THURSDAY, 18 JUNE 1992

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

ELECTORAL AND ADMINISTRATIVE REVIEW COMMISSION

Reports

Mr SPEAKER: I have to inform the House that today I have received from the Chairman of the Electoral and Administrative Review Commission the Report on Review of Archives Legislation and the Report on Investigation of Public Registration of Political Donations, Public Funding of Election Campaigns and Related Issues.

Ordered to be printed.

PETITIONS

The Clerk announced the receipt of the following petitions—

Abortion Law

From **Mr Lester** (197 signatories) praying that action be taken to ensure that the law prohibiting abortion on request be enforced.

QEII Hospital

From **Dr Watson** (2 555 signatories) praying that there be no restriction on facilities offered by the QEII Hospital and that no services or units be relocated to other hospitals.

Pornographic Material

From **Mr Fitzgerald** (693 signatories) praying that the Parliament of Queensland will ensure that restricted material be not openly displayed, marketed or sold at retail outlets where such material may be accessed by young Queenslanders, and that there be no licensing of sex shops to display, market and sell X-rated material.

Community Legal Centres

From **Mr Beanland** (6 signatories) praying that the Parliament of Queensland will continue to fund community legal centres.

Petitions received.

SUBORDINATE LEGISLATION

In accordance with the schedule circulated by the Clerk to members in the Chamber, the following documents were tabled—

Health Rights Commission Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.98

Health Services Act—

- Brisbane North Regional Health Authority (Transfer of Officers) Order 1992 (No.1)

Physiotherapists Act—

- Physiotherapy Amendment Regulation (No.1) 1992, No.99

PAPERS

The following papers were laid upon the table of the House—

Mr Wells—

(1) Reports for the year ended December 31, 1991—

Special Prosecutor.

Office of the Director of Prosecutions.

(2) Report upon action taken or proposed with respect to Recommendations of the Parliamentary Committee of Public Accounts on the Management of Funds Earned on Solicitor's Trust Accounts.

MINISTERIAL STATEMENT

Office of the Parliamentary Counsel

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (10.04 a.m.), by leave: As members would be aware, the Fitzgerald report recommended that the Electoral and Administrative Review Commission undertake a review of the role and functions of the Parliamentary Counsel. The report stated that the Office of the Parliamentary Counsel needs to operate with a degree of independence, given its role in advising on the appropriateness of legislative proposals.

The Legislative Standards Act, which received royal assent on 1 June 1992, provides for the establishment of the Office of the Parliamentary Counsel under the control of the newly created statutory position of Parliamentary Counsel. The Act provides for the Parliamentary Counsel to be appointed by the Governor in Council for a period of no longer than seven years. The eligibility criteria for appointment to the position of Parliamentary Counsel are established under the Act.

I wish to inform the House that on 4 June the Governor in Council appointed John Michael Leahy to the new statutory position of Parliamentary Counsel for a period of five years. The remuneration arrangements which have applied since his previous appointment as Parliamentary Counsel under the Public Service Management and Employment Act remain the same. Mr Leahy was initially appointed to the position of Parliamentary Counsel on 27 December 1990.

Members will recall that the Electoral and Administrative Review Commission Report on Review of the Office of the Parliamentary Counsel recommended that an appropriate selection process be established for appointing the Parliamentary Counsel, namely, that the selection be undertaken by an independent selection panel. The State Government is of the view that the extensive recruitment process undertaken to fill the position of Parliamentary Counsel under the Public Service Management and Employment Act just 18 months ago, and the subsequent appointment of Mr Leahy, satisfy the requirements proposed by EARC. It is on this basis that I sought the approval of the Governor in Council for his direct appointment to the newly established statutory position of Parliamentary Counsel. The selection process carried out prior to his initial appointment not only adheres to the intentions of the recommendations made by EARC and adopted by this Government but also ensures that the operations of the Office of the Parliamentary Counsel will continue to be conducted without disruption.

I am confident that Mr Leahy will ensure that Queensland legislation continues to be of an exceptionally high standard and that the provision of independent advice on legislation generally is maintained.

MINISTERIAL STATEMENT

Standard Gauge Rail Link Project to Port of Brisbane

Hon. D. J. HAMILL (Ipswich—Minister for Transport and Minister Assisting the Premier on Economic and Trade Development) (10.06 a.m.), by leave: It can certainly be said that one of the hallmarks of this State Government has been its willingness and effectiveness in consulting with the public on important decisions. While Governments are elected to govern, they also have a responsibility to listen. Nowhere has this been more evident than in my own portfolio where consultation has occurred on every major project. We are currently undergoing a major consultation phase on the detailed design of the $72m standard gauge rail link project to the port of Brisbane. On 14 June, in his column in the *Sunday Telegraph* newspaper, Associate Professor Ross Fitzgerald made a number of extraordinary statements about that project. For example, he wrote, firstly, that—

> "Whatever the motive (for the project) the result will be that, because of noise pollution, the southern half of Brisbane will be dissected by a belt of industrial sonic slums."

Secondly, he wrote that the current impact assessment study is a—

> ". . . so-called environmental impact study being undertaken by the Department of Transport".

Thirdly, he wrote that—

> "The study is just about 'truck' traffic versus train traffic on the existing route."

One could excuse a first-year history student but not a politics student for failing to do his homework, for building a case on a shaky foundation or for presenting a report before marshalling the facts; but when the author of such a derelict essay is an associate professor, one can only hope that it is indeed a rarity. There are some serious and fundamental flaws in Associate Professor Fitzgerald's thesis. Firstly, the department is not conducting the impact assessment study at all. The independent and well-respected firm of Maunsell Pty Ltd has been contracted to do the study. Furthermore, it is not a study about truck traffic versus train traffic. The study is identifying and assessing potential noise problems, and it will recommend measures to ameliorate those problems. In addition, the study is assessing the potential impact of the project on local ecology, the community, road traffic, service infrastructure, land use amenity, hydrology and heritage as well as the economic impacts and safety issues.

Professor Fitzgerald talks about local residents being threatened by the prospect of a standard-gauge rail line and the two to four additional train movements a day that it will bring. Yet there are already 116 trains a day using that rail corridor. The alternative route that he would have the Government reconsider does not now have a train line. He suggests that the best corridor to the port of Brisbane would be one that is away from the residential areas; but the alternative route goes through Calamvale, Browns Plains, Woodridge, Underwood, Eight Mile Plains, Wishart, Mansfield, Burbank, Carindale and Tingalpa, and that route involves cutting a swathe through the Karawatha Forest. As for Associate Professor Fitzgerald's claim that the southern suburbs will be dissected by a belt of industrial sonic slums and the local residents will be forced to sell their homes at a loss, it is clear that the professor is the one who is well and truly on the wrong track.

I would remind those who seek to distort the facts regarding this important infrastructure project that not only does it generate employment, but, by improved train capacity and scheduling, and with the commitment of this Government to noise abatement measures, the local community receives substantial benefits. They include fewer heavy vehicles on local roads, fewer night time freight movements and the opportunity to run additional electric passenger rail services. In common with Associate Professor Fitzgerald, I place the utmost value on the freedom of speech, but I recognise

that all wisdom does not flow from the coffee in the humanities common room at Griffith University. I believe that, before making public comments, it is incumbent on all of us to make sure that we get our facts right.

MINISTERIAL STATEMENT

Mr T. Walker and Mr D. Reimer

Hon. P. COMBEN (Windsor—Minister for Environment and Heritage) (10.10 a.m.), by leave: Recent statements made in the media and in this House by the Liberal Party Environment spokesman, David Dunworth, on the disappearance of two Environment and Heritage departmental officers are inaccurate and must be corrected. The decision to end the official search for officers Terry Walker and Darryl Reimer was taken solely by search authorities. Following consultation with family friends and colleagues, particularly those participating in the search, the department decided to maintain the search and only ended this—sadly and reluctantly—following advice from police and the SES. The decision to end the search had absolutely nothing to do with funding. Indeed, at the outset of the search, both my director-general and I instructed that funding was not to restrict the search in any way and that funding would continue while there was hope of finding the men alive.

The search was extensive and professional, involving, at its peak, 13 aircraft and numerous boats and people, covering both land and sea. The use of the 5-metre vessel by the two researchers was also unrelated to funding. Investigations in the Townsville office of the department suggest that Terry Walker chose this particular craft because of its manoeuvrability and suitability to seabird research on islands and in the sort of terrain that he was to traverse. We have not been able to find any suggestion that either Terry or Darryl had requested a larger boat.

Other matters questioned by Mr Dunworth relate to the officers' own discretions. In the past two years, there have been no cuts in the departmental budget. Indeed, the budget for conservation management in the department, excluding funding for the two major projects of the Wet Tropics management and national parks acquisition program, has been increased by 22 per cent over the past two years. The men had safety and radio equipment on board the vessel, but it appears that the usual reporting-in procedures with a local network of people failed. The appropriate forum to address fully the issues relating to the men's disappearance will be the coronial inquiry.

Terry Walker was a highly competent and experienced conservation officer who worked mostly in the maritime area, specialising most recently in seabird studies. He had been provided with funds to compile an atlas of seabirds of Queensland. Darryl Reimer had worked from the desert to the reef with a large range of fauna. From 1985, he was a ranger/technician with the department's turtle research program. He was particularly proud of beating his Minister in the annual bird-watching competitions two years running. He was also proud of the fact that last year the Premier in this place presented the trophy to him at a function in the barbecue area. Both men were popular, and I call them both friends. Their disappearance is a great loss to conservation and to my department. I now request publicly and in this House that Mr Dunworth, in the interests of the family and friends of those two men, cease making inaccurate statements. With his comments, Mr Dunworth does nothing to enhance the standing of members in this House.

Mr DUNWORTH: I rise to a point of order. I made those comments at the request of the family.

MINISTERIAL STATEMENT

Absence of Ministers during Question Time

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.13 a.m.): Mr Speaker, I have to inform the House that both the Minister for Primary Industries and the Minister for Family Services and Aboriginal and Islander Affairs will be unavoidably absent from the House today during question time.

PERSONAL EXPLANATION

Mr BARBER (Cooroora) (10.13 a.m.), by leave: This morning, at 3 minutes past midnight, the member for South Coast made a cowardly attack on the reputation of prominent Noosa community members, including the shire chairman and me. He was heard to say——

Mr Dunworth interjected.

Mr SPEAKER: Order! The member for Sherwood! I intend to listen to the personal explanation from the member for Cooroora in silence, and I demand that.

Mr BARBER: The member was heard to say on radio this morning that he was fairly certain of the substance of the allegations; but anyone who has spent any time in this House knows that one must be absolutely certain. The member for South Coast alleged, amongst other things, that my campaign has received funds of dubious probity. My campaign proper has not commenced and the funds received by me for my campaign to date are nil.

The member for South Coast alleged that my campaign director, Mr Bob Cartwright, had won a large amount of Noosa council litigation work; yet, on the Henshaw program this morning, Mr Playford, the Shire Chairman, advised that Mr Cartwright had received no work from the Noosa Shire Council. I expect that the allegations made——

Dr WATSON: I rise to a point of order. It seems that the member for Cooroora is debating the issue rather than making a personal explanation.

Mr SPEAKER: Order! Serious allegations have been made about a member of this Chamber. He is entitled to answer them by way of a personal explanation.

Mr BORBIDGE: On the point of order—my understanding is that the honourable member can make a personal explanation in respect of himself, not in respect of other Labor Party mates.

Mr SPEAKER: Order! I do not want to debate my ruling in relation to the scope of personal explanations. An honourable member can respond if he is personally affected or personally misrepresented.

Mr BARBER: I expect that the allegations by the member for South Coast will be shown up for what they are. They are deliberate lies, and I call on the honourable member to name the sources of his lies and come out of his coward's castle.

Mr SPEAKER: Order! I ask the honourable member to withdraw the word "lies".

Mr BARBER: I withdraw the word "lies". The allegations are untrue, and I call on the member for South Coast to come out of the House and name the sources of these untruths.

Mr BEANLAND: I rise to a point of order. The member is now debating the issue. When making a personal explanation, he must show how he is personally affected by this matter, and he should not debate the issue. The Standing Orders are quite clear.

Mr SPEAKER: Order! Has the member for Cooroora finished his statement?

Mr BARBER: No, Mr Speaker.

Mr SPEAKER: Order! I suggest that the honourable member should not debate the issue. Rather, he should talk only about the extent to which he has been personally misrepresented or personally affected.

Mr BARBER: The member for South Coast is intent on slurring the reputations of those individuals, including me——

Mr SPEAKER: Order! The member for Cooroora will resume his seat.

PRIVILEGE

Debate on Motion of Dissent from Speaker's Ruling

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (10.17 a.m.): On 7 May, I moved that Mr Speaker's ruling in respect of questions by the member for Moggill of that date be dissented from. Under the Standing Orders of this House, such matter would normally come on for debate within three sitting days. In the last sitting week, I held discussions with the Minister for Education and Leader of the House. He inquired whether, as the matter was sub judice, the Opposition would agree to an adjournment of the debate on that motion. I agreed to that, on the understanding that the matter would come forward for debate this week. I understand from discussions that I have held this morning that there is legal advice to the effect that the matter should still not be canvassed. As a matter of courtesy, I request, Mr Speaker, that that legal advice be made available to the Opposition, so that it can be satisfied that its agreement to circumvent its rights under the Standing Orders of this place is valid.

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.18 a.m.): This morning, I have had discussions with the Leader of the Opposition. I have since spoken to the Attorney-General, who has received legal advice in relation to this matter. In fact, the matter is still sub judice and the debate should not occur in this House at this time. The Attorney informs me that he will make a copy of that advice available to the Leader of the Opposition.

Mr SPEAKER: Order! I have also sought legal advice and have been advised that the matter is still sub judice.

QUESTIONS UPON NOTICE

1. South Bank

Mr LITTLEPROUD asked the Deputy Premier, Minister for Housing and Local Government—

> "With reference to indications that the cost over-runs associated with the South Bank Parklands Project are now almost equivalent to the original cost estimate of the project—
>
> (1) What was the original estimated total cost of this development?
>
> (2) What is now the total estimated cost of the project?
>
> (3) Does the South Bank Corporation have sufficient funds to pay design variation and acceleration claims amounting of some $15m before 30 June?
>
> (4) Were substantial cost over-runs on the project caused by the lack of detailed design drawings and construction flow planning of the project which necessitated widespread changes as construction progressed?
>
> (5) Did the project superintendent, McLachlan Cameron McNamara order extra work done on variations and to accelerate the project, telling sub–contractors to submit claims for the extra costs involved because 'money was not a problem' with the project?

(6) Will he give an undertaking that all claims associated with this project will be assessed and paid, if not by the opening day, by close of business on 30 June?

Mr BURNS: (1) $101m rounded.

(2) $105m rounded.

(3) I am not able to advise the honourable member on this matter until the agreed variations have been settled, but I am advised by the corporation that it is expecting no major budgetary problems.

(4) I refer the honourable member to answers (1) and (2).

(5) I am advised by the corporation that this is incorrect.

(6) The honourable member should be aware that I have asked that all claims associated with this project be dealt with with the upmost urgency.

Further to my specific replies to the honourable member's questions, I stress to the House that complaints from subcontractors are a matter in the first instance for Fletcher Jennings and not the South Bank Corporation. However, I am advised that in certain hardship situations involving subcontractors, over the last two weeks South Bank has advanced approximately $2m to Fletcher Jennings to be reconciled against the agreed variation. This money is to be used to assist in genuine cases of hardship. I assure the House that this Government will do everything possible to ensure that all legitimate claims are paid as soon as possible. The Government continually advised South Bank of this.

2. Queensland Health

Mr DOLLIN asked the Minister for Health—

"Is he aware of a claim by the Opposition Health spokesperson in the Maryborough Chronicle during the week ending 13 June that, since the Goss Government's election, an additional 1831 bureaucrats have been employed by Queensland Health and, if so, is this statement correct?"

Mr HAYWARD: I am aware of the outrageous claim, which demonstrates yet again the Opposition Health spokesperson's unparalleled ignorance of the operations of Queensland Health. The member for Callide and her National Party colleagues failed to understand the significance of the move to regionalisation when it was implemented last year, and she obviously has not improved her knowledge since then. She cited as the basis for her claim an editorial in the *Professional Officer* , the journal of the Queensland Professional Officers Association. I have a copy of that editorial, and the only reference it makes is to additional staff positions. There is no mention of bureaucrats. The simple fact is that she has confused—accidentally or otherwise—the somewhat negative term "bureaucrats" with "service providers", that is, the doctors, nurses and health care specialists providing the face-to-face health services needed by the people of Queensland and being delivered by this Government.

The PSMC review of the old departmental structure found that under the previous Government, the central office bureaucracy had grown at the expense of the dedicated service providers in Queensland's hospitals and community facilities. The number of actual office-based staff has declined since the Goss Government replaced the old centralised Health Department with the more efficient and effective regionalised structure. I have no shame in declaring that the Government has increased the number of service providers because, after years of neglect, there was a need for expansion in the area. More service providers in the regions means more services for people where they live.

The member for Callide later made the completely nonsensical claim that this Government "is spending the scarce health dollar in the wrong area—people instead of services". This demonstrates her abject failure to understand even the most basic fact of what the health system is all about. When the high-tech equipment and the hospital capital works is taken out, the vast majority of the health budget is spent on labour-

related costs, that is, the trained and professional health work force who provide care to the sick people of Queensland.

The first two Budgets of this Government have seen significant increases in the number of nurses, doctors, and allied health professionals working for the benefit of Queenslanders. If members of the Opposition want to criticise this Government for increasing the number of people delivering personal health care throughout Queensland, then they are even further out of touch with the health needs of Queenslanders than when they were in Government. Such claims are no less than what I would expect from the Opposition, which has no creditable alternative health policies and, apparently, even less honesty in talking about improvements made by this Government.

3. Mr K. Rudd

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

"With reference to the Director-General, Office of the Cabinet, Mr Kevin Rudd—

(1) Is Mr Rudd still on secondment from the Department of Foreign Affairs, Commonwealth Public Service?

(2) What are the terms of such secondment?

(3) Has Mr Rudd received a promotion in the Commonwealth Public Service since he has been in his Government's employ and, if so, to what level was he promoted?

(4) Has Mr Rudd signed a State Executive Service contract which includes tenure provisions as part of the package applying to his current position?

(5) Is Mr Rudd now in the position of effectively 'double dipping' on public service jobs, his current one in Brisbane and one that he can fall back on in Canberra?

(6) How many other public servants in the Queensland Government's employ are on secondment from other State or Federal bureaucracies or instrumentalities?

(7) What are their names, positions and the terms of their secondment?"

Mr W. K. GOSS: (1 to 7) I seek to table my three-page answer and have it incorporated in *Hansard.*

Leave granted.

1. Mr Rudd remains on leave without pay from the Commonwealth Department of Foreign Affairs and Trade. He receives no salary or benefit from the Commonwealth while on leave.

2. Mr Rudd's leave without pay is due to expire in December 1992. This has been confirmed in correspondence between myself and the then Secretary of the Department of Foreign Affairs and Trade, Mr Richard Woolcott.

3. Yes. Mr Rudd has been promoted to a position in the Commonwealth Public Service of Band 1 (upper) since entering the Queensland Public Service. The right of Commonwealth public servants to apply for promotions within the Commonwealth Public Service during a period of leave without pay is consistent with the provisions of the Commonwealth Public Service Personnel Management Manual.

4. All Directors-General with the Queensland Public Service are engaged on a contract basis. They do not enjoy the tenure extended to other public servants. Mr Rudd's senior executive service contract is consistent in term with that of other Directors-General. If Mr Rudd elects to return to the Commonwealth at the end of his leave without pay, he would of course forfeit the remaining term of his contract and not be eligible for any additional benefits from the State Government.

5. No. Any public servant within the Commonwealth or State jurisdiction can seek leave without pay. Indeed, Governments at all levels encourage their officers to gain experience in other jurisdictions or with the private sector utilising leave without pay

provisions. Both employers, as well as the individual officers, benefit from such exchanges of skills and expertise.

Standard leave without pay provisions at both Commonwealth and State levels retain a right of re-entry for an officer to their home department at the end of the period of leave.

Consequently it makes no sense to talk of any officer "double dipping" while on leave without pay from one jurisdiction to gain experience in, and contribute expertise to, another.

I would emphasise such interchange arrangements with the Commonwealth Public Service were employed by the previous National Party Government. This included officers recruited from the Department of Foreign Affairs and Trade to work on State Government projects.

6. Honourable members will recall that this issue has been raised on a number of occasions by members of the National and Liberal Parties. I remind the House as I did on 6 November 1990 and 20 November 1990, that records are not kept on which public servants have been seconded from other State or Federal bureaucracies or instrumentalities. To compile such information would require examination of the individual employment details of over 30 000 State public servants. No useful administrative purpose would be served by the considerable expense involved in generating or maintaining such records.

   Interchanges with the Commonwealth and other State bureaucracies and instrumentalities are common and continuing. They occur across all levels of Government and with the private sector. Interchanges serve one purpose in particular which I would hope is supported by the Opposition. Specifically, such interchanges sensitise Commonwealth public servants to the public policy concerns of a State such as Queensland. In this sense, interchanges can assist in keeping the Commonwealth bureaucracy aware of the policy and implementation challenges facing other levels of Government.

7. As most honourable members would realise, neither this Government nor any Government in Australia keeps separate employment records which discriminate on the basis of a public servant's background.

4. Effect of Fightback on Superannuation Benefits

Mr SCHWARTEN asked the Treasurer—

"Is he aware that proposals under the Liberal/National Party 'Fightback' package would have a detrimental effect on superannuation payouts for State Public Servants and, if so, what impact will the package have on public servant superannuation benefits?"

Mr De LACY: I thank the honourable member for Rockhampton North for his question. I recognise his interest in this issue. Owing to his question, I was forced to undertake some research. I think that it is important.

Mr BORBIDGE: I rise to a point of order. Mr Speaker, I draw your attention to the fact that the matters canvassed in this question were canvassed at length in a debate in this Parliament on Tuesday in which the Treasurer refused to participate.

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

Mr De LACY: It is important that I——

Mr FitzGerald interjected.

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

Mr De LACY: Now that I have the undivided attention of all members, I should state on the record that the coalition's Fightback package will undoubtedly have a significant detrimental effect on the superannuation plans of Queensland public servants. As honourable members would appreciate, superannuation is a topic of great interest to Government employees and is, indeed, a significant part of their remuneration package. The adverse effects could be said to affect primarily three areas of superannuation. Firstly, the coalition plans to increase taxation on superannuation

contributions in the hands of the superannuation fund to levels up to the personal income tax rate paid by members. This proposal is so flawed that the superannuation industry has identified that it would create chaos as fund trustees cannot hope to know at what rate their members pay taxation. I am aware that the coalition has now gone running to industry experts in an effort to adjust the proposals to make them practical.

The administration of schemes such as the major Queensland Government scheme, Q Super, which is a defined benefit scheme, will be particularly difficult—if not impossible—under such an arrangement. As contributions in these schemes are held in a general pool and not in the name of each member, it is impossible to imagine how an individual's tax rate can be applied. If tax is averaged across the membership, once again we would see the lower paid members subsidising the higher paid.

Secondly, the coalition intends to change the taxation on lump sum benefits. Whilst it might sound magnanimous to drop the lump sum tax to zero for retirees over 60 years of age, for many of the Queensland Government employees currently retiring the effective rate of tax under current arrangements is, indeed, already minimal because of the impact of pre-1983 service. Although the coalition might be promising a small reduction in the lump sum benefit tax, employees will most likely have to contend with an overall reduction in their net benefits because of the Fightback proposal to increase the tax on the investment earnings of funds from 15 per cent to 25 per cent.

I am aware that employees are greatly concerned that the coalition is also intending to introduce significant disincentives to retire before age 60, by increasing the tax on benefits before that age to a flat 20 per cent. For people looking forward to retirement at present, this is a significant increase in the rate of taxation that they would otherwise have paid, given—in most instances—long periods of pre-1983 service. I fail to see the benefit of attempting to lock people into the work force by imposing penalty rates of tax, particularly when they and their employers have made sacrifices to ensure that the level of their benefits means that they need never be a burden on the social security system.

Thirdly, the coalition is proposing restricting lump sum benefits by requiring that members can receive only $60,000 plus half of their benefit over $60,000 as a lump sum, with a maximum lump sum ceiling of $300,000. The retrospective impact of the coalition's proposals will severely hamper the retirement plans of many Australians. The Federal Labor Government has taken care in the past to ensure that changes to superannuation arrangements apply only in respect of future benefit accruals so as not to interfere with workers' retirement plans. The retrospectivity of the coalition's proposals is unnecessary, and will cause considerable hardship to many workers——

Opposition members interjected.

Mr De LACY: I am trying to hurry up, but if Opposition members want me to slow down——

Mr SPEAKER: Order!

Mr De LACY: It will cause considerable hardship to many workers who had planned for their retirement around an expected lump sum provision. No longer would people be confident that the retirement benefits they have already paid for would not be subject to retrospective Government interference. I note in this morning's press that the Treasurer, Mr Dawkins, is also considering further superannuation changes. I simply urge him, in framing his own policy, to take into account also these very legitimate concerns about the coalition's Fightback proposals.

5. Police Staffing, Central Queensland

Mr SCHWARTEN asked the Minister for Police and Emergency Services—

"With reference to a letter to the Rockhampton Morning Bulletin by the Member for Peak Downs—

What is the correct situation, especially in regard to extra police officers appointed to the Central Region?"

Mr WARBURTON: I am familiar with the contents of Mr Lester's letter, which recently appeared in the Rockhampton *Morning Bulletin*. For the honourable member's information, I point out that there are 552 police officers in the Central Region based around Rockhampton. Since 1989, the police numbers at Yeppoon have increased from 10 to 12. The two additional officers were assigned to Yeppoon this year. In his letter in that Rockhampton newspaper in reference to Yeppoon, Mr Lester said—

> "When I was Police Minister prior to the last election, I promised 24 hour police coverage on the weekends and that progressively we would build from that to a total 24 hour service."

Mr Lester interjected.

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

Mr WARBURTON: The letter continued—

> "Had I still been Police Minister, Yeppoon would have had at least twelve (12) uniform police officers by this time."

I have no doubt whatsoever that the then Police Minister, Mr Lester, made the promise. Remember that the promise was made very late in 1989 before the demise of the National Party Government. Promising more police, new police stations, new TAFE colleges was Mr Lester's speciality throughout 1989. However, everyone who does not tell the truth gets caught out. On 21 November 1989, only days before the State election——

Mr Lester interjected.

Mr SPEAKER: Order! I warn the member for Peak Downs under Standing Order 123A for persistent interjections.

Mr WARBURTON: Mr Lester, the then Police Minister, wrote to the Shire Clerk of the Livingstone Shire Council which, by letter in October 1989, had asked for a review of the staffing level at Yeppoon. In his reply, I would have expected—and I am sure that this expectation would have been shared by Yeppoon residents—Mr Lester to confirm his promise. But only a few days before the State election in 1989, all that he was able to tell the shire clerk was the real truth of the matter. In his November 1989 letter to the shire clerk, Mr Lester referred to a Police Department needs assessment of the Yeppoon Police Station, and he said—

> "I have examined the matter, and ascertained that, with the additional Detective Sergeant and associated resources, the present staff is adequate to meet current needs at the Yeppoon Police Station."

So much for Mr Lester's promises about 24-hour police coverage at Yeppoon! He obviously had no intention of keeping them.

Finally, Mr Lester's statement, which he made in that letter, that if he was still the Police Minister, police numbers would increase at Yeppoon, shows something very important. It shows how the National Party operated and would continue to operate in Government. Had the National Party continued in Government in this State, we would have continued to see police assigned to areas because of political reasons rather than on a needs basis.

QUESTIONS WITHOUT NOTICE

Health Department Premises, Bottlebrush Avenue, Noosa

Mr BORBIDGE: I ask the Minister for Health: has his department entered into any negotiations with a Mr Bob Cartwright, or people acting on behalf of Mr Cartwright, who is chairman of the campaign committee for the member for Cooroora and an associate of the Premier, about locating into premises located at Bottlebrush Avenue, Noosa in preference to developing a site already owned by his department?

Mr HAYWARD: I think that the Leader of the Opposition's question refers to articles that appeared in the *Noosa News* on 15 May 1992 and the *Noosa Citizen* of 20 May 1992 as letters to the editor. Those articles referred to a new building—allegedly owned by a local Labor Party identity—being constructed next to Health Department land and alleged that the Health Department had leased a substantial proportion of that building. Those articles requested Ray Barber to tell the people of his electorate whether the arrangement, which was said to be funded by the taxpayer, was an interim measure or whether the lease was for a long period. The allegations in the articles regarding the alleged Health Department lease of part of the neighbouring building are unfounded and false. The Regional Health Authority intends to build its own purpose-built community health centre on land purchased by the Government for that purpose. Ray Barber's office has taken the allegation up with the Criminal Justice Commission for investigation, and the author of the letter has been requested by Ray Barber to submit all material in his possession to the CJC.

Mr BORBIDGE: We just want to know whether there were discussions, and that is what the Minister gives as an answer.

Mr SPEAKER: Order! I warn members generally that when they intend to ask a second question and they debate the previous one, I will sit them down and they will not be allowed to ask the second question. That is a warning.

Kuranda Land Acquisition

Mr BORBIDGE: In directing a question to the Minister for Education, I refer——

Mr Gibbs interjected.

Mr SPEAKER: Order! The Minister for Tourism!

Mr BORBIDGE: Mr Speaker, would it be possible to have similar treatment for the Government side of the House?

Mr SPEAKER: Order! It may be opportune for me to make an observation. It is amazing that when they are on their feet members want silence in the Chamber but, when other members are on their feet, they do not afford them silence.

Mr BORBIDGE: In directing a question to the Minister for Education, I refer to the finding against him in the Supreme Court of Queensland by Mr Justice Shepherdson of bias—I repeat "bias"—in dealings over the compulsory acquisition of land at Kuranda. I ask: in view of the damning Supreme Court indictment of his involvement in this issue, how can the Minister defend his actions? What is the cost to the taxpayer of the employment by the Government of a team of lawyers led by a QC to defend his indefensible land grab which has been ruled to be illegal? What is the cost to the taxpayers of Queensland of his heavy-handed bungling?

Mr BRADDY: The question of land resumption at Kuranda for the high school site has always been a very controversial issue. It is appropriate that that matter, which is still before the courts, not be canvassed fully at this time.

Opposition members: Oh!

Mr BRADDY: Do honourable members want to know the answer or not?

Mr Borbidge: Read the transcript.

Mr BRADDY: I have read the transcript. The questions of law relating to the Education Department and the Lands Department are very complex issues as to timings and investigations that led up to the final decision. I have received legal advice from the Crown Law Division and senior counsel retained by that division on behalf of the Government that that finding of bias and several other decisions are very much appealable. In fact, appeal documents are now being prepared. In the light of those circumstances, it is not appropriate at this time to canvass the matter. When the appeal has been heard, the honourable member will be welcome to canvass the matter in full.

Access Economics Publication

Mr PREST: In directing a question to the Treasurer, I refer to the recent publication of Access Economics on State Budget prospects for 1991-92 and 1992-93 and the comment contained therein that the very recent surge in spending in Queensland, if sustained, would quickly choke off the improving trend in the State Budget position. I ask: can the Treasurer explain the true position of the State Budget and whether or not the tables contained in the Access Economics document justify that warning?

Mr Stoneman: Give us the full story on this one.

Mr De LACY: Yes, I intend to tell the full story. I note that members of the Opposition have found one qualifying comment in the whole of the document and they are using it to somehow insinuate that something is wrong with Queensland's financial management.

Mr Stoneman: You didn't know what Access Economics were 18 months ago.

Mr De LACY: No, because that organisation was usually working for the Liberal Party and the National Party. I should make the point at the outset that Access Economics is the organisation that works for the Liberal Party. That organisation prepared the Fightback package. The publication made the point that the underlying position of the Queensland Budget is sound, but it said that, if the trend of increases in expenditure continues, the underlying position may be somehow jeopardised. On perusing the tables in the document, I cannot see how that organisation comes to that conclusion. It talks about the underlying NFR. I presume that all members of this House know what an NFR is. It is the real picture of the Budget position. It talks about 1991-92 on a no-policy-change basis. Access Economics has done a projection of what the financing requirements of all the States will be if they do not change their policies. This year the extent to which the New South Wales Budget will be in deficit will be $2,204m; and Victoria's deficit will be $2,806m. Queensland's figure will be minus $118m; in other words, a surplus of $118m. Western Australia will have a deficit of $791m; South Australia, $573m and Tasmania, $220m. The total financing requirement of all the States is $6,564m, yet Queensland has a surplus. It would be a bigger figure without Queensland's surplus. Those are the figures published by Access Economics, yet somehow it has come to that conclusion and seen the need to lecture us about our spending policies.

Mr Stoneman: Because John Cain, John Bannon and Brian Burke did what you're starting to do.

Mr De LACY: Okay. What Access Economies has done is look forward five years. This is what the organisation expects the Queensland Government to do based on our policies, with no policy change, and it has had a look at the total debt levels.

Mr Stoneman interjected.

Mr SPEAKER: Order! The honourable member for Burdekin!

Mr De LACY: This is what Access Economies is projecting will be the total debt levels of Queensland and all the other States at the end of June 1996: New South Wales, $26 billion; Victoria, $37 billion; South Australia, $12 billion; Western Australia, $9.9 billion; Tasmania, $3.9 billion; and Queensland, $0.1 billion—a total deficit for all States of $93.1 billion, and the $0.1 billion belongs to Queensland. We are talking about 1996. Access Economies refers to no policy change. I presume that the organisation means that there will be no policy change because this Government will remain in power. Honourable members can take it or leave it.

Newspaper Recycling Projects

Mr PREST: In directing a question to the Minister for Environment and Heritage, I refer to a program administered by his Department of the Environment and Heritage which distributes funds from the publishing industry to newspaper recycling projects, and I ask: can he detail to the House how much money has been distributed under this

project? How many industries have benefited? What, if any, employment opportunities have been provided?

Mr COMBEN: I thank the honourable member for the interesting question which I am sure I will be able to answer. He has referred to the Publishers National Environment Bureau grants—a private enterprise grants scheme sponsored by the major paper manufacturers in this State. Under that scheme, money is provided to the individual States for distribution under a variety of programs for recycling, particularly of paper. Initially, Queensland was granted some $616,000, to be shared between two projects in half-yearly payments by the end of June this year. Because of the success that we achieved following the first grants, we have received a further offer of grants totalling $308,000. Effectively, we are distributing approximately $1m over two and a half years. Some of the recipients have included Spaceform Pty Ltd at Kenmore, which received $75,000; the Hervey Bay Disabilities Assistance Inc.—I had the pleasure of presenting a cheque for $30,000 to that body which is shredding paper and using it as packing in fruit packaging—the Aspley State Special School, which received $6,000 towards that school's great recycling scheme; and Wastebuster Enterprises, at Noosa, which received $62,000 to assist it in the production of briquettes from recycled paper. Across-the-board we are proud of the way in which we are cooperating with private enterprise, particularly those waste recyclers, to ensure that at the end of the day the recycling levels in Queensland are going up. They are certainly going up, and we are very proud of the recycling record of this Government.

School Principal Meetings

Mrs SHELDON: In directing a question to the Minister for Education, I refer to his outrageous intimidation of school principals with whom he has been meeting in an endeavour to browbeat them about the need to support the Labor Party in the run-up to the State election, and I ask: has he been forced into this action because of the principals' dissatisfaction with his gross mismanagement of the Education portfolio, which has seen hundreds of millions of dollars disappear into an expanded education bureaucracy?

Mr BRADDY: I am sure that the State Principals Association—which represents primarily the Primary Principals Association and the Secondary Principals Association which requested and supported a series of meetings with me and the Deputy Directors-General of Education around the State—would be very amused by the question, particularly in the light of the implication about the disappearance into the bureaucracy of all this money, and particularly in the light of the great pay increases that those principals have received since this Government came to office and for which they are very grateful. It is also particularly interesting to hear the implication or suggestion that the bureaucracy has, in fact, increased. What a joke! It shows the level of involvement that Mrs Sheldon has with the administration in this State. Since we have been in Government, the amount of money provided for education has increased by $260m in real terms. At the same time, there are 600 fewer administrators and bureaucrats at central office than there were when we came into office. To base a question on this growing bureaucratic morass is absolute nonsense, and it shows how out of touch Mrs Sheldon is in relation to this matter, along with all the other matters.

The meetings are going extremely well. We inform the principals of the amount of money that has been made available in school grants. We discuss class sizes in Queensland. We spend up to an hour listening to their comments and answering questions in a very good atmosphere. In fact, I have received correspondence from the principals thanking me and the senior officers of the department for instituting these regular meetings, which are a great form of communication between us.

Non-Government School Funding

Mrs SHELDON: In directing a question to the Minister for Education, I point out that the Catholic Education Commission estimates that, in 1989-90, funding for non-Government schools in Queensland was 19.5 per cent of the cost of educating a child at

a State school. Under his Government, funding has fallen to 17.6 per cent. I ask: can he explain why parents who have children at non-Government schools are being asked to pay increased fees to cover this shortfall while at the same time he claims that education funding has increased?

Mr BRADDY: The facts are that this Government has increased funds for non-Government schools from $115m, when it came to office, to $152m. At that time, of course, we had to set about making sure that the system was able to match the conditions of the day. Under the interest assistance schemes of our predecessors, there was absolutely no check on the amount claimed for capital works. Claims came in and had to be met, so the greater part of the increases in funds for non-Government schools was eaten up by capital works. For example, in 1989 under the National Party Government, $9m was spent on interest assistance for non-Government schools' capital works programs, whereas $20m was allocated in this Government's last Budget. This means that, in two years, the amount has increased by more than 100 per cent.

The Government is negotiating with non-Government schools to make sure that the money is better spent in that more of the available money is directed to the underresourced schools, of which the systemic Catholic schools form the biggest block, and they are aware of that. Just as I am dealing with school principals in the Government system, I am also undertaking a significant and lengthy series of meetings with the Catholic education people throughout Queensland.

Mr Elder interjected.

Mr SPEAKER: Order! The member for Manly!

Mr BRADDY: I am discussing with them our proposals for directing more money to them and how they will receive more money. They have been very pleased to attend those meetings, and I had one of those meetings as recently as yesterday.

Education Performance Standards

Mr PITT: In directing a question to the Minister for Education, I refer to the recent launch of student performance standards. I ask: how will this initiative maintain and improve educational standards in Queensland schools? What are the advantages of this initiative compared to the Statewide diagnostic literacy and numeracy testing proposed by the Liberal Party?

Mr BRADDY: I thank the honourable member for the question. Student performance standards have been announced by the Premier and me recently. These standards will meet in an efficient, unobtrusive and positive manner the need for accountability in education. They will enable teachers to provide parents with detailed information about a child's progress at a particular point in time. There are six levels for Years 1 to 10, and there is considerable overlap in these levels. These levels are consistent with national standards being debated across the country. This overlap acknowledges the extent of individual differences in development among students during those years. The standards will be trialled in both Government and non-Government schools in 1993 and will be fully operational in 1994.

Standards and information will be published so that all people interested in the performance of students will be in no doubt about what is expected of students in Queensland schools. In contrast to that, the Liberal Party has announced a plan to merely test every Queensland student in Years 2, 5 and 8. Members of the Liberal Party want to spend $5m on this testing, but they have allocated absolutely no money to solve any problems which those tests may reveal. In contrast, since it came to office, this Government has provided over $10m to improve the teaching of reading, writing and arithmetic. This represents an annual increase of 300 per cent on our predecessors' efforts. It may be worthwhile for the Liberals to go back to their think tank because our calculations reveal that it would cost $6m simply to do the testing, without allocating any further funds in relation to individual reporting of that testing. Again, the Liberals show that they are people who clutch at cliches and slogans. Performance and performance

testing is what it is all about, and it is what this Government is about for all students in Years 1 to 10 across the State.

Youth Employment Projects

Mr PITT: In directing a question to the Minister for Environment and Heritage, I refer to the Prime Minister's proposed youth scheme.

Opposition members interjected.

Mr SPEAKER: Order! Honourable members, are we ready?

Mr Veivers interjected.

Mr SPEAKER: Order! I inform the member for Southport that we are not amused.

Mr PITT: I refer also to the activities designed to mitigate land degradation that were reported today. I ask: can the Minister tell the House whether any similar schemes are proposed for Queensland?

Mr COMBEN: I thank the honourable member for the question. I notice that a major southern newspaper carries a front-page article relating to the Prime Minister's proposal. The headline reads "Young to work on land". The article states that the Prime Minister proposes a radical plan to help fight Australia's chronic unemployment as it affects youth.

Mr Elliott: So he's pinched our scheme as well, has he?

Mr COMBEN: Yes, he has, and I am glad that the member for Cunningham acknowledges that. Last week in the Conondales, the Premier and I launched the Youth Conservation Corps scheme, which is a great scheme. In the next financial year, the project will cost some $2.2m. Initially, some 280 young people will be trained under that scheme. I know that the member for Cunningham supports the project because he has often done so in the past, and I look forward to his support in this Parliament. I never get any support from those members seated in the back corner of the Chamber, who could all fit into a telephone box. We hope that if the four sites being trialled initially with TAFE accreditation are successful, the scheme can be expanded to something of the order of 10 sites and provide training for 1 500 young people. The work will involve track work in parts of forestry areas, maintenance of park facilities, weed control and related matters. The Government is endeavouring to give the young people of this State some work experience.

Mr Elliott interjected.

Mr COMBEN: This Government is endeavouring to give the young people of this State the experience for which the member for Cunningham has called so many times, and which I am sure he supports—the experience of work—and to provide the dignity and discipline of work. This scheme combines environmental protection and employment for our youth. It is quite clear that the Prime Minister is again looking to Queensland for a lead, and that our good ideas and a personal idea of the Premier are being followed by the Federal Government. In the future, the ways of Australia are going to be the ways of Queensland, because this State has the good ideas, the money and the talent.

Non-contact Time for Primary School Teachers

Mr LINGARD: I direct my first question to the Minister for Education, who is obviously under great pressure from the Queensland Teachers Union and primary school teachers to provide non-contact time or spares for primary school teachers. In response to this pressure, regional offices are trialling non-contact time in schools. I refer to a directive to schools from a regional office which states that schools participating must be aware of the following conditions—

"(1) There will be no additional resources provided;

(2) The principal of the schools and other administrators of the schools will be timetabled on a regular basis to relieve the classroom teachers;

(3) Classroom teachers will not have to attend classes by specialist teachers"—

and this is the worst—

"(4) Teacher aides, voluntary people and volunteers will be used to permit teacher relief."

I ask: does the Minister believe this is a satisfactory way to implement such a program?

Mr BRADDY: The question of non-contact time for primary school teachers has been around a long time. Certainly it was something that was put in the too hard basket by our predecessors in Government, who made absolutely no attempt to address the issue. This Government is addressing the issue, and trials of different methods are being undertaken in various schools across the State.

Mr Littleproud interjected.

Mr BRADDY: The honourable member should listen for a change. One of the points made by the member for Fassifern is a very important aspect of non-contact time, namely, the modern and appropriate use of specialist teacher time and basic classroom teacher time. More and more specialist language teachers will be brought into primary schools, which very much opens up an opportunity for the trialling of non-contact time in relation to the classroom teacher being relieved of responsibilities while the Chinese or German class carries on. In relation to teacher aides and volunteers—it is not appropriate that they be placed in charge of classes on their own, and I will not countenance that occurring. I would be surprised if that is in fact the interpretation of that memo. If the honourable member wishes to give me a copy of that memo, I will raise it with the department. It is certainly not a direction from the department. There are other methods of trialling non-contact time, particularly the use of specialist teacher time, which I believe are very appropriate.

Human Relationship Education

Mr LINGARD: In directing a further question to the Minister for Education, I refer to many building programs being delayed until the end of the financial year and school subsidies for ground improvements having virtually stopped. I also refer to the transfer of $500,000 from HRE funds to prop up the central finances. I ask the Minister: why has there been a winding down of the HRE programs in Queensland Government schools by his department, and why has HRE lost its priority status, even though schools still need support, especially in areas such as community consultation?

Mr BRADDY: During this Government's two and a half years in office, human relationship education has been eminently successful. I have travelled around the State and met with teachers, community supporters, committees and students, and there has been glowing endorsement of the program this Government introduced, which is far superior to the farcical situation which previously applied and flowed on from the Bjelke-Petersen years. Human relationship education is being endorsed and funded in such a way that it is working very well. I have received a report from the chairman of the advisory committee on human relationship education saying how well those courses are proceeding. I reject totally the suggestion from the honourable member that in any way, shape or form funds have been deducted from the human relationship education program so that it has not been able to proceed in the normal way in all Government schools.

Red Light Cameras

Mr BEATTIE: In directing a question to the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development, I refer to the fact that just over a year ago red light cameras were introduced at Queensland intersections as part

of a major boost for road safety by the Goss Government. I ask: how successful have those red light cameras been?

Mr HAMILL: Red light cameras have been an integral part of this Government's commitment to road safety. It is interesting to note that there were about 1 500 serious accidents, including fatalities and serious injuries, at Queensland intersections every year. Since the introduction of red light cameras, that figure has fallen to 1 000, which is still very high, but a figure which is only two-thirds of that which prevailed prior to the introduction of red light cameras.

Mr Katter: A 30 per cent reduction in traffic.

Mr HAMILL: It is always good to have the mathematical input of the member for Flinders. The other point regarding red light cameras is that the Government sought to broaden their distribution. Initially, there was a trial in Brisbane, but there are now 11 cameras in operation over 39 sites around the State. This year, they have been introduced to a number of provincial cities, which enhances the capacity of the Department of Transport in its road safety program to get the message across that red light running is a very serious infringement of traffic regulations. Most drivers regard red-light running as a very dangerous practice. It is good to see that the accident statistics are bearing out the Government's commitment to the introduction of red-light cameras. It has been very disappointing to see some of the comments that have been made in some quarters regarding the introduction of red-light cameras. For example, I know that the member for Nerang has attacked the introduction of red light cameras on the basis that they are merely a revenue-raising exercise.

Mr De Lacy: That's dreadful.

Mr HAMILL: It is quite dreadful. Quite frankly, the proof is that the introduction of red light cameras in this State has had a diminishing impact on revenue.

Mr CONNOR: I rise to a point of order. I have been personally misrepresented. I did not say that. I said that I fully support their introduction. I wanted signs, that is all.

Mr HAMILL: I will quote from a letter that the member for Nerang wrote to the editor of the *Gold Coast Bulletin*, in which he stated—

"The Government is purely using red light cameras as a tax collector."

I will table that letter, which I think demonstrates quite clearly the mealy-mouthed attitude of the member for Nerang. Red-light cameras are about road safety, not tax collection. The longer the red light cameras are in place, as the level of infringements falls road safety is enhanced and tax collections go down.

Q-Zoo

Mr BEATTIE: I direct a question to the Minister for Environment and Heritage. I refer him to the National Party's policies for north Queensland as released in Mareeba recently by the Opposition Leader, Mr Rob Borbidge. The policies propose that the Q-Zoo concept be resurrected. I ask the Minister: can he detail to the House the worth to the State of such a project?

Mr COMBEN: The worth of the project to the State is probably nil. It is unfortunate that Mr Stoneman is not now in the House, because it was he who promoted the concept up north and said that it was a great idea. It is, I think, Mr Elliott returning to the past glories of 15 years ago. I think he first dreamt it up 15 years ago when he occupied my portfolio. It was a concept which was carried for a number of years by Dr Hugh Lavery and would then have cost about $60m. Today, even the scaled-down version which is promoted for the north of the State could probably——

Mr Elliott: What about private enterprise getting involved?

Mr COMBEN: That is it. Private enterprise is the key. Why are we as a Government asked to put up $60m to $80m for Q-Zoo? If it is a goer, private enterprise will do it. It will be into us——

Mr Elliott interjected.

Mr SPEAKER: Order! I warn the member for Cunningham under Standing Order 123A.

Mr COMBEN: Private enterprise will be into us, just as David Joffe is about the South Bank, saying, "We have this scheme. It's a goer. We need some permits." If this scheme is a goer, private enterprise will take it. No zoo anywhere in the world today turns a profit. Perth zoo gets more people going in for research into the numbat and the western swamp turtle rather than into the bigger picture. London zoo has closed down. The zoos are going the way of the dinosaurs. We do need someone to look at nocturnal houses. We might look at an Australian macropod zoo, or something, but if private enterprise cannot do it, we will not be involved. The reason that we will not have a $72 billion deficit in five years time is that we will not be undertaking those sorts of projects. Clearly, if the Opposition gets into Government, that will be done, and this State will be into billion-dollar deficits.

School Grants

Mr QUINN: I refer the Minister for Education to his statements that schools are receiving larger amounts of money for their school grants, and I ask: is it not a fact that schools now have to pay, for the first time ever, for pest control, for carpet cleaning and for teacher replacement for in-service courses, thus wiping out any extra funds that may have been granted? Does he agree that his statements are a cruel political ploy that is coming to the attention of p. and c. associations, which are gravely disturbed by the Government's tactics?

Mr BRADDY: In relation to the pest control and the carpet cleaning—that, of course, is one of the great myths and furphies in the school grants debate. It can only be taken for granted that the Liberal Party would stumble into any bear trap that was lying around. In fact, $580,000 was added to the school grants in Queensland to cater for carpet cleaning, pest control and so on. That is some $240,000 more than used to be paid when those items were paid for centrally, so in fact not only have schools received some money but they have received more money than when those items were being paid for centrally.

In relation to teacher relieving days—some schools have become concerned because they work on the premise, which surely must be false, that every schoolteacher on their staff is going to take every available legal sick day each year, which, of course, is absolute nonsense. I listened to the deputy director-general of the department telling principals that they should not start becoming anxious on the basis that they expected professional people such as schoolteachers—every single one of them—to take all their legally available sick days. The principals should ensure that they talk to their staffs about professionalism in that regard. To help in relation to teacher relieving days, this Government announced recently that, starting from 1993, teachers will be given two extra student-free days per year. That will enable them to undertake significant professional development, which is occurring at present. Some of that development is paid for by the schools out of their school grants. That will now be paid for by the use of those days, thus making more time available for teacher relief days. In fact, that decision has been extremely warmly welcomed by the schools. All that the question shows is that Mr Quinn, along with Mrs Sheldon, does not know what is going on in the schools of this State.

Availability of Educational Programs to Non-Government Schools

Mr QUINN: I direct a question to the Minister for Education, and I refer to programs such as Languages Other Than English—or LOTE—and music and technology programs which are available in the State school system and which are not available to the non-Government school system. I ask: since all children in Queensland should have equal opportunity, why is the Government denying about 25 per cent of Queensland's

school children access to these services? Why are children in non-Government schools being discriminated against?

Mr BRADDY: That is an extraordinary question from a person who, prior to coming to this place, worked for the Education Department. The member for South Coast is well aware—or should be well aware—that the Government does not set compulsory curriculums for the primary schools of this State. This Government has advanced a scheme which will enable the Languages Other Than English program to become universal by the year 2000 in the Government primary schools of this State. The program will include Year 1 students. When the Labor Party came to Government, there were a few ad hoc programs in Government schools and there were a few programs in non-Government schools. For example, when I announced this policy as the shadow Minister for Education, I was invited by the principal of St Paul's Anglican School to have a look at the program that he was running. He was very proud of that Language Other Than English program.

It is absolute nonsense for the member for South Coast to suggest that there are no other Language Other Than English programs in non-Government schools. Those were the words he used. I presume that he meant "primary schools" but, as usual, he was imprecise and inexact. Quite a few of the Catholic schools have been running Italian language programs for years. The Government does not supply money directly to those schools. However, the Government is talking to the principals of primary schools and underresourced schools about providing assistance to enable them to start off a Language Other Than English program. Officers of my department and I have been talking to the principals of those schools about ways in which the Government can assist. Over the next five years, the Government's increased needs-based funding will assist those underresourced schools to start a Language Other Than English program.

Education Reforms

Mr DAVIES: My first question is directed to the Premier, and it relates to reforms in education. I ask: can the Premier comment on how successful education priorities have been in Queensland since the Government's election? What priority will be given to education in the forthcoming Budget?

Mr W. K. GOSS: I am truly grateful to the member for Townsville for this question, as I thought I had been completely forgotten in question time today. This question is very timely, given the coordinated and savage attack on the Minister for Education today from both the Liberal Party and the National Party. The Minister's answers have shown the success of the Government's record in education and highlighted the fact that it intends to go a lot further. As the budget review committee is meeting this week, it is timely to record the Government's continuing commitment to reform and increased funding for education. The Education Minister's answers have demonstrated that fact.

The other curious factor about this coordinated approach is that it reminded me of a letter written recently by the member for Roma to the *Toowoomba Chronicle*, wherein he talked about procedures in this House and urged a different approach to be taken on the part of members of Parliament in their conduct. I will not go into the details of it, but he was referring in part to the member for Landsborough. The member for Roma stated in that letter, "If you don't do this, it will simply exacerbate the public mood of 'a plague on both your horses'." I do not know whether that is a signal—with the member for Roma's improvement on Shakespeare—that he is waiting in the wings. The most significant aspect about his quote referring to a "plague on both your horses" is the text from which it comes. That is, of course, Romeo and Juliet. The words actually are "a plague on both your houses". I will not make any references to photographs of one leader cheek-to-cheek with another leader because I understand that, since the Liberal Party convention in Caloundra, things have changed somewhat. However, they have changed in a very appropriate and symmetrical way. Just like Romeo and Juliet, star-crossed colleagues, who fell out because of a misunderstanding, met with a most tragic end. Of course, the completion of the circle of symmetry is that the words "a plague on

both your houses" in the play Romeo and Juliet were spoken by Mercutio, who also came to a very tragic end.

Staffing Levels at Townsville Correctional Centre

Mr DAVIES: My second question is directed to the Honourable the Minister for Justice and Corrective Services. It relates to——

Honourable members interjected.

Mr SPEAKER: Order! I remind honourable members that it is their question time. I cannot hear the member for Townsville. I would ask him to start his question again.

Mr DAVIES: I cannot hear myself, Mr Speaker.

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition. I am on my feet. I am trying to get some quiet in this Chamber.

Mr DAVIES: My second question relates to a report in yesterday's *Townsville Bulletin* headed "Report backs prison union over staffing". I ask: can the Minister comment on that matter?

Mr MILLINER: I thank the honourable member for Townsville for the question. He did bring that newspaper article to my attention. When it was brought to my attention, I was obviously concerned about the contents of it. As a result, I initiated the making of inquiries as to the accuracy of that report. Of course, as is the case with many reports in newspapers—particularly the *Townsville Bulletin*—the report is obviously totally untrue. The report makes a couple of fundamental mistakes. It claims to be written by Professor Wilson, but it was not written by him; it was written by Dr Kay Thomas. It was one of many reports that were written for the State Industrial Relations Commission when it was considering arbitrating in the dispute at the Townsville Correctional Centre. That report was under the auspices of the State Industrial Relations Commission. It was released to the parties on a confidential basis. It is most unfortunate that the report has appeared in the *Townsville Bulletin* in the way it has. The author of the report was so concerned about its inaccuracies that she issued a press release yesterday. In that press release she stated—

> "The report referred to in no way makes the assaults of the prison the responsibility of the State Government or the Corrective Services Commission head, Mr Hamburger."

I table that press statement from Dr Kay Thomas.

The State Industrial Relations Commissioner, Mr Dempsey, was also very concerned about the report and the way in which it was reported in the paper. Yesterday, he called the State Industrial Relations Commission together and made the following pertinent points—

> "Can the assumption be that the Townsville Bulletin does have a copy; one can only conclude that it has not been read or has been at best selectively read."

Commissioner Dempsey goes on to outline why that is so. He further states—

> "Given these circumstances, I fail to see why any person with a reasonable level of intelligence, after reading the reports, could come to a conclusion such as has been reported in the Townsville Bulletin.
>
> I am further concerned that this report may have the effect of maligning the management of the Queensland Corrective Services Commission in an extremely unfair manner."

It is most regrettable that the report was presented in the way in which it was. It is not a factual report, and I hope that the *Townsville Bulletin* will do something about correcting the matter.

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

AUDIT AND PARLIAMENTARY COMMITTEES (MISCELLANEOUS AMENDMENTS) BILL

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (11.25 a.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Financial Administration and Audit Act 1977, the Public Accounts Committee Act 1988 and the Public Works Committee Act 1989."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr W. K. Goss, read a first time.

Second Reading

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (11.26 a.m.): I move—

"That the Bill be now read a second time.

The origins of this Bill, the Audit and Parliamentary Committees Legislation (Miscellaneous Amendments) Bill, lie in the Fitzgerald report. The Fitzgerald inquiry recommended on pages 144 and 145 of its report that the Electoral and Administrative Review Commission—EARC—should undertake a review of "improved reporting by the Auditor-General and the proper resourcing of the Auditor-General's Office". On page 135 of his report, Fitzgerald also stated that such a review was necessary "if the Auditor-General is to become an effective check on the abuse of public money".

As honourable members would be aware, the Office of the Auditor-General has a long and distinguished history in this State, dating back to 1861. The functions of the office include the auditing of the public accounts maintained by the Treasurer, the accounts of departments, statutory bodies and bodies associated with statutory bodies, the Treasurer's annual statement and the financial statements produced by accountable officers and statutory bodies. The Auditor-General oversights arrangements relating to the audit of accounts and statements of local authorities. He also audits the accounts and financial statements of the Brisbane City Council. The Financial Administration and Audit Act 1977 requires the Auditor-General to report all significant findings from audits to Parliament. The Auditor-General is required to certify in his audits that he has received all the information and explanations required by him and that, in his opinion, the prescribed requirements for the establishment and keeping of accounts have been complied with in all material respects.

In December 1990, EARC undertook a review of public sector auditing in Queensland. The commission produced its report in September 1991. The Parliamentary Committee for Electoral and Administrative Review then sought public submissions prior to producing its report in December 1991. The parliamentary committee gave general endorsement to the nearly 200 recommendations in the commission's report, with a number of minor exceptions. Before I go on, I would like to thank both EARC and its parliamentary committee for their well-researched and comprehensive reports.

The Audit and Parliamentary Committees Legislation (Miscellaneous Amendments) Bill before the House addresses two separate issues contained in EARC's report: the first concerns the tenure of the Auditor-General; the second concerns restrictions on the powers of the Public Accounts Committee. It also addresses the Public Works Committee as it contains similar provisions to the Public Accounts Committee. The EARC report contains a large number of other issues which the Government is currently considering in detail. The primary reason that this Bill is before the House now is the

pressing need to appoint a new Auditor-General—an appointment which should be made under new tenure conditions.

I would like to turn to the question of the tenure of the Auditor-General. The two issues to be considered here are the need for security of tenure in order to ensure independence from the Executive and effective discharge of the duties of the Auditor-General, and the need for the periodic injection of fresh talent and leadership skills into the position. The present situation allows for the incumbent to remain in office until the age of 65. Not only may this be too open-ended but it may also conflict with recent anti-discrimination legislation. It is vitally important that the Auditor-General is independent of the Executive. In this regard, the position is not subject to the Public Service Management and Employment Act, although members of the Auditor-General's department are public servants. It is important that the conditions of employment of the Auditor-General allow for him or her to act without fear of recrimination.

The Bill provides for the Auditor-General to be appointed for a non-renewable term of up to seven years. It is considered that a seven-year term provides an appropriate balance between security of tenure and mobility for the incumbent and for sufficient time for new professional ideas and approaches to be introduced. Making the appointment non-renewable will also ensure that the Auditor-General can serve for a specific term without fear that his or her actions might prejudice reappointment. I draw to honourable members' attention that the New South Wales Auditor-General is now appointed under similar conditions. The Commonwealth Government has agreed to introduce similar arrangements for its Auditor-General.

As to the question of restrictions on the powers of parliamentary committees—it was the parliamentary Labor Party's policy position prior to the last election that the Public Accounts and Public Works Committees would be given full powers to properly scrutinise the expenditure of public funds. There are three particular deficiencies in the current system which this Bill would redress—

> The first is the ministerial veto. A Minister, with the approval of a majority of other Ministers, can prevent the disclosure of information to the Public Accounts Committee which the Minister considers would be against the public interest.
>
> The second is confidentiality of audit information. The Financial Administration and Audit Act prevents the Auditor-General from communicating audit information to third parties. While it is important to maintain confidentiality between the auditor and the auditee, this restriction should not frustrate the inquiries of parliamentary committees or the criminal justice system.
>
> The third deficiency relates to claiming of Crown privilege. The Attorney-General and the Solicitor-General have the power to certify Crown privilege with respect to information being provided to the Public Accounts Committee and the Public Works Committee and thus prevent their access to the information.

These provisions have the potential to restrict access to information held by the Executive and thus impede the independent and effective operation of these committees. They are an improper imposition on parliamentary sovereignty, a restriction on its proper operation and a derogation of the duties and responsibilities of honourable members in scrutinising the operations of the Executive. I commend this Bill to the House.

Debate, on motion of Mr Borbidge, adjourned.

SUMMER TIME REPEAL BILL

Second Reading

Debate resumed from 6 May (see p. 5007).

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (11.31 a.m.): The Summer Time Repeal Bill before the Parliament today is the sixth position—and

hopefully the last—that the Goss Government will adopt on the matter of daylight saving. It is appropriate to remind the House that, when former Premier Ahern changed his position on this issue and we had a trial period of daylight saving, the Labor Party accused the Premier and the Government of the day of dithering. Some time later, daylight saving is being put to bed after this Government, in the course of two and a half years, has adopted six different positions on this issue. For the benefit of the House, I would like to summarise those situations and the reasons why this Bill is before the Parliament today.

When in Opposition, this Premier gave a clear commitment to the people of Queensland that he would have a referendum prior to the introduction of daylight saving. It was, he said, Labor Party policy that it be decided by the people. However, in Government, the dithering started: should there be daylight saving, or should there not be daylight saving? The Premier was between a rock and a hard place. He said that he might favour a referendum. Then he said that he favoured two more trials, one in 1991 and another in 1992, which would have got him over the election. Then, in October 1990, the Premier made a definitive statement that summertime would be introduced in Queensland on a permanent basis. When the Premier introduced the Summer Time Bill, it was to be the "last word on the subject". It was to run from the last Sunday in October each year until the first Sunday in March. In introducing that legislation, the Premier said—

> "The Government has introduced summertime on a permanent basis to settle the issue once and for all so that business and tourism can operate with the minimum of disruption."

This decisive leader went on to say—

> ". . . from a business and economic perspective the introduction of summertime is in the best interests of the State as a whole."

The legislation was supported by all members of the Government—each and every one of the 54 members of the Labor Party in this House, from Mount Isa to Barron River and down to Albert, and even the Deputy Premier, the member for Lytton. There was not one dissenter among them. To a person, each and every member of the Labor Party voted to support it. The proof is in the Queensland *Parliamentary Debates* for all the State to see.

Mr Welford: What did you do?

Mr BORBIDGE: The National Party gave the Labor Party a lesson in representing electorates, because its view was consistently that there should be a referendum.

Government members interjected.

Mr BORBIDGE: Yet members of Parliament on the Government side of the House, including the Minister for Resource Industries, the Minister representing Cairns, and other Ministers who are interjecting, were not even given the flexibility to abstain from that vote. They all had to toe the party line. Each and every one of those northern and western members of the Labor Party sold out on their electorates. As I said, the proof is in the Queensland *Parliamentary Debates* for all the State to see.

Mr Elder interjected.

Mr BORBIDGE: So far, this Government has adopted six positions on daylight saving. We might see another couple of positions before this debate is finished. If we take the Premier's word at face value, that should have been the end of the debate on daylight saving; but no, this was not to be. As summer wore on, the northern Labor members could not take the heat generated by daylight saving and the tongue-lashing that their constituents were giving them. There were nine Labor seats in the north and west of the State that senior Government minders believed would be in jeopardy if daylight saving continued. The caucus, Mr Swan and Tom Burns said, "This could be the difference between holding and losing Government." To ascertain the veracity of this advice, the Premier and his deputy made incognito, secret trips around the State to ask people how they felt about daylight saving. Tom would take Wayne for a drive to a

country town, and they would try to find out what people thought about daylight saving. The "odd couple" toured around Queensland, no doubt claiming parliamentary travel entitlements.

After a couple of sweeps through the country areas of this vast State, coupled with talks with his numbers men in the light of the new electoral boundaries, the Premier completed a political backflip of Olympic proportions or, as the *Gold Coast Bulletin* editorial said, the Premier turned turtle. He said that he was wrong. We had a born-again Premier on the issue of daylight saving. He said that he was wrong, that he had made a mistake, and would now have a referendum—a referendum which we on this side of the House had argued should have been held with the four-year terms question at the time of the local government elections.

So we had the referendum, and during that process there were amazing scenes. Labor members were turning turtle everywhere—members such as the member for Mount Isa, who had stood up in this House to say that daylight saving had to go ahead. The members for Mount Isa, Cook, Barron River, Cairns, Mulgrave, Bowen, Townsville, Mourilyan, Whitsunday, Thuringowa, Townsville East, Rockhampton, Mackay and Lytton decided that, indeed, they did not support daylight saving. Whether the Deputy Premier was for or against daylight saving is debatable. It is clear that, for political reasons, the Premier decided to run one way and the Deputy Premier decided to run the other way. Cabinet decided that it had to make a big noise about how dreadful summertime was, and it was up to the Premier to give statesperson-like leadership to the "Yes" case. Regardless of the big noise from the Deputy Premier and the lack of noise from the Premier, the matter was decided by the people. Industry organisations, community organisations and individuals campaigned for their particular viewpoint, and that was the way it should have been. The people decided that summertime should not prevail in Queensland. There were 892 119 "No" votes and 744 686 "Yes" votes.

In his second-reading speech, the Premier said—

> "Prior to the referendum I gave an undertaking that this Government would accept the outcome of the referendum and act in accordance with the will of the majority. The introduction of this Bill fulfils my commitment in this regard."

It can be seen that our Labor Premier, unlike a famous predecessor, T. J. Ryan, in respect of the referendum that was held on the abolition of the Legislative Council in 1917, is not going to disregard the wishes of the people and, therefore, we have this legislation before us today. The last word on the matter of daylight saving was to have been the Summer Time Bill of 1990. But, clearly, the Premier is correct—the last word on the Summer Time Bill is "Repeal". The people of Queensland decided the issue of daylight saving. Therefore, the Opposition joins with the Premier and the Government in supporting the speedy passage of this legislation.

Mr WELFORD (Stafford) (11.40 a.m.): It is very pleasing to hear the Leader of the Opposition standing in the Parliament supporting the Government on the repeal of the Summer Time Bill. When the Summer Time Bill was first introduced, I distinctly recall that when questions of daylight saving were debated and voted on in this House the Leader of the Opposition was hiding. He scurried out of the House to hide behind the back door because he did not have the courage——

Mr BORBIDGE: I rise to a point of order. For the benefit of the honourable member, I point out that I stayed within the precincts of the House.

Mr DEPUTY SPEAKER (Mr Hollis): Order! There is no point of order.

Mr BORBIDGE: I did not leave the House. I stayed within the precincts of the House.

Mr DEPUTY SPEAKER: Order! What is the honourable member's point of order?

Mr BORBIDGE: I stayed within the precincts of the House, unlike the gutless wonders opposite, who were not prepared to stand up for their electors.

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

Mr WELFORD: I am more than happy to acknowledge the Leader of the Opposition's point that he was in the precincts of the House, but he was hiding outside the Chamber. I am happy to be more specific about where he was. He was hiding outside the back door of the Chamber because he and the member for Southport were the only members of the National Party who supported daylight saving.

Mr T. B. Sullivan: Mrs Sheldon goes home when she's in trouble.

Mr WELFORD: I shudder to mention the Leader of the Liberal Party. She is almost never in the Chamber. At least the Leader of the Opposition had the sense to be around when the debate on the daylight saving issue was on, even though he did not have the courage to be here when the vote was taken. The Government came to office with a proposal to introduce daylight saving. I supported that proposal because I thought that economic advantages would result from Queensland business having the opportunity to be in time with other States during summer months. I acknowledge that personal inconvenience was caused to people because of that. In terms of my personal lifestyle and timetable, it suited me not to have daylight saving. I prefer to rise early in the morning and do things outside working hours rather than do them in the afternoon. I acknowledge also the inconvenience that daylight saving caused to people in the north and the far west. They were inconvenienced because they had to come home from work or their children had to come home from school in the heat of the afternoon. I acknowledge those lifestyle problems. However, on balance, I think there was a strong argument for daylight saving in Queensland and that it was appropriate that the Government, in good faith, introduce daylight saving according to its election promise.

In my view, during the year that it was in place, daylight saving was a success. Furthermore, the Government was gracious enough to acknowledge the inconvenience that would be suffered by people in the north and west by permitting those local authorities who chose to do so to exempt themselves from daylight saving, that is, they had the choice to opt out and remain with ordinary time. However, what this Government did that Mike Ahern and the previous Government never did when they trialled daylight saving was listen to the people. This Government was listening to what people said. The fact that it held a referendum on the matter proves that this Government was listening to the people.

My final point is that there may be an argument in future for that reciprocal arrangement or opportunity being accorded to local authorities in south-east Queensland during summer months. It may be appropriate for the situation to prevail in which Queensland as a State does not have legislative authority for daylight saving but that, during the summer months, the local authorities in south-east Queensland have the same opportunity as the north and the west had when the Summer Time Bill was operative, that is, the option to make a choice about whether or not to convert to daylight saving time.

I want to talk about the other courageous member of the National Party who scurried outside the Chamber when the vote was taken on daylight saving—that is the member for Southport, Mr Veivers. There is an interesting little story about the member for Southport, which almost amounts to a matter of privilege. About three weeks before the referendum on daylight saving, I was accosted by the member for Southport in the corridors of the Parliament.

Mr T. B. Sullivan: What an experience!

Mr WELFORD: It was an experience, indeed. It was like being challenged by a juggernaut.

Mr T. B. Sullivan: Hugged by a bear.

Mr WELFORD: The cuddly member for Southport snuggled up to me and said, "Listen, what's your pick on daylight-saving?" I said that I thought it was going to go down in a screaming heap in the referendum. As honourable members know, I was proved right. However, the member for Southport was keen to argue with me. He said, "No, it's not. We're going to win. Daylight saving is going to get up. I'll bet you it will." That was an opportunity that I knew I could not pass up. I said to him, "Okay, I'll take

the bet. What is the stakeholding?" The agreed stakeholding was a carton of beer. As all members of the House know, I do not drink, but I knew my father would be very happy to enjoy a Christmas beer on the house from the member for Southport. To my eternal regret, the member for Southport has fallen in my estimation.

Mr VEIVERS: I rise to a point of order. I feel that I am being totally misrepresented by the honourable member. Unfortunately, it did slip my mind that I lost the bet. It is probably the first bet I have lost in this House. I will be only too happy to send a carton of beer to the honourable member's beloved father.

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

Mr WELFORD: I am sure that my father will be very grateful. It is pleasing that the member for Southport has confessed his error, and I accept his apology. I only hope that in future, as the Opposition spokesman on racing and betting, he will be closer to the mark with his shadow ministerial responsibilities than he has been on this occasion.

Mr COOMBER (Currumbin) (11.48 a.m.): The Liberal Party, of course, accepts the result of the referendum, bearing in mind that it was more of a Clayton's referendum—a referendum on a topic that we did not have to have. Governments are elected to make decisions and, over a long term, this Government has shown that it is not capable of making consistent decisions. Daylight saving is just one example of that. We were prepared to spend $6m on this exercise to find out what the people of Queensland thought about daylight saving, but I regret to say that we did not canvass all the issues. Those issues included the recommendations of the daylight saving task force which was put in place to investigate the effect of daylight saving throughout Queensland. We went to the people of Queensland and we did not canvass all the issues. We did not canvass the question of the two-zonal system, which was one of the major recommendations of the daylight saving task force.

The results of the referendum show that the majority of electorates in Queensland favoured daylight saving and the minority did not. When that was split on a population, one-to-one basis, the result came out in the negative. I regret that, while we were spending all the money, the people of Queensland did not have an opportunity to pass an opinion as to how they thought we should split time zones. It is not surprising that in a State as large as Queensland the vote turned out the way it did. I have lived in many towns in Queensland. I lived in Innisfail for five years, where, of course, daylight saving was defeated overwhelmingly. I can accept that fact because I realise that in the northern parts of Australia there is no twilight time. The sun is there one moment, and then it just disappears. That is not the position in south-east Queensland where there is twilight and it is quite pleasant to be out of doors at that time.

In 1971, I was in Mount Isa when the National Party Government ran its first trial of daylight saving. I accept the major impact that daylight saving has on western and north-western Queensland. At that time, for example, the drive-in picture theatre did not begin its programs until half past nine or a quarter to ten at night. That is unacceptable. In a State as large as Queensland, I am not surprised to see that the vote turned out the way it did. I must say that I am disappointed that the vote turned that way because, prior to the referendum, the Liberal Party openly supported daylight saving. We now have to respect the views of Queenslanders. We have to look at any question on daylight saving in the light of the result of the referendum and taking into consideration the zonal systems.

The issue of daylight saving in south-east Queensland is more complex. In Brisbane, 60 per cent of residents voted in favour of daylight saving. In my area of the Gold Coast, over 70 per cent voted in favour of daylight saving. Daylight saving is a problem in south-east Queensland and, in particular, the Gold Coast. In the twin cities of Coolangatta and Tweed Heads, particularly, different time zones are a recipe for absolute chaos. Because I represent areas close to the border, every day of the week was chaos while daylight saving operated in New South Wales but did not operate in Queensland. Over the last couple of years in Queensland, daylight saving worked quite well and those problems disappeared. It is interesting to note that the Gold Coast City Council asked the Premier for permission to opt out of Eastern Standard Time and go

onto daylight saving time this year. The option was made available in the original Summer Time Bill and gave local authorities the choice of Eastern Standard Time or summertime when problems were encountered, and it is interesting to note that out of 134 local authorities only 10 opted to stay on Eastern Standard Time. It was also interesting to note that one of the important people who objected to daylight saving was the member for Mount Isa, yet the Mount Isa City Council decided to run on daylight saving time and not revert to Eastern Standard Time.

In relation to the scene on the Gold Coast—the question has to be asked: why did the Premier basically tell the local authority that it was not allowed to amend the times and that it had to run to daylight saving time in concert with the Tweed and other areas of New South Wales? The Government should look at the other side of the coin. It has decided to repeal the legislation that introduced daylight saving and has had no respect for what has been said by supporters of daylight saving. In a period when stress was being endured by families, daylight saving gave people extra time to come home and enjoy the company of family members during sunlight. That was extremely valuable to many people. I am also aware that women certainly felt much safer coming home at night because of the extra hour of sunlight. They could travel home in trains, other public transport or in private vehicles with increased safety, and they felt better for it. It is disappointing that the Deputy Premier tried to portray people who wanted to spend more time with their families as selfish. To my mind, that sentiment struck me as the opposite of one that would be expressed by a man who comes across as a caring person. He came out strongly and said that people who wanted daylight saving were selfish and really did not know what they were talking about.

The main concern felt by members of the Liberal Party about the repeal of the legislation is the effect that it will have on business. I do not believe that members of Parliament can ignore the costs borne by business which result from this State being on a time zone that is different from the one that applies in New South Wales and Victoria. During the debate on daylight saving, it was shown by arguments advanced in support of it that there were benefits to businesses in Queensland for this State to be on the same time zone as the other States, and the Premier acknowledged this. He was quoted time and time again as saying that summertime was best for business, but that is just one aspect of the benefits that daylight saving provided to Queensland. I can also remember the member for Salisbury, Mr Ardill, saying that there was evidence to show that summertime reduced the number of traffic accidents that occurred during afternoon peak periods and that daylight saving was related to fewer people being killed. Moreover, the amount of electricity used decreased because the energy used for lighting homes and buildings was significantly reduced. Many television stations expressed the view at the time that having to delay news telecasts from southern States cost in the order of $100,000. As a result of this legislation, business will have to adjust to not having daylight saving time. I suggest that, in Queensland, because of all the factors I have mentioned, an election will be held in this State before daylight saving recommences in New South Wales. I really do not believe that this Government would be willing to run an election in this State that does not have daylight saving when approximately 54 State electorates in Queensland voted in favour of it and when New South Wales is once again about to enjoy the benefits of summertime.

If Queensland is to become Australia's State of the future, as I believe it will because it is already the best State, I do not see that the south-east corner of this State can continue to be isolated in a time zone that is different from the one applying in the rest of Australia during each summer. Unfortunately, until that fact is realised, Queensland will still largely seen as a branch office State. I do not believe that we will be likely to attract the headquarters of major companies while the time difference remains. It was interesting to note the number of people whose opinions surfaced when the referendum was being conducted. They claimed that major financial disadvantage could be caused to their businesses because they had relocated to this State specifically for the reason that Queensland had adopted daylight saving. This issue is of key importance to the development and economy of Queensland, which are presently growing strongly. I believe that many more businesses will have to be developed to

provide jobs for this State's growing population. One of the major industry groups that came out against the decision to repeal daylight saving legislation was the tourism industry, which is a major industry in this State. In particular, it is the leading industry located on the Gold Coast and it employs a lot of people. For example, at Seaworld, which is just one business, 65 jobs were lost because of the decision to revoke daylight saving. Despite all these factors, the people of Queensland have spoken and have made clear what is in their minds in relation to daylight saving. A referendum has been held, and the Liberal Party respects the views of the people.

Mr PEARCE (Broadsound) (12 noon): As an elected representative of a very large area of central Queensland, it gives me a great deal of pleasure to support the repeal of the Summer Time Bill. I was a little disappointed with the contribution from the Leader of the Opposition when he named a number of members in this House who supported the introduction of the Summer Time Bill. I am particularly disappointed that he missed out naming me, as I was probably one of the hardest workers in central Queensland to try to get this referendum put to the people.

Mr Stoneman interjected.

Mr PEARCE: I admit to being one of the people who supported the Bill on that night; but, as an elected representative, along with my colleagues I continued to make representations to the Premier and the Ministers of this Government to try to get a referendum. We did the things we were supposed to do as representatives of our people—get out there, do the right thing and represent them.

Mr Stoneman interjected.

Mr PEARCE: As detailed in the Explanatory Notes, the Summer Time Repeal Bill 1992 is a response to the overwhelming result registered at the referendum conducted in Queensland on Saturday, 22 February this year, on the question, "Are you in favour of daylight saving?" The result of that referendum was that the majority of the electorate voted "No" in response to the question posted on the ballot-paper. In order to comply with the wishes of the majority of the electorate on this matter, it is necessary to repeal the Summer Time Act 1990.

The result of the 22 February referendum was an overwhelming success for democracy in Queensland. Daylight saving had split the people of this State, and in rural Queensland there was absolute resentment towards daylight saving. On many occasions this message was delivered to the Premier loudly and clearly by members of the northern and rural task force. Members continued making representations to the Premier and Ministers because we had a message from rural Queensland about their concerns. Many members are aware that the task force was established as the Premier's eyes and ears in northern and rural Queensland—and that is important. That was the brief given to the task force—to get out into the rural areas, talk face to face with people at the grassroots level, look at their towns and listen to what they are saying. The message which came back to the Premier was that daylight saving was on the nose. There is no doubt about that. In rural areas and in northern Queensland daylight saving was absolutely on the nose. The efforts of the task force in visiting about 80 centres throughout the State and travelling more than 30 000 kilometres was a major contributing factor in the Premier's decision to hold a referendum. My task force colleagues and I fought hard to convince the Premier of the need to hold a State referendum on the daylight saving issue because of the strong resentment felt in country Queensland. There is no doubt that that strong representation from the task force was instrumental in convincing the Premier of the strength of the concerns. I believe that the task force report to the Premier was crucial in having the legislation repealed. It is a clear victory for the task force and for northern and rural Queensland.

Mr Stoneman interjected.

Mr PEARCE: There was a great deal of criticism when the task force was established. I am trying to listen to the interjections. There was a great deal of criticism about the task force from members on the other side of the House, but the task force

established one thing: that this Government was prepared to go out into rural Queensland, sit down and talk face to face with people and listen to their concerns.

Mr Springborg: Can I have my courthouse back?

Mr PEARCE: That is an interesting point. The honourable member for Carnarvon interjected, and I would appreciate it if he had the decency to listen to my response. He raised the issue of courthouses. The task force was responsible for getting a hold put on the closing down of courthouses. We admit a mistake was made there, but it was the members of the task force who were out there listening and who came back and said to the Deputy Premier, "There is a concern out there about courthouses. We think we are doing the wrong thing", and there was a hold put on that. That situation has been turned around, and there is now a very different approach because the task force was listening to the people. Day after day, National Party members in this State are letting their people down. I am amazed, because I am a Labor Party member representing a large rural seat, but in that electorate I have a complete and responsible working relationship with people who will never ever vote for me because of their party politics. However, they are not out there knocking me, because they know I am listening to them and representing them.

Mr Veivers: Is this an election speech?

Mr PEARCE: I am going well! As a Government, we had a responsibility to listen, and the Premier responded by making a very tough decision to give the people the right to decide the fate of daylight saving. The Premier was aware that the task force had spoken to hundreds of people who represented thousands of rural Queenslanders. It would have been foolish to ignore the voices to which the task force had listened, and, to his credit, the Premier announced that a referendum would be held. He believed that this issue was so important that he supported the decision to take the issue to the people. Once the vote was decided, he supported the final decision against daylight saving, and as a result this legislation is before the House today.

Daylight saving was not about hours of business; it was about hours of recreation enjoyed in the south-east corner of the State by surfers, golfers, yuppies, and those fellows who walk along the beach watching the birds. Tourists and holiday-makers could not care less about Queensland not being in line with other States. It is a simple task to change a watch. Tourists are here to have a holiday. They are not too worried about whether Queensland is in line with other States. I went to a great deal of trouble when riding around in taxis and walking around the mall to get the views of ordinary people.

Many people in this part of the State do not understand that, with daylight saving, there was a great difference between the times when the sun actually rose here and when it rose in the west of the State. I will cite a couple of examples. During daylight saving, the sun would rise at 5.45 a.m. in Brisbane. At Rockhampton, it would rise at 6.03 a.m.; at Longreach, 6.28 a.m.; and at Camooweal, 6.59 a.m., which is 74 minutes later than the time it rose in Brisbane. However, the people in those western areas were still expected to go about their work and start their daily routines at the same time as the people in this part of the State were starting theirs. During that part of daylight saving when the sun set at its latest, in Brisbane it set at 7.48 p.m; in Rockhampton, 7.50 p.m.; in Longreach, 8.15 p.m.; and in Camooweal, 8.33 p.m., which is 45 minutes later than when it set in Brisbane. I put a great deal of effort into explaining this to people in Brisbane so that they could understand the difficulties of people in the west. When I was attempting to do that, I thought that, maybe, I was a poet. I had to try to explain it so that people could understand it. I said little things such as: when the bat and the flying fox are beginning their flight in the south east, out in the west they are still hanging around waiting for darkness to fall. That is true. If one looks around Brisbane at sundown, one sees that the bats are just starting to fly, but out in the west, they are still hanging about in their hide-outs waiting for the darkness to come. I said that out in the west the dingo and the feral cat are using the cover of darkness to stalk their prey when people in the Brisbane region are using the bed covers to keep out the morning sunlight. Just think about that.

Mr Fenlon: That's poetry.

Mr PEARCE: It is not poetry. I would never be a poet; I can assure the honourable member of that. It is a simple way of explaining something to people. Another point I often made was that when people in Brisbane are sitting down to their evening meal and enjoying the cool sea breezes drifting in from the east, out in the west people are chewing on dust and flies in the hot winds that blow in from central Australia. That is what people in this part of the State fail to recognise. Honourable members who represent country areas should not be knocking me, because I am delivering a message on their behalf. The Summer Time Repeal Bill gets rid of daylight saving forever. It is dead and buried. It is the last nail in the coffin. It will allow rural Queenslanders to retain their quality of life. In addition, thousands of elderly people and thousands of parents will be able to go about their daily routine without the inconvenience of daylight saving.

In closing, I pay tribute to the Deputy Premier, Mr Tom Burns, for the way in which he went about delivering the message to the people who were not committed one way or the other to the daylight saving issue. I believe that is where the decision was won. I was aware that, in this part of Queensland, many people were uncommitted one way or the other. We had to target them. I am pretty sure that the report on the trial of daylight saving indicated that 14 per cent of people were not committed. The Deputy Premier worked tirelessly in convincing them to vote against the proposal. Just recently, I invited the Deputy Premier to visit a number of local authorities in central Queensland. It was quite amusing to walk in and see the chairman of the local authority stand up, welcome the Deputy Premier—of course, he welcomed me and thanked me for getting the Deputy Premier to come along—and say, "Mr Burns, the first thing that this council would like to do is thank you for the way you went about convincing those people who were not committed one way or the other to daylight saving to support the people of rural and northern Queensland." Shire chairmen were delighted with the effort that the Deputy Premier had put in. I acknowledge that effort. No matter where I go in central Queensland, on every occasion the people ask me to thank the Deputy Premier for his efforts on daylight saving—although I am a little disappointed that they do not acknowledge me first.

Mr T. B. Sullivan: And what were their comments on Mr Borbidge?

Mr PEARCE: I was hoping that somebody would raise that. Many people have actually said to me, "Do you realise that the Leader of the Opposition did not actually support the referendum on daylight saving?" It was quite embarrassing. I do not have anything against the Leader of the Opposition personally, but people asked me, "Could you please tell me who the Leader of the Opposition is?" Out there in rural Queensland, he is not known. It is a joke. The people know that he is somebody down here in the south-east corner representing a seat on the Gold Coast.

Mr Briskey: With white shoes.

Mr PEARCE: They seem to tie him up with the Liberal Party a fair bit because they do refer to him as the member who wears the white shoes. Once again, I thank the Deputy Premier for his efforts. I thank the Premier for introducing the legislation to allow the referendum to be held. I thank the rural and northern task force for the support that it gave me in representations to the Premier and to the Cabinet. I know that I can stand here today and say quite sincerely on behalf of the people of rural and northern Queensland, "Thank you for giving us the opportunity to have our say."

Mr STONEMAN (Burdekin) (12.14 p.m.): I rise to comment briefly on the remarks of the member who has just resumed his seat. It is particularly interesting to listen to the rhetoric of members such as the member for Broadsound who say that they were fervently against daylight saving, yet had the hypocrisy to come in here and not only vote for the Bill that imposed daylight saving across this State but also gag the debate on it. Where were the proponents of free speech and democracy that night? Where were all these hypocrites? They disappeared. Once they discovered that there was a political time bomb out there, that this was an election year, and that people were fervently against daylight saving right across the board, they suddenly decided that they had better change their spots.

The honourable member for Broadsound talked about the fact that he is elected to go out and listen to people. If he had listened to the people in his electorate, he would know that they were saying loud and clear that they did not want anything to do with daylight saving. His duty is to come into this Chamber and express the views of his constituents, not to go behind the door and whisper in the Premier's ear so that members of this House and, indeed, the people of his electorate, would never know about it. In this Chamber, the honourable member for Broadsound indicated that he was in favour of daylight saving and voted accordingly. However, back in his electorate he said, "It is a terrible thing. I am fighting for you people." If that is the case, why did he not come into this Chamber and express his view? Why did he not express the view of the people in his electorate, who he claimed were saying to him, "We do not want a bar of this."? Why was he amongst the hypocrites who voted to impose daylight saving by way of legislation, who voted to gag the debate, who went right down the line, until they discovered that there was a time bomb ticking.

I cite another example of a hypocritical action on the part of a Government member. I have here a letter to the electors of Charters Towers from Mr Ken Smyth, MLA, the current member for Bowen. It is interesting to note that he adopts the same practice as his colleague from Broadsound, that is, he listens to the people of his electorate. It must be a part of the Labor campaign. I will discuss later the daylight saving component of this letter. In it the member for Bowen said—

> "I'm not wasting time. I've moved to Charters Towers because now I'm determined to give local families the chance to have a say."

I just wonder how the people of Bowen—whom the honourable member was elected to represent—are having a say when he has moved to Charters Towers, which has nothing to do with the present electorate of Bowen. He now claims to be listening to the people of Charters Towers. He goes on to state——

Mr ARDILL: I rise to a point of order. The member for Burdekin is misleading the House. He actually supported the introduction of daylight saving. It was his party that introduced daylight saving, not the Government.

Madam DEPUTY SPEAKER (Ms Power): Order! There is no point of order. I think the member for Burdekin is straying from the provisions of the Bill. The Summer Time Repeal Bill is presently being debated. I do not think the information that is contained in that letter is relevant. I would ask the honourable member to return to the Bill.

Mr STONEMAN: I understand that the Summer Time Repeal Bill is being discussed. With all due respect, I would like to refer to one line appearing further on in that letter. The letter states—

> "But honestly, what can an Opposition politician do for you? Take daylight-saving."

The honourable member for Bowen is supposedly listening to the people of Charters Towers, after announcing that he has moved there. The letter goes on—

> "Take daylight saving. I know it was never a political issue."

Imagine a politician saying that daylight saving was never a political issue! Why did these people run galloping back to their bolthole when they discovered that the vast majority of people in this State—and that included people in the middle of Brisbane and right throughout the south-east corner of Queensland—did not want to have a bar of daylight saving? If daylight saving was not a political issue, why was the Premier not game to go to the people without spending $5m of public money to get daylight saving off the agenda so that it was not an embarrassment? Why did Government members return to their boltholes?

I will continue to refer to that letter. It stated—

> "Take daylight-saving. I know it was never a political issue. But it did disappoint me that the Nationals and Liberals deserted rural Queensland."

That statement came from the man who has deserted the people of Bowen, who says in this letter that he is now living in Charters Towers. This man talks about the Nationals and the Liberals deserting rural Queensland on daylight saving! He has packed up his suitcase and has toddled up to Charters Towers to write a letter about daylight saving. What a hypocrite! This same man had the gall to stand up in this House and vote unanimously with the Government to gag the debate on the Bill which was to impose daylight saving on the people of Queensland. The letter continues——

Mr ARDILL: I rise to a point of order. The Labor Party did not introduce daylight saving. The member for Bowen was not a member of this House when that policy was introduced by the party for which the honourable member for Burdekin is a representative.

Madam DEPUTY SPEAKER: Order! There is no point of order.

Mr STONEMAN: At every stage, I have said that the original trial was brought in under Mike Ahern. Do honourable members remember what happened to him? He lasted about six weeks. However, that is another story. Having deserted Bowen, the current member for Bowen, in his letter to the electors of Charters Towers, continued—

"It was left to Tom Burns to barnstorm the State for the 'NO' vote."

Let us talk about Tommy Burns. He is not a bad sort of a knockabout bloke. However, he is the ultimate chameleon, and he is the most visible of the chameleons in this State. Every time an issue develops, Tom Burns dons another suit of clothes. He pops on his tweed coat and hops out to Cloncurry or some such place, or he changes and goes out into the bay if there is fishing on the way. That is clever politics, but the fact of the matter is that he is a chameleon. He changes his clothes, he changes his spots, he changes his colours and, depending on the circumstances, he floats from being a good guy to a tough guy. Sooner or later people will wake up to him.

I admit that many people fell for the two-card trick about which the member for Broadsound spoke. When the Deputy Premier travels around Queensland, well-meaning people say to him, "Thank you, Tommy, for coming out here and helping us." Tom Burns voted exactly the same as all the other hypocrites. He voted for gagging the debate, and he voted for the legislation at every stage of its passage through this Chamber. He then discovered that it was 1992 and that it was an election year. He decided that there was a problem in rural Queensland. He said, "Let us go out there and change it." When he discovered that the imposition of forced amalgamation on local authorities was a problem, he went out in another suit of clothes and said, "This is a bad thing." When it came to the daylight saving issue, the Deputy Premier put on his tweed coat, went out to Cloncurry and said, "It is the worst thing that has ever happened in the bush." If he meant it, why did he not say it in this House?

Mr SMYTH: I rise to a point of order. The member for Burdekin is misleading the House. I could say that he is lying, but such a comment is not becoming of this place. The honourable member for Burdekin stated that I voted in favour of the daylight saving legislation. When Parliament was recalled to introduce that Bill, I voted against bringing in daylight saving.

Madam DEPUTY SPEAKER: Order! There is no point of order.

Mr STONEMAN: Unbelievable! Those honourable members are sitting together! This debate is about the repeal of the Bill for which Mr Smyth, the member for Bowen, or Charters Towers—he is now living in Charters Towers—voted. He voted to gag the debate on the Bill. He also voted for the legislation. Now, honourable members are debating the repeal of that legislation.

Mr SMYTH: I rise on a point of order or a point of privilege. The member for Burdekin is misleading the House. I feel that I have been maligned, because I did not vote for the introduction of the Bill. I voted against its introduction.

Madam DEPUTY SPEAKER: Order! There is no point of order.

Mr STONEMAN: It would seem that the honourable member is displaying some degree of sensitivity, or that he is very tentative about this issue. I would feel the same

way if I were him. After voting for the Bill throughout its legislative process, he went back to his electorate and said, "Take daylight saving. Thank goodness for good old Tommy Burns". He has now come back, with a great deal of embarrassment after the issue was flogged at the referendum, to say, "I am going to vote for its repeal." One wonders what the honourable member is all about.

Mr SMYTH: I rise to a point of order. I find what the member for Burdekin is saying to be offensive. He should withdraw that statement. I believe that most of his speeches are offensive.

Madam DEPUTY SPEAKER: Order! The member for Bowen finds the remarks offensive. I ask the honourable member for Burdekin to withdraw those remarks and continue.

Mr STONEMAN: I am prepared to do that, but what remarks do I withdraw?

Mr SMYTH: The fact that the honourable member said that I voted for the legislation. I did not vote for the legislation.

Mr STONEMAN: Unless the member was absent from the House and did not vote, I apologise. At a later point, I will respond to the honourable member's remarks by reading from the record of this House as to whether or not he did vote on that occasion. If the honourable member was not present when the legislation was passed and the debate was gagged, I apologise; but he is a member of the Government. Not one single member of the Government is shown as having supported the "No" vote in relation to the passing of the legislation. The hypocrisy of the Government, and particularly of the Deputy Premier, has been demonstrated. Many people are now saying, "Let us give credit where credit is due." I think that comment would be fair if there had not been that hypocrisy. As Deputy Premier, Mr Burns clearly supported the passage of this Bill to Cabinet and every stage of its passage through the House, as did all other Government members—and I say that subject to checking whether or not the member for Bowen, who now lives in Charters Towers, was present in the House.

I say to those people who have honestly expressed their gratitude to Mr Burns that it is fair to give credit where credit is due. I also say to them that they should give credit where credit is due to the Opposition. It consistently opposed the introduction of the daylight- saving legislation, without first and foremost conducting a referendum. The referendum would have been held at this forthcoming election and the vote would have been not only "No", but also goodbye to many one-term members. I wonder how the people of Bowen will have a say. The honourable member for Bowen writes a letter from Charters Towers about an issue in which the Government that he purports to support has been clearly done like a dinner. With a great deal of enthusiasm, I support the repeal of this Bill, and when I say that I know that I speak for at least 95 per cent of the people in my electorate. They are totally grateful that, unless a future Government abuses the rights of Queenslanders, never again will there be daylight saving in this State. I support the Bill in the full knowledge that it is a major, absolute backflip and turn around for the Goss Government.

Mr PITT (Mulgrave) (12.30 p.m.): I rise to speak very briefly on this final step in repealing daylight saving for Queensland. I must say that I was disappointed by some of the animated exchanges that occurred today in this House. That is typical of the emotionalism that pervaded and clouded the daylight saving issue and derailed rational debate in the wider community. I have been closely involved with this issue, both as the member for Mulgrave and as a member—now chairman—of the Premier's northern and rural task force. As members would know, that task force was established by the Premier as his eyes and ears in regional and northern Queensland. It was set up to maintain contact between the Government and regional areas—a bridge between south-east Queensland and communities in northern and rural parts of this vast State. Initially, the task force was criticised by the Opposition, which claimed that it was a publicity stunt. Despite that criticism, the task force went out there, met with rural groups and listened to community concerns. Much to the disappointment of the Opposition, we were congratulated on our initiative. In fact, we were told frequently that we were the first

politicians to visit some places for a number of years. Those were areas of which the National Party has long claimed to be the sole representative.

I thank the member for Broadsound for his valuable contribution to this debate and to the northern and rural task force, to which he is firmly committed. At all meetings of the task force—whether they were held in Barcaldine, St George or in northern Queensland—the first issue raised with the task force was the opposition of the community to daylight saving. The issue was not raised along party political lines, it was raised by ordinary men and women who were concerned about their quality of life. They were also concerned about the extra stress placed on their children and their families. It was not about politics, it was more about their lifestyle. People living in some of the more remote parts of the State do it tough, anyway. Their argument was simple: they did not want—nor did they need—the pressure of daylight saving inflicted on them. The task force listened. At the end of the day, it brought back to the Premier a number of recommendations to address some of their concerns. I believe that those recommendations were instrumental in producing two major changes to Government policy.

The first recommendation was the creation of a major rural affairs portfolio to monitor and assess the impact of Government policy on northern and rural areas. I refer to the Rural Communities Unit within the office of the Deputy Premier. Who better to play that role than Tom Burns—the man who led the "No" case against daylight saving? The second recommendation—and the reason that members are speaking to this legislation—was the holding of a referendum on daylight saving to give all Queenslanders a chance to decide once and for all—as the Premier said—what they wanted. The Premier made it clear that the Government would accept the referendum result and that the issue would then be finished. He stated also that, no matter what the result, all Queenslanders would have had a chance to have their say. As all honourable members would be aware, the result of that referendum was an overwhelming "No", not only from rural areas but also from northern parts of the State. The rural and regional vote was predictable. What was pleasantly surprising, though, was the degree of support that we obtained from the metropolitan area. As the member for Mulgrave in regional Queensland, I can only describe the result of the referendum as a victory for commonsense. This legislation was the mechanism for the introduction of daylight saving. Its repeal today is a final step in ending that issue. I have much pleasure in supporting the Bill.

Mr VEIVERS (Southport) (12.33 p.m.): As all members would be aware, I was totally in favour of daylight saving. In fact, I still am; and so are the people of the Gold Coast, by about 17 per cent. I must take the member for Greenslopes to task—Mr Welford——

Mr Welford: Stafford.

Mr VEIVERS: I am sorry, he is the member for Stafford. I really believe that he has got me today, because I cannot recall having that bet with him.

Mr T. B. Sullivan: Too much sun, and you lose your memory.

Mr VEIVERS: Yes, it is sad, is it not? I have fallen for the old two-card trick. However, I know that the member for Stafford is an honest, upright gentleman—being a member of this place—and I believe that we did have that bet and I lost. I will pay up with a cold slab. That is very unfortunate. I would bet 6 to 4 on that he does not let me help him to drink it, either.

Before the daylight saving referendum, the Premier adopted at least six different positions on daylight saving. He did not think about the large and small businesspeople in Brisbane and other parts of south-east Queensland. He would have to admit that a very hard battle was fought for daylight saving in Brisbane and on the Gold Coast, but it was lost at the referendum. I accept the result of that referendum. However, a consideration of the number of "Yes" and "No" answers in each individual electorate in Queensland reveals that 53 electorates voted in favour of daylight saving and 36 voted against it. I know that I am getting away from the legislation under discussion, but that

says a lot for EARC and the problems with the voting system, the one vote, one value concept, and three-cornered contests. Yes, we lost the referendum, but basically we won the seats hands down. One cannot deny that the result was 53 to 36. It is a fact of life. What that result says, and will continue to say——

Mr Welford: It was 46, not 36.

Mr VEIVERS: No, it was 36. I beg the member's pardon.

Mr Welford: Electorates, sorry. All right, you've got me.

Mr VEIVERS: Does the member want to have a bet on that one? That result shows that the electorate of Queensland basically is still split down the middle on the issue of daylight saving. I am the first to concede that, west of the Great Divide and in north Queensland, daylight saving was an impost on people. I never came into this place and said that it was anything else. However, people in all the electorates on the Gold Coast wanted daylight saving. An average of 70 per cent voted for daylight saving, and those people now are not recognised. They have been forgotten about. Although we operate under a democratic system, everything cannot be cut and dried. The Premier intends to call an election later this year. If the election campaign is held during the summer months, the debate over daylight saving will occur again on the Gold Coast.

Mr W. K. Goss: I thought about having it on December 25.

Mr VEIVERS: It is the Premier's prerogative when he holds the election.

Mr W. K. Goss: I will give you four weeks' notice.

Mr VEIVERS: That is very kind of the Premier. If he wants to call the election now, I am ready to rock-and-roll.

Mr W. K. Goss: Is that a challenge?

Mr VEIVERS: Yes. If the Premier wants to call an election, I am ready. I have expressed my concern for business on the Gold Coast and I have said that I realise that daylight saving was an impost on the people of western and northern Queensland.

An honourable member: You said that.

Mr VEIVERS: That is all right. It needs to be repeated. I wanted to look after the people of the Gold Coast, and I will continue to do that. The Deputy Premier, Mr Burns, who is the great fighter for the little battler, politically stomped the electorate of Queensland on the daylight saving issue. I admit that, politically, he belted hell out of us. He pulled the rabbit out of the hat on behalf of the people who were against daylight saving. It was unfortunate that he did that, because he could not convince the people in his own electorate to vote against daylight saving. In the seat of Lytton, 54 per cent of the voters voted for daylight saving. I did not read about that in the newspapers, which I found peculiar. However, politically, the Deputy Premier belted hell out of me, because I was supporting daylight saving and he was not. I put this proposition seriously to the Premier: daylight saving nailed Premier Mike Ahern and Premier Russell Cooper. When the Premier conducts his election campaign on the Gold Coast, that issue could nail him, because it is a touchy issue down there. Many people on the Gold Coast want daylight saving. Perhaps the Premier can pull a rabbit out of the hat for himself like the Deputy Premier did. I believe that, when the Premier played football, he was a back.

Mr W. K. Goss: A drawback.

Mr VEIVERS: I will not come into that. I am convinced that the Gold Coast City Council will be going it alone on the daylight saving issue. I believe that the Albert Shire is thinking along the same lines. Those localities are in a tourist belt and are located close to the New South Wales border. It has been so long since we have not had daylight saving that people have forgotten the anomalies that were created on the Gold Coast when it did not have daylight saving and New South Wales did. It reached the stage at which a plumber who had a business at Currumbin had to buy two vehicles. Because he was doing work in northern New South Wales and in Queensland, it became so confusing to both him and the people whom he was endeavouring to service that he had to buy two vehicles. He had the crew of one vehicle start on New South Wales time

and the crew of the other vehicle start on Queensland time. This legislation will not make the issue of daylight saving disappear. It will just harden the resolve of people in my area to go it alone, and they will be doing that. I have fought for daylight saving. I have to accept that we lost the referendum, but I will continue to fight for the people on the Gold Coast because I feel that they are the forgotten people. At first, country people thought that they had been forgotten. Members up the back of the Chamber hollered and bellowed, the ladies hollered and bellowed, western Queenslanders and north Queenslanders hollered and bellowed, Mr Pitt hollered and bellowed—they all hollered and bellowed about daylight saving, and they were entitled to do that. They should not forget that, although they have won on the issue, in south-east Queensland a percentage of people are just as hardened in their resolve to have daylight saving as the other people were hardened in their resolve not to have it. When the issue starts to blow up again, the people who opposed daylight saving should remember that.

Dr CLARK (Barron River) (12.43 p.m.): The people of far-north Queensland will breathe a collective sigh of relief following the passage of this Bill, which means the end of daylight saving. They might even, on reflection, breathe a sigh of relief that politicians will stop talking about the matter. In the six electorates in far-north Queensland, the "No" vote at the referendum held to decide this issue of daylight saving varied from 77 per cent to 90 per cent, an overwhelming expression of opposition to daylight saving. I would like to reflect briefly on the message that the holding of the daylight saving referendum and its result have for the political process in Queensland. One of the most important messages from the debate so far is that it demonstrates that the Government has been listening. Most importantly, it demonstrates that people still have the power to influence the political process. It means that the Premier will admit that he is wrong and that he will hold a referendum in response to that. All these things are very healthy and very important for the political process. It has also demonstrated that the Premier does listen to his back bench. A couple of weeks ago, the Leader of the Liberal Party suggested that the Premier was not listening to me, as a backbencher, in relation to my concerns about Rainbow Harbour. She was wrong then and she is wrong now if she thinks that the Premier does not listen to his back bench. That listening process has been exemplified by the establishment of the rural and northern task force. I would like to take this opportunity to congratulate the new chairman of that task force, the member for Mulgrave, Warren Pitt.

Another factor highlighted by the daylight saving issue has been the identity crisis that is currently being suffered by the National Party. The member for Southport summed it up when he just said that, "The Labor Party, on this issue, beat political hell out of us." He was referring to the fact that his party is now saddled with a leader who is an ex motel owner on the Gold Coast who has no credibility when it comes to representing the real interests of the people out in the bush. The referendum showed that most clearly. I have no doubt that when the people out in the bush saw Tom Burns sitting down with Ruth Wade at the Cattlemen's Union, in solidarity against daylight saving, they were probably cringing and saying, "Where is the National Party?"

We saw it again on the issue of sugar tariffs. When the National Party senators tried to represent the views of their constituents, what happened to them? They went to Canberra and they were told, "Sit down and be quiet. You've just lost out." I think that the people of Queensland should know that, in Queensland, a vote for the Liberals is still a vote for the Nationals but, when it comes to the Federal scene, a vote for the National Party is obviously a vote for the Liberals. That is the message that the people in the bush have to get from all of this and that they should give up any hope of ever having either of those parties represent country people. With those reflections, I support the Bill.

Mr GILMORE (Tablelands) (12.47 p.m.): Just a few moments ago, while I was working in my office, I was listening to some of the bleatings of Government members from far-north Queensland—latter day converts seeking absolution for their previous sins. I found it very interesting and I felt that I had better come down to the Chamber and make a couple of points in this debate. It must never be forgotten by this Parliament that the National Party forced the Government into the position of having to have a

referendum; there is no question about that. The Premier established a rural task force—in 32 years in Government the National Party did not need a rural task force. We knew what was going on in our electorates. We did not have to have people driving around western Queensland with much fanfare, finding out what was happening out there. We already knew how the people of Queensland felt about daylight saving.

I remind this Parliament that I personally delivered into this Chamber a mini referendum of over 22 000 people in my electorate who said "No" to daylight saving. There was no question in my mind that the best part of 90 per cent of the people in my electorate were going to vote the way they did. I do not know where I came on the Richter scale in terms of the percentage of people who voted "No", but it was probably fourth or fifth highest in the State. I think there were more people in the electorate of Tablelands who vote "No" than did so in the city of Mount Isa. That is a very interesting statistic, because Mount Isa is some 500 kilometres west of Mareeba and the Tablelands electorate. It, therefore, must be somewhat worse affected than the tablelands. I take some pride in that and the leading role that I played in the referendum debate and in getting this Government to go to the people to say, "All of a sudden we've got the messages. It's taken a long time. We know we're a bit thick, but we've got the message. Our rural task force, that nobody needed, has been out there and the people have been talking to them." So we had a referendum. The people of western and northern Queensland have been well served by that referendum in that we no longer have to put up with daylight saving. Time presses on. I know that the Government has other business to put to the House. I just wanted to make those few points.

Mr STONEMAN: I rise to a point of order. Earlier in my speech, I withdrew my assertion that the member for Bowen was not in the House at the time of the passage of the Bill. *Hansard* clarifies the position. *Hansard* shows that debate on the Summer Time Bill began at page 3804 on 3 October 1990. At 9.14 p.m. on that day, Mr Mackenroth, as Leader of the House, moved a motion in three parts, one of which set aside so much of the Standing Orders that—

> ". . . would otherwise prevent the Summer Time Bill from passing through all its remaining stages at this day's sitting."

He moved further that all remaining questions on the clauses should be put en bloc, that the second reading should conclude at 11.30 p.m. and the third reading at 12 midnight. The record shows that Mr Smyth was one of the 49 "Ayes" who voted in the division on that motion. On page 3837, the Premier moved that the Bill be read a third time. Among the 59 "Ayes" was the member for Bowen, Mr Smyth. Finally, at page 3836, the question that Madam Temporary Chairman do now leave the Chair and report the Bill without amendment to the House—which was the final stage of the Bill—was put and the member for Bowen, Mr Smyth, was one of the 58 "Ayes". I table those pages of *Hansard* for the benefit of the member for Bowen who now lives in Charters Towers.

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (12.51 p.m.), in reply: I thank all members for their contributions to the debate. The referendum that resulted in this legislation came about simply as a result of the Government listening to the people and, initially, a number of Government members, particularly those from the northern and provincial areas, and also National Party members, raising their concerns. I personally undertook some inquiries into the matter. Ultimately, it came down to an acceptance of the proposition that this was very much a quality-of-life issue or a personal decision that people should be able to make for themselves, rather than one that had an ideological or party political base. It was on that basis that the decision was made to hold the referendum. Originally, I was one of the supporters of daylight saving, and I continue to be so. It was my belief, and the belief of other members of the Government, that concerns were not as great as they appeared to be and things would settle down after the trial period under the National Party Government. However, the subsequent trial period under my Government proved that that was not the case. The feeling was very strong, and practical and real problems were highlighted by the rural and northern task force, which played a very practical and valuable role in ascertaining the mood of the

people. It indicated to me that the time had come, after three trial periods, to give people the opportunity to make the decision themselves in respect of their quality of life. Concerns were expressed by a number of sections in the community, such as older people, mothers with young children and people who live in the northern and western areas of the State. Ultimately, a decision was made on an issue that divided political parties on quality-of-life issues as opposed to party political grounds, and that was evident on both sides of the political spectrum.

I thank the Leader of the Opposition for his support for the legislation. One can only note with some irony that he complained loud and long for a referendum, but when he got it he still complained. It is just not possible to keep some people happy. I do all I can to make life pleasant for him and his colleagues in this Parliament but, no matter how hard I try, they still complain.

Mr Lingard: And you had better make sure you finish by 1 o'clock, too.

Mr W. K. GOSS: Here I am, trying to finish by 1 o'clock, and the honourable member is complaining! Apart from the Leader of the Opposition, I thank also the member for Stafford for his witty expose of the failings of the member for Southport. In fairness to the member for Southport, it is incumbent upon all members to accept in good faith his excuse that he forgot to pay his bet. I think he is entitled to the benefit of the doubt, particularly given the number of scrums that he has packed into over the years. The member for Currumbin participated in the debate. The member for Broadsound also spoke during the debate, and I acknowledge the role that he played when he spoke up on behalf of the people of central Queensland and his electorate. I acknowledge also his work as a member of the rural and northern task force. The member for Burdekin spoke at some length during the debate. A considerable part of his contribution was the subject of some confusion between him and the member for Bowen. They were speaking at cross-purposes.

Mr Stoneman: There was no confusion on my part, Mr Premier.

Mr W. K. GOSS: There was some confusion in what the member was saying. I am sure that the member was not confused in his own mind as he saw the issue, but that is not unusual. However, I noted very clear comments made by the member for Burdekin in relation to members living in a place that is apart from the electorate they represent. I recognised that comment immediately as a thinly disguised attack on the member for Peak Downs. I do not like to see internal dissension, so I will not take that matter any further.

I acknowledge also the role played by the member for Mulgrave, who was part of the rural and northern task force. Participation in the task force was an extra burden undertaken by a number of Government backbenchers, which I appreciate very much and found to be of great assistance. I am sure that the member for Mulgrave will perform an enhanced and valuable role in his position as chairperson of that task force. I thank the member for Southport for his contribution and his concluding advice that I will need the capacity to duck and weave if I am to escape the fate of my two predecessors on this issue. I acknowledge also the contribution made by the member for Barron River who, once again, referred to the role played by the rural and northern task force. She also played a valuable role in that task force and highlighted the concerns expressed by people who live in north Queensland in terms of the lifestyle problems that the daylight saving decision generated for them. I acknowledge also the contribution made by the member for Tablelands, who spoke of the strength of feeling in his own electorate and the eloquent and dynamic lead that he took in the debate in his electorate, for which I truly thank him because it certainly contributed to the result.

Motion agreed to.

Committee

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr W. K. Goss, by leave, read a third time.

Sitting suspended from 12.58 to 2.30 p.m.

Mr LINGARD: Mr Deputy Speaker, I rise to a point of order. I draw your attention to the state of the House.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! A quorum is present.

MINISTERIAL STATEMENT

Visit by Minister for Land Management to Papua New Guinea

Hon. A. G. EATON (Mourilyan—Minister for Land Management) (2.31 p.m.), by leave: I wish to report to Parliament on my visit to Papua New Guinea between 22 and 26 April. The trip served the dual purpose of—

(a) representing the Premier, the Honourable Wayne Goss, at Anzac Day celebrations in Port Moresby; and

(b) conducting a range of business opportunities for Queensland, particularly in relation to my Land Management portfolio.

The Anzac Day celebrations served to commemorate the 50th anniversary of the Battle of the Coral Sea and acknowledged the particularly important role of Papua New Guinea in the defence of Australia at that time. The visit provided an excellent opportunity for me to advance economic and cultural ties and to pursue a number of business opportunities. In Port Moresby I met with the Minister for Lands, the Honourable Hugo Berghauser, as well as representatives of the business community to discuss Government/private sector land tenure proposals and proposed staff exchanges to facilitate the transfer of skills and knowledge.

The visit to Lae afforded the opportunity to develop a close working relationship with the Papua New Guinea University of Technology by the signing of a basis of cooperation between the Queensland Department of Lands and the university. The agreement is a key factor in the strategy to provide training for several resource management projects currently under way in Papua New Guinea. In fact, I am able to report that the first training course will commence on 29 June.

While in Papua New Guinea the Prime Minister of Australia, the Honourable Paul Keating, and the Prime Minister of Papua New Guinea, the Right Honourable Rabbie Namaliu, jointly announced the awarding to the Townsville firm of Curtain Brothers of a contract for the construction of the Burns Peak Road in Port Moresby. This contract can be seen as the first manifestation of the mutual advantage arising from the Queensland/Papua New Guinea Business Cooperation Agreement signed by Premier Goss and Prime Minister Namaliu in March this year.

I am confident that the close and binding ties established through education, business, sporting and other links will be enhanced by closer relationships between the Governments of Queensland and Papua New Guinea, and that land management will play an important role in this relationship.

NURSING BILL

Hon. K. W. HAYWARD (Caboolture—Minister for Health) (2.34 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to provide for the registration and enrolment of nurses, the practice of nursing and the education of nurses and related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. K. W. HAYWARD (Caboolture—Minister for Health) (2.35 p.m.): I move—

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

The purpose of this Bill is to update the legislation regulating the education, registration, enrolment and practice of nursing in Queensland by the establishment of the Queensland Nursing Council. Since 1976, nursing matters have been regulated by two separate bodies—namely, the Nurses Registration Board of Queensland and the Board of Nursing Studies—each of which is established under its own legislation. The Board of Nursing Studies has achieved, in large part, its major purpose of improving the standards of nurse education in this State. The legislation under which the Nurses Registration Board of Queensland currently operates is in need of a general overhaul. Since the commencement of that legislation, we have seen many changes have an impact on nursing practice in Queensland, not the least of which is the increased public expectation of safe and accountable practices by health service providers.

At the policy level, the Government determined that the membership of bodies regulating providers of health services should be opened up to allow for consumer representation. It has also been determined that adjudicative functions undertaken by such bodies in pursuing cases of misconduct against registered providers should be separated from regulatory functions which involve investigation and prosecution of such cases. At the operational level, there is the advent of mutual recognition of occupations across State borders, and the relatively recent trend of nurse education being undertaken by universities. All these factors necessitate the dissolution of the Board of Nursing Studies and the Nurses Registration Board of Queensland, the repeal of their governing Acts, and their replacement by a single Act providing for a single body—the Queensland Nursing Council.

Before speaking specifically about the provisions of this Bill, I would like to emphasise to honourable members one aspect of the purpose of regulatory bodies such as the Queensland Nursing Council which tends to be overlooked or misunderstood. While it is true that regulation of a profession by its members is a benefit to the members of that profession—a benefit which accrues by virtue of status afforded through Government recognition, and in being able to self-regulate—the underlying purpose of such regulatory activity is of increasing importance today to both the public and the Government. That purpose is, of course, consumer protection. Hence the objective of this Bill explicitly refers to "ensuring safe and competent nursing practice". I believe that the role of regulatory bodies in the Health portfolio, such as the Queensland Nursing Council, will expand, particularly with the Health Rights Commission becoming operational from 1 July 1992, so as to eventually provide a fully integrated consumer protection system in Queensland.

The development of this legislation follows consultation in a variety of forms with the health industry, including a Green Paper released in July 1990. Those consulted include the Queensland Nurses Union of Employees, the Queensland State Service Union, the then Hospital Employees Federation, the Australian Workers Union, the Royal College of Nursing, Australia, the then Australian Mental Health Nurses Congress, the Australian College of Midwives and many other special interest groups. Consultation was also undertaken with staff at hospital level in two psychiatric hospitals and two large maternity hospitals. While complete consensus across such a diverse group is hard to achieve, I have been very encouraged by the many positive comments made about this legislation. I believe it makes progressive provision to ensure that quality nursing care is delivered to the public by nurses with appropriate qualifications.

The Queensland Nursing Council will be a body corporate consisting of 13 members—10 nurses, one of whom must be an enrolled nurse, a legal practitioner, a person representing the users of nursing services and the full-time executive officer of the council. The chairperson of the council will be a nurse elected by the members present at the first meeting of each new term. The council will have functions appropriate to a registration body, chief of which are—

advising the Minister on nurse education and nursing practice and the needs of the State in relation to both;

determining the scope of nursing practice;

determining eligibility for registration and enrolment;

establishing and maintaining a register and a roll of nurses; and

determining a code of conduct for nurses.

Because the council will be responsible for nurse education as well as for registration of providers, it is also empowered to—

determine standards for accreditation of nursing courses;

accredit nursing courses; and

conduct research into matters relevant to its functions.

The timing of this Bill is fortunate as it has allowed the inclusion of provisions which accommodate emerging national trends. For example, registration and enrolment will be based on competencies which have been nationally accepted by Australian nurse registering authorities. This will ensure that the qualifications of interstate nurses will automatically be recognised for registration in line with mutual recognition principles. While every effort has been made to accommodate the principles of mutual recognition in this Bill, it must be realised that this area is still evolving under the auspices of a working party established by the Health Ministers Advisory Council. I am reconciled to making further changes to this legislation in due course to facilitate mutual recognition at the operational level and as agreed to nationally.

Whereas there are presently several branches of the register, this Bill makes provision for a single register, and all those who are entered on it will be registered nurses. This is an important change flowing from the movement of nurse education into universities. The first large group of students due to complete the course this year will emerge as generalist nurses and will immediately be able to be entered on this register. Specialist nursing skills acquired after registration receive recognition in this Bill by means of certificates endorsed with an authorisation to practise in the specialist area. Midwifery and psychiatric nursing are specifically provided for and the council may add other specialist categories as the need arises. Limited registration will be included as a new category. This is designed to protect public safety without completely removing a nurse's ability to practise. It will be used in situations where a nurse is deemed safe to practise within limitations imposed by the council. The present cumbersome procedures for accrediting schools of nursing and approving the courses they conduct have been refined in this Bill. There will be a single process for accrediting nursing courses leading to registration and enrolment or to authorisation to practise a specialist skill.

I believe the two most significant improvements in this legislation are the provisions for—

the development of a code of conduct; and

complaints about professional conduct being heard by a Professional Conduct Committee, which will be separate from the council.

One of the council's functions is to determine a code of conduct to serve as a standard for professional practice by nurses, midwives and other persons authorised to practise nursing under the legislation. This is a welcome development. As the code will state positive behaviours as standards to be achieved by practitioners, it represents a more positive and desirable approach than merely listing the negative behaviours which might lead to prosecution for misconduct as under the previous model. I should also

point out that the Queensland Nursing Council will develop this code in consultation with the nursing profession and its key stakeholders at both State and national levels. Such consultation is essential if nurses are to own the code.

The newly created Health Rights Commission will also be consulted during this process. I commend to honourable members these provisions for goal-directed professional conduct. Under this legislation, the council, subject to a referral of a complaint from the Health Rights Commission, will investigate a complaint, and then, if it has substance and involves a contravention of the code of conduct, refer it to the Professional Conduct Committee for hearing and determination. This will remedy the present undesirable situation where the Nurses Registration Board of Queensland both investigates and prosecutes complaints through its officers, then hears the complaint and makes a determination. The Professional Conduct Committee will be completely separate from the council, and will be chaired by a legal practitioner who will ensure that natural justice is observed during proceedings and who is specifically responsible for determining questions of law. This committee will comprise eight members, six of whom are registered nurses and one consumer representative. When convened for the purposes of the hearing, the committee will be constituted by the chairperson and four other members, of whom three must be registered nurses. It is the intention of the legislation that the unprescribed fourth position be filled in the majority of cases by the consumer representative. I view this separation of the investigative and prosecutorial functions from adjudicative functions as highly desirable.

The Bill contains lengthy provisions for the usual mechanisms such as inspections and appeals. Appropriate provisions have also been made for the staff of the dissolved boards and for staffing the new council. The funding of the Queensland Nursing Council in the short term will be a combination of the arrangements for funding the two existing boards. An appropriation by Parliament from the Consolidated Fund of approximately the same amount as that presently supporting the Board of Nursing Studies will be paid to the council for up to four years. Fees payable to the council will constitute the remainder of the revenue. It is envisaged that the council will be self-supporting after four years, as is the case in most other States. This move towards financial self-sufficiency, wherever possible, on the part of professional registration bodies is Government policy.

I acknowledge the assistance that has been given by the numerous groups which have contributed to the development of this legislation. In particular, I wish to mention the ongoing assistance provided by the Queensland Nurses Union of Employees. Although consensus on all issues has not been achieved, the QNU has willingly provided ongoing assistance in the development of this legislation. This type of cooperation is essential to the effective implementation of the legislation, and I am heartened by the cooperation I have received from all quarters. It augurs well for the establishment of the Queensland Nursing Council. This Bill is a progressive piece of legislation. It makes provision for the many changes that are occurring in nursing. I believe certain features of the legislation will act as the model for the review of legislation governing other professional registration boards under my portfolio. I commend the Bill to the honourable members of this House.

Debate, on motion of Mr Lingard, adjourned.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Debate resumed from 21 May (see p. 5548).

Mr LINGARD (Fassifern) (2.46 p.m.): The Opposition supports the Bill. As stated by the Minister in his second-reading speech, the purpose of this Bill is to facilitate the making of amendments to Acts, where such amendments are concise or of a minor nature and are non-controversial. There are 36 Acts mentioned in this Bill. The Opposition has looked at virtually all of those Acts, and it has no qualms with repeal of

the Roads (Contribution to Maintenance) Act. In certain cases, amendments are declared to operate retrospectively. The Opposition is not concerned about that. In most cases where retrospective operation has been provided, the amendments correct minor errors and are of a technical or machinery nature. The format of this Bill is similar to a Bill introduced last December. The Opposition had no qualms with that Bill and does not have any qualms with this one. The Opposition notes that this process will continue, as the Office of the Parliamentary Counsel now has standing authority to prepare Bills of this kind as and when required.

Mr COOMBER (Currumbin) (2.47 p.m.): In a similar vein to the National Party, the Liberal Party supports the Bill. The Bill facilitates the making of amendments to Acts where those amendments are concise, of a minor nature and are non-controversial. The Liberal Party notes with some caution that, in some cases, retrospective operation has been provided in these amendments. However, the Liberal Party accepts that the amendments correct minor errors and are of a technical or machinery nature. The format of this Bill is similar to the last such Bill, which was introduced last December. The Liberal Party supports the Bill.

Hon. D. M. WELLS (Murrumba—Attorney-General) (2.48 p.m.), in reply: I thank honourable members for their contributions.

Motion agreed to.

Committee

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

Clauses 1 to 5, as read, agreed to.

Schedule 1—

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

"1. Schedule 1 (amendment 13 of the *Queensland Building Services Authority Act 1991*)—

At page 15, lines 12 to 15—

omit, insert—

'13. Section 66 (at the end)—

insert—

'(5) This section applies to a contract for the performance of building work of a class prescribed by regulation.'.'."

Dr WATSON: The Liberal Party has just received a copy of these amendments. Given the nature of the Bill, I would have thought that these amendments could have been circulated prior to this late stage. It is an unfortunate habit to introduce this number of amendments at this stage of the proceedings, without the Liberal spokesmen having any idea of what is happening. This was pointed out to the Treasurer yesterday, and he endeavoured to ensure that I, as spokesman for Treasury, received the amendments in advance of their being introduced to the Committee.

Mr WELLS: I apologise to the honourable member. His point is valid. I shall make the appropriate recommendations to ensure that what he seeks is achieved in future.

Amendment agreed to.

Mr WELLS: I move the following further amendments—

"2. Schedule 1 (proposed subsection (8) (a))—

At page 16, line 9—

omit, insert—

'(a) until a day 6 months after the commencement of Part 3 or, if another day is fixed by regulation for the purposes of this section in relation to the relevant class of building work, that other day; or'.

3. Schedule 1 (proposed subsection (10))—

At page 16, lines 18 and 19—

omit."

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2—

Mr WELLS (2.50 p.m.): I move the following amendments—

"4. Schedule 2 (*Contaminated Land Act 1991*)—

At page 27, after line 6—

insert—

'1A. Section 4 (definition "Director")—

omit, insert—

' "Director" means the chief executive of the department;'.'.

5. Schedule 2—

At page 27, after line 8—

insert—

'Commencement

Amendment 1A commences on 1 July 1992.'.

6. Schedule 2 (*Local Government (Planning and Environment) Act 1990*)—

At page 36, after line 4—

insert—

'42A. (1) Section 8.3A (2)—

omit 'Director of the Chemical Hazards and Emergency Management Unit',

insert 'the chief executive of the department that is responsible for the administration of Acts for the protection of the environment'.

'(2) Section 8.3A (3) and (4)—

omit 'Director of the Chemical Hazards and Emergency Management Unit',

insert 'that chief executive'.'.

7. Schedule 2—

At page 36, after line 13—

insert—

'Commencement

Amendment 42A commences on 1 July 1992.'.

8. Schedule 2—

At page 43, after line 23—

insert—

'WINE INDUSTRY ACT 1974

'Amendments

'1. Section 3 (definitions "Director-General" and "Minister")—

omit.

'2. Section 3—

insert—

' "Director-General" means the chief executive of the department;'."

These are obviously all technical amendments to make for the greater clarity of the statute.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Schedules 3 and 4, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

SELECT COMMITTEE OF PRIVILEGES

Appointment of Mr R. D. Barber

Hon. D. M. WELLS (Murrumba—Attorney-General) (2.55 p.m.): I move—

> "That Mr Raymond Douglas Barber be appointed as a member of the Select Committee of Privileges for the purposes of the committee's investigation into the matter referred by the House on 17 June 1992."

Mr FOLEY (Yeronga) (2.56 p.m.): I second the motion. Yesterday, the House referred to the Select Committee of Privileges a matter raised by the honourable member for Lockyer involving an alleged contempt of the Parliamentary Committee for Electoral and Administrative Review, and hence of the Parliament. As I am a member of that parliamentary committee, it may not be appropriate for me to participate in the investigations into the alleged contempt to be conducted by the Committee of Privileges, of which I am also a member, lest that give rise to a possible perception of a conflict between the two roles. Out of an abundance of caution, I intend to take no part in the investigation of this matter by the Committee of Privileges, hence the need for this appointment.

Motion agreed to.

PARLIAMENTARY PAPERS BILL

Second Reading

Debate resumed from 21 May 1992 (see p. 5436).

Mr LINGARD (Fassifern) (2.58 p.m.): I shall speak on behalf of the honourable member for Balonne, Mr Neal, who was going to present the Opposition's side of this debate, but he has been called back to his electorate. I will refer to his notes to present his opinions. He states—

> "The Opposition supports the Bill which is the result of a lot of hard work, not only by Members of the Committee but by all those people who made a contribution to the Committee's deliberations, including members of previous Privileges Committees who, as well, were addressing these same matters."

At the time Mr Neal gave me these notes, he referred to the work of the Honourable Bill Lickiss. I wish to refer to the work of the Honourable Bill Lickiss for a few moments because, as Speaker of this Parliament in 1987, I received from him a letter in which he stated that the Privileges Committee should consider—

> "The question of privilege attaching to part of a Hansard debate transmitted by facsimile is also one which ought to be addressed and clarified for the general benefit of Members."

Secondly, Mr Lickiss said—

> "I am writing to seek your clarification of the general guidelines by which Members of Parliament may be served with a summons, subpoena and/or placed under notice whilst a Member is present within the precincts of the House. Obviously the advance of modern electronic equipment, such as facsimile machines, may have an impact on some of the rules and practices presently accepted. Any communication for example could be sent in such a manner that would affect a Member in the course of his duties."

I say to honourable members that it should be perhaps compulsory reading for them to refer to some reports of Privileges Committees to see what decisions they have made. I refer to a particular decision that is relevant to all members of Parliament who may be served with a writ or a summons when they are in the precincts of the House. I know that this might not be particularly relevant to this Bill, but I shall return to the subject in relation to some of the other issues to which Mr Lickiss referred. I refer to a letter from former Speaker, the Honourable Lin Powell, who stated—

> "There have been apparently several incidents in which process servers have attempted to serve summonses and writs within the confines of the Parliamentary Precincts. The following points are set out for the information of Members, Parliamentary staff and other interested parties."

The first paragraph, which is relevant, states—

> "Process servers"—

in other words, those who want to serve writs—

> "are absolutely prohibited from serving writs, summonses or other process documents on Members within the Parliamentary Precincts. If approaches are made they (process servers) must be advised accordingly by Attendant staff. They could be further advised there is no legal bar to documents being served on Members at their electorate offices."

As Mr Lickiss said, that did not cover the problem of facsimile machines. It was in relation to that on which Mr Lickiss wanted the Privileges Committee to report. That report stated—

> "It must be stated that process cannot be effectively served by fax machine. The transmission of a writ to a defendant's office per medium of a fax machine would not constitute effective service under any interpretation of the presently existing Rules of Court."

The report of that Privileges Committee stated further—

> "Therefore, if a Member were to receive a copy of a writ 'faxed' through to a fax machine located in his Parliament House office or anywhere else within the Parliamentary precinct, that Member could not be said to have been served with that writ. Thus, the rules applying to the service of process would not be relevant in that regard."

That was very important, especially during the period of the Fitzgerald inquiry, when it was quite obvious that some members of the community were going to be named during a day's process. Those people tried to take out a writ on a member and sent it through by fax, hoping that that would be sufficient to stop any conversation or any referral to that during the day in Parliament. I believe that some of these issues should be considered by members so that they completely understand the rules in this House.

According to the report of the Privileges Committee, Mr Lickiss raised the following issue—

> "The question of privilege attaching to part of a Hansard debate transmitted by facsimile is also one which ought to be addressed and clarified for the general benefit of Members.
>
> Three separate points should be discussed in relation to this

. . .

(a) The effect of facsimile transmission;

(b) The ramifications arising from transmitting part of a Hansard debate; and

(c) Privilege attaching to Hansard generally."

In relation to the first point, that is, the effect of facsimile transmission—this is what the Privileges Committee came up with as a rule—

> "The mode of transmission of Hansard makes no difference to the matter of Privilege. The law relating to defamation does not distinguish among means of publication. For the purposes of defamation laws, material is still published regardless of whether it is conveyed through the post, published in a newspaper, handed personally to another, transmitted by means of a fax machine, etc."

As to the second point raised by Mr Lickiss, that is, the ramifications arising from transmitting part of a *Hansard* debate—once again, this is important for members to consider. The Privileges Committee decided upon the following rule—

> "At Common Law, Privilege does not protect a Member publishing his own speech apart from the rest of a debate
>
> . . .
>
> Further, at Common Law, the publisher of a report of a Parliamentary Debate is protected if the whole debate is published . . ."

As to the third point raised by Mr Lickiss in relation to privilege attaching to *Hansard* generally—the Privileges Committee stated—

> "Section 371 (3) of the Queensland Criminal Code provides for the absolute privilege of papers published by the authority of the Legislative Assembly."

I refer members to that report of the Select Committee of Privileges in the Second Session of the Forty-Fifth Parliament. I believe that all members should read that report, especially when it comes to working out the actual rules regarding the publishing of *Hansard* and the use of facsimile machines. The conclusion of that report stated—

> "Therefore, the Committee recommends to the House, in order to remove any doubt, that steps be taken to place the authorised status of Hansard on a legislative basis. This should be done by means of a Parliamentary Papers Act, or similarly titled legislation, which could also cover such related topics as the tabling of papers by Members and their subsequent distribution, the tabling of papers during Parliamentary recesses, the in-house closed circuit transmission of the House sittings and similar issues."

I now return to Mr Neal's speech. In relation to the members of previous Privileges Committees, he says—

> "Thank them for time and effort in presenting their views.
>
> The public has a right to know what is said and done in this Parliament. That is part of the Parliamentary democracy process.
>
> The business of this Parliament must be able to be reported fairly and accurately, without fear by those on whom the responsibility falls.
>
> Likewise, the officers and staff of the Parliament, and others on whom the responsibility for officially reporting and printing the proceedings of Parliament and the processing of various papers and reports devolves, must be able to carry out those duties with total confidence in the knowledge that they will not incur civil or criminal liability.
>
> The Bill before the House seeks to do just that.
>
> This Bill seeks not to widely extend the privileges enjoyed by the Parliament, but rather to ensure that those procedures that have been traditionally carried out in the past by Members and Parliamentary staff, and which have always been considered to not incur either civil or criminal liability by those who carry them out, do not, in fact, incur that liability.

> A case in point is the conferring of privilege on Hansard Greens and Daily Proofs—a situation that has never previously been tested in the courts. It was a grey area."
>
> The privileges we enjoy as Members, whereby we do not incur either civil or criminal liability, must be held sacrosanct. Parliamentary democracy, as we know and enjoy, cannot function effectively without that privilege.
>
> For this reason alone, there is a great responsibility upon Members not to abuse that privilege, either collectively or individually.
>
> At times things are said in this House, under privilege, that would incur liability if said outside. That is the whole purpose of privilege.
>
> But it is the very reason why members must exercise the utmost care when exercising that privilege.
>
> Those defamed do not have the privilege of similarly defending their integrity from aspersions cast in this House.
>
> Abuse of the privilege we enjoy can only reflect upon the Member in question and demean the standing of the institution of Parliament in the eyes of the public.
>
> Parliament should not be regarded as a 'tame cat'. But then nor should it be seen as a 'coward's castle'.
>
> Every endeavour must be made by Members to adhere closely to the fine line of truth, fairness and balance.
>
> The Honourable Member for Yeronga and present Chairman of the Privileges Committee referred to 'the sorry spectacle that occurred several years ago when two journalists were referred to the Privileges Committee for quoting from Unrevised Proofs of Hansard'.
>
> Privilege to cover such an occurrence is now clarified in this Bill, and I certainly concur with that provision.
>
> However, in relation to the event to which the Honourable Member for Yeronga referred, it was a grey area, and still is a grey area until such time as this Bill receives assent.
>
> The fact that it may have been a common but irregular practice of Members distributing this material to the media did not confer privilege upon it."

I ask members of the committee who are supporting the Bill to clarify one aspect for me. When I was Speaker, a statement was made in Parliament about the number of people who attended a particular meeting. The member who was speaking, instead of saying "400", said "40", and that was printed in the first print of *Hansard*. Somehow or other—I think I know how—that print got to the media. The media said of that person that only 40 turned up to listen to him. Now that we have done away with our first proofs, what are the legal implications? In that instance, the paper printed a derogatory story about the person indicating that he was hopeless because only 40 people turned up, whereas 400 people turned up. What happens in instances such as that, when the term "40" was accidentally stated by the member? Perhaps a Government member might answer that question.

Mr Neal continues—

> "The printing on the bottom of each page of daily Hansard is clear, in both prominence and meaning."

People can obviously see that. Mr Neal's speech goes on—

> "Anyone who reproduced from those daily Hansards has always been faced with the prospect of liability for their actions as a consequence."

That was the case in the matter about which I spoke. Mr Neal continues further—

"If my memory serves me correctly, those reporters were not the only people to be referred to the Privileges Committee for reproducing daily Hansard.

Until this Bill goes through, that responsibility remains.

I would hope that, with the passage of this Bill through the Parliament, all Members will reflect upon the responsibility that is bestowed upon them by virtue of their election and the privilege of free speech they enjoy.

I have always considered the duty of the Privileges Committee, with the concurrence of the Parliament, as being the guardian of the privileges of the House from abuse from both inside and outside of the House.

I have been pleased to be a member of the Privileges Committee and see the work carried out over many years come to fruition.

In conclusion, the provisions contained in the Bill will clarify and fine tune the privileges of this Parliament to keep them relevant to our time."

Mr BRISKEY (Redlands) (3.12 p.m.): This Bill is before the House as a result of the unanimous recommendations of the Select Committee of Privileges in its report on privilege attaching to parliamentary papers. The history of freedom of speech in Parliament can be traced back to the 1500s in the House of Commons. At that time, this freedom was hard fought for. In the latter part of the fifteenth century, there was a certain right to freedom of speech. However, this right only went as far as what was said not displeasing the Crown. In 1629, members were still being arrested and charged for using seditious words in debate. One of those arrested in 1629 obtained the agreement of both Houses of Parliament in 1667-68 that those arrested had been arrested in error and against the privilege of Parliament. It was subsequently agreed by both Houses that what was said in Parliament could not be judged outside of Parliament. Finally, the Bill of Rights 1688 declared in article 9 "that the freedom of speech and debates or proceedings in Parliament, ought not be impeached or questioned in any court or place out of Parliament". It can be seen, therefore, that the history of parliamentary privilege goes back more than 300 years. It was stated in the House of Commons in 1675 that privilege existed so that members might "freely attend the public affairs of the House, without disturbance or interruption".

The privileges that we as members of this Parliament enjoy are rights that we have pursuant to section 40A of the Constitution Act 1867-1988. They are rights that are similarly enjoyed by members of the House of Commons. Because of this nexus between the Legislative Assembly and the House of Commons, we seek guidance regarding these rights by referencing Erskine May's treatise on the law, privileges, proceedings and usage of Parliament. It is from there that we see, regarding the privilege of freedom of speech—

"Subject to the rules of order in debate, a member may state whatever he thinks in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as from any other question or molestation."

At this stage I wish to state that I hope that in the 22nd edition of Erskine May's treatise on the law of privileges, proceedings and usage of Parliament that the editor will use gender neutral language. This right to say what we think fit, even though it may be offensive to someone else or may injure someone else, is an extremely powerful right. It is one of the privileges we enjoy as members of Parliament, and it is a privilege that should not be treated lightly. It is each and every member's duty that they do not do anything that will in any way harm this privilege that we enjoy. At present, we are free to say what we wish in this place and we have absolute protection against any legal action. However, this is not the case with respect to the publication of what we say in this place. In order that parliamentary papers may attract privilege, they must be published by order or under the authority of Parliament. Proofs of *Hansard* are not published by order or under the authority of Parliament and, therefore, do not attract privilege. Hence, extracts or abstracts from proofs of *Hansard* which are given or sent to media outlets or

given to others, are not privileged. Likewise, papers which are tabled, but not ordered to be published or printed may not be accorded privileged.

As I stated at the outset, the privileges that we enjoy as members of Parliament are rights that should not be abused. If we are to extend those rights in any way, we must ensure that such an extension is only to assist the proper functioning of Parliament. This Bill will ensure that absolute privilege is extended to all stages of the production of *Hansard* and the republication of extracts and abstracts from *Hansard*. It is well known that members use proofs of *Hansard* to provide their constituents and the press with information. In doing so, they are not covered by absolute privilege. However, when the weekly *Hansard* is produced, what is within it is covered by absolute privilege. Presently, if a journalist prints what he believes is a fair report and this is published in good faith for the information of the general public, then what is printed is usually covered by qualified privilege. It appears incongruous that a member may not be covered, and yet the journalist is covered when he has reproduced the same text from a speech. There has also been concern expressed by members of the Parliamentary Reporting Staff and staff of the Government Printer with regard to defamation actions being commenced against them because they have produced the unrevised proofs of *Hansard* and these are not covered by privilege. It is my belief that extending privilege to all stages of the production of *Hansard*, and thereby removing the problem which exists relating to the publication of abstracts and extracts from *Hansard*, will be in the public interest and will not extend parliamentary privilege merely for the sake of extending parliamentary privilege.

This Bill will also extend absolute privilege to all stages of the production of minutes of committee hearings and all evidence and documents provided to committees. This protection will also be extended to officers and employees of the Parliamentary Service Commission, the Government Printer and members of the committees. This will ensure that those who deal with these documents are protected from legal action which may result from the publishing of these documents. Members of the press who attend public hearings of committees and then report on these public hearings are protected in the same manner as when they report on what is said in this House. However, there is no protection for staff who deal with these documents before the committee has reported to the House. Those documents that are merely tabled and are not ordered to be published or printed are not privileged documents and should be treated as such. These documents are, however, available for public inspection and, therefore, there should be some protection to those employees of the Parliamentary Service Commission who deal with such documents. Absolute privilege should not be extended to these documents because they are merely documents that are tabled in Parliament. The Parliament has not ordered that these documents be published or printed and, hence, no protection should be given to them. However, because these documents are in the possession of the Parliament, people can request access to them. Hence, when an employee of the Parliamentary Service Commission produces these documents, this employee is, in essence, publishing the documents and may be held liable if there is a matter which is of a defamatory nature in the documents. Hence, there should rightly be protection extended to these employees who publish tabled documents.

Also included within this Bill is the ability for persons wishing to look at tabled documents the extended ability to photocopy such documents. It is ludicrous that these people—who are usually journalists—have had to take notes from the documents when a photocopier sits nearby that would enable them to take a copy and look at the document at their leisure. Hence, an extremely sensible provision has been made to allow people to photocopy published, tabled documents. It was seen as prudent by the House of Commons in 1988-89 that a definition of “proceedings in Parliament” should be given which would assist in assuring certainty and—

> “. . . such a definition might also be helpful to members in providing a broad description, easily accessible in the Act of Parliament, of those parts of their functions as members which are protected by absolute privilege”.

Both the House of Commons and the Commonwealth Parliament found it necessary to legislatively define the phrase "proceedings in Parliament" to ensure that both members of Parliament and members of the public were not confused about what exactly that term meant.

This Bill provides a definition of the term "proceedings in Parliament" so that all people will know what the term means, especially when it relates to privilege attaching to parliamentary papers. As I stated earlier, this Bill came about as a result of the Select Committee of Privileges report on privilege attaching to parliamentary papers. It followed a unanimous recommendation that legislation be introduced to specify and clarify the scope of parliamentary privilege in relation to parliamentary papers. I take this opportunity to congratulate the member for Yeronga, Mr Foley, on the introduction of this private member's Bill. It is a truly historic Bill, and I take a great deal of pleasure and pride in supporting it. I thank also the other members of the Select Committee of Privileges who were responsible for the report and the Bill before the House today.

Dr WATSON (Moggill—Deputy Leader of the Liberal Party) (3.23 p.m.): I rise to speak on the Parliamentary Papers Bill to indicate my very strong support. As previous speakers indicated, this Bill has been brought forward as the result of a reference by Mr Speaker on 12 December 1990 to the Select Committee of Privileges. In some respects, the reference was generated by the committee because the issue had been discussed previously. After the chairman discussed it with Mr Speaker, it was decided that the best way of handling the issue was by a reference emanating from the Speaker to the committee. At the outset, let me join with the member for Redlands in saying that it was a pleasure to work on this issue with other members of the bi-partisan committee. I think I should also add that the task was made enjoyable because of the excellent chairmanship of the member for Yeronga.

In 1688, Article IX of the Bill of Rights included a critical aspect, as the member for Redlands has said, for the development of a Westminster system of Government, namely, a section that states that freedom of speech and debates of proceedings in the Parliament ought not be impeached or questioned in any court or place outside the Parliament. The member for Redlands has already outlined the history relating to that aspect. However, under our system of democracy, which is part of the Westminster system, we must balance the fundamental right granted to members of Parliament against the individual citizen's right to civil protection. In many respects, this is the central question that flowed through the committee's deliberations, namely, the balancing of absolute protection given to members of Parliament against the right of individual citizens to protection from defamatory and derogatory remarks made by members of Parliament. The issue of how far to extend absolute privilege centred on offering protection to members of Parliament while citizens' rights were not violated.

I believe no-one questions the fact that what members of Parliament say in this Chamber is, and presumably will be, subject forever to absolute privilege. The question is how widely the term "proceedings in Parliament", which is a central part of Article IX of the Bill of Rights, should be interpreted. In Attorney-General of Ceylon v. De Livera (1963) AC 103,121, the Privy Council said—

> "It is generally recognised that it is impossible to regard his only proper function as a member as confined to what he does on the floor of the House itself."

In Australia, Zelling, ACJ, suggested in the Supreme Court of South Australia that a member who repeats outside Parliament a question asked inside Parliament is still within the meaning of "proceedings of Parliament". This notion was rejected by Prior, J, in ABC v. Chatterton. Those decisions highlight the issue of absolute privilege for a member of Parliament, exactly how far it should be extended, and the extent to which "proceedings of Parliament" should be widened.

The arguments in favour of an absolute right to privilege go back to the origins of our system of democracy which is founded upon the absolute right of elected representatives to speak without fear or favour within the Parliament. Generally, I think parliamentarians are aware of their responsibility to check material and to avoid personal attacks on people who cannot reply. If parliamentary privilege is abused, that abuse can

be controlled or dealt with by conferring appropriate powers on the Parliament. Of course, the action of establishing a Privileges Committee of the Parliament should not only guard the House's privileges against people outside Parliament, but it should also safeguard the conduct of the House, which is particularly important. The argument against absolute privilege is simply that it is open to abuse. Parliamentarians can make comments about people who are not members of Parliament and about those who have no means of responding. The actual comments made by members in the Parliament may have little effect. Even today, when this extremely important Bill is being discussed, there are relatively few people in the public gallery.

As soon as comments are reported in the media, a person's reputation can be severely harmed, yet that person has no right to reply. Sometimes I think that even in this House, the limit is stretched a little too far. I might even suggest that the sleeping member for Stafford, if he wakes, might consider that when he was dealing with the President of the Liberal Party, he may have extended that just a little too far.

The committee, however, in judging these two issues in trying to balance the rights and privileges of members and the rights of individual citizens, decided to try to make the definition of "proceedings in Parliament" more precise, and we did so, as honourable members will see in clause 3 (1), (2), (3) and (4), by first of all re-enforcing the traditional definition of "proceedings in Parliament", and then saying that "Without limiting subsection (2)", which was the traditional definition of "proceedings in Parliament", it included a number of other clarifications that are set out in the clause. We did that quite deliberately because we understand that the parliamentary process is an evolving one, and a definition that we make today might be quite inappropriate as a definition in the future. The committee was conscious of expanding on and trying to define and help members with what was meant by "parliamentary privilege of proceedings in Parliament", but not to constrain parliamentary proceedings in such a way that they became as inappropriate as were parliamentary proceedings evolved.

The second issue, of course—and this was referred to in a fair bit of detail by the member for Redlands—is how far we should extend the question of privilege or absolute privilege to documents which are part of our everyday proceedings in this House. The committee was conscious again that unrestricted publication with absolute immunity carries with it the risk of damage to individuals and groups by repeated and malicious publication beyond the parliamentary sphere. A quote, which I think was given by one of the people who gave a very thoughtful contribution when the committee asked for it, Mr Browning, who is the Clerk of the House of Representatives, reads—

> "Absolute immunity from the consequences of defamation . . . 'is so serious a derogation from the citizen's right to the State's protection of his good name that its existence at all can only be conceded in those few cases where overwhelmingly strong reasons of public policy of another kind cut across this elementary right of civic protection; and any extension of the area of immunity must be viewed with most jealous suspicion, and resisted, unless its necessity is demonstrated'. "

I think he took that quote from the *Quarterly Law Review*. That point was also important in the minds of members of the committee. We certainly wanted to ensure that members were able to utilise in a broad fashion documents that are laid properly before this House, and every member of Parliament has an interest in ensuring that that is done. We also wanted to ensure that it was not an unbridled privilege, and that there could not be laid before this House documents which could lead to a malicious publication beyond the parliamentary sphere. The committee essentially came to the conclusion that it believes that the present arrangements whereby a positive publication order by the House has to be made in order to grant absolute immunity should be retained. Those, of course, are outlined in clauses 6, 7 and 8 in which the committee defined, as the member for Yeronga has mentioned, precisely which publications are authorised, who can automatically authorise the publication of documents, and the publication of a fair report of a tabled document. The committee was again conscious of that balancing role between members' rights and individual citizens' rights.

We live in a time of significant technological change, and the committee was conscious that what we do today may not in fact cover what might be appropriate in the

future. I think the member for Fassifern raised a very important point, because my predecessor in the seat of Moggill, the Honourable Bill Lickiss, was very conscious of the things that were happening that could affect members of Parliament and their rights. As the member for Fassifern rightly said, when the former member for Moggill raised that issue with the Select Committee of Privileges, he was concentrating on one of the significant technological changes that were occurring and were going to impact upon the proceedings in this place. I think the committee also understands that that is not the end of technological progress. We do not look at the report that came down, the Bill that was attached to that report, and the excellent work that the member for Yeronga has done in bringing the Bill to the House as being the end of the evolutionary process. We are under no mistaken belief that the House may in the future have to reconsider this issue as the process evolves, and come back and make amendments to this Bill, or introduce a completely new Bill.

I believe that this Bill is a very significant step in the right direction. I am extremely pleased to have been a part of that process and to have been a member of the committee that put forward the report to the Parliament. As I said before, I think a great deal of credit must go to the member for Yeronga for taking the initiative from that Bill that was proposed as part of the committee report, doing the work to bring this Bill to fruition, and introducing it as a private member's Bill. I think that is the appropriate way, because this is not a party political issue. It is an issue which is of concern to all members in this place and to everybody who works very diligently in this place. As I said, I think it is the appropriate way to go. It gives me a great deal of pleasure to support the Bill.

Mr PEARCE (Broadsound) (3.37 p.m.): It is a great pleasure for me to join in this debate. As honourable members would be aware, the member for Yeronga and other members who have spoken previously have canvassed the process of compiling the report on privilege attaching to parliamentary papers, which followed the matter being referred to the Select Committee of Privileges by the Speaker on 6 December 1990. Therefore, it is not my intention to go over that again.

I must admit that, being a new member of Parliament, I was somewhat surprised to learn that parliamentary privilege does not extend to unrevised proofs of *Hansard*. Only the official weekly *Hansard* publication, that is, the blue book, and sessional volumes are protected by absolute privilege. Only these are considered the official record and authorised publication of debates in Parliament. The fact that members of Parliament, the Parliamentary Reporting Staff, and the press gallery have for some time been concerned that the protection of privilege does not extend to the unrevised proofs has me somewhat confused as to why no action was taken prior to the Speaker's referral of the matter to the select committee.

In the Report on Privilege Attaching to Parliamentary Papers, elected members in this House, staff and media representatives made reference to the matter. According to paragraph 6.1.3 on page 7 of the report, Mr Watson, the Chief Reporter of the Parliamentary Reporting Staff, mentioned that of concern to him was the—

> ". . . significant increase in the number of members requesting copies of their speeches as soon as they became available."

He noted that there was—

> ". . . anecdotal and physical evidence that members are publishing their speeches by various means from the unrevised proofs"—

although he had strongly advised against that.

In paragraph 6.1.14 on page 9, the report states that Mr Watson clearly stated these concerns. He said—

> ". . . I am particularly concerned about my position relative to the unlawful reproduction of unrevised Hansard proofs or publication of extracts from Hansard containing material that could lead to an action for defamation that may attract either civil or criminal liability."

According to page 10 of the report, the Chief Reporter submitted that—

> ". . . Parliamentary privilege should be extended to the full production process for Hansard, including:

> . . . all stages of the production of Hansard, including shorthand notes, machine shorthand notes, audio tapes, printouts of members' speeches, daily proofs and any extracts therefrom."

It concerns me a little that this has gone on for so long with one of our most respected staff members having those concerns. It pleases me now that the committee has taken that up and as a result this Bill is before the House today.

According to page 7 of the report, Mr Tony Koch, the President of the Queensland Parliamentary Press Gallery—

> ". . . stated in his submission that members of the press also have an interest in obtaining early access to Hansard to ensure that any: . . . report which is compiled and broadcast is accurate and any methods of ensuring this, in particular checking with Hansard proofs, would be of great assistance to the journalist and would obviously be of benefit to the . . . public and the Member who delivered the speech . . ."

A concern was also expressed that members of Parliament feel that there is a need to be able to get the message out to the public on what is happening in Parliament. I thought that, in her submission, the member for Callide made a good point. According to the report, referring to the availability of the proofs being able to be sent by fax to electorate offices and press statements being made from those proofs, she said—

> "This is particularly important for country Members who may return to their electorates with only the unrevised proof to use for circulation within their Electorates or to the media in their area."

There has to be an arena in which free speech can take place without fear of civil or criminal prosecution. In Queensland, that arena is Parliament and it is here that politicians elected under the Westminster system use their basic rights and freedom to make statements in the best interests of the public. It is a reasonable procedure in theory, but in practice parliamentary privilege has been abused and many people now see the practice of using Parliament to protect MPs from defamation actions as an act of cowardice, and they see Parliament as cowards' castle. We have heard that said on quite a number of occasions. Unfortunately, it does happen. It concerns me a little that members of Parliament use that privilege to attack people, not in the interests of the community but in their own interests of being re-elected. As a new member of Parliament, I am concerned about that. Personally, I regard the law of parliamentary privilege as very special, and there is no doubt that this privilege must be retained within the democratic process. However, I feel that, in the past, this place has been used by members for personal gain—and I have just stated that—rather than being used in the best interests of the people of Queensland.

I continue to be concerned at the lack of respect shown for the principle of parliamentary privilege by some elected members in the House. I will not use my time today to turn this into a bunfight. I am a person who has come from the country and been elected to Parliament. I recall the day that I first walked in here, into the most honourable place in this State—a very honourable place. I still cannot express the feeling that came over me and the great honour that it was for me to be walking in here representing almost 17 000 people. It is unfortunate that there are a handful of members who abuse the principles of parliamentary privilege. I have, on many occasions, been sickened by the contributions of some members on the other side of the House.

Mr FitzGerald: Come on!

Mr PEARCE: Give me a go. I am a fair person. I will say my piece and I will be fair. It is a shame that elected members stand——

Mr FitzGerald: One side of the House only, you said. Be fair.

Mr PEARCE: Hold on a moment. They deliberately speak in a manner which is unparliamentary.

Mr FitzGerald: Come on, be fair! You said only one side of the House.

Mr PEARCE: I will be fair. It is hard to be fair when there is noise rumbling away over in the distance that makes no impression on the House or the people represented by it. The member for Moggill cast a slight on one of my colleagues. That was unfortunate, because I have a great deal of respect for the member for Moggill through his contributions to the Privileges Committee. I have heard the honourable member for Moggill make a lot of comments that are fair and sincere. That is the sort of person whom the Government should be working with. Members such as the honourable member for Moggill contribute to better government across the whole spectrum. Irrespective of what political party one represents, there needs to be that sort of contribution.

As a Queenslander, I become upset when I see performances such as the member for Sherwood has the habit of giving. He gets on his feet; he loses total control of what he is saying; it does not matter who he attacks, abuses or defames. He uses his position to vent his personal shortcomings. He has some feelings within himself that he cannot understand, so he uses his position to express them. The member for Sherwood has done that over the last couple of days, and I am so disappointed——

Dr WATSON: I rise to a point of order. The member for Broadsound referred to a remark made by me. My remark was a very tame one, about a sleeping member——

Mr DEPUTY SPEAKER: What is the point of order?

Dr WATSON: The honourable member is going further than is fair.

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

Mr PEARCE: I am sorry to disappoint the member for Moggill, but I am referring to something that is very important. One only has to listen to what the public says about members of Parliament. I have worked hard to get where I am. When I go out into the community, I sometimes feel ashamed that I hold what is one of the most honourable positions in this State. I feel ashamed because of the attitude of the public towards me—not as a result of anything I have done, but because of what occurs in this place, the incorrect statements that are made in the media——

Mr Lingard: What are you doing now?

Mr PEARCE: I am being honest. I always speak from my heart. That is something that cannot be said for a lot of members opposite. I do not want to use my position to generate an argument, but I am concerned about performances such as that of the Leader of the Liberal Party last week and the performance of the National Party before Christmas last year. That is not what the public is looking for. The public wants Opposition members who have enough guts to stand up and say, "We agree with the Government." If Opposition members have a good point to advance on behalf of their constituents, they should do so. Let us try to restore some decency to this House. I want to be proud when I walk out into the street and talk to my people.

The only people who show much respect for politicians are the elderly. I ask myself why that should be so. I am beginning to understand that the reason they show some respect towards me is that they were brought up in that era when parliamentarians had some respect. Every time a group of elderly people come into my office, I can see that respect. I am just a young whippersnapper who will learn off them, rather than them learn off me. I will drop this subject so that the member for Moggill will be happy.

If I was a candidate running against the current member for Sherwood, I would be spending my campaign funds on bringing bus loads of people to this Chamber, seating them in the gallery and letting them listen to the way that he performs. I do not believe he is not working in the best interests of his constituents, and that is of concern to me. Our constituents have the right to expect that their representatives will be honest and truthful in Parliament. They may not require their elected members to be the best orator in the House, but their member must be honest and must be ready and willing to speak on how his or her constituents feel about an issue. From time to time, elected members may wish to express their personal point of view. Surely, the correct thing is to represent the majority of the people and express their feelings in this place. At times, it is necessary to add a personal point of view to add weight to what one is saying. After

spending time in the community doing my homework and trying to get some feedback on particular issues, I endeavour to then express that point of view in this place. I may not agree with what they tell me, but it is not my job to push my personal point of view. I must push the point of view of my constituents. I am concerned that some elected members forget what a privilege it is to be elected to this House. I have learned so much from being an elected member. I will be around for a bit longer yet, and I will learn a lot more.

Mr Lingard: I hope you learn how to talk to the Bill.

Mr PEARCE: I am doing a great job, actually. I am concerned when long-time members of this Parliament are not making the best use of the privilege of being elected by the people. The honourable member for Peak Downs is never in the House. How can he represent his electorate if he is never here?

Mr DEPUTY SPEAKER: Order! The member for Broadsound is straying too far from the Bill. I ask him to return to the Bill.

Mr PEARCE: Mr Deputy Speaker, I respect your comments, and you are probably right.

Mr Mackenroth: The Deputy Speaker is always right.

Mr PEARCE: I have not been asked to withdraw the remark, so I do not intend to do so. In his second-reading speech, the honourable member for Yeronga referred to *Hansard* Greens and how they are now available to members within an hour or two of debates taking place. Members now have the opportunity to correct whatever spelling and grammatical errors they may find in the Greens, but they are not to change the sense of their original speeches. Members then have a further opportunity to correct errors after they have perused the daily proofs of *Hansard*. That is certainly a privilege that members must respect, as it would be improper for any member to do anything but ensure that the correct spelling has been noted and that minor grammatical errors have been corrected. Any attempt to alter the sense of the speech by making significant changes should be considered a most serious offence.

I recall a recent incident in which the Victorian Opposition Leader, Mr Brown, attempted to change the meaning of a speech that he made in Parliament by altering the words in the *Hansard* Greens. During a late-night Adjournment debate in Parliament on Tuesday, 25 September 1990, Mr Brown attacked a former royal commissioner, Mr Bill Gurry. Mr Brown claimed that Mr Gurry had knowingly, purposefully and wilfully misled the community on a matter relating to a holiday. The next day, the media reported Mr Brown's "knowingly, purposefully and wilfully" statement, but in the altered Greens Mr Brown struck out the word "wilfully". He also struck out the word "lied" from a phrase and replaced it with the word "misled". After listening to the tapes to ensure that the Greens were a correct transcript of the debate, the Victorian Chief Hansard Reporter, Mr Les Johns, decided not to accept the changes made from the night before. On Saturday, 29 September 1990, in the *Age*, Mr Johns quite rightly summed up the incident when he stated—

> "Parliamentarians are allowed to correct their 'Greens' for mistakes in grammar or transcript errors before they are printed in the official Hansard record.
>
> However, it is outside the guidelines for MPs to attempt to alter the meaning of what was said in Parliament."

I believe that is a fair summary of what happened at the time.

I pay tribute to the Chairman of the Privileges Committee, the honourable member for Yeronga, Mr Foley, for taking the bold step of introducing this private member's Bill, the Parliamentary Papers Bill, and for the manner in which he has chaired the committee. I know that every member of the committee certainly has respect for the way in which Mr Foley has handled his job.

I also acknowledge the work of my colleagues who are members of that committee. As other members of this House would know, when an honourable member is involved in committees, it is always a great effort to make sure that he or she is

present for committee meetings and is able to do his or her job. I also acknowledge the support of the Acting Clerk-Assistant (Committees), Mr Rex Klein, his predecessor, Mr Don Bletchley, and Mrs Jan Warren from the secretarial staff who has worked tirelessly to help the committee. She always had everything prepared. Members of this House who are members of committees would know the work that those people carry out. I do not think that they receive the appreciation that they should. I wish to acknowledge their support and I thank them for their efforts. It is a pleasure for me to support the Bill.

Mr FITZGERALD (Lockyer) (3.56 p.m.): It is with great pleasure that I join this debate. It is an historic occasion for members of this Parliament to debate a private member's Bill. It truly is a Bill of the Parliament. It is not a Government Bill or an Opposition Bill; it is a parliamentary Bill that has been introduced by the member for Yeronga.

As a former member of the Privileges Committee, I certainly have some interest in this particular piece of legislation. I note that the Leader of the House, Mr Braddy, is also a former member of the Privileges Committee, as is Mr Palaszczuk, the member for Archerfield, who is now the Chairman of Committees; Mr Mark Stoneman, the member for Burdekin; and Ms A. Warner, who is now the Minister for Family Services and Aboriginal and Islander Affairs. In a report to this House on 23 November 1988, that committee recommended as follows—

> "Therefore, the Committee recommends to the House, in order to remove any doubt, that steps be taken to place the authorised status of Hansard on a legislative basis. This should be done by means of a Parliamentary Papers Act, or similarly titled legislation, which could also cover such related topics as the tabling of papers by Members and their subsequent distribution, the tabling of papers during Parliamentary recesses, the in-house closed circuit television transmission of the House sittings and similar issues."

I was the Chairman of the Privileges Committee at that time. The committee carried out much research. Problems had been raised by the honourable member for Fassifern when he was Speaker. He had referred a letter from the then member for Moggill, Mr Bill Lickiss, to the Privileges Committee. I pay tribute to Mr Peter Byrnes, who was the secretary and research officer of the Privileges Committee at that time. Peter had a lot of expertise and carried out a very thorough and diligent search of the records. He examined the question thoroughly and was able to do the research for the committee. All the members of that committee agreed with the report of the Select Committee of Privileges that I compiled at that time.

Virtually all the members of the Privileges Committee are first-term members of this Parliament, except for a couple of members of the National Party. I can well remember that when I was Government Whip in the previous Government, a concern was raised by the then member for Mount Coot-tha, Mr Lyle Schuntner, who had distributed throughout his electorate a copy of a speech that he made in the House. I know that members do have copies of their speeches printed and circulated.

Mr Schuntner received a letter from a solicitor representing a person in the constituency who believed that he had been defamed and intended taking defamation action against that member of the Liberal Party—sitting on the crossbenches, but still a member of this House. Obviously, as part of his case, that person was going to argue that only part of the debate was distributed, not the whole debate. That was a moot point. To remove any doubt whatsoever, the then Leader of the House, Brian Austin, collected all the blue copies of *Hansard*, including that speech by the then member for Mount Coot-tha, and tabled them in the House. Members wondered why blue copies of *Hansard* were being tabled in the House. That was a legal manoeuvre to stop the court challenge that might have gone ahead. Although some evidence suggests that the court proceedings would not have been successful, other evidence suggests that it could have been. That process was followed to protect the members of this place. The speech made by the former member for Mount Coot-tha did not concern a member of the House, it concerned a private citizen. I believe that it was made correctly by the member at that time.

When the committee was formulating that report, we referred to court cases such as Bush's case, which was recorded in the law journal of 1685-91. Those years were fairly important. History records that 1688 was very significant in relation to the consideration of parliamentary privilege. The committee also considered the sessional order made on 25 May 1864 in the Legislative Assembly during the Second Session of the Second Parliament, which adopted a resolution that was recorded on page 77 of the Votes and Procedures for that day. I will not go through it, but it virtually gave parliamentary privilege to papers presented during that session. However, that was not continued for session after session. That sessional order, which gave protection to that Second Session of the Second Parliament, did not continue. However, some evidence exists in Erskine May to suggest that it does continue. On page 213 of the Twentieth Edition of Erskine May, the following somewhat ambivalent statement is made—

> "Orders and resolutions which affect the procedure of either House without any period of duration being fixed are often regarded as having permanent validity, although according to the custom of Parliament their effectiveness is concluded by prorogation. Many such resolutions, the validity of which is even now recognized, may be found in the Journals of the seventeenth century. These have been referred to already as providing one of the bases of practice; and in a later age they would no doubt have been passed as standing orders. Examples of these are orders of 1604"—

well before the Bill of Rights—

> "against speaking tediously, impertinently and beside the question, and the resolutions of the same year that a Member may not speak twice to the same question"—

I refer members to Standing Order 112 of this House—

> "and that the same question be not proposed again during the same session; and resolutions prohibiting speaking after the voices have been fully taken"—

Standing Order 105—

> "and directing the formal reading of a bill at the opening of the session. Even since the beginning of the 'standing order period', examples are to be found of orders and resolutions made by the House of Commons with permanent effect; for example the order of 1836 prohibiting the printing and publication of the evidence of a committee before it has been reported to the House . . ."

Those are significant historical facts. Erskine May is rather ambivalent as to whether the sessional order had continuing effect or whether it was really prorogued. The purists could argue one way, and traditionalists the other. Courts could find both ways. That was probably the basis of the committee's recommendation that, instead of making an order each session, we should have a parliamentary papers Act. That is why the committee made that recommendation.

I am pleased that the honourable member for Yeronga has pursued this matter. He will go down in history as the member who introduced this piece of legislation. Perhaps in 300 years' time, if this Westminster parliamentary system continues, somebody will ask, "Who was the member for Yeronga at the time?" Even if the member is not re-elected at the next State election—and I will not say that I hope he is—he will have made his mark in history. I thank him for his efforts. Some members have said that this is coward's castle. The honourable member for Broadsound said that members should not use it as coward's castle. I agree with that. However, I believe that members must always have the right to say what they wish in this place. It is true that, from time to time, some members may—and will—abuse that privilege. However, I believe that the alternative is not worthy of consideration. The many good men and women who will represent their constituents in this place should not be placed in a position in which they cannot speak their minds simply because a few members abuse a privilege of this House. I believe that the constituency will judge those members who abuse that privilege. If they see them as nothing other than muck-rakers who are only using and abusing the privilege of the House, it is fair for the media to comment on their

performance. I believe that they should be judged in that manner. Without further ado, I support this legislation that the private member has brought before the House, and it will be with pleasure that I will be voting in favour of it.

Mr BARBER (Cooroora) (4.07 p.m.): This has been an enjoyable debate. I particularly enjoyed the speech of the member for Broadsound, whom we could hear speaking from the heart calling for a higher standard of the use of parliamentary privilege. I enjoyed also the instructive speeches from the members for Fassifern and Moggill and, as always, the member for Redlands. I want, in passing, to discuss two matters raised by this historic Bill. They are, firstly, the use by the media of parliamentary papers and, secondly, a matter that has already been canvassed, the proper and careful use of the privilege of Parliament. A couple of ironies have occurred today. One of them is that, this morning, I took part in a radio debate in which the radio interviewer read, I assume, from a report of parliamentary debates. It was a brave thing to do this morning, because, if he read from an unrevised proof of *Hansard*, then he did not have the protection that this Bill seeks to afford to journalists. Because it is an issue of the day in my home town of Noosa, the radio station was, I think, duty-bound to report the issue. Mr Henshaw has a proud record of seeking out the truth or otherwise of allegations such as those discussed this morning, but, in doing so, he and, I think, his employer were at risk of libel action.

This Bill will provide a faster access to a privileged record of proceedings in Parliament for the media. I cannot let the moment pass without censuring again in this place the actions of the member for South Coast in his speech in the House in the early hours of this morning about Noosa, because in doing so he was intent on slurring the reputations of those individuals, including me, who have had the guts to stand up to his Liberal and National Party mates who want to develop the Noosa north shore. Members of the Liberal and National Parties are landowners of would-be large-scale development parcels on the north shore, and the member for South Coast has, in his desperation to concrete the north shore, embarked on the course that he took in the wee hours of this morning. If the member for South Coast found the allegations so serious, he would have taken them straight to the Criminal Justice Commission, but he well knows that they are unfounded. I challenge him to make those allegations outside the House so that the cowardly attack on the reputations of those people who opposed the Liberal/National plan to develop the Noosa north shore can be redressed in the courts of law. This sorry situation follows a pattern, I am sad to say. This pattern is: on the Sunshine Coast, if one stands up to the Liberal and National Parties grand plan for rape and pillage of the environment, one can expect, among other things, a bucket tipped on one in this House under the cover of parliamentary privilege. I experienced that myself when I was a young solicitor who had the audacity to oppose a National Party sanctioned plan to develop Mount Coolum.

We have heard this afternoon that parliamentary privilege is a privilege hard fought and won. It provides a forum for uncluttered and free debate of issues of concern to the State, but it is just what it says—a privilege that members of Parliament have over the rest of the community. It should, therefore, be carefully and respectfully exercised, otherwise business will be affected and reputations questioned recklessly. Let us now measure the actions of the member for South Coast in the wee hours of this morning against this consideration. This morning, on the Henshaw program, he said—

> "Rod, I received information, confidential information in addition to rumours and innuendo that's been floating around in that area for quite some time. I checked it out and I was fairly confident that what information I gave to the House last night was correct."

Here is a person who is prepared to slur the reputations of people on the basis of "rumours and innuendo". Further, he says he is "fairly confident" that the information given to the House was correct. What an outrage! What a blatant abuse of the privilege of this House! The member for South Coast said in the radio interview that he had received confidential information and that he had presented it to the House. I can inform the House that I have read the documents tabled by the member for South Coast and

they consist mainly of photocopied newspaper stories—hardly confidential information. However, I wonder what part of the unconfirmed allegations contained in the member's speech form the confidential information in whose truth he placed his implicit trust. The member for South Coast did not receive accurate information, nor did he independently ascertain its veracity. Instead, he took a muddy bucket handed to him by the Noosa Liberals and proceeded to abuse his parliamentary status and to smear reputations of individuals.

The conventions and rules of the House are a proud inheritance from Westminster. The Liberals claim to be a conservative party, yet again they have shown no regard for the conventions and privileges of the House, let alone the reputations of their fellow Australians. They are not conservatives—in this departure from parliamentary decorum they are radicals throwing out time-honoured practices and protections. The member for Yeronga, by contrast, is a member of Parliament dedicated to the conventions of Parliament. He has seen a wrong and he has righted it. He has brought in the first private member's Bill in recent Queensland history to set things right. I commend and congratulate him on bringing this Bill before the House.

Mr FOLEY (Yeronga) (4.13 p.m.), in reply: I thank all honourable members for their contributions to the debate and for their kind support of this Bill. Running throughout the course of the contributions from all honourable members has been the question of establishing a balance between the rights and privileges of this Parliament and the rights of citizens to enjoy their reputations. The striking of that balance can best be done by achieving some clarity. This Bill seeks to establish that clarity where there has been uncertainty. It can be done also from time to time as technology changes, and that is an important theme which has run throughout the contributions of honourable members.

The honourable member for Fassifern spoke on the Bill and conveyed to the House the observations of the honourable member for Balonne, Mr Neal, who is Deputy Chairman of the Select Committee of Privileges. The honourable member for Fassifern very properly and correctly referred to the important work of previous Privileges Committees that have been concerned with developing some consensus about the need for legislation in this area. I join with the honourable member for Fassifern in paying tribute to the work of those previous Privileges Committees and, in particular, to the work of the honourable member for Lockyer, who spoke later in the debate, for addressing this matter in a manner which has made the work of my own committee and my work as a private member in bringing the Bill before the House so much easier. It is said that every playwright stands on Shakespeare's shoulders, and it is true that every committee member stands on the shoulders of those committees which have gone before them.

The honourable member for Fassifern referred to a number of important issues of parliamentary privilege, including the service of a writ or summons in the precincts of the House and the implications of facsimile transmission for both issues of service and issues of transmission of *Hansard*. The honourable member for Fassifern asked a question about the legal position where there is a disparity between the unrevised proof of *Hansard* and the final revised proof and pointed to an example where the figure "40" had appeared in an initial unrevised proof, but the figure "400" had appeared in a later proof. The short answer to the honourable member's question is that the actual unrevised proof itself, and the publication of it, would be protected by the provisions of this Bill. However, when one comes to consider the duties of, say, the mass media in reporting the matter, regard must be had to the provisions of section 374 of the Criminal Code of Queensland, which governs the protection afforded to reports of matters of public interest. Section 374 (1) provides that it is lawful—

> "To publish in good faith for the information of the public a fair report of the proceedings of either House of Parliament, or of any Committee of either House, or of any joint Committee of both Houses."

Subsection (2) provides a similar provision for the publication—

> ". . . in good faith for the information of the public a copy of, or an extract from or abstract of, any paper published by order or under the authority of either House of Parliament."

Where any media organisation publishes an account of an unrevised proof, well knowing that the matter had been revised, the question arises whether that would amount to a publication in good faith of a fair report within the terms of section 374. In my opinion, the answer to that question is "No"; that is to say that the requirements of good faith and fairness impose a duty upon those who subsequently publish in the mass media a requirement not to proceed in a mischievous way, although the provisions of this Bill do protect the unrevised proof and, where reliance is placed on that in the first instance in good faith for the information of the public, in my opinion the publication would attract the protection of section 374 of the Criminal Code.

Further, by way of answer to the question by the honourable member for Fassifern, I refer the honourable member to the provisions of clause 31 and Schedule 3 of the Defamation Bill currently before the House, which refers to a defence in respect of "a fair extract or fair abstract from, or fair summary of" a document specified in Schedule 3, section 2 of which specifies "The debates and proceedings of the Legislative Assembly". That is to say, the scheme of the Defamation Bill 1992 is in similar albeit not identical terms to the provisions of section 374 of the Criminal Code on that point.

The member for Redlands, Mr Briskey, a member of the Privileges Committee who has contributed much to the work of the committee on this and other references, gave to the House an important historical context. He referred to the person arrested in 1629 for seditious debate. Lest it be thought by honourable members that such an historical context is merely quaint, one needs only to reflect on the fact that a member of this House, Fred Paterson, was arrested and tried for sedition only a few short decades ago here in Queensland. The need to have this House as an arena of free speech is not a quaint relic of past centuries, but is very much a foundation upon which a free society in Queensland depends.

The honourable member for Redlands pointed out that this was, indeed, an extremely powerful right and he adverted to the duty of members not to harm the privilege that was afforded to them. The honourable member observed—correctly, in my opinion—that it was ludicrous to require journalists to take notes in a laborious manner from tabled documents when they might easily photocopy such a document and the photocopy would, of itself within the terms of the Bill, attract protection. The honourable member for Moggill, Dr Watson, crystallised the issue of balance between the absolute protection given to members of Parliament and the right of citizens to be free from defamation. He gave an outline of recent jurisprudence, including Australian jurisprudence, on that point. The honourable member made what I would respectfully submit to the House was a very telling point in stressing that this is an evolving process of trying to determine the breadth of the phrase "proceedings in Parliament". As the Parliament moves further into the community through parliamentary committee work, that comment takes on a particularly sharp edge.

The events and issues surrounding, for example, the admissibility of evidence from Senate committees regarding the late Honourable Justice Lionel Murphy into courts of law in subsequent criminal proceedings gave very sharp focus to the extent to which continuing attention is needed in that area; that is to say, the Committee of Privileges and I, personally, do not regard this as the last word on the matter, simply because Parliament is not a stagnant institution. In particular, if we are to have a vigorous and healthy committee system, this will give rise to difficult issues of finding the correct balance. Indeed, at the request of the honourable member for Lockyer, the House yesterday referred to the Privileges Committee a matter which relates to the way in which parliamentary privilege should be considered in dealings between citizens and parliamentary committees. The honourable member for Moggill also pointed to the dilemma of how far to extend privilege to documents used every day in Parliament. In that regard, he stressed the care to be taken in conferring absolute immunity.

Significant technological changes are occurring, as the honourable member for Moggill indicated. I might reflect on the fact that, for example, there is no reason why computer disks used by Hansard could not be accessible to members of the public. The Queensland Blind Association is situated in my electorate. Through its computer users group, it is seeking to find ways and means whereby blind people may use computers to get better access to material which was previously available only in printed form and therefore unavailable to them. As soon as we move into the citizen's arena, through his or her modem and keyboard terminal being able to obtain access to *Hansard*, we will find ourselves in areas where further work will need to be done to find the right balance.

The honourable member for Broadsound, Mr Pearce, is also a member of the Privileges Committee, as is, of course, Dr Watson. He has indicated his surprise when, as a new member, he discovered that parliamentary privilege did not extend explicitly to unrevised proofs of *Hansard*. He identified the great need for there to be an arena for free speech in Queensland, and that arena is the Parliament. He stressed forcefully to the House the need to avoid abuses of parliamentary privilege and gave a chastening reminder to us all that abuse of that privilege could erode public respect for the Parliament.

The honourable member for Lockyer, Mr FitzGerald, is a former Chair of the Privileges Committee which delivered a report on 23 November 1988 recommending that certain action be taken. That action has now been taken by bringing legislation before the House relating to parliamentary papers. He adverted to problems experienced by a former member for Mount Coot-tha who distributed speeches in his electorate and to the unusual course of events which led to the tabling of copies of *Hansard* in this House as a device—of whatever efficacy—to confer upon them privilege over and above what one might have thought would have been their privilege in any event arising from the Bill of Rights of 1688. The honourable member for Lockyer led a committee which was able to reach unanimous agreement in that regard. This is most important if we are to achieve reform of this institution, and hence achieve public respect for the institution of the Parliament. The honourable member for Cooroora, Mr Barber, pointed to the nice irony that, on this very day, a journalist had purported to read from what must have been an unrevised proof of *Hansard*, and that illustrates the need out there in the practical, real world for speedy access by the media to accurate, objective and independent accounts of what is said in the Parliament. If Parliament is to be the place where debates truly occur, we must find ways and means of ensuring that what occurs here is indeed accessible to the citizens.

I should like to record my thanks to the initiative of Mr Alan Watson, the Chief Hansard Reporter, who first raised that matter with me a couple of years ago and whose interest in the matter has assisted greatly in its achieving fruition. I should like to thank also the Clerk-Assistant (Committees), Mr Rex Klein, and the former clerk to the Privileges Committee, Mr Don Bletchly, for their contributions to the work of the committee. I thank also Mrs Jan Warren of the typing staff for her work in assisting the committee. Particular thanks go to Mr John Leahy, Parliamentary Counsel, who has pioneered the role of Parliamentary Counsel in being available to private members. This Bill represents the work not of the Government of the day, not of the Executive as such, but the work of a committee of the Parliament and of a private member. As such, it is a welcome experience in the Parliament of Queensland which has too often in the past been dominated by the Executive.

It has been pleasing to note the public interest in this matter expressed through the *Courier-Mail* editorial, which conveyed a sense of the importance of this reform in an area which is regarded by some as complex and somewhat arcane. I thank all honourable members of the House for their contributions to the debate.

Motion agreed to.

Committee

Clauses 1 to 13, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

JUVENILE JUSTICE BILL

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (4.35 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to provide comprehensively for the laws concerning children who commit, or who are alleged to have committed, offences and for related purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Ms Warner, read a first time.

Second Reading

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (4.36 p.m.): I move—

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

The need for reform of the laws providing for young offenders has been evident for many years. Members of this House could not fail to be aware of the high cost of juvenile crime to the Queensland community. These costs include the direct costs of services such as police, courts, non-custodial juvenile justice programs and detention centres. Importantly, they also include indirect costs borne by insurance companies and the private security industry, as well as the personal costs to victims themselves. Because of the many years of neglect of this issue by the previous Government, finding solutions to these problems has now become even more pressing. The Goss Government is committed to addressing problems of juvenile offending and, in response, has developed a comprehensive juvenile crime strategy.

This response comprises two major elements. The first element involves introduction of reforms to the juvenile justice system through the Juvenile Justice Bill and the complementary Childrens Court Bill, which together will establish a new framework for dealing effectively with children who commit offences. The second element involves the implementation of the juvenile crime prevention initiative, which has been developed as part of this Government's broader commitment to social justice, and will be coordinated by my department. This initiative will involve departments with major responsibilities for young people such as Education, Police, Health, and my own department. These departments will coordinate their efforts at a local level and, in partnership with community organisations, provide services and programs for young people which directly address the causes of crime in those areas. To assist that process, my department will provide funding for community organisations in areas with high rates of juvenile offending. The funded programs will target children aged between 10 and 16 years of age who have not yet begun to break the law. The nature of the programs explicitly recognises the links between social and economic disadvantage and crime. This Government's response to juvenile offending is responsible, because it attacks both the causes and consequences of crime. It is also comprehensive because it will be implemented equitably throughout the State.

The legislation currently before the House is the Juvenile Justice Bill, which will provide a new statutory framework for dealing with children who commit offences. It is designed to make young offenders more accountable for their actions by providing

courts with a wider range of sentencing options. However, the emphasis is on non-custodial options, and detention is to be a last resort. Children released from detention will be assisted to return successfully to the community. The Act which currently deals with young offenders, the Children's Services Act 1965, is now both outdated and inadequate. The provisions of that Act reflect the ethos prevalent during the mid-sixties, that children guilty of criminal offences should be dealt with primarily on the basis of their welfare needs. Less emphasis was placed on the nature and extent of the offences committed. This is out of step with current thinking that children should be held accountable for their actions. The sentencing options under the Children's Services Act are inadequate for the following reasons—

There are too few effective non-custodial sentencing options.

The only option for dealing with children found guilty of very serious offences, such as murder, is an indeterminate period of detention during Her Majesty's pleasure. Indefinite terms of detention have destructive psychological effects on all people who are detained or imprisoned, but the effect is even more detrimental on children.

Under the current legislation, decisions about detention and release of children are made by administrative processes, and not by courts. These decisions are not subject to criminal appeal processes.

For children to be detained, guardianship must transfer from parents to the director-general of my department, and this unnecessarily takes responsibility from parents.

Because the basis of sentencing is not clear, sentences handed down by different courts for the same offence can vary considerably.

The Juvenile Justice Bill of 1992 establishes a new basis for the administration of juvenile justice. The Bill will be a code for dealing with children who have, or are alleged to have, committed offences. The Bill provides the jurisdiction and procedures of courts dealing with children who have committed criminal offences. Priority will be given to services to rehabilitate children and reintegrate them into the community. Sentencing reforms will be complemented by the key role of a Childrens Court judge, ensuring that sentencing is equitable throughout Queensland.

I now intend to detail features of the Juvenile Justice Bill 1992 on a part-by-part basis. A set of general principles of juvenile justice underpins each and every provision within the Bill. The provisions recognise that children may be vulnerable when being dealt with by persons in authority, such as police and court officials. Diversion of children from the court's criminal justice system is encouraged, wherever possible. Proceedings for offences should be conducted in a fair and just way, allowing opportunities for the child and parents to participate in and understand proceedings. It is imperative that children who commit offences must be held accountable and be encouraged to accept responsibility for offending behaviour. They must also be given the opportunity to develop responsible and socially acceptable behaviour. Decisions affecting children should be made and implemented in time frames which children can understand. Due consideration should be given to age, maturity and cultural background of children affected by this legislation.

I will now move on to Part 2 of this Bill. This part covers police cautioning and the start of criminal proceedings against children. It gives effect to the general principle that, where possible, children should be diverted from premature or unnecessary involvement in the juvenile justice system. To ensure this, the Bill promotes police cautioning as the most appropriate means of dealing with the majority of children who come to the attention of the police. Where a further response to juvenile criminal behaviour is required, the Bill introduces a new method—attendance notices—to be used to divert children from the arrest process. A Queensland study published in 1984 showed that approximately 85 per cent of juveniles who were cautioned were not subsequently charged with a further offence.

A further major reform is that police may request a recognised elder of an Aboriginal or Torres Strait Islander community to administer a caution to a child from that community. It is essential that Aboriginal and Torres Trait Islander children are diverted from the criminal justice system. This is one of many strategies in this Bill designed to reduce their over-representation in the juvenile justice system. The consequence of the disproportionate numbers of Aboriginal and Torres Strait Islander people in both the juvenile and adult justice systems has been tragically recorded in the report of the Royal Commission into Aboriginal Deaths in Custody. Furthermore, authorising elders to caution children will empower communities and increase children's understanding of the cautioning process. Under the Juvenile Justice Bill, cautioning may involve a formal apology to the victim of the offence, where both parties are agreeable.

In the present juvenile justice system, when police decide that the nature of an offence necessitates a child being charged and brought before the court, police only have the choice of proceeding by way of complaint and summons or arrest. An important innovation in this Bill is the provision for police to issue a child with an attendance notice. This alternative does not involve the custody associated with arrest or the costs and delay associated with complaint and summons. An attendance notice must be served personally on the child by the police officer concerned, and must be issued on the spot. This provision does not prevent the police from arresting a child where this is necessary—for example, to preserve evidence relating to an offence. It must be remembered that arrest results in a child being taken into police custody, and often involves a child being photographed and fingerprinted. It is well known that such procedures are stigmatising and contribute to the development of criminal self images. At present in Queensland, juveniles experience high rates of arrest for crimes, and it is anticipated that the introduction of attendance notices will reduce this significantly. The Bill establishes that courts will generally not be able to admit confessional statements obtained from a child in the absence of an independent adult, which is consistent with case law precedents. Courts will still be able to exclude evidence in other circumstances—for example, where independent adults do not carry out their roles. This provision reflects the principle underlying the Bill that, because children are vulnerable, they should be allowed special protection during investigations and proceedings.

Part 3 of this Bill applies the provisions of the Bail Act 1980 to a child charged with an offence. This part emphasises that, unless the Bail Act 1980 otherwise provides, a child who has been charged with an offence should be granted bail if it is not practicable to immediately constitute a Childrens Court. The Bill also provides police and the court with the discretion to release a child into the custody of a parent or to be released at large. This provision recognises special circumstances, such as a child being so young that it is difficult to determine whether he or she understands the conditions of bail. When a child is arrested and refused bail, or is remanded in custody by a court, this Bill clarifies situations in which the Commissioner of the Police Service or the director-general of my department has custodial responsibility for the child. The agency which has the physical custody of the child is deemed to have the legal custody of the child. This means that a child will be regarded as being in the custody of the Commissioner whilst in a watch-house, and in the custody of the director-general when admitted to a detention centre. This is consistent with provisions of the Corrective Services Act with regard to Police and Corrective Services responsibilities for adults in custody.

A key feature of this Bill is the establishment of the jurisdiction of the Childrens Court judge. The Childrens Court judge will be able to hear and determine cases involving serious offences, review sentences imposed by Childrens Court magistrates and hear bail applications, some of which previously would have been heard by the Supreme Court. This Bill will provide Childrens Court magistrates with a much wider range of sentencing powers. The power of the Childrens Court judge to review magistrates' sentences will ensure that children who appear before the Childrens Court will be equitably dealt with. It will also reduce the workload of the Court of Appeal.

A common criticism of the current juvenile justice system has been that it precludes the participation and understanding of the system by children subject to its procedures and their parents. While the Bill emphasises the personal responsibility of

young offenders, the role of parents is given due recognition. New procedures will encourage children and their parents to participate more fully in the court process. They also require the court to ensure that they have understood the nature and outcomes of the proceedings. The court is required to take special measures to ensure this understanding by, for example, arranging for interpreters or explanations in other languages.

The labelling of a child as a criminal inhibits the process of rehabilitation, particularly in smaller communities. It also contributes to the likelihood of children perceiving themselves as criminals. It has been the experience in other jurisdictions that children who receive such publicity are likely to attain hero status within their peer group. Some have even been known to keep scrapbooks. It is also widely accepted that a child who develops a criminal identity is more likely to commit further offences—an outcome that is contrary to what this legislation is trying to achieve. The Bill therefore prohibits the publication of information which would identify a child who has appeared in court. The purpose of this is to reduce the likelihood of a child developing a criminal identity.

The Bill acknowledges the need to consider remote or isolated areas of the State. For this reason, provision has been made for the Childrens Court judge to confer extended sentencing powers on a Childrens Court magistrate in certain situations. For example, it may be expeditious and avoid unnecessary delays for a Childrens Court magistrate to deal with a matter which would normally be referred to the Childrens Court judge.

The Bill positively encourages all children appearing before the court to be legally represented. A court must ensure that a child is afforded adequate opportunity to seek legal representation before proceeding. However, a safeguard has been provided for children who decide to proceed without legal representation. Included in the Bill is a requirement that, in any matter involving a child who is not legally represented, a court must conduct committal proceedings for an indictable offence. This places the onus on the prosecution to detail the case against the child, who will have the opportunity to hear the evidence.

The Juvenile Justice Bill will provide a range of new and enhanced sentencing options. Courts will have a greater ability to impose a penalty on young offenders which not only holds them accountable for their actions but also is proportionate to the seriousness of their offending behaviour. Sentencing orders which will be available under this legislation include a reprimand; a good behaviour order up to 12 months; a fine of any amount provided in the Act under which the child is charged; a probation order for a period of up to 12 months by a magistrate, or up to two years by a judge; a community service order up to 60 hours for children aged 13 and 14, and up to 120 hours if the child is 15 or over; and a detention order for a period of up to six months by a magistrate, or up to two years by a judge. The Bill also provides additional sentencing options to deal with children found guilty of serious offences. These options include a probation order for up to three years; a detention order for a period of up to seven years for a serious non-life offence such as attempted rape; a detention order for up to 10 years for a life offence such as robbery in company with violence; a detention order for up to 14 years for children found guilty of a life offence that involved personal violence of a particularly heinous nature. These later sentencing options will only be available to the Childrens Court judge or a judge of the District or Supreme Court.

In addition to the orders I have mentioned, courts will have the power to order that a child be prohibited from holding or obtaining a driver's licence, make restitution of property or pay compensation for damages, loss or destruction to property or for injuries suffered as a consequence of the offence. The ordering of these latter two options will be dependent on the child's capacity to pay. A further penalty that will be available to the court is the option of recording a formal conviction against a child. Children who commit serious offences will automatically have this additional penalty imposed. In deciding whether or not it is appropriate to record a conviction, the court will be required to consider all the circumstances of the case. Given the seriousness of a

decision to record a conviction, it will not be possible for a child to be convicted who is reprimanded or placed on a good behaviour order.

Children who are placed on probation orders will be required to comply with a number of conditions throughout the period that they are subject to the order. These conditions include not breaking the law; reporting as directed to an officer of my department; not leaving the State without approval; and may also include any other condition that the court may wish to impose that may help to avoid further offending. If children give an undertaking to a court at the time of sentencing that they are prepared to comply with the conditions of a probation order, then clearly they are expected to follow through with this. Breach action may be taken if compliance does not occur.

Community service orders have been available as a sentencing option for adults for several years now. The introduction of community service orders for young offenders is one of the major initiatives of this Bill. The making of a community service order will create an opportunity for a child to make reparation to their own community by undertaking unpaid community work. In some circumstances, the child may even be able to perform community service directly for the victim of his or her crime. It is intended that community service programs be available in all areas of the State, and that they will involve a range of activities. In a similar way to probation, children who do not satisfactorily carry out the community service work arranged for them can be brought back to court where they may face an additional penalty or be resentenced on the original charge.

In the past, children have been prevented from getting involved in reparation activities such as cleaning up their graffiti, or doing chores for a victim because of the lack of insurance cover if they were injured in some way while undertaking these tasks. The Juvenile Justice Bill resolves this problem by ensuring that children who undertake any work activity associated with a community service order will be covered by workers' compensation. Most children who commit offences do not become hardened adult criminals. Evidence clearly shows that most grow out of crime as they assume the usual responsibilities of adulthood. However, research and experience have also revealed the dramatic negative impact of being marked as a criminal while still a child. The harsher the treatment of a child, the more likely he or she is to become involved in a career of crime. The Bill provides a balance between these realities and the intention to make children responsible for their actions.

On this basis, the Bill enshrines the principle of detention being used only as a last resort. Prior to making a detention order, a court must consider a presentence report. Through this mechanism, the court will fully acquaint itself not only with the circumstances of the offence but also with the child's attitude towards the offence and his or her personal circumstances. Furthermore, the court will be required to satisfy itself that no other sentence would provide a more effective outcome for the child and the community. Even after such thorough consideration, if a court does make a detention order, it must record its reasons. No apology is made for these kinds of measures. They do place constraints on the court's ability to detain children. However, the approach of the Bill responds directly to the recommendations of the Royal Commission of Inquiry into Aboriginal Deaths in Custody. Further, children sentenced to detention orders will no longer be able to be detained in prison. This is consistent with the United Nations standard minimum rules for the administration of juvenile justice, commonly known as the "Beijing rules".

One of the most innovative aspects of this Bill is the addition of immediate release orders as a sentencing option for the courts. This order provides a high tariff alternative to custody which can operate in any part of the State. The court will initially make a detention order and then suspend the order and immediately release the child. For up to three months, children on immediate release orders will be expected to undertake substantial community service work, regularly report to the department and attend programs to address any alcohol, drug or other problems. They will be subject to close supervision in these activities by an adult in their community. If they re-offend or fail to

comply with the conditions, they face arrest and the possibility of being ordered to serve the period of detention which was originally ordered.

It is anticipated that immediate release orders will provide an effective strategy to reduce the number of Aboriginal and Torres Strait Islander children from remote communities who are incarcerated. The western legal system has, to date, been unsuccessful in facing the challenge that these children present. Aboriginal and Torres Strait Islander people will have an opportunity to contribute to the development of activities and conditions which constitute the order. This will maximise the social and cultural relevance of the orders. Furthermore, appropriate clan members can be recruited to act as supervisors of the order.

The Bill provides that a child on a detention order is not to serve more than 70 per cent of the order in a detention centre. This provision has three major benefits. Firstly, children in custody are often difficult to manage if they are uncertain as to when they are to be released. The security of certainty, intrinsic to good parenting of children, applies as much to the setting of the detention centre as it does to the family home. Secondly, the remaining 30 per cent of the order will provide an opportunity for the department to ensure that the child has a sufficient support network to avoid the risk of re-offending. It is proposed that intensive supervision of up to 20 hours per week may be provided by the department to achieve this. Thirdly, by establishing a standard release formula, the unnecessary expense of an elaborate system of determining parole is avoided. If children do not comply with the conditions of their release, they face the prospect of being arrested and returned to a detention centre to serve the balance of their order.

One of the features of this Bill which has received attention in the media is the set of provisions which will allow the court to make orders against the parents of young offenders. Where it can be established that parents have been neglectful in the care or supervision of their child, and that this neglect has substantially contributed to the child's offending behaviour, the court will be able to call on the parents to show cause why they should not be ordered to pay compensation for damages, loss, destruction or injury. Parents who have contributed in some way to their child's offending behaviour should be held accountable. However, the general thrust of this legislation is to encourage children to accept responsibility for their own actions.

The obligations and scope of the responsibilities of the director-general in relation to correctional services for children are set out in various sections of Part 6 of the Bill. The obligations relating to the establishment of programs and services reflect the balanced approach of this Bill. The Bill provides for adequate punishments for young offenders whilst providing these children with the skills and support systems to make the transition to being responsible and contributing members of this society. The director-general's duties regarding detention centres and children in detention are also set out in this part of the Bill. An important initiative in this more open approach to the management of detention centres will be the appointment of official visitors. Official visitors will have the authority to fully investigate any complaints.

This Bill also clarifies the procedures to be followed for offences relating to detention centres. These include offences such as escaping or attempting to escape from detention. Also included are offences such as when other persons try to unlawfully enter detention centres or, when visiting, fail to comply with directions from authorised detention centre staff.

Finally, the Bill contains general provisions which preserve the right of parents to know the whereabouts of children. Clear confidentiality provisions prohibit the disclosure of confidential information gained through involvement in the administration of this Bill. In keeping with the principle of making children responsible for their actions, unpaid fines or compensation are able to be pursued as a civil debt. Officers of the court are able to grant extensions of time to pay, upon written application, under certain circumstances.

In conclusion, the Juvenile Justice Bill 1992 is an imaginative and comprehensive package of reforms which are the most far-reaching changes ever in the area of juvenile justice in Queensland. The issues involved are both complex and vexing, and

implementation of the large-scale response required will be a challenge for us all. Queensland is taking a significant lead in a number of areas of reform related to juvenile justice. For the first time, a complete package has been developed, which ranges from major crime prevention initiatives to court structures and penalties within a coordinated framework of well-informed principles. Further complimentary legislation in the form of the Childrens Court Bill will complete the package of legislative reform which represents major steps forward in addressing the problem of juvenile crime in Queensland.

I thank all members of my department, in particular Margaret Allison and Steve Armitage, who have worked long and tireless hours in the development of this legislation. I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

CHILDRENS COURT BILL

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (5.02 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to establish the Childrens Court of Queensland and for related purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Ms Warner, read a first time.

Second Reading

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (5.03 p.m.): I move—

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

I am delighted to have the opportunity of introducing the Childrens Court Bill 1992. This Bill represents the most significant upgrading in the status of the Childrens Court in nearly 30 years. As you would be aware, Mr Speaker, the operations of the Childrens Court have been recently subject to extensive public criticism, most of which relates to the court's sentencing of young offenders. Although I consider much of this criticism to be unfair, it must be recognised that courts in our community can only exercise the powers given to them by law within the structural framework of the court system generally.

The Juvenile Justice Bill 1992, which has also been introduced today, will address much of the criticism about the court's powers to deal effectively with young offenders. These reforms would, however, be incomplete without also providing a new and enhanced structure for the operations of the court. The purpose of this Bill is to provide that necessary structural reform of the Childrens Court. Before I explain the nature of these reforms, I must point out that the Childrens Court Bill will not only govern courts sitting to hear criminal matters concerning children, but will also provide for courts hearing non-criminal matters, such as care and protection proceedings. This is why the Childrens Court Bill is a separate Bill, despite its interrelationship with the Juvenile Justice Bill.

The single most significant reform in the Bill is provision for the appointment of a President of the Childrens Court. The President will be a District Court judge who has been appointed as a Childrens Court judge. The appointment of such a senior judicial officer to head the court clearly signals the Government's intention to improve the status and credibility of the Childrens Court and to ensure that its structure appropriately reflects the important nature of the decisions it is required to make about the lives of children in our community.

In overview, the preliminary part of the Bill includes provision for a commencement date. It is intended that this Bill and the Juvenile Justice Bill will commence on the same

date, because of the necessity for structural reforms to the Childrens Court to be in place at the same time as significantly greater powers in the court's criminal jurisdiction are provided. Part 2 of the Bill provides for the establishment of the Childrens Court of Queensland, and states how the court may be constituted. A Childrens Court judge may constitute a court for the purpose of exercising functions and powers established by other Acts, for example, the hearing of serious criminal offences under the Juvenile Justice Bill.

In the ordinary course of events, a stipendiary magistrate will be able to constitute a court to conduct proceedings concerning children. Where a specialist Childrens Court magistrate is available in a major centre like Brisbane, preference is to be given to this magistrate hearing the matter. The reason for this preference is that a Childrens Court magistrate has greater specialist knowledge and expertise in the jurisdiction. In areas where a magistrate is not readily available, a court may be constituted by two justices of the peace who are trained in the conduct and proceedings of courts. This will allow for matters to be brought before the court speedily, even in remote areas. I am sure most members would appreciate the urgency of having a court determine the temporary custody arrangements of children who have been removed from their parents as a result of a care and protection application.

The Bill also sets out the mechanism for appointing a Childrens Court judge. The judge is to have an existing commission as a District Court judge, and may be appointed by the Governor in Council on the recommendation of the Attorney-General. In making a recommendation, the Attorney is to have regard to the appointee's interest and expertise in the Childrens Court jurisdiction. When a person is appointed as a Childrens Court judge, that person will continue to undertake duties in the general jurisdiction of the District Court. It is seen as important for the operation of courts generally to strike a balance between developing expertise in a specialist role and ensuring that judges stay in touch with broader developments in law and practice. The Bill also provides that a Childrens Court judge may resign that position without affecting his or her appointment as a District Court judge. One of the Childrens Court judges will also be appointed as President of the Childrens Court. I referred to the importance of this position earlier in my address. The president's major functions will be—

to develop rules of court for consideration by Governor in Council;

to ensure that the jurisdiction of the court when constituted by a judge operates in an orderly and expeditious way; and

to provide an annual report to the Attorney-General on the operation of the jurisdiction.

The requirement to provide an annual report, which is to be tabled in Parliament, provides an important public accountability mechanism for the Childrens Court jurisdiction which has not been available previously.

The Bill also provides for the appointment of Childrens Court magistrates. Appointments may be made by the Governor in Council, on the recommendation of the Attorney-General. Any person appointed as a Childrens Court magistrate also retains a concurrent commission as a stipendiary magistrate. As with a Childrens Court judge, resignation from the position of Childrens Court magistrate will not affect appointment as a magistrate. The Bill also provides a number of machinery clauses providing for keeping of court records, and for the appointment of acting judicial officers.

The last part of the Bill deals with sittings of the court. Where constituted by a magistrate, the Childrens Court may sit in any Magistrates Court in the State. Clearly, it would be an unnecessary waste of public resources to establish separate Childrens Court buildings in all major centres. At the same time, it would be undesirable for Childrens Court and Magistrates Court matters to be set down for the same time in the same court. We do not want young children before the court on care and protection applications being confronted by the monday morning "drunks' parade". To ensure this does not happen, the Bill enshrines the principle of segregating proceedings involving children, by providing for special times to be set for hearing of Childrens Court matters. These times cannot be when a court involving adults is sitting.

The Bill also continues a very important provision of the Children's Services Act which provides that the Childrens Court is generally closed to the public. Indeed, the only exception to this rule is where the Childrens Court judge is sitting to hear very serious criminal charges against children—charges for which an adult could receive imprisonment for 14 years or more. There are very good reasons for keeping the Childrens Court as a closed court. In its non-criminal jurisdiction, the court deals largely with matters involving the serious abuse and neglect of children. Applications are brought to the court by police officers or officers of my department seeking orders to ensure the protection of children. Some orders the court can make result in the removal of children from their families. I am sure members of the House appreciate the sensitivity of these matters and the distress of children and parents alike. That distress would only be increased if people not directly involved in the case were allowed to be present in court.

In respect of the court's criminal jurisdiction, there are also compelling reasons for having a closed court. Most young offenders who appear in court do not come before the court again—repeated offenders are in a minority. For most children, going to court carries a sense of shame which appears to be a sufficient deterrent to further offending. These children's ability to put their mistakes behind them and get on with the business of growing up into responsible adulthood is greatly assisted by the fact that their offence is not known publicly. Contrary to popular belief, children are not deterred from crime by the fact that the community is able to find out details of their offences. The experience in other States has been the opposite. In jurisdictions where courts are open, researchers have found that offending children can become "heroes" to their peers, and may actively seek to live up to their criminal reputations. The Bill provides that persons who are entitled to be present in a Childrens Court are the child, the child's parents, legal representatives of any party, officers of my department, police prosecutors, witnesses and any support person they are entitled to have with them, and representatives of agencies set up to provide services to Aboriginal and Torres Strait Islander children and their families. This last provision recognises the vital contribution made by organisations such as the Aboriginal and Islander Child Care Agency.

The Childrens Court will also have a discretion to allow certain other people to be present in the Childrens Court. These people are—

students whose area of study is relevant to the operations of the court—social works students, for example;

researchers whose work has been approved by the director-general; and

other people who can assist the court—interpreters, for example.

In conclusion, the Childrens Court Bill contains important new initiatives for the structure and operations of the Childrens Court. The most significant of these changes are the appointment of one or more Childrens Court judges and the position of president of the court. At the same time, the Bill preserves many of the safeguards and protections which have traditionally existed in the Childrens Court jurisdiction, such as the segregation of adult and child proceedings. In times of change, it is important that we do not "throw the baby out with the bath water". This Bill will provide the structural framework through which the sentencing reforms in the Juvenile Justice Bill can be achieved successfully, and will allow the court's operations to continue as at present in respect of non-criminal proceedings within the jurisdiction. I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

DOMESTIC VIOLENCE (FAMILY PROTECTION) AMENDMENT BILL

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (5.13 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend the Domestic Violence (Family Protection) Act 1989."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Ms Warner, read a first time.

Second Reading

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (5.14 p.m.): I move—

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

I bring to the Parliament a Bill designed to amend the Domestic Violence (Family Protection) Act 1989 to better fulfil the functions for which it was intended—the protection of victims of domestic violence from future physical injury, damage to property, threats, intimidation, abuse or harassment. The Act has been in effect for two and a half years, and in that time more than 13 000 domestic violence orders have been issued. It is expected that by the end of this year 2 per cent of Queensland couples will have been subject to a domestic violence order. This is unequivocal evidence of the need being met by the Act, just as it is unequivocal evidence of the horrific extent of domestic violence in our community.

The proposed amendments reflect the experience gained in the past two and a half years by Government and non-Government bodies, and the Queensland Domestic Violence Council. These bodies have identified areas in which the Act should be amended to provide greater protection to victims of domestic violence and to make the operation of the Act more efficient. It is the protection of victims that constitutes the fundamental purpose of the Act and the amendments I put to the House today. The Act is not intended to provide for legal mediation of a family dispute. Rather, it is designed to protect a person against violence. It is to this end that a magistrate may impose a domestic violence order, and any conditions which form part of the order, on a respondent spouse.

Domestic violence is overwhelmingly committed against women by men. The research available suggests that in 93 per cent of cases it is women who are the victims. That is not to deny that men also experience domestic violence. Accordingly, it is entirely appropriate that the Act is written in gender neutral terms. In recognition of the fact that women are overwhelmingly the victims of domestic violence, I will refer to perpetrators—the respondent spouse to a domestic violence order application—as men. I will refer to the victims—the aggrieved spouse—as women, as this most accurately reflects the social realities in which we live.

Three years ago I expressed to the House my hope that the Government would be open-minded enough to introduce further amendments to improve parts of the legislation. I suggested then that the Government would discover limitations to the effectiveness of the Act. These limitations have now been identified. The most important limitations have been found in regard to domestic violence orders. Existing domestic violence orders contain only those conditions specified by the magistrate. In future, and as a standard condition of every domestic violence order, the respondent spouse will be required to be of good behaviour towards his spouse and not commit domestic violence. This amendment will impose a minimum standard of behaviour on the respondent spouse. In future, respondent spouses will be automatically prohibited from possessing a weapons licence or a weapon except in special circumstances. The need to ensure that perpetrators of domestic violence do not have access to weapons has been tragically demonstrated by the number of women murdered by their spouses. In the last year alone in Queensland, 15 people were killed by their spouses. These two standard conditions will strengthen protection for aggrieved spouses as well as achieve a significant measure of consistency in domestic violence orders handed down by the court.

In future, the protection provided by a domestic violence order can, at the discretion of the court, be extended to include the relatives and associates of the aggrieved spouse. Currently, nothing can be done to prevent the perpetrator from

diverting his violent behaviour away from his spouse and towards her friends, relatives and associates. The perpetrator, in this way, is able to continue harassing and intimidating his spouse without breaching the domestic violence order itself. This will no longer be the case. The protection offered by the domestic violence order can now be extended to the family, friends and professional colleagues of the aggrieved spouse, where they are named in the order. In addition, the discretion of the court to impose other specific conditions on the respondent spouse has been clarified and extended. Currently, the Act does not allow the court to make conditions other than prohibitions and restrictions on the behaviour of the respondent spouse. For example, a court cannot order that a woman be allowed to return to her home to collect her personal belongings. In future, a court may impose conditions which the court considers are necessary or desirable in the interests of the aggrieved spouse or any aggrieved person.

The Bill provides numerous examples of conditions which magistrates will be asked to consider. I will refer to one of the more important examples, provided in clause 5 (2) (b). Magistrates will be able to require, as a condition, that the aggrieved spouse be able to remain in her home, even if her spouse has a legal or equitable interest in the property. For too long, women have suffered violence for fear of losing their home and having to move away from the area in which they live. This step is even more onerous where children are involved. Women may now seek protection in order to remain in their own homes. It is recognised that many women will want to leave their own home and its violent association. They will need accommodation and support in the houses and refuges provided by women's groups and church and community organisations.

The Bill proposes that magistrates may extend the period in which a domestic violence order is in force for a period of up to two years, or longer where special circumstances apply. Currently, the court may only require that a domestic violence order be in force for up to 12 months. Twelve months is not a long time, especially for a woman who has been suffering domestic violence for many years. Currently, the woman is required again and again to return to the court for protection. Of even more concern, the woman is required once again to satisfy the court that an order is required. In practice, this can mean she must wait for further violence to be committed against her before returning to the court. In future, not only will the courts be able to determine the time period domestic violence orders are in force, they may extend an order with reference to the original grounds on which the order was made. These five measures, namely, requiring the respondent spouse to be of good behaviour and desist from domestic violence; the automatic prohibition of weapons and weapon licences; the protection extended to the friends, associates and relatives of the aggrieved spouse; greater discretion for the courts to determine conditions of domestic violence orders; and the discretion of the court to enforce domestic violence orders for up to two years, or longer in special circumstances, will considerably strengthen domestic violence orders, and so provide greater protection to women who have suffered at the hands of their spouses.

It is not sufficient that the order be strengthened. For the order to have real effect the respondent spouse must know fully and clearly the legal sanctions which an order places upon his behaviour. The court will now be required to ensure that a domestic violence order is properly and fully explained to the respondent spouse in a language likely to be understood by him. I referred earlier to the need of many women to flee from their spouses. Many women's groups, church and community agencies can be proud of the accommodation and support they have provided to many thousands of women over many years who are forced to escape. Many of these women, either immediately or later, decide to move interstate. This movement of women, and women with children, seeking security and peace of mind elsewhere has been recognised by the Standing Committee of Attorneys-General which resolved that orders issued in one State would be recognised across all States. I am pleased to report that this Bill provides for the

registration of domestic violence orders from other States and Territories. I am sure that members will be pleased to know that Queensland's orders are now recognised in Victoria and will shortly be recognised in other jurisdictions.

Importantly, respondent spouses will not be notified when interstate orders are registered in Queensland. Clearly, it would be completely inappropriate to let the respondent spouse know that his spouse had escaped him by moving to Queensland. Importantly, a respondent spouse will be told when the order is made that domestic violence orders are enforceable in all States and Territories, without further notice. This provision is consistent with the decision of the Standing Committee of Attorneys-General and the legislative action being taken in other jurisdictions.

I indicated earlier that as a standard condition of a domestic violence order, a respondent spouse will be prohibited from possessing a weapon for the duration of the order. This amendment recognises that men shoot their spouses, and other members of their family. Members of this house will have shared the horror that the Queensland community felt about such incidents as the Bettridge case, where a husband gunned down his wife, father-in-law and baby daughter before shooting himself. This amendment also recognises the ability of a respondent spouse to threaten and intimidate his spouse by virtue of owning a gun or other weapon. The need to prevent respondent spouses from having access to weapons has been recognised across Australia. The Premiers and Chief Ministers resolved, in November 1991, that all firearms and other dangerous weapons in the possession of a respondent spouse be confiscated automatically during the currency of the domestic violence order. Accordingly, the amendments provide that when a domestic violence order is made the respondent spouse is not to possess a weapon for the duration of the order. When a domestic violence order is made, weapons licences are revoked, or in the case of a temporary protection order, suspended.

The Bill provides the court with the discretion to allow a respondent spouse to keep his weapons, but only in very limited circumstances. Only if the respondent spouse has never used or threatened to use a weapon against his spouse and the use of a weapon is essential to his work can a court consider allowing the respondent spouse to keep his gun and licence. Considerable thought has been given to devising a scheme whereby weapons and weapons licences are surrendered or obtained in a manner consistent with the Weapons Act 1990. The court has the discretion to determine whether a weapon is obtained by the police immediately. Otherwise, the amendments provide that the respondent spouse surrender the weapons and weapons licence no later than one day after receiving the order. There are consequent amendments which enable the police to take necessary actions to ensure that these requirements are complied with. There are a number of other amendments clarifying police functions and powers. In future, a police officer may ask for the names and addresses of people who are involved in a domestic violence incident, or who are witnesses to it.

A number of inappropriate restrictions placed on police in the current Act have been removed. Currently, police may intervene only to remove the respondent spouse from the premises where the domestic violence incident occurred. This requirement means that the respondent spouse may simply leave the house and go onto the footpath, at which point the police officer could take no further action under the Act. It is clear that police officers should be considering not whether the respondent is in the house or on the footpath, but whether the aggrieved spouse is in danger of domestic violence. This is addressed by the new amendments. A further inappropriate restriction on the actions of police is the requirement that a respondent spouse be cautioned first before being arrested. Moreover, the Act requires that the arresting officer be the same officer who issued the caution. Under the proposed amendments, these restrictions have been removed, consistent with similar provisions in other Acts.

Other amendments are principally designed to enable the Act to operate efficiently. These amendments, which are more of a technical nature—

clarify the jurisdiction of the courts;

enable courts hearing an offence which is related to domestic violence, such as assault, to make or vary a domestic violence order;

clarify the power of courts to make temporary protection orders. This includes provision to make such orders in the absence of the respondent spouse;

clarify the powers of the court to vary or revoke domestic violence orders;

clarify procedures for the making of domestic violence orders by consent;

ensure that the Commissioner of Police is provided with notices of applications to vary or revoke domestic violence orders. This is necessary to ensure that police officers are completely up to date with any changes made to domestic violence orders;

establish the power of the court to summons persons to attend. Importantly, it is clarified that the court need not hear the personal evidence of the aggrieved spouse when hearing an application;

clarify the procedures that a clerk of the court follows when an application for a domestic violence order is made;

clarify procedures for the service of court orders and issuing of warrants; and

clarify the procedures a police officer must follow when applying for a temporary protection order in certain circumstances.

A major feature of the amendments is that they have been written in plain English and in sequential order. A new Part 1A called "Understanding Domestic Violence Under This Act" has been proposed. This part sets out clearly the purpose of the Act and how people may obtain protection under it. All powers of court are in one section, as are all police functions and powers. The Act, once amended, will be far easier to use. This, in itself, will make the Act more effective.

There is strong community support for strengthening and improving the current Domestic Violence (Family Protection) Act 1989. The Government is appreciative of the work of the Queensland Domestic Violence Council, which prepared the original recommendations on which these amendments are based. I would like to thank Zoe Rathus, chairperson of the Queensland Domestic Violence Council, council members, departmental staff including Sally Kirk, Jan Williams, and David James and the many others who contributed to the preparation of this Bill. I would also like to acknowledge the commitment of the Queensland Police Service, and its officers, which is instrumental to the effectiveness of the Act. Almost half the applications for domestic violence orders made to date have been instigated by police officers. These amendments will significantly enhance the Domestic Violence (Family Protection) Act 1989 and so enable more comprehensive and effective protection for those members of our community who experience the scourge of domestic violence. I commend the Bill to this House.

Debate, on motion of Mr FitzGerald, adjourned.

SPECIAL ADJOURNMENT

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (5.30 p.m.): I move—

"That the House, at its rising, do adjourn to a date and time to be fixed by Mr Speaker in consultation with the Government of this State."

Motion agreed to.

The House adjourned at 5.31 p.m.