Monitor will be present at each application to the judge and will question the applicant and make submissions to the judge. I reiterate that that is a first for any jurisdiction in the nation. The Public Interest Monitor is there as a check and balance against the abuse of power, against the abuse of listening devices, telephone intercepts, surveillance cameras and all of that sort of thing. That person will be there not only to put the case for the people but also to monitor on a constant basis to ensure that there is no abuse, as occurred in the Matthew Heery case, where 600 hours of taping occurred with no monitoring. Search warrants can be obtained by a QCC officer, but only from a magistrate.

The investigative hearings available only to the QCC—and this is one of the differences between the QPS and the QCC—will be conducted only by a legally qualified crime commissioner or assistant crime commissioner. The hearings will be closed unless the management committee approves a public hearing under the strict criteria. The reason they will be closed is to avoid trial by media, trial by smear and trial by innuendo, as we have seen occur so often with public hearings. This is to ensure that people, especially innocent people, who go before these bodies can be afforded some degree of privacy.

A witness is entitled to legal protection. Witnesses can be given notice to attend a hearing. That notice must be obeyed,

otherwise an arrest warrant will be issued. A witness can be given notice to produce documents and things, and that is another difference between the QPS and the QCC. People can be compelled to answer questions—they lose the right to silence—but the compulsory answers are not admissible in any civil or criminal proceedings. That again demonstrates the difference between the two bodies. The police can utilise the QCC if they need to—if the management committee decides to refer a certain matter—in solving crimes of a major nature.

The direction for a witness to answer questions or produce documents can be appealed to the Supreme Court, so an appeal process does exist. Legal assistance can be given to a person who is directed to appear at a hearing or who has lodged an appeal to the Supreme Court. Applications can be approved by the Attorney-General, who considers the hardship to the person if assistance is not given and also considers the public interest. As to a comparison with police powers—the surveillance warrants and covert search warrants are similar. The search warrants are similar for the QPS and the QCC, but the notice to produce is a major difference, as are the hearings, be they closed or public.

Issue has been taken with the formulation of the management committee. I support the formulation of this management committee totally. Nine persons will be making those decisions instead of just one, as is the case now with the Chairman of the CJC. There has to be that check and balance to ensure that no one person can go around setting up very expensive, damaging inquiries on a whim, as we have seen occur in the past, especially last year. These nine persons will decide which cases are referred to the Crime Commissioner or back to the Queensland Police Service. That is why I believe that the make-up of the management committee is correct, and it is definitely in the public interest.

The presence of the Chairman and Deputy Chairman of the PCJC on the committee has been questioned. I know that the current deputy chairman insists that he is not really enamoured of being on this management committee. I dispute that. I believe that he will be taking part and will be quite prepared to do so. Those two people are elected members of the Parliament. The suggestion that the presence of those members on the management committee represents a blurring of the role of a parliamentarian is utter rot. They are representatives of the people, and as such they should hold a position such as this on a management committee where they can further carry out their representation of the people. The fact that they are parliamentarians should not preclude them from being on the management committee.

The quorum issue has been raised. The minimum number required for a quorum is half plus one, meaning that five members constitute a quorum. People have said that five people can therefore control the committee. That is simply not true. It is the same formula for any organisation or institution. There is nothing different. Given the fact that the management committee can decide at its very first meeting how it wants to run its meetings, it may decide that people do not have to actually be in attendance, that they can participate through teleconferencing or videoconferencing facilities, ensuring that a maximum number of people take part in decision making, not a minimum. That will be a benefit.

As to the investigation of major crime, organised crime and paedophilia—the Queensland Crime Commission, with the exception of paedophilia, will investigate only those matters referred to it by the management committee. It will not be able to investigate anything that it feels like investigating. It can make a request of the management committee to be able to investigate something, but the management committee will be in control at all times, so that we cannot have an abuse of power by someone who suddenly becomes a megalomaniac and does whatever they like with a view to destroying someone's reputation and standing. That is what we are trying to guard against. The management committee is made up of a cross-section of people to ensure that that cannot happen again.

The management committee will refer matters to the Queensland Police Service if it believes they are not appropriate to go to the Crime Commission. If it believes that the Queensland Police Service has enough power and can get on with the job, the committee will indicate that fact and the Queensland Police Service will deal with it. The Queensland Police Service is the principal investigation arm for all criminal offences in Queensland, including major crime, organised crime and paedophilia. It certainly does that job very well, but if it needs help to do it better and to investigate really serious matters, it will get it from the QCC.

Paedophilia is certainly an issue of major concern to the community. People want to see

paedophiles nailed to the wall. However, there is a concern about the smearing of people's reputations through innuendo which sometimes occurs. Some people have a right to be cleared, just as the public has a right to demand that people be nailed to the wall if in fact they are guilty. Therefore, there needs to be a constant focus on the issue of paedophilia which it has not necessarily had on a constant basis. The issue raises its ugly head from time to time. The Crime Commission will have a standing reference in relation to paedophilia. Its role will include overviewing all matters relating to paedophilia across the State, particularly those investigations by the Queensland Police Service. It will ensure that there can be no claims that paedophilia allegations are not being investigated appropriately; they will be. A strong cooperative relationship between the QCC, the QPS and the Children's Commissioner, as well as other agencies, will continue to be encouraged. The Police Service will continue investigating these offences. The existing specialist squads and SCAN teams will continue to operate. I have mentioned Task Force Argos and Project Horizon as clear examples which demonstrate that they are working. But the Crime Commission will provide a boost in the investigation of such matters.

Interestingly, the Minister for Police in New South Wales, Paul Whelan, announced in his speech to Parliament yesterday that the investigation of paedophilia-related matters has been referred to the New South Wales Crime Commission. It will target serial paedophile offenders, paedophile networks and those producing child pornography. The strongest powers will be available to law enforcement in New South Wales to investigate paedophiles, and that is why the reference has been given to the New South Wales Crime Commission. That is a very significant move. Whelan said—

> "The involvement of the commission in the fight against serious and organised paedophilia activity is evidence of this Government's commitment to tackling this most appalling of crimes."

Those are the very sentiments held by this Government in terms of the formation of the Crime Commission. Our views happen to coincide with the views of the New South Wales Government on this issue, and that is the way it will stay. We have very good relationships with police services from other jurisdictions and other States, as we realise that crime does not stop at any particular border. As I have said, Queensland is not the only jurisdiction that has got it right.

In the past the CJC had as its primary function the investigation of major crime and organised crime. As I said, the investigation of major crime and organised crime is being relocated from the CJC to the QCC, but the CJC does retain the remainder of its functions, that is, police misconduct, as a watchdog over the Queensland Police Service and official misconduct. That is as it was always intended to be. Any suggestion that this is a move simply to try to downgrade or to gut the CJC, as it has been so crudely put by members opposite, is totally and utterly false.

The intelligence functions have been mentioned. The emphasis through this legislation is on cooperation between the Police Service, the Crime Commission and the CJC. The CJC will have the intelligence role relating to police misconduct and official misconduct. That role will not be taken away. The Queensland Crime Commission will maintain an effective intelligence service for major crime, organised crime and criminal paedophilia. It will forecast trends in major crime, organised crime and criminal paedophilia. The Police Service will continue with its intelligence role as principal investigator of criminal activity.

The Parliamentary Commissioner has been mentioned. The annual review of the Queensland Police Service, the CJC and the QCC intelligence data will be the role of the Parliamentary Commissioner. Its role will also be to determine that each agency is holding appropriate intelligence data. The commissioner will also ensure that there is no unnecessary duplication of intelligence data, and it will consider whether all three agencies are working cooperatively together concerning intelligence data. The Parliamentary Commissioner will also consider whether any agency is placing inappropriate restrictions on access by other agencies, and the commissioner may recommend that an agency remove restrictions on intelligence data to allow another agency access. That is as it should be. All the intelligence agencies that do exist will work in close concert, and each to their own. If the CJC does have intelligence data on misconduct matters, then so be it; that stays with the CJC.

As to current investigations and transitional arrangements—this has been of some concern to members opposite. Current investigations will not be put at risk in any way. If necessary, there will be deferment of referral of investigations to the QCC, the QPS or

another agency. The management committee will decide that. It could mean, for instance, that particular sections will be proclaimed only when considered appropriate in relation to ongoing investigations. That will ensure that no major investigations fall through the cracks, as has been claimed by members opposite. The Police Commissioner has stated that he has no concerns whatsoever that that can and will be done.

Obviously, other matters will be raised at the Committee stage. I thank those members of the House who made constructive contributions. To those who were not able to: my sympathy. But I do believe that this is the sort of legislation that is right for Queensland. It is right at this time. It is what the people want. We are the people's representatives. We are carrying out their wishes. I do believe that the way in which this has been put together has been well and truly in the public interest and will be proven to be so.

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

AYES, 41—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Tanti, Veivers, Warwick, Watson, Wilson. Tellers: Springborg, Carroll

NOES, 38—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Gibbs, Hamill, Hayward, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford. Tellers: Livingstone, Sullivan T. B.

Pairs: Elliott, Goss, W. K.; Santoro, Wells; Woolmer, Smith

Resolved in the **affirmative**.

Committee

Hon T. R. Cooper (Crows Nest—Minister for Police and Corrective Services and Minister for Racing) in charge of the Bill.

The CHAIRMAN: Order! The Committee will resume at 2.30 p.m.

Sitting suspended from 12.58 p.m. to 2.30 p.m.

Clauses 1 to 3, as read, agreed to.

Clause 4—

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

"At page 10, line 14, 'and major'—

omit.**"**

This amendment relates to one of the most basic issues associated with this Bill. We are seeking to delete the capacity of the Crime Commission to look after major crime. I spoke of this in my contribution to the second-reading debate. Major crime is defined in the Bill as being any offence punishable on conviction by a term of imprisonment of not less than 14 years. That covers a whole range of issues that probably constitute half the work that the Queensland Police Service currently performs. Although I can almost understand the thinking behind that provision, the terms of reference of the Queensland Crime Commission would become so wide that it could investigate a large range of crimes that are committed in this State. It would give it the capacity to use the most intrusive of powers in hearings for crimes such as attempted robbery, robbery, burglary and receiving stolen property, to name but a few. As I mentioned in my speech to the second-reading debate, approximately 60-plus offences are punishable by 14 years' imprisonment. I thought that, through this Crime Commission, the Government was trying to set up a body to consider the most serious crimes and organised crime—to take over that reference from the Criminal Justice Commission—and the issue of paedophilia, as well as the Police Service having that capacity.

Although we in Government would have done it differently—we would have strengthened the CJC's capacity to consider paedophilia rather than setting up a Crime Commission—we think it is too broad for the Crime Commission to have a reference that allows it to consider major crime. I ask the Minister: what are half the members of the Queensland Police Service going to do if the Crime Commission is considering those offences? Of course, the other serious aspect is that the most intrusive of powers, including putting people before hearings and forcing them to answer questions, could be utilised in attempted robbery offences or receiving stolen property offences. Obviously, that is ridiculous. If the Crime Commission is examining crimes such has those, it will need to be a huge body. It will be distracted from doing the major work of addressing organised crime and the very serious problem of paedophilia.

If the Minister reads my list of amendments, he will realise that over 60 of them relate to deleting the words "and major crime". I will divide on this matter only once—unless I can convince the Minister that he should agree, and I understand that he cannot. We will divide on this clause. To keep the documentation in order we will formally

move the other amendments, but I will not be seeking to debate them because that would be repetitious.

We are concerned that those crimes are the primary role of the Queensland Police Service. We believe that organised crime and paedophilia should be primarily the responsibility of the Police Service. I understand that that is an intention, but the references to organised crime and paedophilia will be given by the management committee to the Crime Commissioner. We think it would be patently ridiculous to have the Crime Commission investigating that wide range of offences. The library did some research on this matter for us. I do not think we want the Crime Commission investigating crimes such as attempts to cast away ships and attempts to commit arson. I do not think it should have such a capacity. It will become very tempting for someone at some stage in the future to say, "The police are having trouble fixing up this robbery or finding evidence against someone in this robbery, so let's use the intrusive powers of the Crime Commission, haul them in and force them to give away their right to silence by putting them in front of a hearing." Those powers could be used to solve bread and butter crimes that should be the primary focus of the Police Service.

We also hold the view that there is a risk that issues such as this will fall between the cracks, because both groups can say, "That is not our responsibility." The Crime Commission will be very busy looking at the organised crime and paedophilia issues. We do not want it distracted. No doubt it will be saying, "Robbery offences are the role of the Police Service, not ours." However, in some circumstances police may believe that a particular issue is being investigated by the Crime Commission. The result may be that no-one is investigating it. This is a very fundamental issue. We believe that major crime should not be covered by the Crime Commission, because it goes against the whole concept of having a very specialised body to consider the most senior areas of crime, namely, organised crime, which is very difficult and requires multidisciplinary teams. That requires the capacity to hold hearings and force people to answer questions, rather than their maintaining the right to silence. However, if that has the capacity to spread to many thousands of other crimes that are committed around the State and that would normally be looked after by the Police Service, we have a problem with that.

I ask for the Minister's response as to why the objectives of the Crime Commission have been made as broad as they are. We think it would be far better for it to remain at organised crime and paedophilia, which we agree needs to be addressed in the toughest possible way.

Mr COOPER: The member for Waterford has guessed it: we will not be able to accept that amendment. I canvassed that pretty well in my response to the second-reading debate. Major crime is covered in clause 7. It means "criminal activity, other than relevant criminal activity, that involves an indictable offence punishable on conviction by a term of imprisonment not less than 14 years". That is one of the core functions and roles of the CJC. It deals with organised crime and major crime. We said that the functions of the CJC of major crime, organised crime and paedophilia will be hived off to the Queensland Crime Commission. As such, we cannot accept the amendment. We will be giving that role to the Queensland Crime Commission. The police will still do their job as I explained very clearly in my reply to the second-reading debate. They will be working in the areas of paedophilia, organised crime and major crime as they currently do. When their investigations run into a brick wall and they require some further assistance, that can be referred to the Crime Commission. That can be referred first to the management committee. That committee of nine will decide whether that is a part of the commission's role and whether the need exists to invoke the powers of the Crime Commissioner.

The management committee may not do that. It may say, "No, you are going pretty well, you do not need any extra coercive powers. We will refer it back to the Queensland Police Service. Continue with your investigations", or it might say, "Yes, you have done a good job up to this point. You need some further assistance. You need the coercive powers of the Crime Commission. Therefore, we will refer it." It is like references that are made to the National Crime Authority. Matters to be investigated will be referred to the Crime Commission; they will not just be picked up automatically by the Crime Commission. Even the Crime Commissioner cannot pick up anything and investigate it. The Crime Commissioner will have to go through the management committee in order to get a reference.

Therefore, I think that this clause again emphasises the importance of that management committee, which is comprised

of nine diverse people. I think that we have gone as close as we possibly can to limiting the abuse of powers to next to zero. That is why there is no problem at all in leaving it as a possibility that the Crime Commissioner might investigate major crime. The police will continue to do their job. They will still have plenty to do and will carry on with their day-to-day work as they are doing at present. The Government is not able to accept the amendment.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Sheldon, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 41—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Goss W. K., Grice; Smith, Santoro

Resolved in the **affirmative**.

Clause 4, as read, agreed to.

Clauses 5 and 6, as read, agreed to.

Clause 7—

Mr BARTON (2.47 p.m.): I move the following amendment—

"At page 11, lines 15 to 18—

omit."

Amendment negatived.

Clause 7, as read, agreed to.

Clause 8—

Mr COOPER (2.47 p.m.): I move the following amendment—

"At page 11, lines 24 and 25—

omit, insert—

'(c) substantial planning and organisation or systematic and continuing activity; and'."

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9, as read, agreed to.

Clause 10—

Mr BARTON (2.48 p.m.): I move the following amendments—

"At page 12, line 11, ', major crime'—

omit.

At page 12, line 13, ', suspected major crime'—

omit."

Amendments negatived.

Clause 10, as read, agreed to.

Clause 11, as read, agreed to.

Clause 12—

Mr BARTON (2.49 p.m.): I move the following amendment—

"At page 13, line 4, 'each'—

omit, insert—

'the'."

This is another area of principle that the Opposition wishes to amend and it will call for a division on it. By this amendment, the Opposition is seeking to ensure that there is only one assistant commissioner of the Queensland Crime Commission.

I made this point during the second-reading debate. It has been decided by the Parliament that we are going to have a Queensland Crime Commission. Although the Opposition believes that we should not, and voted that way on the second-reading of the Bill, yes, it is going to happen; there is going to be a Crime Commission. The Opposition's view is that, if there is going to be a Crime Commission, it needs to be the most efficient Crime Commission that it can be.

We have a Crime Commission presented to this Parliament that is claimed to essentially follow the New South Wales model, which the Opposition accepts has been quite successful. However, this Crime Commission departs from the New South Wales model in very many and significant ways, and those significant ways are going to ramp up costs. The Opposition does not believe that that is appropriate. This Crime Commission follows a model that New South Wales has tried, found that it failed, and then stepped back from.

Clause 12 proposes that there can be a number of assistant crime commissioners. Clause 13 refers to this matter also but, as clause 12 is the first clause to refer to it, the Opposition believes that it should move an amendment to this clause. The Opposition is seeking to change the wording "each assistant crime commissioner", which by implication means that there will be more than one. The following clause makes it clear that there can be more than one assistant crime commissioner.

Clause 12 is the first point at which the plural appears. The Opposition believes that there should only be one assistant crime commissioner. The New South Wales Crime Commission has a commissioner and a deputy commissioner. The deputy commissioner is mainly in charge of the confiscation of the profits of crime, and he does a very good job. The New South Wales Crime Commission used to have a number of assistant commissioners but found that it was not the appropriate way to go. Therefore, there is now a single crime commissioner and a single deputy commissioner. We believe that if that works in New South Wales, that is the practice that should be adopted in Queensland. If more than one person holds that degree of responsibility, one runs the risk of having diverse opinions expressed and not having as tight a ship as one might have. The Opposition firmly believes that there should be only one assistant crime commissioner.

Amendment negatived.

Clause 12, as read, agreed to.

Division 2 heading—

Mr BARTON (2.53 p.m.): I move—

"At page 13, line 15, 'commissioners'—

omit, insert—

'commissioner'."

This is essentially a similar amendment. The heading refers to the plural "assistant crime commissioners". I will leave it at that.

Amendment negatived.

Division 2 heading, as read, agreed to.

Clause 13—

Mr BARTON (2.53 p.m.): I move—

"At page 13, lines 16 to 18—

omit, insert—

'Crime commissioner and assistant crime commissioner

'13.(1) There is to be a crime commissioner and an assistant crime commissioner.'."

Amendment negatived.

Clause 13, as read, agreed to.

Clause 14—

Mr BARTON (2.54 p.m.): I move—

"At page 13, lines 23 and 24—

omit, insert—

'commissioner

'14.(1) The crime commissioner and assistant crime commissioner are'."

Amendment negatived.

Mr BARTON: I move—

"At page 14, lines 12 to 14—

omit, insert—

'(7) The crime commissioner and assistant crime commissioner must be appointed on a full-time basis.'."

I will not belabour this point. Clearly the provision in the Bill that I seek to amend allows for assistant commissioners to be part time or full time. The Opposition believes that there should be only one assistant crime commissioner and we believe that that should be a full-time position. Even though the Government did not accept the Opposition's amendments in relation to having only one assistant crime commissioner, we still believe that those positions should be full-time positions.

Amendment negatived.

Clause 14, as read, agreed to.

Clauses 15 to 21, as read, agreed to.

Clause 22—

Mr COOPER (2.55 p.m.): I move—

"At page 16, line 22, after 'absent'—

insert—

'from duty or from the State'."

Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23—

Mr BARTON (2.56 p.m.): It is probably best that I do not move this amendment. We have already determined that there can be more than one assistant crime commissioner, so it is fairly pointless to keep moving amendments in relation to that. I will not move amendments 10 and 11.

Clause 23, as read, agreed to.

Clauses 24 to 27, as read, agreed to.

Clause 28—

Mr BARTON (2.56 p.m.): These amendments are all related to major crime, so I will not move them. There is a pile of them and, if we stop for five minutes, we may be able to identify them. I will not move them and waste the time of the Committee.

Clause 28, as read, agreed to.

Clauses 29 to 38, as read, agreed to.

Clause 39—

Mr BARTON (2.58 p.m.): I move—

"At page 24, lines 21 and 22—

omit."

Again, this is one of the fundamental problems that we have with the legislation. Clause 39 provides for the make-up of the management committee of the Queensland Crime Commission. My amendment removes the Chairperson and the Deputy Chairperson of the PCJC from the management committee. We went over this in some detail in the debate on the second reading.

The Opposition believes that members of Parliament should not sit on such bodies, as the management committee of the Crime Committee is effectively a part of the Executive. Because of its very structure and how it reports, the Crime Commission is a strange body. It is virtually a standing royal commission, but it will report to the Parliament through the Minister. The commission will not answer to a parliamentary committee, and through a parliamentary committee to the Parliament, in the way that the CJC does. The Opposition believes that this was part of the compromise that was attempted to be reached to create the illusion that the Crime Commission was in some way responsible to a parliamentary committee.

It is our belief that it is not responsible to a parliamentary committee. This is another of those strange arrangements whereby two members of a parliamentary committee—the Chairman and Deputy Chairman of the Parliamentary CJC—are members of the Crime Commission's management board, but they do not report back to their parliamentary committee. They do not report back to the Parliament in terms of their responsibilities as members of that management committee, and yet they are also making decisions on that committee, which are quite onerous ones overall.

The management committee determines the references under which the Crime Commission operates. As part of its responsibility, the committee can participate in decisions about the guidelines that the Crime Commission operates under and not just specific references. The committee can also be part of decisions, including those which would allow a current investigation to be stopped or have its direction changed. That is a very dangerous set of circumstances in which to involve members of Parliament.

During my speech in the second-reading debate, the Minister commented that there is a member of Parliament on the New South Wales Crime Commission, and that is the Police Minister. In this case, the Minister agreed with our point of view that the Minister should not be a member of the management committee. Our concern about having a Minister on the management committee was the same as our concern in relation to having the Chair and Deputy Chair of the PCJC on it, namely, that a member of Parliament would be directly involved in operational issues and decisions of the Queensland Crime Commission.

We believe it is inappropriate to have those two members on the management committee. We think that is part of the compromise that was worked out. On that committee we will have someone from civil liberties and also a woman. In addition to the standard people on the New South Wales Crime Commission—that is, the Police Commissioner, the Chairman of the NCA and, in this case, the Chairman of the CJC—the Children's Commissioner will also be on that management committee. We have a few concerns about his being on that committee, but those concerns are not sufficiently strong to warrant our moving an amendment to seek his removal. We understand the public concern about paedophilia at this point. Obviously, the view of the Government is that having him there will help the Crime Commission to address the very disturbing issue of paedophilia. We will not seek to remove him.

However, having the Chair and Deputy Chair of the PCJC on that management committee for no other reason than that they hold those positions on the CJC—and they cannot report back to their committee and this Parliament about it—seems to be an inappropriate thing to do. That is why I have moved this amendment. That is why we as the Opposition feel that it is inappropriate for them to be on that committee. I would like to hear the Minister's response as to why he feels it is important that those two members are on that management committee.

Mr J. H. SULLIVAN: I support the amendment moved by the Opposition spokesman. The Minister would be aware that I raised this issue in my contribution to the second-reading debate last evening. I note from the discussion paper passed around prior to the introduction of this legislation that it is claimed that placing the Chair and the Deputy Chair of the Parliamentary Criminal Justice Committee on the management committee will ensure that the composition of the board includes bipartisan parliamentary representation to ensure that the new body does not succumb to political agendas. The Minister has not achieved that; there is another political agenda that could be

considered, and that is one shared by both sides of the Parliament.

There is a danger that members of Parliament from either side of politics could have some concerns about a path being taken. Those two members, regardless of their political allegiances, could club together and vote together rather than express different viewpoints. That same view is carried through in the Minister's second-reading speech, in which he said that having the Chair and the Deputy Chair of the PCJC on the management committee provides bipartisan parliamentary representation. That is not cast in concrete.

In establishing all of these committees, both those under the Parliamentary Committees Act and this committee under the Criminal Justice Act, no certainty is provided that the deputy chair of any committee will be from any side of politics. The only certainty provided is that the chairperson of a committee is that person nominated by the Leader of the House. The parliamentary committee elects its deputy chair. The custom and practice since 1992 has been that the deputy chair of the committee has come from the non-Government parties.

I sat on the former Subordinate Legislation Committee between 1990 and 1992 with the Leader of the House. The chairman of that committee was the member for Cooroora, Mr Barber, and the deputy chairman was the then member for Greenslopes, Mr Fenlon. Being new and fresh, we continued the previous Government's practice wherein the chair and deputy chair of the committee came from the same party. Neither member was paid any additional money to hold those positions on the committee at that time; I do not think there was any great clamouring for the deputy chairman's position, either.

The reality is that neither the committees Act for committees generally or the CJ Act for this parliamentary committee require the deputy chairperson to be from any particular side of politics. If we are going to continue to say that having a deputy chairman and a chairman on the committee gives us a bipartisan political viewpoint, we will have to do something about tightening up the CJ Act. At the moment, the voting is such that it is only done by custom and practice. A Government of ill will using the existing legislation could ensure that both the chair and deputy chair of the committee came from its side.

Having said that, I would not want the Minister to take that course of action. I would prefer that he took the course of action being proposed by our spokesman, namely, that he remove members of Parliament from the management committee. It is not appropriate for members of Parliament to be making the sorts of decisions about the pursuit of criminal justice in this State that the members of that management committee will have to make. I think that represents a compromise. As has been said to me by one member in the Chamber, it would be worth while looking at the workload being heaped on those two members simply by virtue of their being on that management committee. When that is placed on top of their existing workload as members of Parliament, they will be snowed under with a great deal of work.

I will not quote the Minister's speech in reply from earlier today. I do not have it at hand and I am sure that the chairperson would chip me if I did quote it. In his reply, the Minister indicated that what was really going on was that a number of functions were being switched from the CJC to the Queensland Crime Commission. I ask the Minister: what is it about those functions that the Minister is moving from the CJC to his proposed Queensland Crime Commission that he now wants to hide from Parliament? For all the years since its establishment, the PCJC has had a role to monitor, review and report to Parliament where necessary on the very issues that are being transferred from the CJC to the QCC. It has had a role to report on those issues to us as it felt was necessary.

I believe that the transfer of these matters from one commission to another should not have the unfortunate secondary effect of denying knowledge about those issues to the Parliament. As the Opposition spokesman said, each of the two members that he proposed should sit on this management committee will be governed by the secrecy provisions of clause 126. They will not be able to discuss it with us as members of Parliament. They will not be able to discuss it with individuals. They will not be able to take advice from the research officer of the PCJC, their membership of which committee necessitates their serving on the management committee.

I think the Minister really needs to make sure that the QCC is subject to the same oversight by Parliament as currently exists for the CJC. I do not think that that is too much to ask and I do not think that he should be seeking in any way, shape or form to prevent Parliament from having that oversight. I have in front of me the functions and powers of the

parliamentary committee from the Criminal Justice Act set out under Part 4 of that Act—and I am not going to extend the time of the Parliament by reading them out. I do not see anything in there—not a thing—that I do not believe ought to be similarly applied to the Minister's proposed Queensland Crime Commission.

I want to support what the Minister says. It is not appropriate for members of Parliament—any members of Parliament—to be on the Crime Commission management committee. I do not care what they do in New South Wales. If people in Queensland did what they did in New South Wales, we might as well not have a State of Queensland. I do not believe that Labor Parties throughout this country always get it right. As far as I am concerned, it is not a compelling argument for the Minister to turn around and tell me that the New South Wales Labor Party has its Minister on its Crime Commission management committee. I have a view which says "no politicians" and which says that Parliament should be able to get the information. The Minister has precluded Parliament from getting the information. He needs to give that some serious consideration and amend the Act accordingly.

Mr COOPER: Again, we have canvassed the issue of the Chairman and the Deputy Chairman of the PCJC sitting on the management committee. We gave it a lot of thought, as we did for every position—all nine positions. It is true. Whether I as Minister—or whoever the Minister is—need to be on that management committee is debatable. As we have said, in New South Wales the Minister chairs that management committee. I personally did not feel any need to do that; I think that the Minister of the day often has more than enough to do.

I do not see why members of Parliament should be precluded from these sorts of bodies. In fact, I think it is healthy that they serve on them. I think it is even healthier to have two members of Parliament from either side of the political spectrum serving. That is healthy, but the member opposite probably does not understand the meaning of that word. Nevertheless, hopefully it is a breath of fresh air to have that sort of involvement. We know that those representatives will take it seriously because they already take their current job on the PCJC very seriously. It is a very serious and vital task in the whole scheme of criminal justice.

The Crime Commission is part of the criminal justice system and, as such, it is very appropriate that those members sit on the management committee as parliamentary representatives. Other representative people do form part of those nine positions apart from those two, and they will also have to abide by the secrecy provisions. They will have no problem with that. Members of the management committee will not come into the Parliament—or they should not—and refer to any references they have made to the Crime Commission. That will not be on.

The member raised other matters which I think we have canvassed well enough in the past. What is going to be is going to be. Advice can always be taken from research officers and those types of people. It is not necessary to canvass this thing any further. To repeat myself, I do believe that it is healthy, right and proper that parliamentary representatives sit on the committee. The other community representatives include the NCA, the Children's Commissioner and the Police Commissioner. Some doubt has been expressed as to whether the Chairman of the CJC should sit on it. Doubt has been cast by different people with different ideas. We have put together a disparate group which we believe will be the watchdog of information that has to be referred to the Crime Commissioner. We believe it is a very well balanced and appropriate body, and we are sticking with it.

Mr J. H. SULLIVAN: Very briefly, I accept that I am not going to persuade the Minister to accept my point of view as to whether or not the Chair and Deputy Chair of the PCJC should be on the committee. However, the Minister did not answer or even deal with the key issues that I raised. Firstly, how is the Minister going to ensure, other than by way of amending the Criminal Justice Act, that the Deputy Chair of the Parliamentary Criminal Justice Committee is from a parliamentary party other than a Government party? Presently, the Bill does not ensure that. Therefore, the Minister is not ensuring the bipartisanship that he craves.

Secondly, how does the Minister defend the fact that there is no mechanism for this Parliament to be informed about the workings of the Queensland Crime Commission except by way of an annual report? This is a diminution of what we currently enjoy. We currently enjoy briefings from the very able people about whom the Minister spoke—the Chair and the Deputy Chair of the Parliamentary Criminal Justice Committee—as well as their very able committee members in relation to these very matters being

transferred. I would like to know what the Minister's justification is for excluding Parliament from the process in relation to these matters.

For eight years or more we have enjoyed that position and now the Minister is taking it away from us, and he is doing that without justification. The management committee is not required to present an annual report. The commission itself is but, apart from the annual report of the commission, this Parliament has no access to any information. I believe that we deserve more than that. I believe that, no matter which side of the House we sit on, we as individuals are stupid if we accept less. I am happy to support the member for Waterford's position in relation to the people. Although I accept that the Minister is not going to accede to that, I would like him to answer those two questions.

Mr COOPER: I will respond to the extent that I wish. In relation to the member supporting the position of the member for Waterford—that is given. It is given also that we intend to proceed.

As far as reporting to the Parliament is concerned—the member opposite should know that the Crime Commission will be reporting via the Minister to the Parliament. That is not just annually; that can be done at any time when it may be necessary to do so, and it will be done. In relation to the member's other comments about the necessary amendments to the Criminal Justice Act—that is a matter for another Act. As far as we are concerned, that is necessary. I would have thought that the Opposition would have picked that up in the spirit of us being as bipartisan as we can. Providing for the chairman and the deputy chairman to sit on the management committee allows us to be bipartisan. I do believe that, when this settles down and starts to work, the member will find that it will work extremely well. Some of the members opposite feel the need to oppose for the sake of opposing, and that happens with a lot of legislation. We have put a lot of work into this Bill. We believe that a bipartisan approach as far as we can go is in the public interest, and that is why we are going to stick with it.

Mr J. H. SULLIVAN: I rise very briefly to take offence at the idea that I would oppose simply for the sake of opposing. There are amendments to the Criminal Justice Act attached to this legislation. The amendment to the Criminal Justice Act that I spoke about could be a matter for this Act; it does not necessarily have to be a matter for another time and another Act.

I also want to state very quickly that I think that a mechanism whereby the Queensland Crime Commission reports to Parliament through the Minister when the Crime Commission feels it ought to report to Parliament is a much lesser mechanism for Parliament than a Parliament which seeks actively to inform itself about these matters, as the present Parliamentary Criminal Justice Committee does under the chairmanship of the member for Keppel. The model of the CJC is infinitely superior to what the Minister is suggesting. The Minister knows it is infinitely superior; he just does not wish to proceed with it.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Sheldon, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 41—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Grice, Goss W. K.; Santoro, Smith

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

Resolved in the **affirmative**.

Clause 39, as read, agreed to.

Clauses 40 to 44, as read, agreed to.

Clause 45—

Mr BARTON (3.24 p.m.): I move the following amendment—

"At page 27, lines 4 and 5, 'and major crime'—

omit."

I will not pursue this amendment because it is one of the consequential amendments.

Amendment negatived.

Mr BARTON: I move the following amendment—

"At page 27, line 8, 'or major crime'—

omit."

I will not debate the issue because it is another one of the consequential amendments on major crime.

Amendment negatived.

Clause 45, as read, agreed to.

Clause 46—

Mr BARTON (3.25 p.m.): I move the following amendment—

"At page 27, lines 24 and 25—

omit."

Again, this amendment relates to major crime, on which we have already been defeated, so I will not pursue it in debate.

Amendment negatived.

Mr BARTON: I move the following amendment—

"At page 28, line 7, 'or a major crime'—

omit."

Amendment negatived.

Mr BARTON: I move the following amendments—

"At page 28, lines 10, 11 and 12, and 14 and 15, 'or major crime'—

omit.

At page 28, lines 18, 21, 23, 25, 27 and 30, 'or major crime'—

omit."

Again, these are consequential amendments.

Amendments negatived.

Clause 46, as read, agreed to.

Clauses 47 to 73, as read, agreed to.

Clause 74—

Mr BARTON (3.27 p.m.): I move the following amendments—

"At page 42, line 5, 'or a major crime'—

omit.

At page 42, line 15, 'or the major crime'—

omit."

Amendments negatived.

Mr COOPER: I move the following amendment—

"At page 42, line 17, 'justice,'—

omit."

Amendment agreed to.

Mr BARTON: I move the following amendments—

"At page 42, line 26, 'or a major crime'—

omit.

At page 42, lines 31 and 32—

omit, insert—

'(i) a relevant criminal activity—the relevant criminal activity for which the warrant is'."

Again, for the record, these amendments relate to major crime and therefore will not be pursued.

Amendments negatived.

Mr COOPER: I move the following amendment—

"At page 43, line 10, 'If the issuer is a magistrate, the magistrate'—

omit, insert—

'The issuer'."

Amendment agreed to.

Mr BARTON: I move the following amendment—

"At page 43, line 13, 'or the major crime'—

omit."

Again, this is another one of those consequential amendments that relates to trying to drop out major crime, so I will not pursue it.

Amendment negatived.

Mr COOPER: I move the following amendments—

"At page 43, line 14, 'a magistrate'—

omit, insert—

'the issuer'.

At page 43, line 16, 'Magistrates Court'—

omit, insert—

'court'."

Amendments agreed to.

Clause 74, as amended, agreed to.

Clause 75—

Mr BARTON (3.29 p.m.): I move the following amendments—

"At page 44, line 5, 'or the major crime'—

omit.

At page 44, lines 14, 17, 20, 23 and 26, 'or the major crime'—

omit."

Again, these amendments relate to the same issue which we have already tested in the Parliament, so I will not pursue them.

Amendments negatived.

Mr COOPER: I move the following amendment—

"At page 44, lines 24 to 27—

omit, insert—

'(m) if authorised under the warrant—power to do whichever of the following is authorised—

(i) to search anyone or anything in or on or about to board, or be put in or on, a vehicle;

(ii) to take a vehicle to, and search for evidence of the commission of the relevant criminal activity or the major crime that may be concealed in a vehicle at, a place with appropriate facilities for searching the vehicle.

'(2) Subsections (3) to (7) apply to a search of a person.

'(3) An authorised QCC officer or police officer may require the person to remove items of clothing.

'(4) However, if it is necessary for the person to remove all clothing other than underwear, or all clothing, the search must be conducted in a place providing reasonable privacy for the person.

'(5) Unless an immediate search is necessary, the person conducting the search must be either—

(a) an authorised QCC officer or police officer of the same sex as the person to be searched; or

(b) if there is no authorised QCC officer or police officer of the same sex available to search the person—someone else acting at the direction of an authorised QCC officer or police officer and of the same sex as the person to be searched; or

(c) a doctor acting at the direction of an authorised QCC officer or police officer.

Example—

An immediate search by a person of the opposite sex may be necessary because the person searched may have a concealed firearm.

'(6) If the authorised QCC officer or police officer seizes clothing because of the search, the officer must ensure the person is left with or given reasonably appropriate clothing.

'(7) Also, if it is impracticable to search for a thing that may be concealed on a person where the person is, the authorised QCC officer or police officer may take the person to a place with adequate facilities for conducting the search.'."

Amendment agreed to.

Clause 75, as amended, agreed to.

Clause 76—

Mr BARTON (3.30 p.m.): I move the following amendment—

"At page 44, line 33, 'or a major crime'—

omit."

Again, this is one of the consequential amendments that we will not pursue.

Amendment negatived.

Clause 76, as read, agreed to.

Clause 77—

Mr COOPER (3.31 p.m.): I move the following amendment—

"At page 46, lines 7 and 8, 'after exercising a power'—

omit."

Amendment agreed to.

Clause 77, as amended, agreed to.

Clauses 78 to 81, as read, agreed to.

Clause 82—

Mr BARTON (3.32 p.m.): I move the following amendment—

"At page 48, line 22, 'or a major crime'—

omit."

Again, this is another one of the same consequential amendments.

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 49, line 30, after 'In particular'—

insert—

', and being mindful of the highly intrusive nature of a surveillance warrant'."

Amendment agreed to.

Mr BARTON: I move the following amendment—

"At page 49, line 31 to page 50, line 1, 'or the major crime'—

omit."

Again, this is another one of the consequential amendments on major crime, and I will not pursue it by debate.

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 50, lines 2 and 3—

omit, insert—

'(b) for a class A device—if the warrant is issued, the likely extent of interference with the privacy of—

(i) the suspect; or

(ii) any other occupant of the place;'."

Amendment agreed to.

Mr BARTON: I move the following amendment—

"At page 50, lines 5 and 6, 13, and 15 and 16, 'or the major crime'—

omit."

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 50, lines 19 to 21—

omit, insert—

'grounds for believing a person at, in or on a place or likely to be at, in or on a public place or class of place mentioned in the application is or is likely to be involved in relevant criminal activity or a major crime being investigated by QCC mentioned in the application.'."

Amendment agreed to.

Mr BARTON: I move the following amendments—

"At page 50, lines 20 and 21, and 28 and 29, 'or a major crime'—

omit.

At page 51, line 16, 'or the major crime'—

omit.

At page 51, lines 18 and 27, 'or another major crime'—

omit."

Again, these amendments are all consequential and related to major crime, which we have tested.

Amendments negatived.

Clause 82, as amended, agreed to.

Clause 83—

Mr BARTON (3.34 p.m.): I move the following amendment—

"At page 52, line 7, 'or a major crime'—

omit."

Again, this is one of the numerous consequential amendments which I will not pursue by debate.

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 52, line 16, '7'—

omit, insert—

'2 working'."

Amendment agreed to.

Mr BARTON: I move the following amendment—

"At page 52, line 23, 'or major crime'—

omit."

This is yet another one of the major crime amendments.

Amendment negatived.

Clause 83, as amended, agreed to.

Clause 84, as read, agreed to.

Clause 85—

Mr BARTON (3.35 p.m.): I move the following amendment—

"At page 54, lines 9 and 10, 'or the major crime'—

omit."

This is yet another one of the same major crime amendments.

Amendment negatived.

Clause 85, as read, agreed to.

Clauses 86 and 87, as read, agreed to.

Clause 88—

Mr BARTON (3.36 p.m.): I move the following amendment—

"At page 55, line 29, 'or a major crime'—

omit."

Again, I will not pursue debate on this amendment.

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 56, line 26, after 'warrant'—

insert—

', and being mindful of the highly intrusive nature of a covert search warrant'."

Amendment agreed to.

Mr BARTON: I move the following amendments—

"At page 56, lines 27 and 28, and 30 and 31, 'or major crime'—

omit.

At page 57, lines 5, 9, and 11 and 12, 'or the major crime'—

omit.

At page 57, line 16, 'or a major crime'—

omit.

At page 57, line 21, 'or the major crime'—

omit."

Amendments negatived.

Mr BARTON: I should speak briefly to my next amendment. This is about covert searches. I thank the Minister for agreeing to accept this amendment to remove the words "if practicable". This relates to covert searches being videotaped. We felt that this was absolutely essential if covert searches are going to take place, because that could mean that those searches could take place not just in people's businesses but in private homes without the owners knowing and without their being aware that warrants had been issued. These are probably the most intrusive powers in this Crime Commission Bill. We felt it was absolutely essential that, if people were going to go into private homes without the owners being aware, those searches should be videotaped. That is why we sought this amendment. We were very concerned that, inevitably, there would be claims that evidence had been planted and they would be hard to refute. So to avoid that dislocation when matters got to court—as inevitably they do—it would be much better if there was video evidence. This represents a protection both ways: protection for the home owner or business owner and protection for the police if allegations are made that evidence has been planted. Therefore, I move the following amendment—

"At page 57, line 27, ', if practicable,'—

omit."

I again thank the Minister for accepting the logic of this amendment.

Mrs CUNNINGHAM: My comments are superfluous, because it is acknowledged that the Government will accept this amendment. However, in common with the member for Waterford, I agree that it is very important to recognise the intrusive powers that are contained in yesterday's police powers Bill and this Bill today. These searches are not spontaneous. They are organised. There is time to have the appropriate equipment and technologies available for searches to be done in the dark without lighting to tip off, if you like, neighbours that a search is occurring. It is essential that the confidentiality of a search be protected. However, it is also essential that home owners are protected, too, to ensure that they are not inadvertently compromised.

Amendment agreed to.

Mr COOPER: I move the following amendment—

"At page 58, line 12, after 'orders'—

insert—

'in the interests of justice'."

Amendment agreed to.

Clause 88, as amended, agreed to.

Clause 89—

Mr BARTON (3.41 p.m.): I move the following amendment—

"At page 58, lines 27 and 31, 'or the major crime'—

omit."

Again, this is one of the many consequential amendments on major crime on which I will not pursue debate.

Amendment negatived.

Clause 89, as read, agreed to.

Clauses 90 to 92, as read, agreed to.

Clause 93—

Mr COOPER (3.41 p.m.): I move the following amendment—

"At page 61, after line 3—

insert—

'(7) A document produced under this section is taken to have been seized under a warrant under division 2.'."

Amendment agreed to.

Clause 93, as amended, agreed to.

Clause 94—

Mr BARTON (3.42 p.m.): I move the following amendment—

"At page 61, line 25, ', without reasonable excuse,'—

omit."

I am happy to say that the Minister has considered our amendment and has agreed to accept it. This amendment relates to documents that have been obtained by the Crime Commission under a notice to produce. Although it states that it should not be done without reasonable excuse, the clause as it

stood in the Bill would have allowed the potential for officers of the Crime Commission to open a sealed envelope that contained documents that had been obtained by a notice to produce, even when they were under challenge and before a court had made a decision. If officers had a reasonable excuse, the clause as it stood would have allowed them to open a sealed envelope without such a court order. We believe that if those documents are under challenge and sealed, that is done for a good reason. Regardless of the excuse, they should not be opened until a court has determined the matter. That is another necessary protection. The reasons would be obvious. If documents are under dispute—whether or not the Queensland Crime Commission should have them—they should be left until a court makes a decision. I am pleased to acknowledge the Minister's acceptance of our amendment.

Amendment agreed to.

Mr COOPER: I move the following amendment—

"At page 62, line 3,'(c)'—

omit, insert—

'(d)'."

Amendment agreed to.

Clause 94, as amended, agreed to.

Clauses 95 to 98, as read, agreed to.

Clause 99—

Mr BARTON (3.44 p.m.): I move the following amendments—

"At page 65, line 16, 'or a major crime'—

omit.

At page 65, line 19, 'or major crime'—

omit."

Amendments negatived.

Clause 99, as read, agreed to.

Clause 100—

Mr BARTON (3.46 p.m.): I move the following amendment—

"At page 66, lines 6 to 19—

omit, insert—

'(2) All QCC hearings must be conducted by the crime commissioner.

'(3) The crime commissioner is taken, for the purposes of a hearing, to be QCC and is the "presiding member" of the hearing.'."

This is another principle about which the Opposition feels strongly. We will divide on this clause after it is debated. Under the Bill as it stands, multiple people can conduct Queensland Crime Commission hearings. The view of the Opposition and certainly my personal view, having on several occasions examined the New South Wales Crime Commission, how it runs and why it runs reasonably effectively, is that only the Crime Commissioner should conduct hearings. That is the case in New South Wales. I do not share the view that was expressed earlier by one of my colleagues. When we have a model of a Crime Commission that is functioning relatively well, as we have in New South Wales, I believe that we would be unwise to move too far away from that model.

The Bill allows multiple people to conduct hearings. It may not be the Crime Commissioner. It can be one or more persons. It could include a couple of the assistant commissioners. I believe that is not the most productive way to go. It is essential that there be consistency. They are able to achieve that in New South Wales. I have noted that many Government members have been quite critical of the CJC for the fact that it hires in expertise from outside the commission. At different times and in recent months, I have heard many different Government members say that, instead of hiring in former judges or QCs to conduct inquiries and hearings, Frank Clair should be conducting those hearings.

I will not be critical of the CJC. I make the point that there seems to be two standards: many Government members say that Frank Clair should conduct all the hearings, but this Bill allows for a range of people to conduct hearings of the Crime Commission, which, by its very nature, should be a smaller organisation. There should be a capacity for the Crime Commissioner to do that. I know that that is an onerous task. It should be a smaller body. The Minister has said that he expects it to have a budget of $6m or $7m a year and to have 60 or 70 employees. The CJC has approximately 250 employees and a budget of $21m or $22m a year. The amendment seeks to ensure that it is the Crime Commissioner who conducts all those hearings. The next amendment addresses whether those hearings should be public. This is a principle about which we feel fairly strongly, so we will divide on it.

The commission needs consistency. If a range of people is conducting hearings, that may result in a range of views across the organisation. As a result, some of the

essential things may fall through the cracks. We would be wise to accept that the New South Wales model works for that reason. As I said in my contribution to the second-reading debate, I do not know how the current New South Wales Crime Commissioner, Phillip Bradley, manages to do it all. He works at an horrendous pace. He is a very impressive individual. It works for New South Wales. I believe that it works because of that factor: one person conducts all the hearings. I believe that is the way it should be.

Mr COOPER: I can understand what the member for Waterford has said. Yes, that is the way the New South Wales Crime Commission works at this time. As the member said, Mr Bradley, the Crime Commissioner in New South Wales, is a very impressive character and he has been enormously helpful to us. Although Mr Bradley is the only Crime Commissioner in New South Wales, the New South Wales Act allows for more assistant crime commissioners if they wish. All we are saying is that we want to have that flexibility in our legislation. If the Crime Commission can operate with one crime commissioner and maybe one assistant crime commissioner, that is fine. However, if there is a heavy workload and we require more assistant crime commissioners, we want to be able to have the flexibility to have more assistant crime commissioners. That is why we are sticking with the clause as it is.

Mr BARTON: I understand what the Minister is saying. I must say that the two times that I have been there, spread over a period of between three and four years, the position has been the same. I accept that the New South Wales legislation provides that the Crime Commission can have more assistant crime commissioners. However, if we must have a Crime Commission, I am concerned that it starts off on the right foot. I would be very, very concerned if the Government started the Crime Commission with this legislation as it stands. If that is the way that the organisation went from the very beginning, once a culture gets into an organisation, it is very, very hard to change. That is why I believe that this amendment is necessary.

If the workload reached the point at which the Crime Commission had to have more than one assistant crime commissioner, depending on the individuals, I would prefer the legislation to come back to this Parliament at that later date. Although the organisation might start off as a small, lean machine, I would be very concerned that, because the Crime Commission has the capacity to have more than one person holding hearings, it will have more than one person holding hearings. That would become the inherent culture of the organisation and we would never, ever be able to claw the Crime Commission back.

At this point, the Opposition would prefer the Crime Commission to stay with only one assistant crime commissioner. If time and experience showed that the Crime Commission had to have more than one assistant crime commissioner, then very clearly this Parliament would have the capacity to amend the Act very quickly to provide for that, if it was appropriate.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Sheldon, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 41—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Goss W. K., Grice; Smith, Santoro

Resolved in the **affirmative**.

Clause 100, as read, agreed to.

Clause 101, as read, agreed to.

Clause 102—

Mr BARTON (3.58 p.m.): I move the following amendment—

"At page 67, lines 6 to 16—

omit, insert—

'102.(1) A QCC hearing is not open to the public.'."

This again is another one of the issues——

The TEMPORARY CHAIRMAN (Miss Simpson): Order! There is too much audible noise in the Chamber.

Mr BARTON: Madam Temporary Chairman, it is all coming from that side of the Chamber. See them all hanging around over there.

This is one of the issues that the Opposition feels fairly concerned about. It is almost directly related——

The TEMPORARY CHAIRMAN: Order! Will members please leave the Chamber if they have no business here at the moment. There is too much audible noise in the Chamber.

Mr BARTON: Madam Temporary Chairman, thank you. Again, I indicate that the amendment that the Opposition seeks to make to this clause is in many ways directly related to the previous clause that the Chamber divided on, and this amendment is moved for similar reasons.

This clause provides for hearings of the Crime Commission to be conducted in public if the management committee agrees. One of the very firm practices of the New South Wales Crime Commission is to not hold public hearings. The hearings referred to in this clause relate to operational matters. I am not talking about hearings that are held for the purpose of providing the public with information. An earlier clause in the Bill, which has already been approved—and off the top of my head I cannot recall its number—provides for the Queensland Crime Commission to hold a public hearing, on the decision of the management committee, for the purposes of imparting information to the public. So there are two different sorts of public hearings that are being considered in this Bill.

The clause that has been passed already allows for the Crime Commission to hold a public hearing for the same sorts of reasons that, from time to time, the CJC holds public hearings. I know that on several occasions the second Parliamentary Criminal Justice Committee held public hearings simply for the purpose of making sure that the public were aware of the role of the CJC and the role of the PCJC. I do not want to get the issues confused. Although I am sure that the Minister will not get the issues confused, I want to be very clear that the Opposition is not seeking to stop the Crime Commission from holding public hearings in terms of imparting information to the public when its management committee believes that it is necessary. The clause relating to those hearings is contained earlier in the Bill and that clause has been passed.

However, the hearings referred to in this clause relate directly to operational matters. The presiding member, who is the Crime Commissioner or the one of the assistant crime commissioners, may open the hearing to the public if the management committee agrees. The management committee may approve a hearing to be open to the public if it considers that opening the hearing to the public will make the investigation to which the hearing relates more effective and would not be unfair to a person or contrary to the public interest. The clause also refers to when closing the hearing to the public would be unfair to a person or contrary to the public interest. The Opposition does not accept those words.

I do not recall off the top of my head—and the Minister may have checked—whether under the legislation the New South Wales commission has a capacity to hold public hearings on investigative matters, but the practice is that it does not. If we think back over the years to the frequent times when the CJC got itself into trouble, on occasions that happened because it held public hearings on operational matters. Sometimes reputations were badly damaged and witnesses used the CJC for their own purposes. If information is let out of the bag at a public hearing, it is very difficult to round it up and put it back in the bag at a later date. Public hearings on operational matters will make the Queensland Crime Commission a creature of the media. I do not want this to be taken as a criticism of the media——

An Opposition member: But it is.

Mr BARTON: No, it is not.

I realise that I am talking a lot about the New South Wales Crime Commission, but this Bill has been modelled on it to some degree and I am familiar with it. Indeed, it is one of the few crime commissions that operates in this country, so I have to keep coming back to it. The New South Wales Crime Commission does not seek media attention, issue press releases or claim credit for successful operations. When operational work leads to good outcomes, the Police Service gets the pat on the back, which the New South Wales Crime Commission is happy about. I believe that that is how the Queensland organisation should work. It is far more effective to have a small, lean team that is working hard to fight organised crime or paedophilia, which, as the Minister said earlier, is the reference that was given to the New South Wales Crime Commission as late as yesterday. Therefore, that commission will again be operating parallel to the Queensland commission.

It is absolutely essential that the Queensland Crime Commission does not develop a culture whereby it has to justify its position in the media. It should do its work essentially behind closed doors, because that will be the nature of the work. When dealing with organised crime, an agency does not run out and tell the media what it is doing, who it is

chasing and how far it has gone. That would be totally contrary to how organised crime should be dealt with.

On visits to interstate agencies and the Australian Federal Police, I have been told by many officers that the criminals are better organised than the police services and intelligence agencies are, that they have better intelligence services and very professional people working for them and that they keep one step ahead of the police services. If the Crime Commission is to work effectively, it has to counter criminals who have access to unlimited resources and, due to the proceeds of crime, have a lot of money to throw around. The commission should not seek to operate in the public domain. The more it hides behind closed doors and gets on with the job, the better it will be.

A hearing can be called if information must be given to the public. I am not saying that the public should not know that the Crime Commission exists. However, public hearings should not be held if there is a risk of putting operational material in the public domain, whether it be on organised crime, paedophilia or—because my amendments were done over earlier—major crime. We would not want such information in the public domain. If there is a capacity for that to happen, sooner or later someone will give the wrong call. A decision will be made that is based on a bad judgment. Even if a decision is made for the right reasons, someone may get the call wrong and, before we know it, there will be a public controversy surrounding something that the Crime Commission may be doing. I think that members from all sides of politics and the public would agree that we could do without that.

Therefore, I move this amendment to say very clearly that, at least in the early days of the commission—although I hope that it would not change—the Crime Commission should not be a public body. If the CJC has one weakness that I am personally concerned about, it is the fact that it seeks to be a public organisation. It seeks to influence politics and the community's view on a whole range of things. It would be a lot better if the CJC just did its job and spent a little less time worrying about the public's perception of it. The worry is probably understandable as the CJC fears that it is under attack at the moment, and the Opposition believes that it is. The CJC believes that it is fighting for its life, and it will fight pretty hard. This Bill is one of the reasons why it is so concerned.

We should not let this organisation adopt a culture whereby it seeks to influence operational matters publicly. The surest way that I can think of to ensure that that does not happen is to make it impossible for the commission to do it under the legislation. Even though the management committee consists of nine top people, sooner or later an error in judgment will be made and it will get into trouble. It is better not to let it do it from the beginning.

Mr COOPER: The Government does not disagree with the Opposition. We agree with what the honourable member said about closed hearings. We have seen enough of Star Chambers, trial by media, smear campaigns and innuendo. The legislation qualifies, because the Bill states that hearings are to be closed. Clause 102(1) states—

> "A QCC hearing is not open to the public, unless the hearing is open to the public under subsection (2)."

Proposed subsection 2 states—

> "The presiding member may open the hearing to the public if the management committee approves."

The presiding officer cannot decide to hold a public hearing. He or she has to go back to the management committee to seek approval to do so. One of the reasons that the management committee is made up of a disparate group is to ensure fair play. Proposed subsection 3 states—

> "The management committee may approve a hearing to be open to the public if it considers opening the hearing to the public—
>
> (a) will make the investigation to which the hearing relates more effective and would not be unfair to a person or contrary to the public interest; or
>
> (b) closing the hearing to the public would be unfair to a person or contrary to the public interest."

We are looking for fairness all the way through. I know full well what the Opposition spokesman is saying, but to all intents and purposes the hearings will be closed. As the member realises, the New South Wales Crime Commission does hold hearings, but they are on operational matters. It also holds hearings that give information to the public. It does not have public hearings, but it has public sittings. It has gone very close to it.

We are trying to ensure that, firstly, the hearings are closed and, secondly, if

something will prove to be unfair to a person—remembering that everyone is innocent until proven otherwise—and if the management committee considers that the hearing should be open, so be it. It makes that decision. The Government does not accept the amendment of the Opposition, although we know exactly where it is coming from. I do not think that there is much disagreement.

Mr BARTON: I will not belabour the point and, while I agree that it has to be a management committee decision, I am nonetheless concerned that a management committee might get the call wrong one day. In addition, the management committee is not a small group, either. It is a group of nine people, three of whom can have proxies at the meeting. The committee has a quorum rule of five, which is 50% plus one.

It would be quite conceivable for a meeting of the management committee to be attended by a couple of proxies who were not as familiar with the overall picture as the people for whom they were standing in. It is also conceivable that there could be a meeting, in a worst case scenario, without the Police Commissioner, the Crime Commissioner, the Chairman of the CJC and one other member. They need only five members. They can elect their own chairman from the five members in attendance. A group that did not have a grasp of the operational issues might believe that it was necessary to hold a public hearing, make a decision to that effect and get itself into trouble.

As I pointed out in my speech in the second-reading debate last night, this management group is not the tight, sharp little group that New South Wales has. This is a broader body. That is so for the sorts of reasons that the Minister expressed. There is room for a woman, civil liberties input, the Children's Commissioner, the PCJC Chairman and the Deputy Chair. That swells that body and increases the chances of a bad call being made. That is another factor that we took into account as an Opposition when we looked at this amendment. There is a greater chance of the management committee not being as tight and of an error of judgment being made.

Unless we can convince the Minister, I will not belabour the point any further than that, other than to say that we are seeing a group of factors that are untried. What has impressed me the most about the New South Wales Crime Commission is how tight it is. If ever the committee had to rely on a member who was either not really bright or honest, that would create a lot of trouble in such a tight organisation. We have to hope that we get the best person and someone who is squeakier than squeaky clean. By the same token, when the committee is made broader for one set of reasons, there is a greater chance of there being an error of judgment or a compromise situation that might ultimately get it into trouble. I wanted that on the record. I hope I have convinced the Minister. If I have not, at least I have made my point. I hope I do not have to come back here in a few months' time and say, "I told you so."

Mr COOPER: The member said that the New South Wales Crime Commission is very tight and relies very much on the type of person in those positions. I said that in my summing-up. That is absolutely correct. We can have the leanest machine with a perfect structure; however, if the wrong people are put on it, everything falls to the ground. The member is right that it is absolutely vital that we get the right people to fill these slots.

In relation to proxies—if the Police Commissioner had a proxy, it would not be Constable Bloggs from down the road; it would be, let us say, the assistant commissioner for crime operations—someone who fits the bill. Therefore, that person will be the right person for the job.

Mr Barton interjected.

Mr COOPER: I am certain that, if they were all away, they would not be having a meeting. At the very first meeting of the management committee, they will set the rules for their quorum. Yes, their quorum is, say, five out of nine. However, using teleconferencing and videoconferencing they could maximise members' participation such that they are all involved no matter where they are. That is the new, modern way and that is as it should be.

I believe that covers the very valid points raised by the member. We have talked about this time and time again. As the member said, it is not the media's fault if someone feeds it a great big feast of smear and muck; of course that material will be used. But that is not fair on people, who are supposed to be innocent until proven otherwise. We want to get away from trial by media and Star Chambers. We will give people a sensible, decent and honest hearing.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 42—Baumann, Beanland, Borbidge, Connor, Cooper, Cunningham, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Laming, Lester, Lingard, Littleproud,

McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Sheldon, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 41—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Elder, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Goss W. K., Grice; Smith, Santoro

Resolved in the **affirmative**.

Mr COOPER: I move the following amendment—

"At page 67, lines 11 and 12—

omit, insert—

'public if it considers—

(a) opening the hearing to the public will make the investigation to which the hearing relates more'.**"**

Amendment agreed to.

Clause 102, as amended, agreed to.

Clauses 103 and 104, as read, agreed to.

Clause 105—

Mr BARTON (4.21 p.m.): I move the following amendment—

"At page 69, line 23, ', without reasonable excuse,'—

omit."

This is a further amendment similar to one that we moved earlier which was agreed to by the Minister. I understand that the Minister is agreeing to our amendment on this occasion. Again, it concerns where a document or a thing is being held by the Crime Commission in a sealed envelope. This would preclude its being opened under what would be seen as a reasonable excuse prior to whether or not it could be held by them and used by them being determined by a court. It is exactly the same set of circumstances as an amendment some time back. I thank the Minister for his consideration in agreeing to our amendment.

Amendment agreed to.

Clause 105, as amended, agreed to.

Clauses 106 and 107, as read, agreed to.

Clause 108—

Mr COOPER (4.22 p.m.): I move the following amendment—

"At page 72, line 7, '(b)'—

omit, insert—

'(1)(b)'."

Amendment agreed to.

Mr BARTON: I move the following amendment—

"At page 72, line 23, ', without reasonable excuse,'—

omit."

Again, these are precisely the same circumstances as the last of my amendments. Again, I thank the Minister for his consideration. I understand that he has agreed to accept our amendment, for which we thank him. I will leave it at that.

Amendment agreed to.

Mr COOPER: I move the following amendment—

"At page 72, lines 28 to 30—

omit, insert—

'(9) If the person fails to apply for leave to appeal within the time allowed under section 109, or leave to appeal is refused under that section, QCC may access the document or thing.'."

Amendment agreed to.

Clause 108, as amended, agreed to.

Clauses 109 and 110, as read, agreed to.

Clause 111—

Mr COOPER (4.24 p.m.): I move the following amendment—

"At page 75, lines 8 and 9—

omit, insert—

'(b) information that might enable the existence or identity of a person who is about to give or has given evidence before QCC ("witness") to be ascertained.'."

Amendment agreed to.

Clause 111, as amended, agreed to.

Clauses 112 to 117, as read, agreed to.

Clause 118—

Mr COOPER (4.24 p.m.): I move the following amendment—

"At page 79, line 3, 'has' (first mention)—

omit."

Amendment agreed to.

Clause 118, as amended, agreed to.

Clause 119, as read, agreed to.

Clause 120—

Mr COOPER (4.25 p.m.): I move the following amendment—

"At page 81, line 15, '(2)'—

omit, insert—

'(3)'."

Amendment agreed to.

Clause 120, as amended, agreed to.

Clauses 121 and 122, as read, agreed to.

Clause 123 heading—

Mr COOPER (4.26 p.m.): I move the following amendment—

"At page 82, line 17, 'commission member or'—

omit."

Amendment agreed to.

Clause 123 heading, as amended, agreed to.

Clauses 123 to 128, as read, agreed to.

Clause 129—

Mr BARTON (4.26 p.m.): I move the following amendment—

"At page 86, lines 4 and 5, ', if reasonably practicable,'—

omit."

Although I have moved this amendment, and I expect that the Minister will not accept it—that is the advice he has given me—I also understand why he will not accept it. This is exactly the same provision as an amendment moved to the police powers legislation last night, the only change being that this amendment refers to the QCC rather than the Police Service. So the circumstances are the same. At the end of the day, it is appropriate to have consistency even though our view is that the Minister was incorrect last night in not accepting our reasonable amendment. On this occasion, we put the amendment forward even though we do not expect it to get up. We will not divide on it, but we do accept that there needs to be consistency even though we think that the Government's consistent position on both pieces of legislation is wrong.

Mr COOPER: Again, I reiterate what I said last night. It just simply would not be practicable. We have to have workable and practicable legislation. If we were to include the name of the person on the warrant and that person was not the owner but was, in fact, the occupier, we would really be wasting our time. That is the reason that we are unable to accept the amendment, consistent with opposing a similar amendment moved during the Committee stage of the police powers legislation.

Amendment negatived.

Clause 129, as read, agreed to.

Clauses 130 and 131, as read, agreed to.

Clause 132—

Mr BARTON (4.29 p.m.): I move the following amendment—

"At page 86, line 19, 'or major crime'—

omit."

This is the last of my amendments. Again, it is one of the many that relates to our earlier attempt to remove major crime, as defined, from the jurisdiction of the Queensland Crime Commission. I will not pursue this amendment.

Mr ROBERTSON: Speaking to this amendment gives me the opportunity to revisit some issues that I spoke about last night in relation to the transitional provisions. I acknowledge the fact that the Minister in his reply today mentioned the progressive proclamation of various sections of this legislation as a means to, if you like, smooth over the transition process, particularly in relation to current investigations. My concern, if the Minister recalls, was that a black hole may open up between the cut-off of the existing powers of the CJC and the start up of the Queensland Crime Commission. The Minister has answered that in part. However, as he appreciates, the members of the PCJC seek further details about how that transition process will actually occur to satisfy ourselves that the current investigations under way by the CJC will not in any way be jeopardised.

The other matter that I would like the Minister to spend some time on is to give us some explanation about what will happen with the existing investigative staff of the CJC and whether, with the creation of the QCC and the transfer of those particular investigative powers with respect to major and organised crime, the investigative staff of the CJC will be transferred to the QCC and will continue with the investigations for which they are currently responsible.

The other issue I raise is pointed out best in terms of the CJC's public submission in relation to this Bill. The Minister mentioned it in his speech today when he said that he had sought assurances from the Police Commissioner that the transition process would be smooth. The Minister did not seem to indicate at any stage whether consultation had actually occurred with the CJC as to how that transition process would be effected. These are important issues. Not only this Parliament but also the whole of Queensland

has to be assured that, if this Bill passes, as it looks like it will, the investigations currently under way will in no way be affected.

I would like to know whether the staff who are currently involved in investigations have been notified as to what their future will be. Have they been in any way consulted? Have they been provided with options? Most importantly, will any redundancies or reductions in actual numbers of investigative staff occur as a result of the transfer of these powers from the CJC to the QCC? I think they are important issues. The Minister must inform the CJC and give continuing confidence to the staff of the CJC in relation to them. These issues are also vitally important to Queensland, and the people certainly deserve a detailed explanation so that we can all be assured that this transition process will be as smooth and as efficient as possible.

Mr COOPER: I thank the member for raising those issues. They are certainly very valid issues. We have canvassed them before. The investigative staff will transfer over, depending on what the particular case happens to be. I am aware of what the member is saying about anything falling through the cracks and the black hole that could open up. We are mindful of that. In consultation with the Commissioner of Police, the Crime Commissioner and the Criminal Justice Commission, those transitions will be made. They will be made in a managed way, that is to say, this legislation will be proclaimed in a managed way that allows for that smooth transition.

The member mentioned redundancies. I cannot see where redundancies would occur, because the same people will be carrying on those investigations. They will simply transfer across, so I just do not see that that is going to happen. If it does, there would have to be other reasons. But of course those investigations will continue.

There is one other point I would make. If there is a problem with the transition, the people involved—the Commissioner of Police, the Chairman of the CJC and the Crime Commissioner—can seek the involvement of the Parliamentary Commissioner, who can and will adjudicate and rule if need be. But we are looking for the cooperative approach, and I believe that we will get it.

Mr ROBERTSON: I thank the Minister for those answers. There was one small matter that I forgot to mention when I was on my feet earlier. It relates to the various investigative teams under the umbrella of the JOCTF. The CJC contributes investigative staff to the JOCTF. In particular, I am interested in the continued existence post CJC and under the QCC of investigative teams such as the Japanese Organised Crime Task Force and the teams investigating Chinese triad activity and outlaw motorcycle gangs. Will there be continued QCC participation in the JOCTF teams?

Mr COOPER: Yes, they will transfer across to the QCC in the managed way that I pointed out before. Under the QCC, those police will be under the command of the Commissioner of Police, which is different from the current position in which they are under the command of the CJC. That is appropriate. The main thing is that those JOCTF operations do continue, that they do transfer over in that smooth way and that the same people keep control of the investigations.

Amendment negatived.

Mr COOPER: I move the following amendment—

"At page 87, line 26, 'subsection (2)'—

omit, insert—

'subsection (3)'."

Amendment agreed to.

Clause 132, as amended, agreed to.

Clause 133, as read, agreed to.

Clause 134—

Mr COOPER (4.37 p.m.): I move the following amendment—

"At page 88, line 8, after 'misconduct'—

insert—

'or alleged or suspected misconduct by members of the police service'."

Amendment agreed to.

Clause 134, as amended, agreed to.

Clause 135, as read, agreed to.

Clause 136—

Mr COOPER (4.37 p.m.): I move the following amendment—

"At page 88, line 20, after 'misconduct'—

insert—

'or alleged or suspected misconduct by members of the police service'."

Amendment agreed to.

Clause 136, as amended, agreed to.

Clause 137—

Mr COOPER (4.38 p.m.): I move the following amendment—

"At page 89, line 4, after 'misconduct'—

insert—

'or alleged or suspected misconduct by members of the police service'."

Amendment agreed to.

Clause 137, as amended, agreed to.

Clause 138, as read, agreed to.

Clause 139—

Mr COOPER (4.38 p.m.): I move the following amendment—

"At page 89, line 16, after 'misconduct' (second mention)—

insert—

'or alleged or suspected misconduct by members of the police service'."

Amendment agreed to.

Clause 139, as amended, agreed to.

Clauses 140 to 144, as read, agreed to.

Clause 145—

Mr COOPER (4.40 p.m.): I move the following amendment—

"At page 94, line 8, '(f)'—

omit, insert—

'(e)'."

Amendment agreed to.

Clause 145, as amended, agreed to.

Insertion of new clauses—

Mr COOPER (4.41 p.m.): I move the following amendment—

"At page 94, after line 15—

insert—

'PART 14—AMENDMENT OF PUBLIC SERVICE ACT 1996

'Act amended in pt 14

'146. This part amends the Public Service Act 1996.

'Amendment of s 109 (Who is a "term appointee")

'147. Section 109(3)—

insert—

'(ea) the crime commissioner or an assistant crime commissioner appointed under the Crime Commission Act 1997;'.

'PART 15—AMENDMENT OF CRIMINAL JUSTICE LEGISLATION AMENDMENT ACT 1997

'Act amended in pt 15

'148. This part amends the Criminal Justice Legislation Amendment Act 1997.

'Amendment of s 41 (Insertion of new ss 118A to 118F and new pt 4A)

'149. Section 41, new Criminal Justice Act 1989 section 118Q(1), after 'parliamentary commissioner's functions'—

insert—

'under this or another Act'."

Amendment agreed to.

New clauses 146 to 149, as read, agreed to.

Schedule—

Mr COOPER (4.42 p.m.): I move the following amendments—

"At page 97, line 17, '1991.'—

omit, insert—

'1991; and

(c) a child abuse film under the Classification of Films Act 1991.'.

At page 97, line 24, definition "photograph"—

omit, insert—

' "photograph" includes photocopy and videotape.'."

Amendments agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

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

INTEGRATED PLANNING BILL

Second Reading

Resumed from 30 October (see p. 4090).

Hon. T. M. MACKENROTH (Chatsworth) (4.43 p.m.): The Opposition will support the Integrated Planning Bill at its second-reading stage. However, I foreshadow amendments to a couple of clauses at the Committee stage. I congratulate the Minister on having brought this Bill before the Parliament and for the work that she has done over the past 18 months to get it here.

This Bill represents a complete overhaul of Queensland's planning system, a system which, in its core, was designed back in the 1930s. This Bill repositions local government at the centre of the urban management process in this State. The first point to note is that the role of planning schemes will be greatly expanded from the largely localised development control function which they have at present. The Bill enshrines planning schemes as the pre-eminent instruments for coordinating all the policies and requirements of both State and local government which might impact on the living, working or natural environments.

It is true that, under current arrangements, there is a whole-of-Government review process coordinated by the Local Government and Planning Department when schemes or major amendments to schemes are proposed by local government. But there is no real discipline on State agencies to make the most of these opportunities. Accordingly, there is the ever-present possibility that State agencies will develop their own planning and development control instruments. Furthermore, there is no guarantee that these will dovetail neatly with local planning schemes. The result is a loss of confidence in the council-operated planning system, because stakeholders can see carefully worked out policy provisions in the local scheme overridden by some State instrument from left field.

Under the new arrangements, planning schemes will, very deliberately, be the product of a range of inputs, including State policies, the recommendations of regional planning advisory forums, local policies and, of course, a thorough, ongoing process of local consultation. This integrated outcome is achieved through a variety of means. Firstly, the Bill sets out the core matters which a planning scheme must address. These provisions make it clear from the start that a holistic approach is necessary in a planning scheme. Secondly, the Bill spells out a comprehensive procedure whereby planning schemes may be certified as being consistent with State interests.

Making the local planning scheme the centrepiece of an integrated planning system will have important implications for the way State agencies go about their policy development work. In effect, they will be forced to look at their ideas from a local community perspective. They will not be able to get away with broad-brush concepts and propositions which ignore the local context. If, through this process, bureaucrats and politicians become more inclined to consider how new policy proposals affect day-to-day life out in the community, we will have achieved a major advance in the quality of government in this State.

Given the pivotal role of planning schemes in the new system, the Bill has been framed to protect their integrity in the face of unanticipated development proposals. Under the current processes of applicant-initiated rezonings, approval of unanticipated developments means that schemes have to be amended. This undermines the status of planning schemes as a durable framework for development decision making based on agreed planning objectives for an area.

The Bill further strengthens the role of local government by identifying councils as the principal coordinators of development in their local communities. The concept of a one-stop approval shop has been much talked about by planners around Australia but rarely, if ever, delivered. This Bill gives practical expression to this objective. Instead of dealing with a multitude of different approval agencies, each with their own information requirements and time frames, development proponents will be able to lodge a single application with an assessment manager which, in the vast majority of cases, will be the local council. The assessment manager would then advise the applicant of any necessary referral requirements. Originally, under the PEDA Bill, it was proposed that the assessment manager would have responsibility for seeking comment from all agencies which might have an interest in the matter. However, in the course of consultation on that Bill with a reference group established by the Local Government Association of Queensland, this was changed to place the onus for securing comments from referral agencies onto the applicant. This was seen as having several functional advantages as well as relieving local governments of an administrative load.

The first advantage was that the time this referral process took would be in the applicant's hands and local government could not be blamed for delays. Secondly, if there were matters needing resolution between the applicants and referral agencies, this could be done directly. Interestingly, the development industry also preferred this approach because, if a problem does emerge with a referral agency, they would rather sit down and work it out face to face. Importantly, these referral and concurrence agencies will have to adhere to clear time lines in making their responses,

otherwise they will be deemed to have no interest in the development as proposed.

These integrated development approval system—or IDAS—provisions of the proposed legislation place local government in the box seat in terms of managing and promoting environmentally responsible development. The extent to which this potential is realised is up to individual councils. They could see the assessment manager role as a paper-shuffling or postbox exercise. Alternatively, they could use their strategic administrative position to forge positive links with State agencies.

The Bill proposes a range of other efficiency initiatives in the development control process. These will further strengthen the capacity of local governments to promote quality development within their jurisdictions. For example, large-scale projects undertaken over a long time frame are poorly handled under the current planning legislation. It makes no effective provision for councils to grant an approval in principle and then deal with more detailed development control issues as individual stages of a project come up. This can frustrate worthwhile projects. Proponents may find it difficult or impossible to arrange finance if banks and other institutions have no certainty that the project will proceed, albeit that the final form of the development is yet to be agreed. To resolve such problems, the Bill introduces the concept of a preliminary approval as distinct from a development permit. Holders of a preliminary approval can be certain that none of the issues considered to the point of issue of this approval will be revisited when development permits are sought.

The Bill proposes that environmental impact assessment should be part and parcel of all development control decision making, rather than something that is reserved for particular designated uses as occurs at present. But this has been framed in a way that avoids putting each and every application under the microscope. Much of the impact assessment work will be built into the planning scheme itself. That is, sufficient up-front assessment of environmental capacities will be done to enable certain uses to proceed in pre-identified areas with minimal further investigation. So, simple and anticipated projects will be able to be undertaken with the minimum of red tape. At the same time the market will be given ample flexibility to explore other development options provided it can be demonstrated that the environmental impacts are acceptable. To my mind this is performance-based development control in action.

All appeals related to development assessment are consolidated into a single jurisdiction under the provisions of this Bill. This will make for speedier and less expensive resolution of disputes. Another contribution that this Bill makes to the position of local government in Queensland's planning system is the clarification of the respective roles of State Government and councils. One of the first actions of the Goss Government in the planning sector was to abolish ministerial rezonings. We left behind the bad old days when the Government would ride roughshod over a properly adopted planning scheme and make decisions on projects that, in many cases, raised only local issues. This Bill builds on those reforms and seeks to strike a reasonable balance between State and local interests in line with the planning protocol signed between the Local Government Association and the Goss Government in July 1993.

I mentioned earlier that the process for making planning schemes will place a firm obligation on State agencies to ensure their requirements are reflected in local schemes up front. Once a scheme has been certified as being consistent with State interests, the State Government can play a largely hands-off role and let the council get on with the business of managing local development. The Bill makes provision for ministerial call-ins to be applied in exceptional circumstances. Any such call-ins will be required to follow the normal notification and referral procedures.

This Bill proposes to strengthen local government's role in the planning system by offering greater certainty in infrastructure funding. The current legislation is highly deficient in this regard. There is no clear guidance as to which infrastructure items may attract development contributions. Although there is general agreement that water supply, sewerage and parkland fall into this category, other crucial elements in the structure planning of communities frequently attract disputation regarding development levies, for example, the road network and the drainage management system. The uncertainty faced by councils in funding these key infrastructure elements through the development process is a serious disincentive to the forward planning of growth areas. As a result, development is often allowed to take opportunistic pathways, for example, ribbon development along major interurban arterials.

The Bill clearly spells out those items that may be funded through development contributions. The Bill recognises and proposes that up-front contributions or "infrastructure charges" should be limited to those basic items of infrastructure where consumer choice would be limited anyway for reasons of health and safety or efficiency. The list of items includes water supply, sewerage, roads, infrastructure required to maintain adequate quantity and quality in ground, surface, estuarine and marine waters, flood mitigation works, public recreation land and sites for local community facilities. Councils or State agencies may propose additional items for infrastructure charges, but these must meet the criterion that up-front provision is necessary on health and safety grounds. Although the Bill proposes that a discipline be applied to the use of infrastructure charges in the interests of fairness, efficiency and housing affordability, all the essential structural elements of new or redeveloping communities are covered. So, for the first time in Queensland's history, councils will be able to plan ahead with some certainty of funding. Under the provisions of the Bill, a council will have to adopt an infrastructure charges code before it may levy any such charges. The code will form an integral part of the planning scheme and will be open to public scrutiny through the various exhibition and public consultation processes laid out in the Bill.

I will now return to the proposals within this Bill regarding the positioning of local planning schemes, and, therefore, local councils at the centre of the policy and infrastructure coordination process. As part of the core matters that I mentioned earlier, planning schemes will be required to identify a preferred or benchmark sequence of development to accommodate expected growth in a shire or city. This benchmark will be the most efficient growth pattern taking into account both social infrastructure and that which is provided on a user-pays basis. The preferred sequence would then be adopted by all agencies, both local and State Government, for the coordinated forward planning of facilities and services. Developers will remain free to take on projects that are out of sequence, but they would have to compensate social infrastructure agencies for any adverse cost impacts of such a move. For example, they might be required to meet the finance costs of providing a social infrastructure item in a particular area sooner than would have been expected under the sequence set down in the planning scheme. Certainly this mechanism has clear benefits in terms of protecting the taxpayer from the extra costs of ad hoc and fragmented development patterns. But the most important advance here is that all infrastructure agencies will be using a common database for their planning, a database that is embedded in the local planning scheme. In this way, councils will be playing a key part in the coordinated, timely and efficient delivery of facilities and services to their communities, even where these services are the responsibility of State agencies.

The Bill is, in many ways, an outworking of the planning responsibilities protocol that was struck between the State Government and the Local Government Association of Queensland. It reinforces the partnership between the two spheres of Government in maintaining and enhancing Queensland's environment and quality of life. It does this by making planning schemes the main instrument for coordinating development control policies and infrastructure provision, by giving local government a key role as assessment manager in a one-stop-shop approval process, by enabling local government to promote environmentally responsible development through streamlined approval systems, by clarifying the roles of local and State Government in the planning process and by offering greater certainty in infrastructure funding.

I think that my speech clearly outlines the benefits of this Bill to the State and to local government. I was very interested to read recently that this Bill is the most fundamental reform that the National/Liberal coalition Government will introduce in this term of Parliament. The speech that I have just delivered over the past 15 minutes is exactly the same speech that I delivered on 25 May 1995 in Gladstone. That speech spelt out to the councils the provisions of PEDA and the benefits of having PEDA to look after planning matters in this State.

If this Bill is the most fundamental reform that this Government has undertaken in the time that it has been in Government, it has done very little. I know that over the past 18 months the Minister has had a task force that has worked very hard to formulate this Bill. The elements that were contained in PEDA have been changed around and refined. I am sure that that refinement will make the provisions that were contained in PEDA, but are now contained in this Bill, work better. In exactly the same way I am sure that, after we have seen the provisions of this legislation in practice, we will be back here in 12 months' time amending the legislation to make it better.

As I said at the very start of my speech, I think that the Minister, Mrs McCauley, should be congratulated because she did persevere with this Bill. Over an 18-month period, the Minister gathered representatives from a lot of interest groups around the table to talk about the issues and to reach a basic agreement on a Bill to come before the Parliament. However, I do not think that we can ever forget where the Bill came from. As I said, for the 15 minutes that I spent explaining PEDA, nobody knew that I was not speaking to this Bill.

Probably the most fundamental change that is going to happen by reason of this legislation is that the planning system in this State is going to be turned completely upside down. I know that when one talks to people, one realises that they are scared that the State Government is in some way trying to take control of things. I do not know what problems the Minister has experienced in dealing with other Government departments but, having dealt with planning legislation over a number of years, I could well imagine them. Officers of those departments would have been dragged kicking and fighting all the way into the Cabinet room and up the table to get agreement to have this legislation before the Parliament.

For the first time ever, this legislation will make the State Government accountable in the planning system. At the very start of a planning scheme review, this legislation is going to make the State Government set out its requirements in relation to an area. That has never been done before in a legislative way. Although, through the Planning Department, to a degree other departments have told local councils some of the things that they would like to see in the planning scheme, they really have sat back and allowed councils to advertise their planning schemes, go through the objection period and go through the council process whereby the council finally approves the planning scheme and sends it off to the Minister and then they would have their say on what they would like to see in the planning scheme and what they did not agree with. I do not think that that is a very fair system for our communities. This new planning system is going to say to State departments, "You have to tell us right up front what you want and that will go into the draft planning scheme that goes out to consultation and public objection." So the people in local communities will know what the State wants for that particular area. I think that is the way it should be.

Today, I think that it would be very easy for a planner in, say, the Education Department to identify that the department will need to build a school to accommodate 300 students after an estate has been built. The people are living in that estate and there are 300 students who want to go to school and the planner identifies in the plan that a school is needed. However, it is much more difficult for planners to have to identify that in the future there is going to be a population of a certain number in an area and that there will be possibly so many children and that there will be a need for a school that would take so many students. Planners are really going to have to think ahead. Those planning provisions would need to be identified.

In doing that, two things will be achieved: firstly, local communities and local governments will become more aware of the State Government's objectives for the area—and I think that is a good thing for local communities—and, secondly, it is going to identify for the State Government the infrastructure needs for the future. If a Government plans its infrastructure to be located where it is going to be needed in the future, there is the potential for many millions of dollars to be saved.

When I was the Minister for Planning, the department brought out SEQ 2001. During that process, one of the exercises that the department undertook was to formulate an infrastructure plan for Coomera. I do not think that one would need to be a planner to know that Coomera, which has had a railway line built through its centre, is a growth area. The department asked all State and Federal agencies for their infrastructure plans for the next year, for the next five years and for the next 15 years. Not one agency had planned for one piece of infrastructure in that growth area for the next year, for the next five years, or for the next 10 years. If that is the way in which our agencies go about providing us with the information upon which to make our decisions, we are really not in a good position.

I believe that this Government and Governments in the future need to know the future infrastructure needs and where they will be needed, the existing infrastructure that we have and how we can best utilise that infrastructure. By doing that, I think that there are incredible opportunities whereby the taxpayers could be saved a lot of money. I would like to see that planning process started by the State agencies identifying their future plans. That is one step. However, we need to make sure that there is proper infrastructure

planning to go hand in hand with the plans of those State agencies so that we know where that future infrastructure is needed and where it is going to be placed.

The next step is the integrated development assessment system, which is contained in this Bill. It will be a one-stop shop that will enable developers or applicants to lodge an application to one agency to find out where it needs to go from there so that the necessary information and the application can be coordinated through one area. That has the potential to save applicants a lot of time, and time means money. I think that the operation of this system really needs to be given an excellent chance to work and the people who are going to make this system work are the Cabinet Ministers of this State. If the Cabinet is not committed to it, the State agencies will very quickly not be committed to it. It is a very important process not only for applicants but also for the whole system. It is equally important that all Cabinet Ministers ensure that their departments play their part in making the system work. If they do not want to make it work, I am sure that they will find ways for the system not to work.

The Integrated Planning Bill recognises regional planning, a process that was started in 1991 by former Premier Wayne Goss with the launch of SEQ 2001. I remember that at the time many people thought that it was a socialist plot to take over the planning of south-east Queensland and to tell people how to do things. Through a very long process of negotiation and consultation with local governments and interest groups in the south-east Queensland community, we were able to convince people that we were not trying to take over the system but would simply play a coordinating role in an area that had 20 local governments. There are now 18.

A Government member interjected.

Mr MACKENROTH: It will still be 18. The boundaries near the member's electorate will just be rorted a little. The Government told the people that, if they wanted a referendum, they could sign a petition. They did not sign a petition so the Government will rort the boundaries.

There were 18 councils in the area. The Regional Planning Advisory Group worked through the problems of south-east Queensland. It is the only major plan in this State, which I am aware of, that has been implemented to some degree. People are probably not even aware of the outcomes of the reviews of the local planning schemes that were undertaken by, for example, the former Albert Shire and the Caboolture and Maroochydore Shires in the past couple of years. This legislation will require councils to review their planning schemes within the next six years. The work that went on under SEQ 2001 can be picked up by those councils, adopted and used as base information to ensure that, when they plan for their local areas, they take into account the necessary regional outcomes. I think that is a good thing.

One of the first councils that will implement the new integrated planning legislation will be the Brisbane City Council, which has been waiting for the passing of the Bill before it draws up its new plan. That will be a good opportunity to see how the legislation operates. As the Brisbane City Council is the largest local government in the State, that will be a very good exercise.

The Bill recognises regional planning, which is an advantage as it spells out what councils can and cannot do. By the end of my time as Minister, I found—and I am sure that the present Minister will find—that rather than being scared of regional planning, councils almost knocked my door down wanting regional plans for their areas. One has to limit the number of areas that one can work on at a given time. Perhaps some councils need amalgamations rather than regional plans, but I will leave that to the Minister. I have done mine.

We shall discuss the issue of private certification in the Committee stage of the Bill. I have supported private certification and I still support it in some areas, but in this legislation the private certification provisions are simply too wide. Further legislation and regulations need to be introduced to understand how it will work. The provisions in the Bill simply open the door; they do not allow one to see what is in the room. Therefore, further legislation must come before the Parliament and we need to see the regulations, not only for this Act but for other Acts, to see how private certification will work. On that basis, I will oppose the inclusion of private certification in the legislation at this time. At the time when private certification provisions were introduced into legislation—which, as I said, is simply opening the door—we should have been able to look at the whole package.

The Opposition supports the legislation before the House. I will move a number of amendments at the Committee stage of the Bill and I understand that the Minister will accept a couple of them. We will discuss those when we get to that stage. The amendments will be moved in an endeavour to make the

legislation operate more effectively for the benefit of the community and so that people can see with clarity how the system works. As I have already outlined, the Opposition will oppose the provision relating to private certification on the basis that we do not have all of information that is necessary to make a decision.

I have already congratulated the Minister on bringing the Bill before the Parliament. She has done a good job to get it here, and I mean that sincerely. I also congratulate the departmental staff, many of whom have worked for a long time—some for four or five years—to bring this one piece of legislation before the Parliament. Yesterday I said to one of the staff members, "Now you can take it easy." He said, "I don't think so." I guess that means that this is only the start, because after the passage of the Bill the legislation must be implemented. That will not be easy because there are 900 councillors who are all used to the old scheme and the interest groups recognise the way that the present system works. All of those people will need to learn how the new system works, but first they will have to convince themselves that the new system is better and that they have a greater opportunity to have an input into the way that planning is done in this State. We need to see that happen.

I hope that the Government provides sufficient resources to local governments to implement the legislation. I realise that local governments would like the Government to pay for everything and that they already pay for the provision of their planning schemes. However, officers in every council will need further training and councils will need to spend ratepayers' funds in adapting to the new system. The Government needs to look at those costs and, whilst it may not be possible to reimburse all of the money spent by councils, I certainly hope that the State will reimburse local governments to some extent for the costs incurred in implementing the legislation.

In recent times the department has run training seminars on the draft Bill that was before the Parliament. However, it will be necessary for the department to run training seminars not only for local governments but also for interest groups. If local community groups want to understand the system, it will be the responsibility of the State to educate them, although it cannot simply send out pamphlets. It may be necessary to run seminars in different areas so that people understand how the new system will work.

I congratulate Kevin Yearbury, the Director-General of the Department of Local Government and Planning, on the work that he personally has put into this legislation. Kevin was the head of planning when I was the Minister for Local Government. I do not know how many hours I spent discussing planning legislation and this planning Bill. The very first time I had to make a speech about planning was in a tent on Stradbroke Island. I cannot remember which group I was addressing. That meeting took place about a week after I became the Minister for Planning. The night before the meeting, Kevin gave me a quick course in planning and I went through the speech. At the meeting, about 200 planners wanted to grill me on my total knowledge of planning, which up to that point had been acquired in a one-hour session the previous night. As I have probably been able to do many times in my life, I got through it okay.

For the benefit of anyone who has not been a Minister, I point out that interest groups know their area backwards. That is all they know and want to talk about. Planners love acronyms. They have acronyms for everything. I made them type me a list of acronyms in the planning area so that I could learn them and know what I was talking about at seminars. They all use acronyms.

Dr Watson: You could have really put them on the spot and asked them what their acronyms meant.

Mr MACKENROTH: I probably could have, but I did not want to appear ignorant. After all, I was the Minister—Hon. MP.

Kevin has put a lot of his life into this Bill. He would be very happy to see it passed by the Parliament. However, he has yet to put a lot more of his life into its implementation. That cannot make him go grey, but perhaps it will make him go bald the way I did. I congratulate Kevin on the work that he and his staff have done.

I wish to mention the interest groups that have played a part. There have been many of them, from the environment movement right through to the development movement. I remember addressing a conference at the Heritage Hotel organised by the Queensland Conservation Council and the UDIA. They managed to find some common ground. The processes put in place in the planning area over the past six or seven years have helped those people to have a greater understanding of the other person's viewpoint. Although they may not always agree on everything—and there are some things on which they will never

agree—the work they have been able to do together has resulted in a greater understanding by each group of the way in which the other group works and why it thinks a certain way.

We should thank those interest groups, in particular the ones that served on the task force and put in submissions going right back to PEDA and the Integrated Planning Bill. All of those submissions and that work has helped to make this a better Bill for the Queensland community. As I said, we will discuss some amendments that we would like to move to a couple of clauses and we will oppose the private certification provision at the Committee stage.

Mr SPRINGBORG (Warwick) (5.23 p.m.): In participating in this debate today I wish to acknowledge the work done on PEDA by the previous Planning Minister, Terry Mackenroth. Upon coming to Government, it was very important for this Government that we were able to bring together what had been done previously and to balance the policy initiatives and policy considerations of our Government to make sure that we were able to bring this Bill to fruition.

In his contribution, the member for Chatsworth made a number of very interesting and correct observations. I was privileged to sit on the Minister's task force during the process of discussing the principles of this piece of legislation which we are debating today right through the process of bringing it to fruition. I can understand and relate to what the honourable member said earlier about people from special interest groups using acronyms. I also sat around that table and on some days I thought, "I don't know whether it's just me, but I think I'm in a different world. I'm in a different league here." These people had a total knowledge of the issues with which they were dealing. They were using terms that I had never heard before. However, from time to time I thought that they did not have an ability to see or appreciate the other point of view put forward. I can relate to what the member said.

I commend the Minister for Local Government and Planning and Minister for Rural Communities for the job she did in making sure that all of those interests could be brought together with the principles of PEDA and our coalition Government's policies to ensure that the Integrated Planning Bill was able to come to fruition. At a number of those meetings—and I did miss a couple of them—I was impressed by the way in which the Minister chaired the sessions and balanced the competing interests.

I do not think this is giving too much away, but I think that 100% of people probably got 80% or 90% of the things they wanted. That is probably very fair to say. At no stage did the Minister steamroll anybody. She adopted a consensus approach from the outset and made sure that the issues that concerned people were heard. If something was going to be contentious, it was put to one side and we moved on. That was the process adopted from the outset. I believe the Minister's handling of this issue is the reason that within the space of 18 months we have been able to bring this piece of legislation into the Parliament.

I understand there are many people in the community who would like to have seen the legislation in the Parliament sooner, perhaps even last year. However, when we are dealing with a piece of legislation such as this, which cuts across so many different areas of approval processes and different Acts and which seeks to condense and simplify the process, there is little doubt that it will involve a significant amount of time, consultation, discussion and, in some cases, compromise to ensure that all of those things can be brought together. We now have the legislation before us in the Parliament. I believe it will go a long way towards meeting the expectations and desires of the majority of people in our community, whether they be developers or whether they be in local government or environment organisations. I again commend the Minister for what I believe was a fantastic job in making sure that she was able to bring all of those competing interests and principles together.

During the course of my contribution today, I particularly wish to speak about the process of integrated planning and how that affects and will benefit our State. Queensland continues to be the fastest growing State in Australia, with an annual growth rate of 2.4%, being twice the national average. Our current population is over 3.3 million, and current projections indicate that the population will continue to grow at the rate of 60,000 to 70,000 people per year. Each year we add a city the size of Rockhampton to the State. Over 15 years, this translates to a city close to the size of Adelaide. Population growth supports the State's economy and creates employment. But population growth also translates into urban growth, which brings with it major challenges to protect our enviable quality of life and maintain economic performance—the things that make Queensland an attractive place in which to live in the first place.

As we build new suburbs, shopping centres and industrial areas to accommodate this growth, additional pressure is placed on the State's natural features—the coastline, waterways, ranges, forests, agricultural land and our rich heritage. These are the very features that make Queensland so appealing. With this growth comes an increased demand on State and local government budgets to provide necessary services such as roads, water, waste disposal, schools, hospitals, police and emergency services, to name a few. An efficient transport network in particular is vital if business is to remain economically competitive. If we are to maintain Queensland's low taxes, attractive investment climate and protect its natural assets, new planning and development legislation is necessary.

The Integrated Planning Bill does this by establishing a single integrated planning and decision-making system and improving coordination between land-use planning and infrastructure provision. Under the current system, the State Government has sought to protect its interests separate from those of local government. For example, the State manages development along the coastline under the Beach Protection Act, the Coastal Protection and Management Act and the Fisheries Act. All too often development proposals which meet the requirements of the local government planning scheme will still require separate approval under these Acts.

There is an increasing level of uncertainty facing the development sector with different State and local government planning requirements. I think it is fair to say that, as all members move about in the community, this is something that we face from day-to-day from developers and from small-business people. They say that the layers, burdens and requirements of Government are getting all too great. I believe that this sort of legislation is extremely necessary and essential in actually rectifying that problem. All too often approval bodies are reluctant to resolve potential issues and establish appropriate standards up front despite the considerable body of knowledge about the likely impacts of development. Instead, there is a tendency to procrastinate until such time as a development application is lodged.

With little guidance from decision makers about appropriate standards, applicants are inevitably caught up in protracted negotiations. This higher risk to developers is reflected in higher development costs and a lack of confidence in the planning system. Instead, a planning scheme should be able to identify all of the opportunities and standards for development commensurate with the social and environmental outcomes that communities want for their areas. A coordinated planning system is necessary if our quality of life and economic growth is to be maintained into the next century.

Coordination in other States has traditionally been achieved by increasing the level of State control in local planning processes. The result has been large, centralised planning authorities that become self-serving and insensitive to the real needs of the community. Big government certainly is not the answer. The Integrated Planning Bill therefore creates a coordinated planning framework for Queensland. It is based on the premise that local communities live with the consequences of planning decisions regardless of who makes them and, therefore, the important role of local government in coordinating the planning and development of their areas is recognised. Secondly, this legislation acknowledges that communities are best served when the different levels of government work in a coordinated and complementary way with regard to the management of the environment and the delivery of infrastructure and services. Accordingly, this Bill builds on the strong partnership that already exists between State and local government in this State.

The Bill recognises the central role played by planning schemes in integrating State, regional and local development policies and requirements. This role will be strengthened because, under this Bill, State interests can be reflected in planning schemes. In future, the State Government will be able to ensure that a planning scheme does not adversely affect any State interest. In this way, land use planning issues which affect the State will be resolved when the planning scheme is prepared, and not when development is proposed. Naturally, such a major change as that encompassed by the IPA cannot be introduced overnight. Existing planning schemes will be able to continue for some time so as to not impose major costs on or cause major disruptions to councils.

The Integrated Planning Bill carries forward the concept of State planning policies which provides an additional mechanism for the State to make policies about matters of State interest. To facilitate coordination with planning schemes, the Bill will require State planning policies to be appropriately reflected and, in fact, integrated in planning schemes.

This means that separate consideration of State planning policies will not be necessary.

Often planning issues extend beyond a local government boundary. Existing cooperative arrangements for regional planning have proved highly successful in bringing local and State Governments to the table to discuss issues of mutual concern. The Bill supports the contribution of regional planning by recognising regional interests in the planning process. Contrary to interstate models, the Bill does not establish a statutory layer or bureaucracy for regional planning. It does, however, recognise the importance of cooperative regional planning endeavours. The regional planning model provided for in the Bill is supported by local government. Indeed, many councils have themselves taken initiatives to establish regional planning forums consistent with the intent of the Bill, and they are to be commended for doing so.

The Queensland Land Use Planning System has traditionally recognised the market as the best determinant of need. To ensure an adequate supply of land, local governments set aside in their planning schemes sufficient quantities of land for future development. The Bill continues this approach, but recognises the importance of ensuring that new communities are adequately serviced. The State Government also recognises that the cost of providing basic services and infrastructure to new communities is exacerbated when residential development occurs in a fragmented way. Such development can trigger the need for new infrastructure such as schools and roads ahead of time, even though the capacity of existing infrastructure in other nearby areas is not efficiently utilised. This means that many communities will have to wait longer before basic services can be provided.

The Queensland Commission of Audit identified the inability of many departments to fund basic infrastructure and services as a key problem. It indicated the need to maintain Queensland's fiscal strength by generating net savings to the State's infrastructure costs by gaining greater efficiency from the investment in basic services and infrastructure provided to new communities. The Commission of Audit recommended that the Government develop a planning framework which ensures effective coordination of State and local government infrastructure provision and maximises private sector involvement.

The approach in other States has been to restrict the location of land and timing to suit the capital works budgets of agencies. The result is that these agencies determine when development should proceed rather than the market. This artificially constrains the market and drives up the price of new housing. While Queensland's market-driven system delivers lower priced land, if not properly managed, scattered development can increase servicing costs to the taxpayer and leave residents in new communities without access to basic social services.

The Integrated Planning Bill introduces benchmark development sequencing provisions which will apply to prescribed local governments where the State's infrastructure budget is sensitive to the location of development, such as in high growth areas. These provisions will provide cost incentives which will encourage but not force developers to build in localities where infrastructure capacities already exist or are proposed in capital works plans. Where development causes demand for infrastructure additional to that already planned to meet anticipated needs, the Bill allows relevant agencies to recover the costs of bringing forward the provision of that infrastructure. In other words, once it is established that development is environmentally acceptable, the location of where and when it occurs will remain the province of market mechanisms.

With the combined State and local government outlay on capital expenditure being close to $4 billion per year, the potential savings through improved coordination are considerable. Once new infrastructure is proposed, it is important that it be shown on the planning scheme. The designation provisions of the Bill will encourage infrastructure providers to identify land on a planning scheme that is intended to be developed for community infrastructure. This will give the private sector certainty to conduct its own business planning in the knowledge of what infrastructure is planned and in what circumstances forward costs need to be factored into the project.

Business has continued to voice concerns about the performance of the development approval system and, specifically, the increasing cost of bureaucracy and red tape. Once again, that is a similar issue to that which I have raised before. It is preposterous that in this day and age we have completely separate systems for dealing with development without any mechanisms for coordination. The problem is that every year Governments add more and more layers of regulation in response to community pressure to deal with specific issues, particularly those

related to the environment. Little consideration is ever given to identifying development opportunities and desired outcomes.

It is clear from analysis of the way that the current fragmented development approval systems work that red tape has been responsible for unnecessarily delaying major projects in Queensland. In those situations, bureaucratic processes and procedures rather than outcomes drove the assessment process. Under the current Planning and Environment Act, the trigger for an application to be made to the chief executive of the Department of Local Government and Planning for an environmental impact statement may have little to do with whether a development will have a significant impact on the environment. For example, a cannery with floor space of more than 2,000 square metres will trigger this process under the Act despite the technology used and the location of the plant. These unnecessary delays cost business millions of dollars per year and divert capital away from productive uses.

Inefficient regulation is an impediment to economic growth and productivity. The Bill is a major blow to red tape in Queensland. It will streamline decision making to make the development approval process as efficient as possible. It will introduce a single application, public notification and assessment process, replacing up to 60 separate processes including building, plumbing, subdivision, environment, rural industry, coastal and heritage approvals. There will be a standard set of rules to cover such matters as making applications, requesting more information, public notification, making decisions and appeals. This will create a more transparent and logical system and will remove unnecessary red tape and duplication.

All the redundant paraphernalia from the current system—such as lengthy rezoning procedures, separate environmental approvals and all the other separate State and local government approvals—will be removed and rolled into a single, accountable decision-making process for development. Land use planning and development decisions will be brought back to local government at a time when local governments are finding themselves less and less in control of decision making and more frustrated than ever because of their back-seat role. In other words, local government will assume the role of manager of development in its area—a most appropriate role for the level of government closest to those who must live with the results of development, but one diminished somewhat over recent years with more and more decisions about aspects of developments being taken over by other agencies. This is because the system does not enable an agency with only one aspect of a development to deal with to integrate their perspective within a whole-of-project context.

This Bill, which has at its core the Integrated Development Assessment System, delivers a longstanding reform sought by the development industry and local government. Both have complained that they suffer as a result of the deadlock that arises from the current system because there is no formal mechanism to bring disparate agency perspectives to a single common position. Councils, coordinating all the approvals, will be able to provide an integrated, consistent decision to the applicant as conflicting requirements will have been identified and can be sorted out.

Under the current system there are almost as many dispute resolution systems as there are approvals. Within each of the 30 or so Acts dealing with development there are 30 or so separate appeal mechanisms. The mechanisms of appeal also vary. They range from appeals to the chief executive, internal review procedures, appointed tribunals and the court. In some cases there are no public rights of appeal. The Integrated Planning Bill provides a single and accountable mechanism for resolving disputes. This includes procedures for making representations about development conditions to the assessment manager before matters are brought before the court. Of specific note is the ability to resolve conflicting agency conditions. These powers will provide a single point of contact for a proponent and will ensure there is a formalised procedure for the proponent to get a coordinated, consistent, whole-of-Government response.

The Integrated Planning Bill will take Queensland into the 21st century as a leader in efficient and effective planning and development systems. I once again commend the Minister for Local Government and Planning for bringing forward this exceptional piece of legislation, one which has certainly taken a fair amount of time to come before this Parliament and has a rather interesting history. This legislation does not copy the centralist planning models used in the southern States, but it has been specifically crafted to meet the needs of Queensland.

I join with the member for Chatsworth in commending the Director-General of the Department of Local Government and

Planning, Kevin Yearbury, and all of his officers who have assisted the Minister for Local Government and Planning, for doing such an excellent job in bringing this Bill before the Parliament. Certainly those people have been extremely dedicated to this process over a long period. In my dealings with the Director-General, Mr Yearbury, I have found him to be right on top of this issue. He eats and drinks it and even sleeps it, and he needs to be commended for his commitment.

Mr WELFORD (Everton) (5.43 p.m.): It is my pleasure to contribute to the debate on the Integrated Planning Bill. This Bill has been a long time in coming. It has gone through numerous versions. I congratulate the Minister on finalising what was essentially Labor's Bill when we were in Government but which never quite got to this place. It did not get here because this Bill, as is obvious to anyone who looks at it or reads it, is a major Bill affecting major issues, and it is complex. I guess if I had one first-blush reaction to the Bill, it would be that it is in many respects too complex. It is in many ways a Bill about issues that affect fundamental local community issues, but at the end of the day it is anything but plain English, and I will talk about that a bit more later. Not only is the Bill complex in its terms, it will also have major impacts on major issues—economic issues, infrastructure issues, and issues about which I am particularly concerned, such as the environment and issues associated with ecosystem stability. So it has not only major effects but also complex effects in many ways, and this has implications for the way urban planning is conducted in the years ahead.

I heard the Minister say on radio this morning that this Bill is about urban planning—it is a planning Bill, not an environment Bill. I think it needs to be drawn to the Minister's attention that the days in which urban planning was something distinct from environment are well and truly gone. The way in which we now plan our urban communities, the way we develop patterns of human settlement, are fundamentally about environmental planning. In Queensland in particular, where the vast bulk of the population is located along our coastal lowlands, the way in which we develop urban communities and the way in which we locate and distribute urban populations has a greater impact on the environment than just about any other economic activity that is conducted in our State—including industrial activity, I might say. Urban planning is potentially the most significant of environmental impacts in our State today. I am not going to rant and rave about the Minister; I am not going to accuse her of anything. I simply draw to her attention the fact that, in the years ahead, she will come to understand that urban planning is not a distinct technical sphere of activity or processes that are independent from good environmental management or environmental planning; they are fundamentally interrelated.

In Queensland at the moment, in many areas we are fast running up against the environmental limits. We are fast running up against limits in terms of resource use, in terms of access to resources such as water, in terms of the impact on our air and water quality of excessive energy consumption. The way we design urban communities impacts on the way those resources are consumed and the way that pollutants are generated. So in many respects the concept of us continually growing, the passion that many politicians on both sides of politics in Queensland have in the past had about Queensland's growth are mistaken if not fake passions. The time will come when we will recognise, sooner or later, that Queensland has physical limits, that the boundaries of Queensland are physical and finite boundaries. While we may crow about the short-term economic benefits of rapid population growth at the present, the reality is that in the long term, sooner or later, it simply cannot continue. Perpetual growth is like perpetual motion: it is a figment of an imagination, and it simply cannot be sustained. We cannot go on having 60,000 people coming to Queensland every year without, in the long run, undermining the very environmental qualities which make life in Queensland so attractive and imposing on Government, at both State and local level, almost impossible demands to meet the infrastructure needs of population growth at those rates.

I simply urge my colleagues in this Parliament on both sides of the House not to get too carried away with glowing reports about raw economic data that reflects population growth, because population growth, while it brings some benefits in terms of consumption expenditure and the economic figures that are generated out of that, also brings enormous costs and demands on communities and Governments and on the environment, which itself runs up costs for the community if we have to repair environmental degradation in the years ahead. So planning is not independent of the environment; planning is fundamental to the protection of Queensland's environment.

In that respect, this Bill refers to a series of core matters which include valuable features which focus on the environment. To the extent that this Bill does, both in its core matters for planning schemes and in terms of the definition of ecological sustainability, go into more detail than past legislation in terms of what is important for the environment, then I think this Bill is a significant improvement. However, there are some adjustments which we are proposing to the clauses which I think will make it better still.

There are, however, no principles in the Bill to define or indicate to planners what constitutes good planning. The Bill does refer to the range of issues that need to be considered, but it does not give a guide to planners as to what constitutes good planning. So in that sense this is not so much a planning Bill as it is a process Bill. It is a Bill about administrative processes for development approvals and the processes of developing planning schemes, but it is not a planning policy Bill in the sense that it provides direct guidance as to what are the guidelines or principles that underpin good planning. So in that respect the Bill is going to need, in my view, supporting material—whether it be in the form of a State planning policy or general guidelines for local government to use in devising or drafting their planning schemes. For developers to consider development proposals, in my view they will still need information well beyond what is contained in this Bill in order to understand what are the criteria for and the fundamental components of what makes good urban planning.

In that respect, I concur with the comments of the member for Chatsworth that it is going to be vitally important for the Government—this and future Governments—to ensure that local government is adequately resourced to get on top of the demands that will be placed on it to meet the challenge of this new conceptual frame, this new approach to developing planning schemes. Education and training and information materials for local government are going to be absolutely vital.

The complexity of this Bill in many ways puts the lay public well and truly out of the picture. I do not know whether there is an immediate answer to that complexity. I am not criticising the Government for the complexity; I am simply saying that I think the complexity is unfortunate. However, I am not sure what the immediate answer to it is when we have to provide processes to integrate approval systems. But nevertheless, that complexity, in a very real sense, puts the public on the back foot and puts lawyers and other technicians on the front foot—and that, in my view, is fraught with risks. It is potentially a lawyers' picnic.

In a very real sense, planning issues are not just about technical issues. Planning issues are not technical issues so much as they are community and political issues—political in the sense of politic, involving the community and giving the community the opportunity to make choices about the sort of urban environments in which they want to live in the years ahead. So in that sense local government is put very much in the hot seat with this legislation. In developing their planning schemes, it is going to be vital that local governments improve their performance in involving the community and having community input into what goals and outcomes the planning schemes are going to deliver. In doing that, and in drafting the actual wording of planning schemes—putting meat on the bones of the general concepts of what local communities want to achieve—there is a potential for great uncertainty. Although I support the concept of performance-based planning—the shift from zonal systems to a performance-based approach to planning—it is obviously fraught with many risks of uncertainty in its early stages as local governments, communities and, indeed, agencies of the State come to learn how to deal with performance-based planning drafting.

So there is a need to ensure that the values and the requirements of local communities and local governments are in planning schemes up front. That, in my view, is the greatest challenge faced in this Bill by communities and local governments. They may not succeed in their first attempt, and that is going to create some problems—problems for governments in terms of making sure that the infrastructure predictions are right, making sure the environmental risks are minimised, and making sure that opportunistic development does not outrun or outpace the capacity of local governments to put in place planning schemes to properly manage growth in their local areas.

Not all impacts can be foreseen. The proposition that simply by putting in place a planning scheme that purports to achieve certain environmental outcomes and which can predict all the impacts of each individual development is, in my view, misconceived. It is a noble goal to say that we will do it all up front and we will predict it all in the planning scheme so that, when we get to development assessment, we do not need detailed

processes in order to deal with environmental impacts, but I believe that is misconceived. In many cases, as technology changes and as our knowledge about the environment changes, the reality is that, in planning schemes that are reviewed only every five or seven years, we will never be able to predict all the impacts of any particular development, particularly where the development involves something of a large scale or a complex mix of uses.

So in that respect I believe that we need to be very careful in jumping to the conclusion that, simply by having outstanding genius in planning schemes, we are going to overcome or obviate any problems in terms of impact assessment in the development assessment process. That is why the public consultation process is so critical. That is why in the past we have been less than capable, I think, at all levels of government in conducting good public consultation. Members on this side of the House learnt that so dearly at the last election in terms of infrastructure and roads. All Governments are going to have to improve the processes of public consultation so that the community can be involved in deciding the outcomes of decisions which are going to affect their quality of life.

We have, in much of the language in this debate before now, somewhat of an obsession with the concept of red tape. Yes, there are many instances in which Governments, simply by their bureaucratic nature or because of their size, get bogged down in decisions. There are some cases in which bureaucrats simply cannot bring themselves to make decisions, in many cases partly because their political leaders do not know themselves what outcomes they want to achieve.

But let us not blame government as a whole for that. The development industry itself is often to blame for not preparing its applications properly and not providing the information necessary for good planning decisions to be made. At the end of the day, it is about making good planning decisions. And if that means that we need more information and if that means that we need to be careful and cautious, then that really is the approach that we ought to take. So while it is appropriate—as we do in this Bill—to set new time limits to force along the process of decision making and make sure that people get on and make decisions and consider issues rather than simply hiding from them, it is also important that we do not do this and do not rush decisions at the expense of local communities.

Planners are, in many respects, like lawyers. They are technicians. In many ways they hide behind this mystique that they are technical experts. Only today members have received—and I presume that the Minister received it as well—a bundle of material from some people in the Laidley Shire, complaining about how the technicians in the Laidley Shire are pulling the wool over the eyes of the council and the local community. There is a risk that lawyers and planners presume that they have the answers when, in reality, planning is not about technical decisions; it is about communities deciding what is good for their long-term future. In many ways, communities these days are much more aware and much more capable of being involved in those decision-making processes than they were in the past. So public participation, in my view, is sacrosanct. It is important. We have not been good at it in the past, but we need to get better, and we need to have legislation which enshrines processes which force Governments to improve their performance in public participation.

The integrated development assessment system is a good concept, but it will need adequate resourcing. We do need coordination, but we should not be overwhelmed by the demands for certainty in a way that assumes that, simply because we have this psychological need for certainty, we can achieve absolute certainty in terms of predicting the future needs for infrastructure or the scientific certainty of environmental impacts. As our knowledge and technology change, we will need to adapt the way we make decisions which affect the environment and the economic needs of communities. Certainty is not something that is absolute. We cannot achieve absolute certainty. We should not think that, in resolving these issues of certainty, every economic or planning decision is simply a dichotomy in this false war—this false conflict—between development and the environment. The simple reality is that integration means that we need to make development decisions in the framework of an ecosystem in which we are all a part anyhow. We cannot avoid it.

Debate, on motion of Mr Welford, adjourned.

TRUST ACCOUNTS, BASIL STAFFORD CENTRE

Ms BLIGH (South Brisbane) (5.59 p.m.): I move the following motion—

"That this Legislative Assembly, pursuant to Section 77(1) of the Financial Administration and Audit Act 1977, requests the Auditor-General to—

(a) conduct a thorough audit of the financial management of the trust accounts of residents of the Basil Stafford Centre, and the circumstances surrounding recent problems with bank reconciliations of these accounts, and

(b) report to the Parliament on the status of those trust accounts with recommendations regarding mechanisms to ensure the proper administration of all trust accounts to residents of the Basil Stafford Centre."

The residents of the Basil Stafford Centre, their friends and families would have been entitled to expect that after the future of the institution was so thoroughly debated in this Parliament less than one year ago, the very best of care and attention would become the standard at that centre. They would have been entitled to expect that the welfare and interests of residents would have been a high priority for the Minister and his department. The shameful truth has now been exposed by the Auditor-General of this State. In the annual report of the Department of Families, Youth and Community Care tabled on 14 November, the Auditor-General has qualified the audit report on the basis that bank reconciliations for trust accounts of residents at the Basil Stafford Centre have not been effectively performed for two financial years in a row. What a shameful occasion it is when the Opposition once again stands before this Parliament seeking to protect the basic human rights of the residents of the Basil Stafford Centre.

Seven months ago a motion to implement the recommendations of the Stewart inquiry and to move to close the Basil Stafford Centre was put to this Parliament. As history records, the Parliament resolved to keep the centre open. The Parliament resolved to take that action despite the comprehensive condemnation of the institution by a judicial inquiry into complaints of abuse and neglect. The Parliament resolved to take that action despite subsequent and ongoing complaints of abuse and neglect and at least one suspicious death of a resident. Incredibly, in the face of those facts, the Parliament resolved to keep the Basil Stafford Centre open. Why did the Parliament resolve to do that? It was because the majority of people voting on that night trusted the Minister for Families, Youth and Community Care. They voted that way because they believed his assurances about the standard of care of residents of the centre. How wrong they were to place their faith in the member for Beaudesert. Given his subsequent actions that have been highlighted over the past few days, I believe that anybody placing their faith in the member for Beaudesert would have to have their sanity questioned.

Having taken the decision to keep the centre open, the Parliament had a clear moral duty to do everything in its power to ensure that the interests of residents were protected. The Parliament had an obligation to take all positive steps to guarantee the safety and wellbeing of the people who have to call the Basil Stafford Centre their home. What obligations does that moral duty put on those of us here this evening? At the very least, that duty means that when a problem is drawn to our attention, when a problem at the Basil Stafford Centre is brought before this Parliament, we cannot turn a blind eye to it. We cannot resile from our duty to investigate it and to solve it where possible.

What is the problem that has been brought to our attention? As is usual with the Minister for Families, Youth and Community Care, conflicting reports surround the issue. The annual report tabled on 14 November contains statements from the Auditor-General. I emphasise that those statements were certified on 14 November, not one week ago. He stated that bank reconciliations and reconciliations of residents' trust moneys were not effectively performed at the Basil Stafford Centre for 1996-1997, nor were they for 1995-96. He said that the figures relating to the residents of Basil Stafford Centre were disclosed as estimates as the balance of residents' moneys had not been established.

In the Courier-Mail on Monday, 17 November, the Auditor-General said that he was "surprised" that the department had not moved more quickly to sort out the matter because he had warned the department's director-general, Allan Male, of the problems during the past year. He went on to say—

" 'You can only say the reason for the problem is administrative neglect.' "

It seems straightforward enough. If we are to have any faith in the Auditor-General, what is absolutely clear from his statement is that, firstly, the Auditor-General of this State cannot establish with any accuracy the bank balances of the residents of the Basil Stafford Centre;

secondly, the matter has been a problem for two consecutive financial years; and, thirdly, he warned the department and the current director-general, Allan Male, about it at least one year ago.

What explanation did the Minister and his department give for those circumstances? The first foray into the public arena was by the Reverend Allan Male, director-general, on the ABC news on Sunday evening. He said that this involved only five individuals and that there had been some hiccups translating that. Frankly, I have serious doubts about the reference throughout this sorry saga to five individuals; but even if it is true, if five people have bank accounts held in trust by this Government and they have not been reconciled, have those five people no rights? Is it okay for the director-general of the Minister's department to abandon his financial duty to those five people? Where was his shame on Sunday evening? Where was his compassion? Where was his reassurance to the people who trusted him with their relatives' money? On Monday morning in the Courier-Mail, Mark Francis, executive program director, said that he was "fairly sure" that the problems stemmed from a computer glitch. He said that the problem emerged two years ago when the Basil Stafford Centre assumed responsibility from Wolston Park Hospital for managing trust accounts. He said—

> " 'We're a week away from ... finishing the audit—then we'll be 100% certain of the problem.' "

Again, where was the reassurance to families, residents and carers?

A spokeswoman for the Minister said that it was deceitful of Labor, because the problem was a result of the former Labor Government's handling of accounting procedures. Mr Lingard went on to tell listeners of ABC Radio that this was a problem inherited two years ago from patients coming across from Wolston Park. He said that the difficulty had been a computer problem. His spokeswoman said that it was a problem inherited from the Labor Party; the Minister said that it was a problem inherited from Wolston Park.

The Ipswich paper the Queensland Times quoted the spokeswoman for Mr Lingard as saying that it was a small problem involving less than $4,000. Up until that point, the amount had been $3,000. So within 24 hours, it had grown by $1,000. But it gets better. Less than eight hours later, at 5 o'clock, the director-general said on ABC Radio that he held in his hand at that moment four reconciliations of the Basil Stafford trust account. He said that they had all been completed. So what the Auditor-General could not achieve on Friday, the Reverend Allan Male could do on Monday, even though the executive program director had said that it would take at least a week.

Mr Elder: Divine intervention?

Ms BLIGH: It may well have been divine intervention. I understand that the position of Auditor-General may be coming vacant. It may be that the Reverend Allan Male may be better suited for that than he is for his current position. What an extraordinary thing for him to say!

Just yesterday Mr Lingard said that the problem had been caused by a computer breakdown. It must have been some breakdown. It must have been a massive computer breakdown if the Auditor-General warned 12 months ago of the problem and nothing had been fixed since then. I will set the record straight on the computer issue. When Labor inherited Government in 1989, we found that the trust accounts of people in institutions across the State were such that interest was unable to be credited to their account. What a disgraceful state of affairs the former Government presided over for at least a decade: people in institutions did not have the interest that they were entitled to credited to their accounts. We introduced new computer software into all institutions to solve that problem. That software has worked; otherwise, why has the Challinor Centre not had the problems that the Auditor-General identified at the Basil Stafford Centre? Clearly the computer problem that the Minister relies upon as his explanation does not go across all institutions, which is strange because they all use the same software.

This evening our responsibility is absolutely crystal clear. It is our responsibility to find out the facts behind this issue though the appropriate body. That body is the Auditor-General of this State. The facts are not going to emerge by our reliance on the member for Beaudesert or our reliance on the director-general of his department. One could not trust either of them as far as one could throw them. So far they have made contradictory, conflicting and absolutely non-compassionate statements. It is our job to ensure that, where there are any anomalies discovered in this audit, the Government moves to quickly reassure families and relatives that it will underwrite any anomalies found. That is something in regard to which I have yet to hear the Minister give an assurance. It is our responsibility to ensure that practices are put

in place to ensure that this never happens again to people who are forced to call that place home. Everybody in this House who has any concept of the duty that we have by virtue of our office must support the motion before the House. Any failure to do so would be to do nothing more than continue to neglect people who are extremely vulnerable, who rely on those of us here who have the opportunity and the capacity to do something about it. Shirking that responsibility again here this evening will bring nothing but shame on each and every one of us. I urge all members in the House to support the motion.

Hon. D. J. HAMILL (Ipswich) (6.09 p.m.): I rise to second the motion moved by the member for South Brisbane. I want to underline the issue in relation to this matter: it is an issue of trust—trust accounts, trust that has been betrayed and trust that needs to be restored.

The matter is serious, because the State is responsible for moneys that are held on behalf of a number of people—perhaps the most vulnerable people in our community—and yet the State has not fulfilled its responsibility to those people. Those accounts are held by the State for the benefit of the individuals concerned. The State has a responsibility to manage those accounts in a proper fashion. The State also has a responsibility to account for the handling of those accounts.

It is extraordinary that, for two years now, the proper auditing processes have not been undertaken in relation to those trust accounts at Basil Stafford. The Auditor-General has qualified the audit of the department's accounts to highlight that fact. The Auditor-General has actually gone on record as stating that he cannot vouch for the sum of $504,000, which the department claims is in the accounts in question.

With reference to the annual report, a number of issues arise in relation to the management of those various trusts. Not only are the funds relating to Basil Stafford in question but also we need to look generally at the administration of moneys that are held in trust accounts by the department. If we look at what I can only assume are departmental Estimates, we find that in respect of persons in departmental institutions, the amount of money that is actually claimed by the department as being held has declined over the past two years. We also find in the Estimates that the department has published in its annual report for this year that outgoings from the trust moneys held in respect of people in the care of the department exceed the revenue that is being accredited to those accounts. If we can believe the material that has been published, we find that the balances are reducing; the asset base itself is diminishing.

We do not know the accuracy of the figures that the Minister has twice now presented in the Parliament. That is why the audit is absolutely critical. I note for the record that on Monday on ABC radio, the director-general of the department stated—

> "... we'll be looking at an independent audit of the Trust Account expenditures and this will be performed by the department's internal audit branch."

That is simply not good enough. What sort of independent audit is that?

Ms Bligh: They have had two years.

Mr HAMILL: I take that interjection, they have had two long years and the issue of the reconciliation has not been addressed. Nothing short of an independent audit is required. In fact, may I remind the Minister that his own departmental annual report for last year states that moneys held in trust are audited by the Queensland Audit Office. Nothing less is acceptable.

That is why the Opposition has moved this motion in the following terms: that under section 77(1) of the Financial Administration and Audit Act, this Assembly can charge the Auditor-General with the task of auditing the accounts relating to the financial administration of a public sector entity. That is what the Opposition is asking, and nothing less is good enough. Nothing less can restore the trust. The Minister has betrayed that trust. If the Minister supports the Opposition's motion, he has an opportunity to restore that trust in the administration of his department's affairs in respect of those persons at Basil Stafford.

In fact it is actually quite ludicrous for the Minister if he does, as I presume he will, oppose this motion when even in his department's annual report he has claimed that the whole administration of these matters should be more inclusive of families and so on. Page 34 of the annual report of the department refers to families being more involved, yet these very families were not told that those accounts had not been reconciled for two years.

Time expired.

Hon. K. R. LINGARD (Beaudesert—Minister for Families, Youth and Community

Care) (6.14 p.m.): The Government will support this motion, because there is no doubt that all financial accounts must be reconciled, especially when we are talking about the personal trust funds of people who are unable to look after their own funds. The problem that has been experienced must be resolved. I accept that. We all accept that. This afternoon, I spoke to the Auditor-General and there are no concerns about the Auditor-General doing what this motion calls for. I could have also gone to the Public Accounts Committee but, because of the media reports, I was more inclined to allow the matter to go to the Auditor-General.

However, I am concerned that the shadow Minister and the previous speaker have resorted to those sorts of personal and political comments. Let me remind them that the period in question is between 1989 and February 1996. In last year's annual report of the Auditor-General, the Auditor-General reported that in November 1995 it was established that a direct care worker misappropriated moneys from the trust account at the Basil Stafford Centre. That occurred during the term of the previous Government.

As well, that report states—

> "Monthly bank reconciliations were not performed beyond July 1995"—

which is when a particular director-general took over. The report also states that during that period of the ALP Government, a previous Minister and a previous director-general, who I have had a little bit——

An honourable member interjected.

Mr LINGARD: No, I am not going to name that person. The report states—

> "Monthly reconciliations between the individual residents' balances and the Cash Book were also not performed beyond July 1995."

Anyone who knows anything about accounting would know that a simple cashbook and a single bookkeeper could have managed that. However, it was not done. Therefore, the records have been a mess and need to be reconciled. That is why I support the Opposition's motion.

The Department of Families, Youth and Community Care has been a leader in the reform of financial management systems. The 1996-97 financial year was the first year in which Queensland Government departments were required to report on an accrual accounting basis, requiring compliance with Australian accounting standards. At the same time, the department implemented the new generation Queensland Government Financial Management System, known as SAP R/3. My department is a large, complex and diverse organisation with a budget of more than $500m. Despite the situation experienced at the Basil Stafford Centre, the department's general purpose financial statements for 1996-97 were successfully completed in what was a very new accrual accounting environment. I refer to the opinion expressed by the State's Auditor-General, who stated—

> "I have examined the General Purpose Financial Statements for 1996-97 of the Department of Families, Youth and Community Care as required by the Financial Administration and Audit Act 1977 and I certify that—
>
> except for the matter referred to in the foregoing qualification paragraph:
>
> (a) I have received all the information and explanations which I have required;
>
> (b) the foregoing General Purpose Financial Statements are in conformity with the prescribed accounting standards and are in agreement with the Departmental accounts; and
>
> (c) in my opinion—
>
> (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
>
> (ii) the foregoing Statements have been drawn up so as to present a true and fair view of the transactions"——

Mr Hamill interjected.

Mr LINGARD: I admitted that there was a qualification. In fact, I knew that there would be a qualification when I demanded that the annual report go in on Friday afternoon. I could have asked for the annual report to be delayed, but I did not. I said that it had to go in on the Friday. Of course, with the computers coming back online, all of that was fixed up on Saturday and Sunday and the annual report was given to the Auditor-General at lunchtime on the Monday. There was no use delaying the whole thing on the Friday; the computers could have been down for a long time.

I am raising these very positive aspects of the department's financial management performance to help put in perspective the issues raised by the Auditor-General in relation to the Basil Stafford Centre. I also want to put into perspective exactly what the Auditor-General was referring to—and, owing to the time, I will just summarise—which was not $504,000, because the accounts had been reconciled; he was referring to $132,366.80, which relates to the Basil Stafford Centre. The amount of $504,000 was all of the money that was held in accounts for all of these people, whether they be at Challinor or Basil Stafford.

Time expired.

Hon. J. P. ELDER (Capalaba—Deputy Leader of the Opposition) (6.20 p.m.): Obviously the member for Yeronga cannot participate in the debate tonight, so I table for him a litany of the problems that exist at Basil Stafford, not only with the trust funds but across-the-board generally, on behalf of a constituent who continues to fight for a fair deal at Basil Stafford.

The Opposition should not have had to move this motion this evening. It amazes me that the Government supports it, because if the Minister for Families, Youth and Community Care was honest and if he was doing his job properly, he would have already done this and the Opposition would not have needed to move the motion. I remind the House that just a few weeks ago, the Minister for Families, Youth and Community Care said that the situation at Basil Stafford had been completely resolved. He said that it was just a little problem, but that it has been resolved.

Mr Lingard: When I did say it was a little problem?

Mr ELDER: The Minister said that publicly two weeks ago. The Minister should not test me, or I will get the clipping for him. If he had the courage of his convictions, he would have done this already and we would not have to drag him—as we always do with this Minister—kicking and screaming into the Parliament before we can get any justice across his portfolio.

Mr Lingard: I never said it was a little problem.

Mr Hamill: That is alibi No. 1.

Mr ELDER: Just this evening we have heard five alibis. Every time the Minister tries to justify his position, we hear a new alibi.

Ms Bligh: And another version of the truth.

Mr ELDER: We do get another version of the truth; that is so right. This Minister championed Basil Stafford in the face of severe criticism from independent authorities and he saved Basil Stafford from the recommendations that it be closed. Therefore, the Minister must accept responsibility for what goes on at Basil Stafford. He must accept responsibility for the disgraceful mismanagement of the funds of the residents of Basil Stafford.

Ms Bligh: If it wasn't for you and your Government, it wouldn't be there now.

Mr ELDER: That is exactly my point. The Minister is totally responsible for the mismanagement of those funds at Basil Stafford. It does not surprise me one bit that once again the Minister had to be dragged, kicking, screaming and under pressure, into the House to do the right thing. He never does the right thing.

Mr Lingard: Tell us about the time you lost the Broncos jerseys. You couldn't even look after 18 jerseys.

Mr ELDER: Broncos jerseys are irrelevant here, but the trust funds of Basil Stafford residents are not. The Minister has a major problem with trust funds at Basil Stafford, yet he tries to belittle the problem with such an inane interjection.

This Minister has trouble with the truth generally. He certainly has trouble with dorothy dixers. Every time one asks the Minister anything of substance, he ducks and weaves. He must have been really embarrassed in the Parliament this morning when the member for Cook took him apart on the issue of the Jimboomba high school. I am sure we will revisit that issue again and we will see who is telling the truth. We will see where the truth lies, whether it lies in a $12m new high school at Jimboomba or whether it is in the Minister's statement, which he made in this place, that he never made that promise. Time will tell, and we will do him slowly on it.

The Minister has trouble with the truth. I remind him that he came into this Chamber and tabled half the front page of an executive summary of a report into Cootharinga, Townsville. He did not table the whole page because it proved my case. It proved that, when in Government, I acted responsibly. The Minister decided to come into this House and have a bit of sport. He claimed that it was all the previous Government's fault and he only tabled half the document. Then he went to Townsville and said, "Look, we cannot act on Cootharinga because the report has not been

made public." Whose responsibility is that? It is this Minister's responsibility to make that report public. If the Minister is not hiding anything, as he has in relation to Basil Stafford and Jimboomba and the anti-discrimination commission and Cootharinga, he should table that report. He does not do that. He peddles half-truths and untruths simply because he is responsible for the problems at Cootharinga. If the Minister had the courage of his convictions, he would table the report and put those poor people out of their misery. He would let them know what the problems are in relation to that facility and he would allow them to have their moment and to seek justice. The Minister will not do that. He is hiding the report because he is culpable and responsible. What happens is that this Minister comes into the House continually and——

Time expired.

Mr HARPER (Mount Ommaney) (6.25 p.m.): The House has just witnessed another classic example of the Deputy Leader of the Opposition's bullyboy tactics, his normal threatening stance and his usual carry-on. Of course, this House is well and truly used to that behaviour, because all he ever displays is bullyboy tactics and threats. We never hear anything positive or helpful from him. He does not add to the debate; he only engages in those tactics that he is so well known for. However, he will not face up to his own record and that of the previous Government. The Minister mentioned how long those accounts have been outstanding and the problems associated with them, which well and truly ran through a major portion of the time when the Opposition was in Government, but we did not hear a peep about that from the Deputy Leader of the Opposition.

As the Minister has said, the Government will support this motion which, of course, outlines the normal practice that would occur in such a situation. If such problems arise, the Auditor-General looks at the issues. Anybody who is familiar with the practices and requirements of the Auditor-General would know that. Once again, tonight the Opposition has demonstrated that it does not really care about people. It only uses situations for its own political purposes. In the light of this motion and what the Opposition did—or did not do—when it was in power, it is worth looking at what this Government and the Minister are doing in relation to Basil Stafford.

In addition to relocating residents from the Basil Stafford Centre who choose to live in the community, the State Government has also given a commitment to improve the quality of life of those people who wish to remain at Basil Stafford.

Ms Bligh interjected.

Mr HARPER: Of course, all that the Opposition spokesperson can do is laugh. That is fairly typical of Opposition members and it shows how much they really care. All they do is laugh. Nothing positive ever comes from the other side. All we get from those opposite is stupid laughter. We are becoming used to that sort of thing and it shows what members opposite really think. They only look to their own grubby political tactics.

A total of $3.8m has been committed over three years to the upgrading of resident's facilities at the centre. Of that, $1.6m was spent in the 1996-97 financial year, and a further $1.7m has been committed for 1997-98 and $0.5m for 1998-99.

Mr Fouras: That's a shocking waste.

Mr HARPER: A member opposite said that that is a shocking waste. I hope that he tells that to the people who want to stay at Basil Stafford and their families, many of whom come to my electorate office and tell me that they want to stay at the centre. Let him tell them that that is a shocking waste and see what they have to say. They will tell him that they do not think that it is a shocking waste. It is time that he and some of his colleagues talked to the people involved. They would find out that they are on the wrong track, although they would never admit it.

The improvements that have occurred at Basil Stafford during 1996-97 include the refurbishment of the Banksia complex, which has been changed from dormitory-style accommodation for 13 people to single-room accommodation for 20 residents. In addition, the building has been fitted with upgraded facilities and secure, exclusive access to outside areas and facilities. The Banksia refurbishment has provided residents with an improved living environment, such as a more suitable wheelchair-friendly and spacious environment in flat 1 and flat 2 for people with high physical support needs who previously lived in the villa accommodation. The collocation of two households will enable additional staff to be shared. Flat 3 will be used to rehouse in higher quality purpose-built accommodation the people who previously lived in Poinciana. Flats 4 and 5 will be used to rehouse in higher quality purpose-built accommodation two of the households which had previously occupied Banksia.

Flat 6 is a one-bedroom flat constructed in an area of the building that is too small for a

group household. The flat is suitable for a person who does not require 24-hour staff supervision. The flat was recently used to house a seriously ill resident who required intensive nursing support. That person was subsequently transferred to a hospital to receive palliative care.

Those refurbishments will provide significant improvements in the quality of life of residents of the Banksia complex. They will also be of great benefit to the staff who work at the centre. The changes have allowed the centre to upgrade or cease using the least suitable residential accommodation within the complex. That is welcomed by many people. We have given residents choice—something that members opposite did not want to do in Government and do not want to do now.

Time expired.

Mr BREDHAUER (Cook) (6.29 p.m.): The Minister for Families, Youth and Community Care is guilty of monumental hypocrisy. Not only is he as dishonest as the day is long; the humbug of the Minister knows no bounds. Time and time again in the eight years in which I have sat in this Parliament the Minister has castigated the Aboriginal and Torres Strait island councils in my electorate because they have had problems with their audits. He has come in here and accused elected officials on those councils of culpability in respect of audits that have gone wrong. Yet after two years in Government and being the responsible Minister, does he have the guts to stick up his hand and say, "I'm to blame. I'm the Minister. I'm the responsible one"? No, he is trying to pass the buck on to someone else yet again.

When it comes to the Aboriginal and Torres Strait island councils in my electorate or other disadvantaged communities in this State, the Minister wants to tip buckets on them in the Parliament. But when it comes to his department and the matters for which he is responsible, does he have the courage to stick up his hand and say, "I might have some responsibility in this"? No, he does not.

How long has the Minister known that the trust accounts at Basil Stafford were not in a correct and accountable state? He has had two years in which to rectify this problem. This annual report was delayed for 14 days. The Minister snuck into the Chamber at 5.55 p.m. on the last possible day on which it could have been tabled—a Friday—and he tried to bury it from public scrutiny. The Minister does not have the courage to tell people that he is the Minister responsible for what has gone wrong.

Time and time again, the Minister has stood in this Parliament and argued for intervention with respect to Aboriginal and Torres Strait island councils. The Minister has said he will send in the department. If he has to, the Minister will compel people to go in there and do their accounting for them. For six days, from last Friday until today, was the Minister prepared to get the Auditor-General to come in and do an independent review? No! His director-general said, "We'll have a little internal arrangement and look at it ourselves and see if we can't sort it out." That is not good enough.

The principle that the Minister wanted to apply to the Aboriginal and Torres Strait island councils was that it was not good enough to leave it up to them. The Minister wanted to intervene. He wanted to force his wishes on them, but he is not prepared to accept the same standards in this case. The Minister is a hypocrite. His humbug knows no bounds. On one occasion the Minister has come in here and listed no fewer than 18 concerns in relation to those Aboriginal and Torres Strait island councils—councils that are undertrained, underresourced and understaffed. However, the Minister, with an entire department at his disposal, comes in here and says that it is the Labor Party's fault because something happened two years ago. The Minister has been in the portfolio for two years.

Ms Bligh: Or it's a computer glitch.

Mr BREDHAUER: The alternative excuse is that it is a computer glitch. How many years does it take to fix a computer glitch? Does the Minister not have at least one boffin in his department who can work out what the computer glitch is? Even Allan Male could fix up the problem on Monday. On Monday night he said on radio that he had sorted out the problem; that he had all of the accounts sorted out. For 12 months the auditor was warning him that he could not do that. You said that you would even bring in special——

Mr SPEAKER: Order! The member will refer to the Minister as the "Honourable Minister".

Mr BREDHAUER: The Honourable Minister said that he would even bring in special legislation to affect Aboriginal and Torres Strait island councils. Here is another porky from the Minister. On 25 March, he said—

> "In the near future, I will bring into the Parliament new legislation to the effect that all councils must hold regular meetings ..."

Here we are in the second last parliamentary sitting week. Where is that legislation that the Minister said in March that he would bring in? The Minister also said—

> "I am also conscious of the fact that the recent council elections have resulted in some dramatic changes in the leaderships of some councils. In several cases these changes have occurred in those councils that have a poor accountability record."

You were blaming councillors and elected officials. Yet you come in here as the Minister—the responsible and accountable person—and are not prepared to accept accountability. It is about time you had the courage to stand up. It is about time you stopped lying. It is about time that you stopped——

Mr SPEAKER: Order! The member will refer to the Minister as the "Honourable Minister", not "you".

Mr BREDHAUER: It is about time that the Honourable Minister stopped telling untruths and had the courage to go out there and accept the responsibility that he insists be forced on other disadvantaged groups. The Minister kept the centre open. He was not prepared to ensure that the trust funds were kept in reasonable order. Now he comes in here in the greatest act of hypocrisy and says, "We'll accept the motion."

Time expired.

Mrs GAMIN (Burleigh) (6.34 p.m.): The Cabinet has approved a package in excess of $2m which will provide a number of Basil Stafford Centre residents with the opportunity to move into the community. The allocation of this funding is evidence of this Government's commitment to providing choices for people with a disability, in particular, choices between living in a residential centre and living in the community.

In keeping with the concept of choice, the Minister for Families, Youth and Community Care has said clearly many times that those people who wish to leave Basil Stafford to live in the community will be supported to do so. By the same token, those who choose to remain in a centre-based facility will be supported to do so. This relocation package, along with capital funds for refurbishments at the centre, will help to improve the quality of life of the 100 people with disabilities who currently live at the Basil Stafford Centre.

It is expected that some residents will relocate to public housing in their community of origin or choice by mid 1989. Families are being given the opportunity to indicate whether they wish their family member to remain living at the centre or be considered for relocation to the community. Based on this information, the relocation of residents to public housing will proceed as soon as appropriate housing can be arranged. Staff of the Disability Program have begun planning with regard to family consultations, individual case reviews, and the process for deciding which individuals will be able to move.

A process of linking with the community agencies which will provide the support to clients leaving the Basil Stafford Centre will also commence, with an emphasis on ensuring that clients receive quality services as a result of this relocation. This will mean discussing the capacities of organisations to provide support to increased numbers of people and will rely on the success of agencies in previously providing support to people with similar support needs.

Specialist staff members in regional services throughout the State will facilitate the movement of these clients into the community. These staff assist the agencies in providing support to the person relocating and ensure that the services provided best meet the needs of the person. Ongoing therapy services will ensure that the basic needs of the client will be met through the training of support staff and direct provision of therapy services. Therefore, if a person requires assistance with eating or speaking, he or she will be provided with access to speech and language pathology services. Similar support will be available as necessary from occupational therapists and physiotherapists.

The community-based accommodation that is to be provided will be selected and/or modified as necessary to meet the requirements of the group of people who will live there. This modification will take account of physical support needs, such as wheelchair access or specially designed bathrooms, and will also take into account other support needs, such as security screening or special fencing. Whatever options are planned for a person with an intellectual disability leaving the Basil Stafford Centre, this Government believes strongly that alternative services should be well planned and well resourced to meet the individual needs of the person. It is for this reason that time and care will be taken to ensure that the method of alternative service delivery identified has the capacity to adequately meet the needs of each person.

In contrast to this is the poor performance of the previous Government in achieving

outcomes and meaningful targets under its much-trumpeted institutional reform process. Under this Government, a total of approximately $22m has been allocated to support the relocation of people with disabilities to the community. The previous Government spent a significantly smaller sum of approximately $6m for the same purpose. As I indicated earlier, this achieved the relocation of five people at a cost, therefore, of approximately $1.2m each. The present Government has been more responsive, committed more resources and achieved greater results than the previous Government, despite all of its rhetoric.

Hon. K. W. HAYWARD (Kallangur) (6.39 p.m.): What a terrible situation has occurred in this department in probably its most important task of looking after intellectually disabled people's money at the Basil Stafford Centre! I am more convinced of the existence of this terrible situation after hearing the Minister speak—and I will talk a little bit about that later.

Mr Speaker, before you get to the auditor's report, you should read note 30 of the financial accounts on page 127 which is titled "Transaction and Balances Administered on Behalf of Entities Other than the Whole of Government". Under that heading, it says that the administered current assets for persons in departmental care amounted to $504,000. Under that—this is before getting to the comments made by the Auditor-General—a note discloses that "the balance of residents' moneys has not been established". What a disgrace! What an awful situation! How serious an issue! What an important issue for a department! How vital this is for a Minister! This is a very serious issue. Very, very vulnerable people put their trust in the department to look after their money and, in simple terms, the department did not do it. Residents of Basil Stafford have had that trust betrayed. The Auditor-General was reported to have said—

> "You can't be certain that nothing serious has happened—I mean nothing serious like fraud."

So what has this department and the Minister been doing over the past 21 months? The qualification of the Auditor-General is spelt out for everybody to see on page 131 of the annual report just so that the message gets through.

The message from the director-general in the annual report states that the objective of the department has been to extend a curtain of care across Queensland. The message goes on to say that the department has given expression to the Government's aim of providing genuine choices for people with disabilities and their families. Expression! What does this mean? In this case it is just a simple tragic joke because residents have put their trust in the department. They and their families have been deceived, cheated and maybe even defrauded. Even if their money has not disappeared—and there is no evidence that it has not—these residents have been seriously let down by the department and this Minister. As has been said a lot of times tonight, the simple reason is that their trust has been betrayed.

It gets worse. It appears that the Minister had known about this disgraceful problem for over 12 months and was not able to fix it up. We got a pathetic response from a person described as a spokeswoman for the Minister. Her contribution was to blame the Labor Government. Honourable members should just think about that. The coalition limped into Government in Queensland in late February 1996. These accounts relate to the period which ended over 16 months later. It has been reported now, five months later. Let us think about the issue of blame. Where do the Minister and his staff get off?

I have never heard such absolute nonsense, because we are talking about not some sort of insurmountable accounting problem—something that the whole world can never resolve or deal with—but simply why bank reconciliations and reconciliations of residents' trust moneys were not effectively performed at the Basil Stafford Centre. That is such an important issue. The Minister chose to lay blame. The member for Cook used the term humbug. "Humbug" is the perfect word to describe the Minister. We are talking about bank reconciliations, yet the Minister raved on about something to do with accrual accounting. This is a simple task; it is about cash in and cash out. History has shown that that is something that his party has been very good at understanding.

The reality of life is that it is the absolute defence of the desperate to say, "Oh, it is a terrible problem, but it happened because we are introducing accrual accounting." Accrual accounting has absolutely nothing to do with the preparation of bank reconciliations. This is pretty simple stuff which residents and their families would expect, once identified as a problem, to be resolved and resolved quickly.

Time expired.

Mrs WILSON (Mulgrave) (6.44 p.m.): There they go again, and they should be

ashamed of themselves. Opposition members are sinfully and shamefully grabbing headlines and causing unnecessary stress for those with a disability and their families—those who most need support, including those who reside in Basil Stafford. Of course we support the need to conduct a thorough audit of the financial management. Of course we support reporting to the Parliament on the status of those trust accounts. However, the question has to be asked: why did Labor not clean it up in 1995, as the Minister just alluded to? It left a mess and it expects us to clean it up.

As an aside, I say to the member for Cook that I am proud of the record of Yarrabah council and its management, and so is the Minister. It has managed well. I also ask the member for Cook: who was it who set up those councils without the resources to manage themselves? It was the Labor Government who set them up and we have been fixing them. It was Warren Pitt himself, the former member for Mulgrave, who criticised Yarrabah council for putting money into building itself a decent place to do its council management. That was Warren Pitt. We remember that, as do the people at Yarrabah. So the member should not criticise my Government for what has been happening to local councils.

In supporting this motion, I say clearly to all in this Chamber and, in particular, to all of those on the other side: we have nothing to hide. I will repeat it so everybody can hear: we have nothing to hide. The circumstances alluded to in the motion which we are now debating should have been fixed by the former Government after the Basil Stafford separation, but it did not do it.

Mr Elder interjected.

Mrs WILSON: There is nothing covert or underhanded in what is happening at Basil Stafford at the moment. May I say that the Auditor-General himself has made no suggestion of any misappropriation, mismanagement or anything of that nature. The element of trust that has existed will continue to exist. We inherited the books and we have been addressing and monitoring the situation.

I find it abhorrent that the people opposite can sink so low as to create a furore at the expense of others—a furore over a situation which is all but resolved. I want to thank all of those people who have been working very hard to resolve that situation and who have been trying to clear up the causes of the stress that has been caused by these people on the other side. They will use any grubby means to grab headlines. This Government is about open government and we are resolving the issues as they are revealed. The Minister has hidden nothing.

Now I would like to talk about the very positive action taken by the coalition Government, which is committed with the community sector to ensure that people with disabilities, their families and carers enjoy the same rights and opportunities as other members of society.

Mr Hayward interjected.

Mrs WILSON: We work quietly in the background. We do not grab the headlines. The proof is in the pudding. The proof is out there. We are assisting them; we are giving them a choice and we are helping them move out. So the member should not shout at me across the Chamber; we are giving them a choice.

The Government is very aware of the high level of unmet needs which exists for disability services in the community. We know there are needs; we are not shirking our responsibilities. We know that we have responsibilities, unlike those who sit smugly opposite—the hypocrites on the other side of the House. Sheepishly, they know they are in the wrong. We are not hiding anything.

The 1996-97 and 1997-98 Budget initiatives reflect this Government's commitment to working together with communities in order to develop the best possible strategy to address unmet needs.

Opposition members interjected.

Mrs WILSON: Honourable members opposite should listen to this; they do not like to hear these things, but I will tell them anyway.

In 1996-97 the Department of Families, Youth and Community Care spent approximately $151m on disability services across Queensland, almost half of which was allocated to the non-Government sector to provide services. This Government also allocated over—Opposition members should listen again—$130m to services for people with disability across our departments, through Health, Education, Housing and Transport. That is what we are doing now.

Opposition members interjected.

Mrs WILSON: Opposition members do not like to hear these things.

The 1997-98 Budget allocated an additional amount of $36.047m over three years to address the unmet needs of people with a disability. The thing about the people

opposite is that they like to shout in the Chamber because they think we are going to listen. Well, we are not going to listen. We quietly go on doing the right thing. We quietly go out there addressing the needs of people who are in need. We do not listen to that lot opposite; they are a bunch of hot air buffoons. $17.431m over three years——

Time expired.

Mrs LAVARCH (Kurwongbah) (6.50 p.m.): I rise to support the motion of the honourable member for South Brisbane. The Minister may be supporting this motion, but the great shame is that it had to be moved in the first place. This motion is about ministerial responsibility and the duties of a trustee. Yet it goes further than mere financial accounting. It is about upholding and preserving rights and respect. It is about overcoming prejudices and discrimination for the most disadvantaged in our society.

It is a hallmark of the Australian ethos that every person is entitled to make their way in life according to their own merit and ability and not hindered by the blind prejudice of others. In other words, and to paraphrase Martin Luther King, a person is to be judged not by the colour of their skin but by the quality of their character. Of course, it is not only racial prejudice which sometimes strikes down the goal of equality of opportunity; it is also discrimination on grounds of gender or religious or political belief. We know that such discrimination is wrong and as a Parliament have enacted laws which provide a remedy to the individuals who have experienced disadvantages in their public life.

Possibly the most deeply entrenched prejudice encountered by any individual is that invoked by a physical or mental disability. Collectively our society finds it difficult to look beyond the disability and to understand that the focus should be on what someone can do rather than what they cannot do. That is why in recent years considerable effort has been made to structure laws and programs to support and assist people with a disability to reach their full potential within society. Yet all of these great steps forward are immediately undermined by acts or omissions or neglect such as the one we are discussing in this motion tonight. How can we overcome prejudice and discrimination when the Minister responsible for improving services and support for people with disabilities shows such disregard for them? This is the same Minister who presides over the worst level of expenditure on welfare services in Australia, the same Minister who spends only $122 per person in Queensland compared with the national average of $291 per person—a deficit of $169 per person.

It is of grave concern that the Auditor-General saw fit to qualify his Certificate of Audit for the General Purpose Financial Statements. It is of even greater concern that that qualification has been made for a second year in a row. It is worth repeating what that qualification is. It says that bank reconciliations and reconciliations of residents' trust moneys were not effectively performed at the Basil Stafford Centre for 1996-97, nor were they for 1995-96. The effect of this omission or negligence in not reconciling the trust moneys is that the balance of the trust moneys held on behalf of each resident has not been established. The Minister should hang his head in shame to have such a qualification made by the Auditor-General. In these days of computerisation and software packages that can give daily balances, including interest earned, there can be no excuse. There can be no reasonable excuse for this continued inability to establish the balances of the residents' trust fund. The Minister and the department's inaction for two years is deplorable. People right across Queensland are hurting, and all they get from this Minister are empty promises.

Last time I spoke in this House, I spoke about a little girl called Megan Smith and her unmet needs. I would like to bring to the attention of the Minister that it was only through the Rotary and Lions service clubs in Pine Rivers and the great contribution of the Quota Club of Redcliffe that moneys were donated to buy Megan's computer package. The Government should have been providing these unmet needs. The service clubs in our communities make a great contribution, but they cannot always be left to do it. If the Minister truly had care and compassion, as he makes out that he does, then he would be doing a lot more for the needs of the people of Queensland.

Mr T. B. SULLIVAN (Chermside) (6.54 p.m.): I rise to support the motion before the House. It disappoints me that in an area in which so much good could occur if the Minister were committed to it, we have a situation in which the Minister is more interested in PR than in providing service.

Mr Hayward: They're certainly not interested in doing bank reconciliations.

Mr T. B. SULLIVAN: That is true. I take that comment about the Minister being more interested in PR from the Minister's own words, I think it was last year, to a group of public

servants from his department. He basically said that he did not care much about their expertise, that he was not much interested in their views, but what he was interested in was that his department had a good image in the eyes of the public. That has been a guiding principle for the way in which this Minister has approached his job. The way in which he operates has also affected the manner in which his staffing arrangements have been put into place. What this means is that the content of this motion and the content of the work of the department have been coloured adversely by the Minister's approach. We have even had the farcical situation in which senior people have been appointed to jobs or been told that they have a particular job only to be told, "No, you have another job." In one particular case, a person just below the SES level had to send one of the office girls to obtain an annual report so that he could read up on the section of the department that he had just been appointed to. That is the sort of thing that is happening under the Minister.

The loss of professional expertise within the Department of Families is an absolute disgrace. We have spoken in Australia about the brain drain that has occurred in so many areas of our scientific community. Within what should be the most caring department of this State, the Department of Families, Youth and Community Care, many people who have given many years of dedicated service have been discarded—they have been wiped—and with them has gone their expertise. The Minister knows that he has had people at Estimates committee hearings who did not even want to be there. One of his staffers said that she did not even want to go there because she did not have a clue what she was going to be asked. She did not have a grasp of the concepts or of the department.

Mr FitzGerald: That's not true.

Mr T. B. SULLIVAN: It is true. That is the sort of thing that has tainted the whole department. The morale within the department is absolutely awful. But the Minister has achieved certain of his goals. His goal was to have a good PR image, so he appointed a director-general who was good at PR. He does not have much substance, but he is good at PR and good at pork-barrelling. The amount of money that has gone into the Shaftesbury Centre and the area within a few kilometres of Shaftesbury in the last few years is absolutely enormous.

Ms Bligh: It's absolutely wicked.

Mr T. B. SULLIVAN: It is. I am sure that the Minister and the director-general are very happy with the office refurbishments that have occurred. It is pretty lousy for some of the departmental officers who were going to be relocated with that money but who are now stuck in stingy old buildings while the new carpet and everything else has gone into their area.

Mr Elder: I bet they'd be able to reconcile that pretty quickly.

Mr T. B. SULLIVAN: I am sure that that reconciliation is in there somewhere. But what the professionals within the department have not been able to reconcile is: how can they try to match their expertise and their professionalism to the lack of professionalism that has come from this Minister? It has been an absolute disgrace. This is reflected in the sort of work that is happening at Basil Stafford and in the remainder of the disability area. I have been approached by people from carers' groups. They are so short of funding that they are almost working for slave wages, but they are saying that that is the only funding coming from the department to their group. They realise that if they walk out, they will leave people with severe disabilities in the hands of inexperienced carers. These people have worked as carers for 5, 10 or 15 years. They have gone through courses. They have upgraded their skills. They have made sure that they can handle people with a range of mental and intellectual disabilities and people who have profound physical disabilities but who in some cases are still able to work. These carers feel let down by the Minister and his department. It is about time that the Minister started to face up to the fact that service is what is required in the Department of Families and that that service means looking at people's needs, not looking after PR.

Motion agreed to.

Sitting suspended from 7 p.m. to 8.30 p.m.

INTEGRATED PLANNING BILL

Second Reading

Resumed (see p. 4555).

Mr WELFORD (Everton) (8.30 p.m.), continuing: Although the IDAS process is conceptually simple, it is not as straightforward as it appears. Some of the four stages of the process overlap each other, and it is difficult in those circumstances to balance getting the decision-making process moving and, on the other hand, ensuring that there is adequate public involvement. I foreshadow moving some suggested amendments in that regard. I

am hopeful that the outcome will not lead to too legalistic an approach and that it will encourage both the community and applicants in the development assessment process to negotiate solutions that achieve some form of consensus. The aim should be to avoid court proceedings at all costs. In that regard, I believe it is important that we do not sacrifice both community interest and time, provided that there is an opportunity for the community to be involved at community level.

I would like to finish with some general comments about the concept of regional planning, which is very important. Of course, we initiated that approach with the regional framework for growth management, which was a good start, but it still needs Governments to drive that process to ensure that regional planning occurs. There needs to be a cross-jurisdictional approach by local governments to ensure that all the environmental issues which are not confined to the boundaries of individual local governments are taken into account in the planning scheme development process.

Code assessment is one of a range of initiatives in this Bill designed to respond to the perceived concern about red tape, which I have already discussed. I believe that we just need to be cautious not to be overwhelmed by the repeated mantra of the concern about bureaucratic red tape. On the one hand we do need to avoid silly and obstinate bureaucratic obstruction, but on the other hand it is very important to make sure that we get the planning decisions right. If that means that, in circumstances of scientific uncertainty, we need to take a little extra time to accumulate all the best of the information and knowledge we currently have about a project in order to make the best possible decision, so be it. We may never get it right absolutely, but it is important that we accumulate the best possible information to enable us to make the best possible judgments about what impacts there are.

Code assessment is, in a sense, another form of fast-tracking of decision-making processes. I have no particular objection to ensuring that there are efficient decision-making processes. In my view, code assessments that are currently confined to assessments according to the Building Code are fine. However, I would have concerns, for example, if we extended new forms of codes which allowed applications for whole residential developments that might incorporate a whole range of environmental impacts but then pretended that codes could be specific enough to deal with those. So we just need to be careful that, down the track, we do not try to slip in under the code assessment process larger-scale development applications which involve quite complex environmental implications and pretend that a code can necessarily deal with them without the process of public involvement. It is very often the local community which has the information, the local knowledge and the best opportunity to alert us, as decision makers, and departments of State and local government as to what issues need to be addressed.

As to the issue of environmental initiatives—I believe that the "ecological sustainability" definition in the Bill does advance, as I have said already, the process of recognition of environmental factors. But we should not kid ourselves that this Bill is separate from the process of environmental management. I assure the Minister that this Bill will have either more benefits or adverse impacts for the environment than would 10 Environmental Protection Acts.

Mrs McCauley: That's why it's called the Integrated Planning Bill.

Mr WELFORD: It is very important that the environment is at the forefront of the way in which we address urban planning issues, and I appreciate that the Minister recognises that.

The small amendments that I will be moving reflect an approach which recognises that ecological sustainability has an established definition under the National Strategy for Ecologically Sustainable Development and that we should try to maintain the jargon as consistently as possible. I support the Bill and congratulate those who have been involved in working to achieve it.

Time expired.

Ms WARWICK (Barron River) (8.35 p.m.): It gives me great pleasure to contribute to this debate. In my opinion, this Bill is one of the most important pieces of legislation to be debated in this Parliament. It is particularly important to the constituents of my area—an area which, as all members would know, is very sensitive in terms of its environmental status. Good planning means protection of environmental sustainability, and this Bill is about good planning. Good planning also means good economic practice.

There is much community concern in Barron River about development which has the ability to impact negatively on our environment. I have said before in this House

that we depend on tourism for our economic prosperity, but to sustain and encourage tourism we must have a tourism product that is pristine and which we can sell. Bad planning and bad developments do not equate with an unsullied tourism product, so I am very pleased about the sound guidelines which this Bill will offer.

This is a complex piece of legislation. I believe that aspect was mentioned by the member for Everton, so I want to confine my comments to public involvement and the rights of the community in the planning and developmental assessment process.

The Integrated Planning Bill includes substantially improved opportunities for public involvement in both planning and development assessment processes. Two positive features of Queensland's existing planning legislation are rights of objection and appeal for the public on certain development applications, and open standing for the public to take enforcement proceedings. These features have not only been retained in the Integrated Planning Bill; they have been enhanced. Because of the wider range of development that an application may deal with under the integrated development assessment system in the Bill, rights of third-party objection and appeal are more expansive. Third-party enforcement has been retained and also applies to the wider scope of development accommodated under the new legislation.

But the Integrated Planning Bill goes much further in protecting and promoting the rights of the community than simply retaining and enhancing public objection, appeal and enforcement processes. The aspirations and expectations of the community for better serviced, more livable settlement patterns are given effect through the purpose of the Bill itself. The Bill specifically identifies the cultural, physical and social wellbeing of people and communities as a key element of ecological sustainability which those administering the Bill must seek to achieve in managing development and its effects.

Furthermore, the Bill explicitly states that advancing the Bill's purpose of seeking to achieve ecological sustainability includes ensuring that decision-making processes are accountable, coordinated and efficient, and providing opportunities for community involvement in decision making. This is very important for the people of my electorate and, I guess, to most electorates.

Mr Palaszczuk: Especially Inala.

Ms WARWICK: Especially Inala.

This requires decision makers to do more than simply rely on the extensive statutory rights of public involvement in the Bill and to actively promote appropriate public involvement as an integral part of effective decision making. Community involvement in the development of planning policies has been substantially enhanced under the Integrated Planning Bill. Because it is directed towards advancing the purpose of the Bill, public involvement has a meaning and a context under the Bill as opposed to the sense of consultation for consultation's sake, which can sometimes arise under the current system. In particular, public involvement in planning under the Bill occurs at times and in ways that are directed towards meaningfully influencing the final outcome. For planning schemes, the most important expression of this is the requirement for local governments to consult local communities on the approaches that they propose to take in preparing a planning scheme, before drafting of the scheme even commences. That ensures time and expense is not wasted in preparing planning schemes that do not conform with the community's expectations. Under the current system, a local government can delay consulting the public until a draft planning scheme is prepared, by which time the local government, having spent considerable time and resources preparing the scheme, has a vested interest in the product. If the draft scheme does not reflect community expectations, that is a recipe for conflict between the local government and its constituency. We have seen that occur on many occasions.

Early involvement of the community during the preparation of the scheme also gives the State Government an opportunity to become involved and obtain community views about the application of its policies and proposals in the planning scheme area. Under the Bill, draft planning schemes must, as now, also be placed on public display for at least three months, during which the public can make formal submissions. The local government must take these submissions into account in reaching a final decision on the scheme.

Unlike the current system, the Bill also requires local governments to respond to submitters explaining how matters raised in submissions have been addressed. The Bill recognises a role for planning scheme policies to support planning schemes. These policies are similar to local planning policies under the

current Local Government (Planning and Environment) Act. However, unlike the current Act, local governments are required to publicly consult on the draft policy and take public submissions into account before it comes into effect. Public consultation requirements have also been included for State planning policies for the first time.

Local governments are required under the Bill to review their planning schemes every six years to determine whether amendments or a new scheme are necessary. Under the current Local Government (Planning and Environment) Act, that review results in a report to the Minister, which invariably ends up gathering dust in a basement somewhere in George Street. Under the Bill, if a local government reviews its planning scheme and decides not to take any action as a result of the review, it must report directly to the community on the reasons for its decision. A more direct accountability to the council's ratepayers and constituents is the result.

The Bill also includes a completely new public accountability mechanism for planning schemes: an independent review. Any person may request the chief executive of the Department of Local Government and Planning to appoint an independent person to report on an aspect of a planning scheme. While the person seeking the review must pay the costs of the review, every effort has been made in the Bill to ensure the review is as informal and cost effective, and hence widely available, as possible. Members of the community are entitled to make submissions to reviewers and appear at review hearings. The reviewer's report is recommendatory, as the final decision on planning scheme content must be taken by an elected and accountable body. However, on receiving a reviewer's report, the local government must make a decision on its recommendations and inform all those who participated in the review of the decision. Again, that strengthens the accountabilities between a council and its constituents. That is a measure that is long overdue.

The Bill also includes processes for the State Government or a local government to designate land for public purposes. That ensures that the community is aware of key infrastructure proposals, as they will be illustrated as designations on planning scheme maps. That fulfils an election commitment by the coalition at the last election that departments' plans should not be hidden away in departmental files or kept as under-the-counter proposals. The process for designating land involves a Minister or local government publicly notifying an intention to designate land for the development of infrastructure and considering public submissions before proceeding to designate the land. For the first time, that will provide a consistent basis across State and local government for consultation with the public about key infrastructure proposals, as opposed to the current ad hoc, agency-specific procedures.

In her second-reading speech, the Honourable the Minister referred to the substantial micro-economic and efficiency benefits of the integrated development assessment system, IDAS. However, IDAS also has substantial benefits in terms of the community's ability to evaluate and meaningfully respond to development proposals. The integration of approvals under IDAS allows development to be considered as a whole. This ensures that the community can see and evaluate the whole project. That contrasts with the current system where public consultation may apply only to a fragment of the whole, while there are other aspects of the total development the community is never consulted about. For example, local communities are often frustrated when, under the current system, land is rezoned for urban purposes and subsequently subdivided. The public must be consulted about the rezoning, which can be broadly anticipated and accepted anyway, particularly if the land was already included in a future urban or similar zone. However, when it comes to the actual subdivision of the land, which may substantially affect individuals in the community through increased traffic flows or loss of privacy, the community is never consulted. I have grave problems with that current process. Because of the current system, I am often lobbied by people in my electorate. I am thrilled about the new system. Under the Bill, all land use and subdivision aspects of a proposal can be considered in the context of a single application. If an aspect of the proposal departs from what is anticipated in the planning scheme, an impact assessment of that aspect, including public consultation, would be likely to be necessary, regardless of whether the aspect related to the use or subdivision of the land. That ensures that the community is consulted about the matters that are likely to be of genuine concern to it and not the matters dictated by law.

I have already referred to the retention and enhancement of third-party objection and appeal rights for impact assessments under

IDAS. However, numerous other reforms in IDAS also enhance the public's involvement in development assessment. For example, the Bill requires applications under IDAS to be available for public inspection from the time they are made until they are finally determined. That applies to all applications and not simply to those for which formal public consultation is required. The Bill also specifically allows assessment managers and concurrence agencies to seek the views of any person about an application. For example, that could include public notification of applications not otherwise requiring notification under the Bill, although formal submitter appeal rights would not follow from such a notification. The notification and submissions period would need to occur within normal IDAS time frames. Even where an application undergoes code assessment and formal rights of public objection and appeal do not apply, the requirement for the code to form part of the planning scheme or be a regulation under an Act means that there will have been extensive public consultation on the code itself. By looking at the code, the public will be able to form a clear impression of the anticipated form and scale of development.

I have already mentioned the retention of open standing for third-party enforcement under the Bill. The integration of development approvals under IDAS means that enforcement powers are potentially available for a wider range of matters than under the current Local Government (Planning and Environment) Act. The Bill also allows any person to seek a declaration on any matter under the Bill from the Planning and Environment Court. The declarations powers in the Bill have been significantly enhanced, allowing declarations to be made about both past and future actions and for the court to make orders accompanying declarations. That will give the community greater access to the court to seek clarification on the interpretation and application of the legislation. The Bill includes comprehensive lists of information that local governments, assessment managers and the department must keep available for public inspection and purchase. Those include information about existing approvals, all existing and superseded planning scheme documents, independent reviewers' reports and infrastructure agreements.

In summary, the Bill not only preserves and builds upon the positive aspects of existing legislation for community involvement but also includes significant new initiatives within a clear framework of objectives aimed at making public involvement an integral and meaningful part of the planning and development assessment processes. I commend and congratulate the Minister and all involved in the development of this legislation. I know that it will increase substantially the community's confidence in the planning system.

Hon. G. R. MILLINER (Ferny Grove) (8.50 p.m.): I have much pleasure in rising to speak very briefly to the Integrated Planning Bill 1997. At the outset, I fully endorse the comments made by my colleague the honourable member for Chatsworth, the shadow Minister. I congratulate him and everybody who has been associated with this process on bringing about what I consider to be very, very sensible legislation. I am absolutely delighted that we can bring before the Parliament legislation which I think is very progressive legislation and which will go a long way towards enhancing the way in which we live.

One need only look at some of the things that have been done over many years to realise that some very, very bad planning decisions have been made. As a matter of fact, before we had things such as town plans, it really was Rafferty's rules. Virtually daily we see some of the results of those Rafferty's rules and we must live with those decisions. If we looked at some of the results of those past decisions, we would be horrified to think that such decisions would even be contemplated today. However, the people who live or carry on businesses in those premises and zonings that emanated from those decisions have a right to continue what they are doing.

Like everything else today, town planning is becoming more complex. People involved in planning are being burdened by a plethora of legislation. This Bill brings all of that legislation into one Act. Hopefully, that will make it a lot easier for those people who are involved in the planning process. More importantly, I believe that this legislation will make the planning process more transparent and give the average consumer and the average citizen greater access to it. If we can achieve that, and if people become involved in the process and know how to use the process, then we will go a long way towards resolving many planning problems and we will make our communities much better places in which to live.

Of course, such a comprehensive piece of legislation will need to be monitored very carefully. Obviously, when problems arise we will have to bring the legislation back to this

place so that it can be improved and its workability can be ensured so that it can achieve its objectives. I think that the people who are involved in the development industry and the planning industry are mature enough to work together. It is obvious that they have worked together to reach a consensus, and the member for Chatsworth should be given a lot of the credit for that. When he was the Minister for Local Government, he started that process to bring everybody together. I think that it is tremendous that they have been able to work in a cooperative way to achieve the results that have been achieved. I extend my personal congratulations to those people.

One of the aspects of the nineties is the decrease in controls in the public sector. One of the provisions of this Bill deals with self-certification, which is something that needs to be watched very, very carefully. I would much rather have seen the regulations produced at the same time as the Bill. However, I have been told that they are going to be produced fairly quickly so that they will be able to be viewed and worked into this legislation.

All in all, this is good legislation. It is progressive legislation. As I have said, I think it will go a long way towards enhancing the community in which we live. I have much pleasure in supporting the contribution of my colleague the honourable member for Chatsworth in the formulation of this Bill.

Mr MALONE (Mirani) (8.55 p.m.): I rise with much pleasure to speak to the Integrated Planning Bill. It introduces many overdue and welcome reforms to the way planning for the use and development of land will be carried out in Queensland. The Integrated Planning Bill also introduces even more fundamental reforms to the way development regulation will be carried out in future. I wish to now outline to members the nature of these reforms and their impacts on Queenslanders.

However, before doing so I should outline how development is regulated currently. The traditional approach to development regulation here in Queensland and elsewhere has been what can best be described as a compartmentalised approach. A less kind observer would describe it as piecemeal and fragmented. Regardless of the specific terms used to describe the system now, the approach to date has been one based on establishing separate and different systems of regulation for different components of development. As issues or problems have emerged, or as community expectations have changed, new components have been added to the system. In every case, these new components have involved the enactment of new legislation and the introduction of new and different regulatory systems. Once created, each independent system has in turn grown and evolved in response to the particular needs and pressures of that system. The end result is a complex, fragmented and disjointed system of development regulation that in an overall sense defies understanding. We cannot continue along that old path.

Years ago it made sense to have a Building Act that established a separate system of regulation for buildings to ensure that building work was designed and constructed to meet established minimum structural and safety standards. It also made sense to have a separate system of regulation for planning and dealing with land use matters. However, that was then. Over time, other systems have been added to deal with emerging issues. The increasing awareness of and concern for the environment has seen a range of issue-specific environmental legislation introduced and regulatory systems created to deal with identified environmental issues. At the same time, the existing systems continued to grow and evolve in response to needs and pressures.

We now have a tangle of regulatory controls. The planning system has grown to cover more than land use issues. It overlaps with the building control system and the environmental control system. Similarly, the building control system has grown in such a way that at times brings it into conflict with other development control systems. The result is duplication, conflict, inefficiency and frustration. It is bad for business, it is bad for the community, it frustrates job creation because investment is frustrated and it frustrates the achievement of good environmental outcomes because the many different systems deal with matters in a piecemeal and uncoordinated way.

The Integrated Planning Bill specifically addresses these issues. It involves fundamental reform. For the first time a framework is created to allow the many different regulatory systems relating to development to be brought together within a single system. This new regulatory system, known as the integrated development assessment system—or IDAS—is far reaching in its scope and impact.

It is evident that in an increasingly competitive world the efficiency of the regulatory regime governing land use and development can prove to be a key element in attracting investment and thereby creating

jobs. Business and industry has warned successive Governments that the costs associated with establishing business in Queensland and the procedural complexity associated with undertaking development are impacting on investment. The integrated development assessment system creates a single legal and administrative framework for the assessment and approval of development in Queensland. I use the word "framework" advisedly. On its own the Integrated Planning Bill merely replaces the current Local Government (Planning and Environment) Act. However, the passing of this Bill will trigger the commencement of a wide-ranging series of consequential amendments to many existing pieces of legislation. These consequential amendments are necessary to achieve the integrated development assessment system set out in the Bill.

The scope of this reform is such that the creation of the full IDAS will need to be carried out in stages. The first stage involves the creation of the framework set out in this Bill. The second stage will be to carry out a series of priority consequential amendments to ensure that key aspects of the integrated system are in place when the legislation is expected to be commenced on 30 March 1998. These priority amendments include the integration of the building approval process under the Building Act, the environmental authority process under the Environmental Protection Act, a range of development related processes under the Transport Infrastructure Act and aspects of the Water Resources Act. Subsequent stages will involve the integration of other development related legislation, including the Queensland Heritage Act, the Coastal Protection and Management Act, the Water Resources Act and many other Acts and regulations with development related processes in them.

It is also worth noting that IDAS has implications not just for State legislation but also for local government local laws. This is because some local laws currently regulate development. For example, many local governments have local laws regulating the erection of advertising signs. To avoid any potential for there to be duplicated approval processes covering development related matters, local laws dealing with development will also be integrated into IDAS.

In creating the legislative provisions relating to IDAS, every effort has been made to ensure that this new system works efficiently for all of the different development proposals that will ultimately use the system. The IDAS system draws on the best features of existing development assessment systems and builds on those by incorporating new features not available in any of the existing systems.

IDAS has been designed as a modular system comprising up to four stages. Not all of the stages of IDAS apply in all situations. This is an important feature as not all applications are the same. For simple applications the process is straightforward and decisions can be made straight away. For more complex applications, IDAS scales upwards and a more rigorous and comprehensive process applies. IDAS also establishes a comprehensive system for assessing the environmental effects of development. Because IDAS is a fully integrated system, the assessment process involves all agencies that currently administer separate approval systems. The effect of this is to ensure that applications are able to be assessed comprehensively in the one system rather than in a fragmented and piecemeal way as is the case currently.

Therefore, impact assessment under IDAS is more rigorous and comprehensive than under any of the systems currently in place, particularly that applying under the current planning Act. This is because the current system under the Local Government (Planning and Environment) Act is limited to a discrete range of designated developments, while under IDAS the need for environmental effects to be assessed is extended to all applications identified as requiring impact assessment.

Another feature of IDAS that is worth mentioning is the ability for applicants to negotiate directly with decision makers about their decisions. This is something that cannot be done under the current planning system in particular. Under the current planning laws applicants must lodge appeals in the court. This is expensive and time consuming. However, it is recognised by all parties in the current planning system that there are many matters, particularly those relating to conditions imposed on approvals, that often could be resolved through discussion and negotiation outside the formal court-based appeal system.

Under the Integrated Planning Bill applicants will be able to approach decision makers and negotiate directly with them about any conditions imposed. This is an important and welcome innovation that will help reduce the cost and complexity of resolving some disputes about development approvals. I must stress that this negotiation facility is in addition to, not in substitution for, the normal appeal

system. If the parties are unable to resolve their dispute through negotiation, the applicant may still appeal and have the matter resolved in the normal way. IDAS also contains other features that allow disputes to be resolved without the need for the affected parties to have to go to court.

Because IDAS is a fully integrated assessment system, for more complex applications there will be a number of authorities involved in the assessment and decision-making process. There will be potential for the requirements of one authority to conflict with those of another. An example of such a conflict may be a requirement from one authority assessing a quarry application to require the access road to the quarry to be located in a particular place to minimise noise and dust impacts on neighbouring properties. Another authority assessing the same application may require the access road to be located in a different place for traffic safety reasons. If this conflict occurred, provision is made for the applicant to approach the chief executive of the Department of Local Government and Planning to seek a resolution of the conflict. This is an important feature of IDAS. If the conflict relates to two State authorities, it enables the State, through the chief executive of the Department of Local Government and Planning, to ensure that there is a whole-of-Government approach to development assessment and, therefore, a single response from Government. Conflicts like the one just mentioned should not have to be resolved in the court.

The Integrated Planning Bill and the integrated development assessment system created under the Bill represent a fundamental reform. This is not just a new piece of planning legislation. The Bill is the first step in a complete overhaul of the current legislative framework relating to the regulation of development in Queensland.

It is estimated that there are over 5,000 pages of process-related laws regulating development currently in place in Queensland. This estimate includes provisions in primary legislation, subordinate legislation and other statutory instruments such as planning schemes and local laws. The introduction of IDAS will progressively see this vast array of law integrated into IDAS. Instead of there being a multitude of systems and processes, there will be the one system—IDAS. This is a long overdue reform. I support the Bill.

Mr PURCELL (Bulimba) (9.09 p.m.): This evening it gives me great pleasure to speak about the Integrated Planning Bill. In common with a lot of my colleagues from both sides of the House who have spoken in this debate tonight, I think that this Bill is long overdue. This Bill should be the vehicle whereby local councils regain control of the planning processes for their local area and are able to put in place some long-term planning for their regions.

The electorate of Bulimba takes in an older suburb of Brisbane. It is a tin-and-timber suburb and there are old Queenslanders throughout the electorate. We need to preserve this heritage, because it is fast disappearing. Over the past few years we have experienced unprecedented development in our area. Six-packs are appearing almost overnight. That is something that the council has no control over. In Residential B3, B4 and B5 zones, developers have a "by right" zoning to build what they are building, and the council cannot stop them. The council can try to do something about the aesthetics of developments and so on, but it has no right to stop their construction.

Over time this Bill will bring back the ability for the council to zone and to do so correctly. The zonings in my area are over 60 years old. It may have been all right to zone for industry, because I have a lot of industry in my area, when there were only half a dozen paddocks three paddocks away, a dairy in-between and an industrial area consisting of a couple of large paddocks at the other end. The zonings were not a problem back then. However, that is now a problem, because residences are built adjacent to industrial areas with no buffers in-between. The council and the people who live in the affected areas have no ability to stop what is happening. When we get rid of the injurious affection that gives a developer a "by right" to construct certain developments, planning will be put back into the hands of the council and the residents of the area.

For example, a "by right" was used by a developer on the corner of Lytton and Barrack Roads at Cannon Hill. That area is a flood plain. However, 60 years ago it was cut up into 16-perch blocks. The council disagreed with the development of houses there, which were built very close together, and knocked back the development. The developer took the council to the land court. After a protracted case, the developer was successful. The council appealed that decision. I assure members that that was a protracted matter. It ended up in the Supreme Court of Queensland and cost the council many hundreds of thousands of dollars. Because of

the zoning, the developer won; he had a "by right" to build there.

I have no doubt that there would not have been any building on that site if this Bill had been in force five years ago. That certainly would not have happened. Every time we get heavy rain, I go to that area and check on it to see how my constituents are going. These days the council is reluctant to take on developers, because it has cost them hundreds of thousands of dollars to try to check development where they and their planners see that development should not take place.

Areas in my electorate require buffers between industrial and residential areas. There is a lot of heavy and noxious industry in my electorate. Members who have been in this House for some time would know that A. J. Bush was a resident of Murarrie. When I was first elected to this place, I was known as the member for trains, plains and smells. The smell from A. J. Bush permeated across the southern suburbs of Brisbane. My electorate is right in the heart of that area. That was something that people should not have had to put up with. It is zoned as noxious and hazardous industry. Many years ago, when A. J. Bush was built, it had a right to be there. Since that time, residents have encroached on that area and built all around it, because Murarrie and Cannon Hill are very livable areas. That industry had outlived its usefulness in that area. The council needs to be able to move on such industries. It cost the previous Government $9.5m to move on A. J. Bush. We need to pass this Bill so that those sorts of costs will not be borne by the taxpayer and so that better planning can occur.

Another area in my electorate that suffers from inadequate planning is probably the oldest village or suburb of Brisbane, namely, Hemmant. It has the oldest school in Brisbane. It is a little hamlet towards the mouth of the river. I was speaking to a resident who has lived there for 80 years. The industry around her has just about choked her. She said, "Pat, thank God I won't be around much longer, because they'll have my home shortly, too." Hemmant has had a line put down one side of it for what at this stage is a proposed port road. I found out about that only after the unofficial mayor of Hemmant, who owns the local general store, rang me up and said, "The developer who is building the units has been pulled up by the Queensland Transport Department because a port road is planned for the area and they are protecting a corridor." That was not on any maps. Nobody knew about it. People were building in and around that area. They were going to put a four-lane highway to the port in that area, yet nobody knew about it. That is absolutely crazy stuff. A little integrated planning would not go astray. Departments need to talk to one another and to put things on maps. They need to plan ahead not for the next three, four or five years, but for 20 and 50 years' time.

At the moment, Brisbane is suffering because of inadequate planning. That is why we are having problems building roads to the coast and why we have problems with railways that run through suburbs such as mine. For example, freight lines now run 24 hours a day. No regard is being shown for the people who are being covered with coal dust and who have to put up with noise pollution. No regard is being shown for people who have lived in the area all their lives.

An old mate of mine lives beside the railway line at Norman Park. He has lived there all his life. He now has to move out because, now that he is older and retired, he cannot sleep with trains roaring past his bedroom door. He backs onto the railway and has to put up with the noise day and night. That is a shame, because that is where all his friends and support groups are. That is where he goes to church, that is where he lived and that is where he wanted to stay. However, he can no longer stay there. There is a pressing need for better planning.

With the Lytton road upgrade, Hemmant will become a little island surrounded by four lanes of traffic, three railway lines and also the four lanes of Lytton Road going to the port and servicing local business. We need to make sure that those people are not pushed out. However, if they are pushed out we have to ensure that they have areas to move to where that will not happen again.

One thing that I must do tonight is congratulate the Brisbane City Council on its detailed planning in my electorate. It has just finished the local area plan for Bulimba, Hawthorne and Norman Park, which are large tin-and-timber suburbs. Sharon Humphreys, the local councillor for Morningside, has worked her backside off to talk to local residents, businesses, shopkeepers and developers to make sure that we got this plan right. I can assure members that we can see the results. We have parks that are a pleasure to walk in. They are now safe. We removed some unpleasant areas around those parks. We have removed a bike track to Hemmant. They now have a road on which to train and race, and they are much happier with that. We

beautified that park. As people would have read in the Courier-Mail and other newspapers in Queensland, Oxford Street in Bulimba has become a very trendy street. That is a pleasant place to be and to shop. It is through the efforts of Councillor Sharon Humphreys and the Brisbane City Council that that has come about.

Also going through at the moment is the same local area planning process for Morningside, Cannon Hill, Murarrie and Tingalpa which takes in a bit of the electorate of the member for Chatsworth. That process will go on for the next six, seven or eight months—whatever it takes—to enable people to have a say about what happens in their area. This Bill will interlock with what the council is doing. It will certainly give the local shires throughout Queensland the opportunity to plan better without having to pay injurious affection, as they do now, to areas which have been zoned and cannot change that zoning without paying for it.

I would like to endorse the remarks of my colleague the member for Everton with regard to the impact that this Bill will have on the environment. I have a number of residential groups in my area, particularly in Murarrie and Cannon Hill, where the noxious industries are starting to encroach on residential areas. We will be watching very closely how this process works. The Brisbane City Council recently approved zoning for a power station at Gibson Island, which is at the mouth of the river. It is really not the right place for it, but at present it has a noxious and hazardous zoning. If the council knocked the power station back, I think it would be up for possibly millions of dollars in damages because of the income that such a station could earn. It is now up to the State Government which will be negotiating with the company to sell power onto the grid. If that goes ahead, the company will be looking to start construction of that power station.

One thing that concerns me is that the local people were involved in negotiations regarding that power station. We screwed the knocks going down that stack as low as we could possibly get them. We had agreement from the company with regard to that, the ponds and a whole host of other things. However, now that the company has got its planning approval, it is looking at changing those agreements. If the council has the grunt—and I hope this Bill gives it the grunt—it should say that, if the company is going to change the things that have been agreed to, its right to develop that site for a power station will be withdrawn, as it should be.

I would also like to acknowledge here today, as other people have, the work that the member for Chatsworth has put into this and the previous Bill, the PEDA Bill. I wish he had got that Bill through a couple of years ago.

Mr Mackenroth: I wish I was still there doing it now.

Mr PURCELL: So do I, because Brisbane and Queensland would be a lot further down the track. I would also like to thank the officers of the department who gave us a briefing the other day. I thank the Minister for that. I know how much the member for Chatsworth put into it, because I know how much of his life has been wrapped up in it.

In conclusion, I spoke to the Speaker before dinner about having incorporated in Hansard some notes that the Australian Services Union has put together. It is concerned that this Bill will allow private assessors to come in and assess developments and buildings. As the member for Chatsworth said earlier, we are a bit concerned about that. We would like to see this Bill put off until we can see regulations and know what this Bill is really going to do. That would not hold up the guts of this Bill; it would still be able to do what it is supposed to do. Another concern of the union is that the provisions of this Bill will cost the jobs of its members who currently work in the council assessing applications which come before it. I seek leave to have these three papers incorporated in Hansard.

Leave granted.

A further submission prepared and submitted by the Australian Services Union (ASU)

Why has the National/Liberal Party included private certification in their proposed Integrated Planning Act?

The Private Certification provisions in the Government's proposed Integrated Planning Act (IPA) aligns closely with the Coalition's "small government" philosophy.

The conservative political parties in Australia have drawn together the worst aspects of Thatcherism and Reagonomics, cloaked it all in economic rationalism, and adopted it as the panacea for the nation's economic ills.

This is the real philosophy behind their drive to allow private certifiers to be handed the power to give the okay to building and development applications.

Yet the people of both the United Kingdom and the United States have overwhelmingly rejected this approach through the ballot box. The people of New Zealand are dearly waiting for the opportunity to do the same.

Let's look at the real reasons why this government wants to strip local government of the right to impose certain regulations and laws on private builders and developers.

In the explanatory notes accompanying the proposed IPA, private certification "means that, instead of having to apply to local government, an applicant will have the option of making the application to a private certifier who can receive, assess and decide development applications and issue development approvals".

"Private certification offers a complete alternative to approval by public authorities": (their words, not ours).

Put simply, the right to stop shonky, crooked, rip-off builders and developers will be handed over to anybody who has the credentials to be able to call themselves a private certifier.

Private certification will be afforded to anybody who produces the credentials, whether it is by way of accreditation, experience or qualifications.

There is no onus on that person to show they are honest, responsible or committed to ensuring approvals are safe, secure and are prepared to protect the interests of future owners, users or residents.

Under local government, building surveyors and plumbing inspectors are employed on the basis of their commitment to, and agree to be bound by, the Local Government Act along with Council by-laws, regulations, corporate objectives, ethics standards and a strict code of conduct.

Private certifiers have no such obligations.

On the contrary, they will be driven by the noble profit motive—whether there is any money in it will be the primary factor when it comes to certifying a proposed building or development plan or not.

The only problem is—a bad approval can mean the difference between whether a building, structure or house is safe or not, whether an owner or future owner may be up for massive expense to correct building, structural deficiencies and errors at some future time or not.

The government has total disregard for the fact that we are playing with the biggest investment most families make—their home.

This Coalition government allowed the building owners and managers along with the developers' and builders' associations a virtual monopoly on what shape this legislation was to take.

The government excluded the unions and consumer groups from any meaningful contribution to the consultation process.

That is why we have the proposed legislation we have—it caters wholly and solely for the big developers, builders and investors, not for the battlers and people who end up living in these houses, shopping in their shopping centres and working in their offices and factories.

The Labor Party has an ideological, moral and political imperative to side with the battlers, workers and the powerless in the face of this horrendous piece of legislation.

Why support private certification when all the evidence says it is an unmitigated disaster?

Our Building Surveyors and Plumbing Inspectors at the largest Councils in Queensland—Brisbane and the Gold Coast—tell us that around 90 per cent of plans submitted for approval need adjustment before they can be approved.

The fine-tuning required varies—from plans that are totally unacceptable because of breaches of the building laws and regulations to those that have structural and engineering flaws that can often be rectified on the spot.

Evidence from our surveyors and inspectors in smaller councils throughout the state report that hardly a plan is submitted that can be approved at the time of its submission.

Yet the government justifies private certification on the grounds that "the time and costs associated with regulatory compliance functions can add to the costs of development."

It is now patently obvious that the time and costs of compliance are caused by the fact that the builders and developers are submitting plans and proposals that are clearly not meeting the standards set down in the building codes, laws and regulations.

And all too often, these plans and proposals are rejected because they are simply badly or incorrectly prepared.

Under private certification, these plans and proposals merely have to be okayed by a private certifier—and then they can go ahead.

This is inviting disaster on an epic scale—much like a scene from Towering Inferno.

Complete buildings and shopping centres have collapsed in various Asian countries with tragic consequences—the most notorious being in Korea where a shopping centre collapsed, killing hundreds of innocent people.

The recent bridge collapse in Israel, killing a number of Australian athletes, was blamed on corrupt private certifiers who were found to have colluded with the builders.

Shoddy and unsafe structures are uncovered everyday in every city in Australia, where builders and contractors have either failed to meet the standards set down by council inspectors or have irresponsibly gone ahead with projects without the necessary approval of the local government.

In Victoria and the Northern Territory, where private certification has been introduced, people are increasingly going to their local government for inspections and approvals

because they don't trust or have confidence in private certifiers.

In the United States, private certification has been outlawed in most states because of the same reasons—they know and believe that local government is the only body that should have inspection and compliance powers.

It is a reflection of the needs and wishes of the people who have to live, work and shop in these buildings.

The pressure comes from the users, the residents, not the builders and developers who have no more interest than producing and selling as quickly as possible.

These developers and builders have no medium or long term interest in the plans and proposals being submitted—they don't have to live with the consequences of any flaws and deficiencies in the construction or long term viability of each project.

It is not an overstatement to say that this is a life and death matter—collapsing buildings, highrises without adequate plumbing and fire fighting measures, faulty construction and installation—all can result in loss of life.

Any private certifier can disappear without trace if such catastrophe occurs, but no council can, or should.

Consumers and users have peace of mind and security when they know their local government is involved with, and ensures compliance during, planning and construction.

This is a classic case of the people being protected from the might, power and wealth of large corporations and interests.

Why should Labor oppose the IPA Bill?

As pointed out in our previous submission, hundreds of council building surveyors, plumbing inspectors, planning specialists, administrative support will be put out of work by this Act.

The Labor Party can ill afford to be a party to a process that puts people out of work so needlessly and callously.

And for the most dubious of reasons.

The multiplier and ripple effects of such wholesale unemployment, particularly in the smaller rural and town shires, will be devastating.

For every council job that goes, our research shows up to four other jobs, such as in retailing, hospitality and other government services, are put in jeopardy.

The cut-throat competition that private certification has caused in the Northern Territory has two very significant results:

> nobody is making a decent living out of the process, so there is no such thing as transferring jobs from the public sector to the private sector—it is a total furphy; and
>
> because competition is so relentless, private certifiers are dropping their standards and any commitment to compliance as a way of trying to maintain a share of the market.

Everybody—private certifiers, local government, consumers and users—are losing out of this process. The only winners are greedy and unscrupulous developers and builders—they are having a picnic.

Our support for this terrible piece of legislation will come back to haunt us forever more if we fail to oppose it.

As people suffer the consequences of private certification, whether by way of shoddy construction, illegal and unapproved building, unsafe and life-threatening structures and installations, the blame will be sheeted home to the real culprits of this episode—whoever allows these sleazy, dodgy operators to get away with it, and whoever supports the bill that allows them to do it in the first place.

A large part of the backlash against the Olsen government in South Australia this year was because of the privatisation of water and sewerage.

The infamous pong that hung over most of Adelaide in the run-up to the state election was traced to cost-cutting at a private sewerage plant.

Many dams and water systems are under similar threat in NSW and Victoria because of privatisation—Lake Macquarie is a perfect example.

Lake Macquarie Council is fighting to regain compliance powers in the approval of new plumbing and drainage works in an effort to save the lake from pollution.

Residents are being warned not to swim in some areas of Lake Macquarie.

Private certification will give people a very real and physical reminder of the evils of privatisation, as well as a strong sign of the lack of courage and conviction on the part of a government that would allow this to happen.

The Labor Party is all about good government, strong government and efficient government that can protect and look after the powerless and disadvantaged in our society.

Big building and developer corporations are not part of the natural constituency of the Labor Party—and never will be.

The Party has a lot more to gain by standing up for our natural constituency against the privileges and corruption of rip-off merchants.

Any problems of the time and costs associated with regulatory compliance functions can be addressed and minimised within the Councils concerned.

The ASU has already accomplished this through consultation and negotiation, whether through enterprise bargaining or by local industrial agreements, with each Council.

> Current industrial relations provide more than adequate mechanisms to achieve that.
>
> Transferring such powers to private certifiers will not achieve such ends, and result in considerable political and social cost to the architects of the legislation facilitating it.

Mrs CUNNINGHAM (Gladstone) (9.24 p.m.): As has been stated before, the Integrated Planning Bill and its predecessor, the PEDA Bill, have been before local governments and the Local Government Minister for quite a number of years. I know that the challenges of implementing the Integrated Planning Bill will be significant for local governments, particularly the smaller shires which do not have a huge amount of resources. That does not make it wrong, but that challenge needs to be recognised, because over time planning schemes have to be reviewed. The whole approach and mind-set of councils has to be changed to accommodate a quite different approach to planning issues.

The planning scheme may touch people in the community on an informal basis when they try to rezone property or purchase property and have it zoned for duplexes or multiple dwellings. They only have a visitation, if you like, to the new Bill. However, it is a quantum shift for the people who actually operate in the system. A lot of smaller councils are very pro-active and are looking forward to the challenges of the new planning Bill. However, it is a new area and I know that it certainly presents a significant challenge for the smaller rural councils both in manpower and in monetary resources.

I have to acknowledge a couple of things, because it has made dealing with the requests for amendments of a number of groups a little more complex. The discussions and the consultation on PEDA and now the Integrated Planning Bill have been significant. I acknowledge that the various groups worked together as a task force to come to a solution. A number of those groups came to have meetings with me. They presented concerns that, having horse-traded in some instances—their word—on a lot of the issues, a major material change to the Bill on the floor of the House would be counterproductive, given the discussions around the table. I note that three sets of amendments have been circulated and, from the short amount of time that I have had to try to get outside information on them, many of those amendments do not materially change the Bill; they may be things that were discussed—and very heatedly in one or two instances—but they do not materially change the Bill.

Another comment that I think was made, particularly by the LGAQ, was that this is one of the longest birthing processes ever; it has been going on for such a long period. Let us get the baby and see how it works. I am sure the Minister and, in particular, her staff who have worked so hard on the process are looking forward to seeing how the process actually works. I am sure that, if requested, the Minister will do some finetuning later on if it works out to be not as practicable in some areas as she expects. In that case I would hope that she would be more than prepared to at least consider those concerns.

One of the major amendments which will be moved is the one on private certification of building works. It is one of the significant tenets of the Bill. As per those earlier conversations, it concerns me that, having discussed and finetuned the process to the extent that it has, the LGAQ has agreed to the principle. This Bill, after all, will in great measure affect local government. To drop private certification out at this stage could be seen by some to be quite unacceptable. I was of the understanding that the shadow Minister agreed with private certification, so I would be interested to hear his comments during the debate.

Mr Mackenroth: I spoke of that in my speech.

Mrs CUNNINGHAM: Sorry, I was probably trying to chase up amendments.

A number of groups wrote to me with very positive comments about the whole package. They had concerns in perhaps one or two areas, but they supported the package as a whole. The Urban Development Institute of Australia and Planning Australia wrote very supportively of the whole package. As I said, they had some concerns about individual issues, but they said that as a whole the document was a quantum leap as far as the approach to planning in Queensland was concerned.

However, I received quite a bit of correspondence from groups with concerns. Probably heading the charge was the Environmental Defender's Office. I had several meetings with Jo Bragg, the representative from that office, who wanted to have quite a number of further meetings but time just did not allow for it. Jo set out in very clear measure her concerns. Given that there was a group of people on that consultation task force, it was a little difficult to make significant changes to the Bill. I know that Jo was one of the representatives on that task force, and

some of her concerns are contained in the amendments to be moved by the Opposition.

Lindsay Holt from the Queensland Conservation Council wrote to me reinforcing the concerns that had been put forward by the Environmental Defender's Office. From discussions that I have had with the Minister, I know that she is prepared to accommodate one or two of those issues. In particular, she has accepted the proposal to increase from 20 to 30 the number of days for community comment. I thank the Minister for her support for that proposal. I have worked with community groups. When first becoming involved with a particular Government process, there is a huge amount of material to try to understand and come to grips with. People have to learn a whole range of technical terms; they have to try to understand technical papers. Those extra 10 days will in great measure assist community people—not people with experts to help them, but people in the community who may be affected by certain proposals. They might need those extra 10 days for gathering assistance or gathering comment. I commend the Minister for her foreshadowed acceptance of the amendment. Jo had quite a number of other concerns, but I know that they will be raised during the debate on the clauses.

There were letters—and this was, I think, instigated by the Environmental Defender's Office—of support from the Cairns and Far North Environment Centre, the Mackay Conservation Group, the Australian Marine Conservation Society and the Wildlife Preservation Society of Queensland, all of which reinforced the Environmental Defender's concerns and supported its proposals. I received a letter also from a local constituent of mine who is the principal of Murray Pearson & Company. I have passed it on to the Minister's officers. Murray is a solicitor. He was protesting about the fact that lawyers are excluded from some of the appeal processes. Perhaps the departmental officers could make a comment on that through the Minister during her reply.

I also was given a copy of the ASU's concerns, in particular with regard to private certification. I have not had a chance to get back to them, and I apologise for that. Private certification may affect some of the larger councils, but I am not convinced that it is going to have the impact that is expected on the smaller councils, because many of them have only one building inspector who does buildings, plumbing and all of that, so I would be very surprised if private certification has any impact at all on the smaller rural councils. They will still need to keep their single building inspector, because the subdivision work, which was a great concern to local authorities, will still not be privately certified. I am sure that on behalf of many local authorities my thanks are passed on to the Minister for that. When I was still in local government when the PEDA Bill was being considered, one of the concerns was that if subdivision, particularly earthworks, drainage and sewerage—underground work that has significant cost attached to it—was approved by an independent person, there would be all care and no responsibility. If the person went bust and it was seen after two or three years that the subdivision work was inadequate or poorly approved, the local authority then has ownership of it and has to foot the bill to fix it. Who foots the bills incurred by a local authority? As with any Government instrumentality, it is the people. It is appreciated from local government's point of view that the Minister has excluded those subdivision works. Where councils are going to have ultimate ownership, councils will also have responsibility to approve the standard, and for local authorities that is a great step forward. Private certification may affect the larger urban councils—the mega councils that we see now—in terms of jobs. I cannot comment on that, because I am not too sure how much private certification will occur, but I would be surprised if it affected the rural councils at all.

The Sunshine Coast Environment Council forwarded a copy of its concerns to the Minister. I even got some comments from Phil Dickie. It can be seen that quite a number of diverse people are interested in the implications of the Bill. But many of the concerns are projected concerns. This is a quantum shift in planning. Some of the expressed concerns are perceptions, some of them are projections and some of them are fears. I ask the Minister to comment on whether, if some of those fears materialise, she is willing to revisit the Bill to address those matters. With anything that is so different, it is very difficult to predict the full implications. Generally, though, I think local government has been conditioned to expect changes in planning. I know that when the PEDA Bill was first launched a few local councils, particularly the planning officers of those councils, had apoplexy. They did not know quite what they were going to do or where they were going to scratch. But in the interim a lot of time and a lot of consultation have gone into finetuning these measures. Whilst I will be supporting some of the proposed amendments, they are

not intended to highlight inadequacies in the planning Bill but are aimed more, I would hope, at improving it.

I commend both the Minister and the shadow Minister, because I know that both of them have put up with a lot of heartache during this process. When the PEDA Bill was released, I was part of one of the councils that probably caused some of the grief. But it was just adjusting to such a huge change and not quite knowing how local government would resource it that caused the consternation. I think it has to be borne in mind by the Minister that some councils will genuinely run into resourcing problems, and they will probably be back to speak to the Minister about how they can manage the change. Overall, I think people are looking forward to this legislation, and they are looking forward to seeing how it will operate in practice.

Mr CAMPBELL (Bundaberg) (9.37 p.m.): Integrated planning has been required for a long time. As the member for Gladstone pointed out, local governments will play the most important part in this process. That concerns me, because I believe that many local governments do not have the expertise or the finances to appropriately manage the integrated planning process. Another aspect that has concerned me and other Opposition members for a long time is coastal management. I really do not know whether a large Bill such as this, with all its complexities, can also cater for coastal management and development within coastal areas. I think of the current position at Hinchinbrook. When further development occurs in the future, will this legislation be able to overcome those problems?

Mr Mackenroth: If we had had this put in place, it wouldn't be happening.

Mr CAMPBELL: One would hope not.

I am concerned about the manner in which integrated planning will be carried out by the Burnett Shire Council. These concerns have been raised with me over 12 or 18 months now. I have to say that they have not been effectively investigated by the Minister. I have previously asked the Minister to consider the following issues: the grave concerns of the financial situation of the shire and the $2m turnaround to a deficit——

Mrs McCauley: It would be more appropriate to discuss local government issues next week.

Mr CAMPBELL: It would be, but we may not get to that legislation next week, so I believe that it is very important to raise these issues now.

We are talking about integrated planning. But when there is the sacking or the forced resignation of a CEO and the resignation of a councillor because he has lost faith in the shire chairman, how can we then have faith in that shire looking after integrated planning? My concern is that the issues that have been raised with me over a long period are now coming to a head because nothing has been done.

After I asked a question about this in Parliament, Ray Duffy, who has already been mentioned, accused me of being a Johnny-come-lately because I would not take up in this Chamber the issues that had been raised concerning the Burnett Shire Council. I believed that I needed more information. Some of those issues were taken up by another member in the Chamber and those concerns were overcome. But now, under freedom of information, I believe that some of the concerns that were raised then—and about which the Minister said that those people were just scandalmongering—have some basis. That is why it is important to raise them now. When those issues were raised before an election, they were regarded as scandalmongering. However, documents obtained under freedom of information show that some of the issues raised had a basis, and that is of concern. I am also concerned that, although the issues were raised, the Auditor-General, through the auditor of that council, did not find those same issues, or preferred not to find those issues.

Supposedly, answers to questions, which do not now fulfil the requirements of truth, were included in correspondence from the mayor to other ratepayers. I refer to a letter dated 22 October to a Mr K. Burmeister from the mayor concerning the $500,000 loan being taken out for roadworks and then being spent—allegedly—on the shire building. If a letter that is sent to a ratepayer says, "I am advised that all transfers between Programs and Reserves are approved by Council as required by the Local Government Act", why are the new councillors not advised of that? Even when there is an auditor, they have not been shown to be properly done.

The Burnett Shire Council recently had an audit committee that put out a report which states—

> "Council has not complied in full with the provisions of the Local Government Finance Standard."

Some of those provisions and questions were raised over 12 months ago. Why were they not fully investigated—not by the Minister,

because if anything happens the Minister refers them to other areas—and why were they not found out and answered by the auditor?

Another letter that went to the Minister stated that during the last local government election—

> "This invoice covers that February interview by John Doyle regarding 'media comments re lack of family facilities in shire'."

The shire council was paying Cassius Communications to respond to election campaigns. A letter from Cassius Communications says—

> "Dear Reg"—

who is now the sacked chief executive officer—

> "This invoice covers the work completed in February. This included the mayor's speech for the Cane Productivity Awards, the eight page Trading Post feature (which was researched, written, proofed, photos organised and sent to Hervey Bay), an initial plan for the opening of the new chambers (as requested by Ray Gessling), and media releases on CEO addressing IT conference, fish kill at Money's Creek, blackspot road funding, FOI and misappropriation comments and media comments re lack of family facilities in shire."

Candidates at that time were asking, through freedom of information: why should the council have the right to employ Cassius Communications to respond to what were basically election campaigns and election issues? I believe that we should look at this issue.

The council has raised concerns over a long period concerning propriety and planning. People have come to me with serious issues. They have said that councillors, the town-planner and the developer were at a meeting where the town-planner was advised that he had to change aspects of the strategic plan for the developer. He was directed to make changes for the developer. In the future, I can provide names and dates. That is an important issue, because it is being raised by the new councillors, who are not getting answers. If they cannot get answers through their own council, there is only one other way to get them, and that is through this people's House.

I also have a letter written by Joe McMillan, who also raises concerns. He says—

> "In the past and throughout the life of the Burnett Shire, Moneys have been allocated to works, and these works have not been done or only partly so. $200,000 was allocated for use on works in Windemere Estate in the 96-97 Budget; this money was used elsewhere, without any consultation with the people of Windemere. In the 97-98 Budget $308,000 has been allocated for drainage works to be done in Windemere, still nothing has been done."

These issues go to the basis of financial accountability for local government. This is a planning issue in which money has been allocated and promised but not spent on things that were supposedly to be done in the shire. We can only have appropriate integrated planning if we also make certain that that planning is fulfilled and that the requirements are done to the satisfaction of all.

I am aware of five cases of rezoning applications in which there have been unsatisfactory outcomes in the shire. That is integrated planning. If I have to undertake as a local member in a neighbouring area those kind of situations, one must ask: where has the planning been? I am asking these questions tonight because it is important that we get answers. Once we have integrated planning and once we have shires undertaking all these actions, we have to ensure that they will be carried out properly.

That shire is now facing a $32m law suit under the anti-discrimination legislation because developers are concerned about the way in which they were treated by a council. If that is not a major concern, then what is? If we do not overcome those problems, and if we do not have a council that can meet with, deal with and plan with developers and ensure that these things are not going to occur, then what else can we have? Some of these allegations are so concerning that meetings were held to stop land sales. There were meetings to ensure that vendors did not sell, because councillors did not want that to go through. These are major concerns.

I say to the Minister: we can have new integrated planning, but unless the checks and balances are in place and unless we have full confidence in a council, we cannot have good development in an area. I ask the Minister to ensure that what was not done 12 months ago will be done in the very immediate

future so that we can restore confidence in the Burnett Shire.

Hon. D. E. McCAULEY (Callide—Minister for Local Government and Planning) (9.49 p.m.), in reply: I thank all members for their contributions tonight. The member for Chatsworth had me a bit worried when I listened very carefully to the first 10 minutes of his speech. I thought, "I did tell my fellows to keep him briefed, but I did not expect them to write his speech." Then the penny dropped. I did recognise it. I recognised the style. I am pleased that they did not write his speech. Of course, he was in Government longer than we have been. He should have been the one putting through this legislation. However, the proof of the pudding is in the eating: I am here and he is not. I think that says it all.

The member for Chatsworth spoke about policy positions of State agencies and discipline on State agencies. That will be a crucial aspect of this legislation, and probably the most difficult aspect for some groups to come to terms with. With the assistance of my ministerial colleagues, I believe that that will probably be resolved fairly simply, but it certainly has been a challenge until now.

I believe that the legislation is significantly different from the previous legislation. I outlined that in some depth in my second-reading speech in August. I refer the member to that speech. We brought this legislation to the stage of implementation; it was not the Opposition who did that. The issue of regional planning is an interesting one. When it was brought in by Labor it was a socialist plot. There is no doubt in my mind about that. Now that we are in Government, I believe that regional planning is a very useful and worthwhile exercise. It has certainly proved to be so in the most recent exercise in Wide Bay. I did not appreciate the member's comment about rorting the boundaries in Ipswich. As the member would know, I have no involvement in that at all. I cannot even reject the findings when they are brought down. We just have to accept them. I am not losing any sleep over that matter.

I will deal with private certification at the Committee stage. I believe that that is not a fight for this Bill or this time; it is a fight for the amendments to the regulations to the Building Act next year. That is the time to oppose them. As to implementation, the member is right to say that this is not the end of the process; it is simply the beginning. We realise that. We have moved to provide adequate resources for local government. We allowed for that in our budget. We have allowed for intensive training and education programs for local government officers to bring them up to speed on the legislation; otherwise, it will be simply a waste of time. I also took on board the comment about education programs for interest groups. I hope that elected local government officials will also be part of those who are interested in this legislation, because they will have a major say in its implementation.

I thank the member for Warwick for his contribution. He was on my task force. I thank him for his input into this legislation. He said that that left him with a keen interest in and appreciation of planning. Likewise, the learning process of the task force left me also with a keen interest in and appreciation of planning. He also mentioned the growing population that makes planning in this State so important.

The member for Everton spoke about the legislation being too complex. I disagree; it is in plain English. Even the numbering system is easier to follow.

Mr Stoneman: He wouldn't know.

Mrs McCAULEY: It is very difficult to include a definition of "planning" in legislation.

Mr Stoneman: How would you write that?

Mrs McCAULEY: If the member for Burdekin can tell me how, we will do that. I am sure that if the member for Everton could tell me, we might consider it. That is Phil Day's line. It is a Bill of process, not policy.

Mr Mackenroth interjected.

Mrs McCAULEY: I do not accept that as a criticism.

The member certainly misquoted me when he said that I said that this Bill was about urban development, not environment. I believe that the environment is an integral part of the whole process of urban development as well as every other development. I recognise what the member was saying. I reiterate what I said. The definitions and acronyms that people referred to—ESD and so on—are in the Environmental Protection Act. It is not necessary to have those definitions in the Integrated Planning Act. The fact that the legislation is called the Integrated Planning Act means that it is integrated. We believe that all of those aspects are considered in a very balanced manner.

The member for Everton mentioned lawyers. It sounded to me that he feels as I do: if we can keep them out of running the show, that has to be a plus. That is why I have not agreed with the lawyers' push to have

lawyers represent people in the Building Tribunal. I believe that is not applicable. We are maintaining the status quo in that regard. We are not taking away something that they had; we are simply saying, "Stay out of this. We don't want it to be a lawyers' picnic."

Mr Welford: And the reviews.

Mrs McCAULEY: And the reviews, yes, I believe that it is a plus to keep them out of there. However, we will consider that in six months, 12 months or whenever and determine how it is working. If it is not working, it can be changed.

The member for Everton said that people wanted certainty, but they cannot have certainty because the world changes too quickly. I take him up on that point. That is the very reason that we do not have a definition of "planning": it is a moving feast. The minute we try to define it, we constrict it. There is a fairly broad definition of "planning" in the Explanatory Notes; however, it is not suitable to put into legislation.

I thank the members for Barron River and Mirani for their contributions. They are both on my parliamentary committee. They mentioned the positive gains made by the legislation, such as community involvement. I appreciate their input into this legislation. The member for Mirani discussed the consequential amendments to other legislation. Of course, that is a huge part of the process that will be ongoing for some time.

I am not quite sure why the member for Ferny Grove felt the need to rise and speak to this legislation. I watched with interest as he walked in and searched for a copy of the Bill. It was obviously the first time he had had it in his hand. At least he got the name right. I think he must have been the member for Chatsworth's bridesmaid. He rose just to say, "You're a great bloke. You did this. Beauty mate!"

Mr Mackenroth: I wasn't here. Did he say that?

Mrs McCAULEY: Yes, he did say that. I pass it on to the member for Chatsworth for what it is worth. I got the impression that he thought that, if he mentioned my name, he might turn into a rabbit; but he is a rabbit anyway.

An Opposition member: Oh!

Mrs McCAULEY: He is a reasonable rabbit.

The member for Bulimba spoke about injurious affection. I hope he is not under the misapprehension that we have done away with injurious affection. If he is, when he reads the legislation he will be sadly let down. He talked about planning issues in his electorate. He has an electorate that is growing rapidly and is facing some very interesting planning issues. Of course, we are making his electorate into a conservative seat. There is no doubt that the young yuppies are moving into his area at a great rate of the knots.

Mr Ardill: They won't stay there.

Mrs McCAULEY: Yes, they will; A. J. Bush has moved out. The reason I know so much about his electorate is that my daughter and her husband live there. I push the pram around the streets.

Mr Welford: Yuppies!

Mrs McCAULEY: I think they probably are. They are certainly conservative voters. I think he might last just another term, but he must realise that the dynamics of his electorate are changing.

Mr Ardill: That's what he was complaining about.

Mrs McCAULEY: Yes, that probably is what he was complaining about. He also complained about private certification costing jobs. I reject that. I do not believe that that is right.

The member for Gladstone said that this legislation had had a long birthing process. I would have to say that that is true. I make the comment, however, that just about anybody can get pregnant, but it takes a bit more than that to deliver the product.

The member for Gladstone also referred to lawyers being excluded from the appeal processes. She also wanted a commitment on my willingness to revisit the Bill, if necessary. I believe that is part and parcel of this legislation. It is important that, when the legislation is put in place, in 12 months' time, or however long it takes, we get a group of people back to have a look to see whether it is working. There will be things in this legislation that will not work the way we thought that they would. There will be other things that need finetuning. It is most important that we just do not drop the legislation in and say that it is perfect. It is not perfect and, in fact, it will be changed, probably as much as the Local Government Act has been changed over the years, as we respond to the challenges that planning in Queensland face.

Mr Mackenroth: Oh, no!

Mrs McCAULEY: I hope not, too. I thank honourable members for their contributions to this debate.

Motion agreed to.

Committee

Hon. D. E. McCauley (Callide—Minister for Local Government and Planning) in charge of the Bill.

Clauses 1.1.1 to 1.2.2, as read, agreed to.

Clause 1.2.3—

Mr WELFORD (10.01 p.m.): I move the following amendment—

"At page 27, after line 19—

insert—

'(iii) apply the precautionary principle; and

(iv) seek to provide for equity between present and future generations; and'."

The Bill intends to incorporate the concept of ecological sustainability. During the second-reading debate I stated that, so far as the Bill goes, it is an improvement on the current Local Government (Planning and Environment) Act. However, as the Bill is currently drafted, it gives the impression that the people who drafted it are not familiar with the accepted definitions and language of environmental management and that the people who understand environmental management were not involved directly in drafting the provisions in the Bill that describe ecological sustainability.

The description of ecological sustainability is expressed quite awkwardly in the Bill. That is why I say that although the Bill is well intentioned by incorporating the concept of what in accepted parlance is called ESD—ecologically sustainable development—it does not actually adopt it in the way that those who are familiar with the processes that came to develop those concepts usually talk about them. So the language in the Bill as it stands at the moment is a little bit awkward. All I have tried to do by moving this amendment is to make ecological sustainability fully reflect what is commonly understood to be the concept of ecologically sustainable development. This amendment is designed to ensure that the concept of ecological sustainability in this Bill is consistent with concepts of ESD that are contained in other existing legislation. For example, the concept of ESD is already reflected in the Environmental Protection Act.

I have before me the National Strategy for Ecologically Sustainable Development, which was adopted by the Federal Government in December 1992 and adopted by all the State Governments under the intergovernmental agreement on the environment, which sets out the core objectives and guiding principles of ESD. Those core objectives are—

> "To enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations."

That is, in a sense, the concept of intergenerational equity. It states further—

> "To provide equity within and between generations."

That is precisely the wording that I have used in the second part of the amendment that I have proposed. It states further—

> "To protect biological diversity and maintain essential ecological processes and life-support systems."

That is contained in the Bill. What is in the Bill is partly what constitutes ESD but, for reasons that do not seem to make a lot of sense to me, a couple of key elements have been left out.

One of the core guiding principles in the national strategy as adopted by all the State Governments, including our State, is reflected in the definition that is in the subsequent part of the amendment that I propose, which is—

> "Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation."

The precautionary principle simply means that we take a precautionary approach to the environment. It simply means that where we know that the consequences of taking a risk are serious or irreversible, then the fact that we are not sure about the extent of the risk does not justify us postponing measures to try to avoid the consequences. I will make that point again. There are two elements. The first one is: what is the risk of something occurring? That risk may vary from a 10% risk through to a 100% risk. If that risk is taken, then the second element is: what are the consequences of taking that risk if it is realised? This principle says that if the consequences are serious and irreversible, then the fact that we do not know that there is a 100% risk of it happening is not an excuse for not avoiding the consequence. In other words, we should try to avoid the serious or irreversible consequences where the risk is uncertain. If we do not have a 100% scientific certainty that the risk will occur, that is no

excuse for doing nothing; that means that we should nevertheless try to avoid the risk. In terms of the environmental impact, it is simply saying that we should be cautious when we know that one of the possible risks is serious and irreversible.

I understand the Minister's concerns about that matter, but she should not have a concern that that principle creates uncertainty. Already in other States there is substantial case law on the precautionary principle. A number of judicial pronouncements indicate what that principle means in making planning decisions, particularly when those decisions come before the court. The issue is only to the extent that the Minister might have received advice, and I understand that she may have, that the precautionary principle is uncertain in Queensland law. That is axiomatic simply because we have never had it in Queensland law. The courts have not been called upon to address the issue. However, it is in New South Wales law.

There are now plenty of precedents which give guidance to the courts, including the Queensland courts, on what it means to apply the precautionary principle. Where there is plenty of existing judicial guidance to what the precautionary principle means and if the concept of ESD is to be applied in the planning legislation consistently with the way that it applies in other existing State legislation where ESD is already adopted, it should be applied consistently by incorporating all elements of what ESD means. That is all that this amendment does. I invite the Minister to accept the amendment.

Mr ARDILL: To give a simple example of what the member for Everton is talking about, foundries use radioactive material to check for cracks in the castings that may have resulted from the work. In the past, the tailings from that system were simply put out in the paddock alongside the foundry, from where they flowed into the creek systems. If there was a requirement that those tailings should be properly contained or are not to be allowed to end up in a creek system, for example, that would be okay. However, where waste is left lying around residential areas, there is no way of recovering the situation.

Another instance of lesser impact occurred with the tanneries and wool scours that were established in Brisbane up to 150 years ago. The Carindale area is still suffering from the effects of that, as the member for Chatsworth well knows.

Mrs McCAULEY: The principles of intergenerational equity are already reflected in each of the three key components of ecological sustainability described in clause 1.3.6 on page 32 of the Bill. The Government is not convinced as to the way in which the precautionary principle, as it is proposed to be included in the Bill, would be interpreted by the courts. In that respect, the Government is not of a mind to subject investors in Queensland to the vagaries and uncertainties of an untested principle. I heard what the member said about other States, but I am more concerned about Queensland.

Indeed, I am so concerned about the imprecision of the definition as proposed that, in the event of the first amendment of the member for Everton being carried, I will be seeking to include a more precise definition than that contained in his proposed second amendment to this clause in order to give clearer direction to the courts. I think that that is most important.

As I said this morning, this is planning legislation, not environmental protection legislation. While there is certainly nothing in the Bill that prevents a precautionary approach being taken in planning and development decision making, writing the precautionary approach into law in the absence of clear precedent about its application in a planning context would, in my view, be irresponsible. The Environmental Protection Act references the precautionary principle and, to the extent that that Act becomes a factor in decision making about environmental issues under the IPA, the precautionary principle will apply.

Mrs CUNNINGHAM: I support the first amendment moved by the member for Everton. I recognise the difficulties of amending this Bill on the floor, because so much consultation and work has been done to accommodate as many different points of view as possible. However, planning legislation inevitably will affect the environment.

I acknowledge the comments of the Minister. However, even in the south-east corner of Queensland we have seen major impacts on the rural environment as Brisbane spreads. Therefore, it is important that recognition be included in the Bill to ensure that some environmental elements are, as a matter of course, considered.

I seek some clarification. The member for Everton has circulated a proposed second amendment, which we will discuss a little more fully when it is moved, to which the Minister has foreshadowed an alteration. I am prepared to support the Minister's amendment to that second amendment because I have not had time to get legal feedback on a

couple of the words that it contains. Obviously the amendments are interlinked because they both deal with the precautionary principle. However, I received those amendments only late this afternoon and time has not allowed me to get legal advice on some of the words contained in the second amendment of the member for Everton. However, I support the principle——

Mr Mackenroth: Mr Welford is a lawyer and he wouldn't have said it if it was not true.

Mrs CUNNINGHAM: I do not cast aspersions on the member for Everton. No matter who tells me stuff, I try to have it checked.

I support the need for the precautionary principle to be included in the Bill. As responsible planners, we have to look at the impacts of today's planning on tomorrow's generation. Therefore, I certainly support the member's first amendment and we will have further discussion on his consequential second amendment when it is moved.

Mr WELFORD: The Minister's concerns about uncertainty are unfounded. I have looked at some of the case law. In a sense, the Minister herself conceded the point when she said that the principle is already incorporated in other legislation which may well feature in assessments of particular development applications. Of course, if the precautionary principle is going to be a factor relevant to planning decisions by reason of a concurrence agency applying the provisions of the Environmental Protection Act, which includes the precautionary principle, the courts will consider the issue of the precautionary principle in any event.

In many respects, it would be inconsistent for the courts to consider the concept of the precautionary principle in Queensland when a concurrence agency is involved, and then have people arguing that it should not be considered when a concurrence agency is not involved. It seems to me that we would create more problems than we would solve by excluding this principle from the Bill in a way which would be inconsistent with its application in a Bill that is involved in decision making that this Bill contemplates. The Minister needs to consider that, if she knocks the precautionary principle out of the Bill, she is not solving a problem of certainty; she is potentially creating more uncertainty.

Question—That the words to be inserted be so inserted—put; and the Committee divided—

AYES, 40—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, Cunningham, D'Arcy, De Lacy, Dollin, Edmond, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

NOES, 39—Baumann, Beanland, Connor, Cooper, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

Pairs: Goss W. K., Borbidge; Smith, Santoro; Beattie, Sheldon; Elder, Elliott

Resolved in the **affirmative**.

The CHAIRMAN: Order! Honourable members departing the Chamber will do so quickly and quietly.

Mr WELFORD: I move the following amendment—

"At page 27, after line 31—

insert—

'(1A) For subsection (1)(a)(iii), the precautionary principle is the principle that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(1B) For the application of the precautionary principle, public decisions should be guided by—

(a) careful evaluation to avoid, wherever practicable, serious irreversible damage to the environment; and

(b) an assessment of the risk-weighted consequences of various options.'."

This amendment simply gives the definition of what "precautionary principle" is. It gives a definition that is consistent with accepted practice and understanding about what the precautionary principle is. Overall I think the Parliament has been right to incorporate the concept of the precautionary principle in the Bill in accordance with the previous amendment that has just been accepted. I think it would be a grave error to then define the concept that we have included in a way that is different from the accepted definition and understanding of the term in every other jurisdiction in Australia.

If the Minister is concerned about legal certainty in relation to what the precautionary

principle is, the commonsense thing to do is to adopt an understanding of the precautionary principle consistent with other places where that definition already has a well established meaning and accepted understanding in the courts. In the same way that I explained to the Minister what potential uncertainties and legal complications might arise in Queensland if we did not include the principle, so it would be if we included the principle but defined it in a way that was inconsistent with the accepted meaning and understanding not only in the literature and in environmental circles but also in other jurisdictions where the principle is established in legal decision making.

In relation to the purpose of putting in the definition that I have put in, particularly the first paragraph, if the Minister is concerned about my definition, I might help her by drawing her attention to proposed section 1.2.3(1B), if she wants to adjust anything. But I would be very concerned, and I think the Minister should be concerned, about meddling with proposed section 1.2.3(1A), because proposed section 1.2.3(1A) is the essence of what the precautionary principle means. It is the accepted understanding and definition which applies to the precautionary principle in other jurisdictions where that principle already operates. It is the decisions of those other jurisdictions that will give guidance to our courts to make sure that the principle is applied consistently.

If we go amending the definition of the "precautionary principle" so that we now develop a unique definition which has no precedent at all, we are creating the very uncertainty and confusion which I think the Minister justifiably is seeking to avoid. I have moved this amendment for that reason. If the Minister is concerned about the definition I have incorporated, by all means she should have regard to proposed section 1.2.3(1B) if she wants to make some adjustment. I suggest that to meddle with proposed section 1.2.3(1A) would create extraordinary uncertainties given the accepted application of this principle in a number of cases in other jurisdictions from which the Queensland Planning and Environment Court could take guidance.

Mrs McCAULEY: I move the following amendment—

> "That all words after 'that' in the Opposition's amendment be omitted and the following words be inserted—
>
> > 'For subsection (1)(a)(iii) the precautionary principle is the principle that if there are threats of serious or irreversible environment damage, careful evaluation must be made to avoid wherever practicable serious or irreversible environment damage including, if appropriate, assessing risk weighed consequences of various options.' ."

I remind the member for Everton that we had a task force that slugged out all of these things. I need to keep faith with those members who expressed certain views about that. For that reason, I am not prepared to go blindly down the path of amending legislation that we have worked so long on and put so much time and effort into. Simply because we had a task force and we worked our way through these issues, there will be very few amendments that I will be accepting on the floor of the Chamber.

Mrs CUNNINGHAM: I seek some clarification. Will all the words after proposed section 1.2.3(1A) be omitted and the Minister's words inserted; is that right?

Mr FitzGerald: No, the word 'that' on line 2 of 1A; all the words after the word 'that' which appear in Mr Welford's line be deleted and then the insertion go in.

Mrs CUNNINGHAM: That probably needs to be checked, because that would repeat the first part of the sentence.

Mr FitzGerald: I see.

Mrs CUNNINGHAM: I will speak to the motion while this point is being clarified. The Minister's amendment will see the words left out that I believe the member for Everton, Mr Welford, will say are the crux of the whole motion, and they are "lack of full scientific certainty".

Mr FitzGerald: The insertion is to be altered.

Mrs McCAULEY: The amendment should read—

> "After the word 'that' in line 2, omit all words and insert—
>
> > 'If there are threats of serious or irreversible environment damage, careful evaluation must be made to avoid wherever practicable serious or irreversible environment damage including, if appropriate, assessing risk weighted consequences of various options.' "

Mrs CUNNINGHAM: This amendment is being made on the run. Part of the reason for that is that the amendments were not available till quite late in the day. The material difference between the amendment moved by

the member for Everton and the Minister's amendment is the omission of those words "lack of full scientific certainty". There has been no opportunity to get the implications of those five words clarified. We sat here and the member for Everton gave me some examples. I understand that the case law in New South Wales and Victoria is not planning legislation but environmental legislation, and I am not sure how much work has been done applying that wording to the planning regime. It is a problem because, from what the member has said, I believe those are fairly significant words.

With the Minister's amendment to the amendment moved by the member for Everton, we are still getting the spirit of that definition of precautionary principle. As I said, unfortunately there has not been enough time to get a full understanding of how those few words will affect the planning Bill if it is challenged in court. It is more difficult, given the long period of consultation that has occurred prior to the debate tonight.

Again, the definition used in the amendment moved by the member for Everton is left out of the National Strategy for Ecologically Sustainable Development which all of the Governments have now signed off on. That was again in the environmental area and not in the planning area. I think it is important to get those considerations into the planning Bill, but because we are doing it on fairly amorphous grounds, some caution is necessary particularly on my part, because I do not have a full understanding of the legal implications of those words and it is a very difficult concept to explain.

Whilst I understand where the member for Everton is heading with his amendment, given the time constraints and that lack of information, I will be supporting the Minister's amendment to the member's amendment to still get the concept inserted into the Bill without putting at risk the application of the Bill, particularly when it comes to law.

Mr WELFORD: I understand the concern that the member for Gladstone has, but I would say this, and this is very important: the member for Gladstone is responding to the Minister's amendment out of a spirit of compromise, and I think that is a grave error. The reason I say that is this: I have already mentioned that the definition of the precautionary principle has an accepted definition under the national strategy adopted by all States and under a series of planning court decisions in other States. If the member is minded not to adopt the definition that I propose, frankly she would be better not to have a definition at all, because there is an accepted understanding of what the precautionary principle is. She is better off not to have a definition at all than to have one which is frankly wrong and misleading. That is why I told the Minister before that she is potentially creating for herself more of a burden of uncertainty by having a definition that is different from the accepted definition than by accepting the accepted definition.

Mr Lucas: Because it will have to be tested.

Mr WELFORD: Because it will have to be tested anew. It will be a totally novel proposition when it first gets to the court. Not only will it be novel, it will be inconsistent with the definition of the precautionary principle which the court will have to consider if the Environmental Protection Act is relevant to the planning decision where the relevant concurrence agency is involved.

I simply say to the Minister that I understand where she is coming from but, by moving this amendment, she is making a decision on the run. This is only one legal opinion that I offer out of the generosity of my spirit—and there will be no bill—the Minister should just think through the logic of this amendment which is that she is amending an accepted definition. If she wants to drop off proposed section 1.2.3(1B) if she thinks that complicates things, by all means, she should do that. I say this to the member for Gladstone, too. To get the specific point, if the Minister wants to drop off proposed section 1.2.3(1B), she should drop it off, but she should not meddle with proposed section 1.2.3(1A) because the precautionary principle that we have just accepted makes no sense if we do not use the accepted definition.

If she does that, she will be making policy on the run, which I seriously suggest will mean that the court in Queensland will have to deal with a totally novel definition. That is precisely the uncertainty that she wants to avoid—and I want to avoid it, too. That is partly why I have been putting it in—because it is already in the Environmental Protection Act and it is already accepted in other jurisdictions in Australia. Frankly, the Minister should either drop proposed section 1.2.3(1B) or drop the whole damned thing, but she should not meddle with an accepted definition because that is where she will create the uncertainty. It is not the concept that is uncertain; it will be uncertain, though, if she creates an entirely new definition of an accepted description.

Given that the Parliament has accepted the precautionary principle as an appropriate

principle to have in, no-one should be spooked by those words about scientific certainty, because they are not problematic in accepted practice. There is an accepted way that the courts will deal with it, and they will be able to deal with it consistent with the way it has been dealt with in other jurisdictions. It does not turn whole decisions around anyhow; it is only a factor that is weighed in making a decision. But if the Minister changes the definition, then she will have our courts tied up in knots forever, because they will have to distinguish the way they interpret it in Queensland from the accepted definition not only in all the documents—in our own legislation in Queensland and all the supporting policy documents at State and Federal level—but also the definitions as they have been applied in the courts in neighbouring jurisdictions. I can only urge the Minister sincerely. I am not trying to win a political point; I am very serious about this. She is better off leaving out the definition altogether than having one that will, frankly, create more complications and more uncertainty than ever would be created any other way.

Mrs McCAULEY: I thank the member for his comments, but I believe that if we do not define the principle, then the courts will. Let me say that if the member finds this an unsatisfactory situation, he has brought it on himself. The member for Gladstone has been saying in the nicest possible way to him that he did not get these amendments to her in time for her to check that lack of full scientific certainty. If she had been able to check that, she would have had a clear path to follow. The member did not do that, so he is going to have to wear the consequences.

Mr WELFORD: I want to respond to that point. With respect to both the Minister and the member for Gladstone, they have known about these amendments for some time because they were submitted to them by the Environmental Defender's Office. When the Environmental Defender's Office submitted the suggestion that this be incorporated—and did so, might I say, with the majority support of the task force, which we have all praised tonight—the majority of the task force accepted the precautionary principle being incorporated in this Bill, simply because it was consistent with the accepted national definition of ecological sustainability. So the task force accepted——

Mr Springborg interjected.

Mr WELFORD: As a majority. Not all of them did, and I acknowledge that, but the majority of the task force would agree to this element being included. The Parliament has now included it. With respect, it is not an argument to say that we should not adopt the accepted definition simply because these amendments came late. These amendments are word for word what has been submitted to both the Minister and the member for Gladstone for many weeks now by the Environmental Defender's Office. It submitted them not because it had any particular barrow to push about a definition of ESD—we have already accepted that the precautionary principle is an element of that definition—but because if we want a definition at all and we do not want the courts to define it, then we have to have one that is consistent with our own other legislation in the Environmental Protection Act and with the accepted definition elsewhere.

I know the nature of these issues is such that the Minister and the Government of the day, when they have advice to take a particular course that concedes some but not the whole, feel that they have to hold the line and dig in their heels, but I simply say again: there is an accepted definition. If the Minister does not adopt the accepted definition, she is adopting a definition that will create more problems than she is solving. I urge her not to dig in her heels just because she wants to make part of a concession. I urge the member for Gladstone to understand that. If the Minister wants to bowl something over, she should not bowl over the clear and accepted definition of the precautionary principle and create something that is a monster for this and any other Government. If we get into Government, we do not want to have to be grappling with a court that itself is dealing with one definition of the precautionary principle under the Environmental Protection Act and another definition of the precautionary principle under the Integrated Planning Act when they are both considered in a development application decision. It is fraught with enormous confusion.

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

In division—

The CHAIRMAN: Order! Any further divisions prior to 11 p.m. will be of two minutes' duration.

AYES, 40—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke,

Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 39—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Goss W. K., Borbidge; Smith, Santoro; Beattie, Sheldon; Elder, Elliott

Resolved in the **affirmative**.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided—

AYES, 40—Baumann, Beanland, Connor, Cooper, Cunningham, Davidson, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Harper, Healy, Hegarty, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Malone, Mitchell, Perrett, Quinn, Radke, Rowell, Simpson, Slack, Stephan, Stoneman, Tanti, Turner, Veivers, Warwick, Watson, Wilson, Woolmer. Tellers: Springborg, Carroll

NOES, 39—Ardill, Barton, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, De Lacy, Dollin, Edmond, Fouras, Gibbs, Hamill, Hayward, Hollis, Lavarch, Lucas, McElligott, McGrady, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Borbidge, Goss, W. K.; Santoro, Smith; Sheldon, Beattie; Elliott, Elder

Resolved in the **affirmative**.

Clause 1.2.3, as amended, agreed to.

Progress reported.

GRIEVANCES

Queensland Law Society Fidelity Fund

Hon. J. FOURAS (Ashgrove) (10.55 p.m.): I rise regarding a letter I received from a constituent about the Law Society, specifically in regard to the operation of its fidelity fund. My constituent says—

> "Briefly my problem is this. A solicitor"—

and I shall not mention his name—

> "... misappropriated funds from his Trust Account and matters came to a head April, 1997. Several deceased estates and some hundreds of thousands of dollars were involved. One of the estates was that of my late mother-in-law. To the best of my knowledge, no criminal charges have been laid against"—

that solicitor—

> "however, the Professional Standards section of the Law Society have made charges against him. These charges have not yet been heard by the Society.
>
> I understand that"—

the solicitor's—

> "assets (if any) would not cover even a small portion of the stolen funds, and therefore a claim was made against the fidelity fund. Representatives of most of the other deceased estates did likewise.
>
> The Society advised us in late September, 1997 that it is still considering the matter. As part of that letter, we were advised that the Act provides for a limitation of $60,000 in reimbursement to cover all claims made against any one practitioner. There is some discretion to pay greater amounts in certain circumstances.
>
> It has come to my attention that the bank balance of the fidelity fund is very much in debt, to the tune of some $800,000, and that the fund lost $1.4 million last financial year. The current State Government is, as I understand it, in consultation with the Society on this issue."

Concerns have been expressed by my constituent about how competent the management of the fund is and whether it is in serious financial trouble. I believe that the Attorney-General should answer that. I believe that financial losses through a breach of trust are in no way similar to financial losses due to bad investments or business transactions. I believe that it is inappropriate for this to happen, particularly in view of the high fees charged by solicitors.

Time expired.

Association of British Travel Agents Conference, Cairns

Ms WARWICK (Barron River) (10.57 p.m.): I am pleased to inform the House that Queensland has, once again, beaten an international field to gain a major conference for this State. Cairns has won the right to host the 1999 Association of British Travel Agents conference. The conference, which is expected to attract around 2,000 delegates, is a major coup for Cairns—and for Queensland—in the year before the Sydney Olympic Games. The ABTA conference is an excellent opportunity to maintain interest in Queensland during a period when our

international marketing could be overshadowed by the worldwide focus on Sydney. ABTA is a highly respected travel industry authority in the United Kingdom, and this conference is a great opportunity to highlight Queensland's attractions to its influential members.

Queensland last hosted an ABTA conference, on the Gold Coast, in 1986. Almost all of ABTA's executives consider the Gold Coast conference to be their most successful ever. And industry experts believe it played a major role in enhancing the holiday tourist market from the UK, which had previously been dominated by travellers in the "visiting friends and relatives" category. The 1999 conference will be held at the Cairns Convention Centre and will include an extensive pre- and post-conference tourism program. As we approach the year 2000, international attention will inevitably focus on Sydney. But the ABTA conference will give Queensland tourist products enormous exposure in one of our most important international markets. Previous ABTA conferences have been held in South Africa, Turkey and the Canary Islands.

Queensland's bid for the conference was coordinated by the Queensland Tourist and Travel Corporation, in conjunction with Tourism Tropical North Queensland, the Cairns Convention Centre, the Australian Tourist Commission and industry operators. It takes great teamwork to secure a conference like this, and I believe that the House should congratulate the industry, and particularly the Tourism, Small Business and Industry Minister, Bruce Davidson, on this latest win for Queensland.

Liberal Party Councillors, Brisbane

Mr T. B. SULLIVAN (Chermside) (10.59 p.m.): I have heard that, in the Liberal Party, they have some wonderfully talented women, but two Brisbane City Councillors are not among them. One is Councillor June O'Connell, whose spiteful words and nasty actions are becoming her trademark. The other is Brisbane's north side recurring political enigma in the form of Councillor Carol Cashman.

At public functions and community groups, Councillor Cashman is all smiles and sweetness. There is, however, another side to that Liberal councillor. She is duplicitous and deceitful. When alderman for Kalinga, Cashman made all sorts of reassurances to the residents around a particular proposed development. She showed them plans of a single-storey building set back from the street front and residential homes. Then a two-storey besser brick monolith popped up close to houses, with parking spaces completely eliminated. Even though she had pretended to support local residents, she drove the approval for that building through council. She can keep popping up because she knows how to cover her own duplicitous tracks. Council officers seeking the council file on which the damning evidence of her dishonesty is recorded discovered that the file is officially "lost", but the records do show that it was lost by Sallyanne Atkinson's deputy mayor.

The thing that most demonstrates what this woman is truly like is her record on staff relations. At Bracken Ridge, Cashman inherited a job share arrangement which the previous Liberal councillor was happy with and which worked quite well. By May she put both staff members on two months' probation because she was not happy with job sharing. Two months later, without a word of feedback or comment in the meantime, both staff members were sacked by her. She did not allow them to stay on long enough to train a replacement full-time personal assistant. The replacement PA commenced work on a one-month trial. Nine working days later—that is right, just nine days later—she, too, was gone: sacked. You have to ask whether all those people are so bad, or is it Councillor Cashman?

In public, Councillor Cashman is all smiles and sweetness, but behind the scenes she can be nasty, demanding and duplicitous. There is more to come about Councillors Cashman, O'Connell and others. Many council workers, at senior level as well as in the local depots, have found Councillor Cashman to be unreasonable, overbearing and rude.

Charters Towers/Dalrymple No. 8 Flight Air Training Corps

Mr MITCHELL (Charters Towers) (11.01 p.m.): It was my pleasure last Saturday to attend the banner presentation for the Charters Towers and Dalrymple No. 8 Flight Air Training Corps Cadets at the Charters Towers Airport and the passing out dinner later that night. The community of Charters Towers is very proud of its young eighth flight cadets. To achieve their banner in only two years is a magnificent achievement. Two years ago, nearly to the day, I was approached by a constituent to assist in commencing a cadetship program for the young people of Charters Towers.

I was fortunate enough to be put in touch with Wing Commander Graham Volker, ATC. He is the commanding officer of the North Queensland Squadron. He was most receptive to the idea. Within a matter of weeks, a public meeting was called with the assistance of previous members of different forces and the community of Charters Towers. Only a couple of months later, No. 8 flight became a reality. I wish to thank Wing Commander Volker for his assistance in seeing this program commence and for his support over the past two years.

Since No. 8 flight's inception some two years ago, only a handful of instructors have been on hand every Friday for training and also for regular bivouacs for the cadets on weekends. I wish to thank and congratulate the following people on the behalf of the Charters Towers and Dalrymple communities: Flight Commander Bill Schluter, Pilot Officer Bill Norton, Pilot Officer Wayne Dixon, Sergeant Rod Titlow, Sergeant Ray Burdekin, Sergeant Tony Thomas and Aircraftsman Graham Archer.

As I said before, it has been only two years since the inception of this program. One hundred and twenty young people from Charters Towers have been involved. There have had two passing out parades in that period.

Time expired.

National Parks

Mr ARDILL (Archerfield) (11.04 p.m.): I usually have plenty of complaints for the Minister for Education who is in the Chamber tonight, but I am not complaining to him. This grievance is directed to the Ministers for Lands and Environment. During the past two years, as secretary of the Opposition Environment Committee, I have visited many national parks and State forests. I have been doing that for many years anyway. I should admit to being a member of the environment movement for over 30 years. I have seen most of Queensland's national parks.

I make a plea to the two Ministers to carry out the necessary work over the next few weeks to clear pathways in national parks and State forest parks for the arrival of the thousands of people to those parks after Christmas Day. It is undesirable that those parks, particularly those within 200 kilometres of Brisbane, are as unprepared as they were last Christmas while those across the New South Wales border are in pristine condition. After rain last year, State forest parks in the main range area were infested with stinging nettles. I saw some bad cases of children suffering stings. The same could occur again unless two weeks' work is carried out this year to clear weed growth along the paths and in camping areas.

While I am discussing pathways, I draw the attention of the Minister for Environment to the lack of paths in a number of our wilderness national parks, such as Hook Island, Whitsunday and many others, leading to the degradation of those areas as people make their own pathways through them. I particularly mention Conway Range and Eungella National Parks, because recent advertisements invited people to go into them. Currently, one cannot even find an entrance into them. Many of our parks from Lamington, our first major park, to those in north-west Queensland need attention, particularly to pathways.

Time expired.

Tourists with Disabilities

Mrs WILSON (Mulgrave) (11.06 p.m.): I have great pleasure in informing the House of a significant initiative announced recently by the Minister for Tourism, the Honourable Bruce Davidson. Through the Queensland Tourist and Travel Corporation, Queensland's tourism industry will be encouraged to include tourists with disabilities in its marketing strategies. The QTTC has conducted a study into the needs, interests, barriers and possible solutions for the disabled tourist market. The findings of that study will be used to help Queensland tourism operators explore opportunities within their market.

Interestingly, the QTTC's study revealed tourists with disabilities spent $470m annually on overnight accommodation. Although Queensland is largely a disabled-friendly destination already, I am sure those figures will convince any operators who may still believe that the disabled market is only a small one. Worldwide there are 46 million potential customers for top-quality tourism products suitable for people with disabilities. Those numbers do not include the growing aged population who would also benefit from many of the access improvements made by operators wishing to provide suitable facilities for people with disabilities.

The QTTC study is timely in light of Queensland's efforts to attract teams to Queensland for pre-Games training for the 2000 Sydney Paralympics. The Minister travelled to Sydney recently to address the International Paralympic Committee General

Assembly. He is extremely confident that we will attract many teams to Queensland for pre and post Games training and touring. The coalition Government is certain the Queensland tourism industry will recognise the enormous potential the Games offer to promote Queensland as an ideal destination for disabled tourists. The QTTC's study will be of enormous assistance in giving the industry some useful directions.

This is just the sort of groundbreaking initiative and leadership that is typical of the new QTTC. It is a credit to all at the corporation, and most particularly to the Minister, whose leadership has taken the QTTC and the tourism industry as a whole into a new era of cooperation and world-class marketing.

Japanese Investment in Queensland

Mrs BIRD (Whitsunday) (11.08 p.m.): Until recently, Japanese investment in Queensland has been beneficial and certainly advantageous. There is little doubt that the Japanese and Asian investors are clever, wise and profitable for employees and employers, at least while the market is running smoothly. The problems arise, it seems, when profits begin to fall. It has been my experience that the treatment of employees at that time is not only not fair but there is no loyalty returned to the employee. My experience with Nippon Meats and 400 job losses at Merinda Meatworks and 450 at Mackay showed an uncaring, take-it-or-leave-it attitude that leaves towns much poorer for their presence.

The recent treatment of employees of Aqua Del Rey International at Laguna Quays Resort is at least very distasteful. In receivership, many redundancies occurred. Some people took up employment with the new firm, but most left. Those redundancies payments have never been paid. Tony Owens is a former employee of Laguna Quays and is entitled to payment of almost $4,000. He probably will not get it; but he could use it.

Distributions to employee creditors related to only unpaid leave and superannuation entitlements, but they did not relate to redundancies. The losers in this are the many employees who were caught up, firstly, in the receivership of Aqua Del Ray and Laguna Quays and then in the resale to Village Roadshow Properties. The irresponsibility of these companies leaves a very bad taste in the mouths of local people. There is a natural tendency not to trust these firms in the future.

Speech Nights

Mrs CUNNINGHAM (Gladstone) (11.10 p.m.): In common with many members of the House, over the past few weeks I have had the opportunity to attend speech nights at high schools throughout my electorate. My electorate contains three high schools, a hightop and a new high school coming on line next year at Tannum Sands. The Gladstone High School, Toolooa High School, Chanel College and Mount Larcom Hightop have all had their graduation ceremonies for the year. Most of the program was run by the students.

Mr McGrady: Not as good as my local schools.

Mrs CUNNINGHAM: I bet mine were better! The students chaired the function, acted as ushers, provided the music and sometimes the drama. All of those elements of the program were excellent and were carried out very professionally.

Speech nights recognise the excellence of individual students. That includes excellence in the academic fields of maths, English and science. Speech nights also recognise some of the unique schemes of the various schools. One of the high schools has a PET scheme, which is a mentoring program where Year 11 and Year 12 students look after Year 8 students and make sure that they integrate into the school well. The house prizes included prizes for activities that developed teamwork, healthy competition and comradeship over the years. All of the students who participated in those activities receive a great benefit.

I would like to commend all of those students, their teachers and parents. When I see all the positives in the student bodies as I attend these functions, I know that our State has a great future ahead of it. I would like to wish all of those students who have graduated every success in their endeavours in 1998.

Pay TV

Hon. K. W. HAYWARD (Kallangur) (11.12 p.m.): As pay TV operator Australis Media lurches towards receivership and probable liquidation, many people are going to get the blame. However, one person who should receive a large share of the blame is Professor Allan Fels, the Chairman of the Australian Competition and Consumer Commission. As it now stands, Professor Fels will be singularly responsible for ensuring that pay TV is not distributed via satellite or microwave. As I understand it, pay TV via this method is distributed to nearly 300,000

homes, which are located mainly in regional and rural Australia. Recently, on the Business Sunday program, Professor Fels indicated that should Australis collapse, it is unlikely that he would allow either of the cable operators to take over and buy the assets of Australis Media.

Where does this man and his taxpayer-funded competition commission get off? Is this Federal coalition Government so pathetic and so out of touch that it is unable to put this man in his box on this issue? He appears to be proposing some insane notion of competition—a notion that would send the company to the wall, a notion that would result in a considerable increase in unemployment, a notion that would result in the loss of technology and technological knowledge as hundreds of workers are retrenched, and, just as importantly, a notion that when cable becomes the only delivery method, over 60% of Australian homes, mostly in rural, remote and regional Australia, will have no possibility of access to pay TV.

I ask members to think about the impact that will have on regional and rural Queensland. Make no mistake: the impact of the Fels strategy on people in rural and regional Queensland will enrage them as their access to information and entertainment, which is available without question to city dwellers, will be finished. The Howard Government will not fix the situation, and its coalition colleagues in this Parliament are equally as guilty.

Dante Alighieri Society

Mr SPRINGBORG (Warwick) (11.14 p.m.): The Dante Alighieri Society recognises the Italian poet, Dante Alighieri, who lived in the 13th and 14th century. He was recognised as the father of Italian language with his work The Divine Comedy, which was written in the vernacular rather than in Latin.

There are approximately 400 of these societies throughout the world, which are administered by the Sedicentrale in Rome. They administer scholarships throughout the world for the teaching of Italian and provide a scholarship of $2,500 for a student to go to Italy each year to study the Italian language and culture. The society promotes the diffusion of the Italian language and culture. It is non-profit, non-denominational and non-political.

In Stanthorpe, the society provides a focus for the Italian community. It holds beginner and advanced classes in Italian as well as annual social functions such as picnics and singalongs, film nights and information conferences. The Stanthorpe society has close links with the Italian immersion program at the Stanthorpe State High School and supports activities outside the school. I would like to place on record my great support for the teacher there, Frank Arcidiacono, who over a number of years has really pushed to bring this program to fruition. Under this program, the students learn all of their lessons in Italian. It is a great program.

Last week, at the society's annual dinner, I had the very great pleasure of presenting to one of Stanthorpe's outstanding citizens, Father Lino Valente, the diploma di benemerenza, which is the diploma of merit from the society. Father Valente is an outstanding citizen in the community. That diploma recognises the wonderful contribution made by Father Valente and by implication the other Italian people throughout my electorate to the tobacco industry, the fruit industry and the building of industry over a great number of decades.

Mr FitzGerald: And wine.

Mr SPRINGBORG: I say to the honourable member for Lockyer that for many, many decades the Italians in my area have been leaders in the wine industry.

Unfair Dismissal Laws

Mr ROBERTS (Nudgee) (11.16 p.m.): I want to make a few comments about the dishonest propaganda that is being promoted by the Minister for Training and Industrial Relations about the unfair dismissal laws. Since the Minister's appointment, he has engaged in a disgraceful campaign of misinformation about these laws. In my view, it is nothing more and nothing less than a blatant attack on the competence and integrity of the Queensland Industrial Relations Commission.

I refer to an advertisement in last week's Sunday Mail in which the Minister is quoted as saying—

> "In the past, many small businesses have resisted hiring new staff—especially younger and less experienced people—because unfair dismissal regulations often created difficulties in dismissing them if things didn't work out."

What a load of drivel! The reality is that, since their inception, the Queensland laws have been applied fairly to both employers and employees. The Minister knows that and he

knows that many of the fears of small business are based on nothing but ill-informed perception.

As I have said, the Queensland laws have been applied fairly since they were introduced by Labor. Unfortunately, there have been some notorious cases in the Federal commission, and many of those cases have been used in the fear campaign against Queensland small business. Despite the challenges to provide evidence of such cases in the Queensland jurisdiction, the Minister has failed to deliver. Instead he has gone out there fuelling the myths and misinformation that have poisoned these laws in the minds of many employers. The unfair dismissal laws have been applied in this State for many, many years. Many of the legal principles that are applied by the commission have been in place for over a decade. The only change that has occurred in recent times is that the Minister and the Government have now removed the protection of those laws from many employees.

In recent years, the number of unfair dismissal claims has not risen because of the nature of these laws or because they were codified by Labor. They have risen because, in my view, many people fear job insecurity. They are simply fighting to defend their employment in a very uncertain marketplace. The Minister must stop telling untruths about the unfair dismissal laws and he must stop wasting taxpayers' money in denigrating those laws.

Business Incubator, Sunshine Coast

Mr LAMING (Mooloolah) (11.18 p.m.): I take this opportunity to commend the work of the various area consultative committees in Queensland that have been set up with Federal Government assistance in most regions to foster economic growth and employment. I have had the pleasure of visiting and addressing ACCs in south Brisbane, north Brisbane and, of course, on the Sunshine Coast.

To give members some idea of the scope of the Sunshine Coast ACC's activities, I will read a list of its recent reports: 1. A Business Incubator; 2. Skills Base (A Marketing Campaign for Trainees); 3. Executive Counselling Service; 4. Sunshine Coast Schools Industry Links; 5. School-based part-time traineeships; 6. Career Work Keys; 7. Tourism Events Groups—which includes sport, culture and the arts; 8. Regional Education Network; 9. Regional Master Plan—to develop a Sunshine Coast Strategic Regional Economic Development Plan; 10. Doing Business Overseas; 11. Home-based business network; 12. Networking the Nation (A Regional Telecommunications Infrastructure Fund); and 13. NEIS, the New Enterprise Incentive Scheme.

In such a short time I can go into detail on just one of those initiatives. The Sunshine Coast ACC intends to develop a business incubator which will, as the name suggests, encourage new small businesses to launch, grow and flourish in a healthy and helpful business environment. Such an incubator could quite possibly be located in the Maroochydore area and a new regional organisation is planned to bring it to fruition. Those exciting concepts have worked well elsewhere and I wish the committee and participant businesses well in the initiative, which will bring new business and sorely needed jobs to the Sunshine Coast.

Greenhouse Gas Emissions

Hon. T. McGRADY (Mount Isa) (11.20 p.m.): I understand that today in Canberra the Prime Minister made some policy announcements concerning the reduction of greenhouse gas emissions. Whilst I have not had the opportunity to see or read those policies in detail, I think that congratulations are in order. From the report in the media tonight, some of the environmental groups do not believe that those policies go far enough, but at least they are a step in the right direction. Those initiatives are certainly welcome.

This demonstrates once again that the policies of the Goss Labor Government, when we introduced them some years ago, certainly captured the imagination of the people of Australia. In those days, Queensland led the way in the field of alternative energy policies. Of course, upon election, the coalition Government scrapped those policies which, I understand, the Prime Minister has today announced he will introduce on behalf of the Federal Government. Tonight I call on the Queensland State Government to swallow its pride and to reintroduce some of the policies that it scrapped some months ago.

We all have to recognise that Australia, as a part of this planet, has a duty to reduce greenhouse gas emissions. While I said before that the Federal Government's policies will go some way towards doing this, I still believe that the State Government has a responsibility.

As we have announced, upon election a Queensland Labor Government will reintroduce the policies that this Government has destroyed. At this late stage, the Minister should apologise to the people of Queensland and admit that he and his Government were wrong. He should at least follow the lead set today by the Prime Minister and reintroduce those policies.

Time expired.

Sunday Trading

Mr HARPER (Mount Ommaney) (11.22 p.m.): A couple of weeks ago, my wife Rhonda and I attended an awards presentation evening for the businesses of the Mount Ommaney shopping centre. I commend the centre management for putting on such an evening and for providing a program that really encouraged the businesses of that shopping centre to demonstrate their talents. The night certainly highlighted their talents and the hard work that small-business people must do to maintain their businesses six days a week. Of course, many of those are family businesses that employ one or two extra people.

That example really highlights some of the problems that small-business people will face if Sunday trading is introduced into major centres. We must remember that there is only so much money to go around. Consumers can only spend so much money, whether they have one day or 20 days to shop. They have only a limited amount of money to spend and they can only buy so much, regardless of how long the shopping centres are open. Sunday trading will impact on small-business people, their family lives and their incomes. While the major companies claim that Sunday trading will create new jobs, many jobs will be lost from small businesses that can no longer afford to employ family members and others. That is certainly a fear amongst small-business people.

Like the member for Toowoomba North, I have the small-business people in my electorate saying to me, "Put our case for us. Stand up for us and tell the Parliament and the people what is involved and the problems that lie ahead." I certainly support their case. As a nation and a community we have to think of the work that those people do and give them a hand.

Time expired.

Mrs C. Thomas

Mr LUCAS (Lytton) (10.25 p.m.): Recently my office was approached by Mrs Caroline Thomas, a former employee of the Butterfly House at South Bank. On 20 June Mrs Thomas was dismissed without warning by Paul Farrell, one of the owners of the Butterfly House. Despite having worked for the company for five years, Mrs Thomas suffered the indignity of being sacked over the phone. Mr Farrell refused to give reasons for her dismissal or to pay her in lieu of proper notice.

Mrs Thomas subsequently wrote to the Department of Industrial Relations in a bid to recover arrears owed to her. An industrial inspector from the Mount Gravatt office found irregularities in the pay books, including Mrs Thomas being paid the wrong rate, not being paid overtime and being paid to work one-hour shifts when the minimum payable shift was three hours.

An assessment of arrears due—which amounted to $1,700—was sent to Mr Farrell on 1 September, but it was only last week that Mrs Thomas was finally paid. That came after numerous phone calls, letters and faxes from the inspector to Mr Farrell—time, effort and money that could have been better spent investigating other cases. If Mr Farrell had stonewalled further, it could have been many more months before the matter went to an industrial magistrate, with all the additional time and expense that this would have entailed.

Mrs Thomas is very grateful for the efforts made on her behalf, but she makes the point that employers found to have shortchanged their workers should be fined if they do not pay up within a reasonable time. After all, ordinary members of the public face an additional fine if library books are returned late, tax returns are overdue or parking tickets are not paid by the due date. Such penalties remind the offender that there are administrative costs involved in enforcing regulations and in following up those who do not comply. Yet here we have an employer who fails to pay award entitlements, is caught out, thumbs his nose at the legal entitlements——

Time expired.

Motion agreed to.

The House adjourned at 11.26 p.m.