

FRIDAY, 3 DECEMBER 1993

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

PETITIONS

The Clerk announced the receipt of the following petitions—

Abortion Law

From **Ms Warner** (504 signatories) praying that sections of the Queensland Criminal Code which make abortion unlawful be repealed and that abortion services be established in the public hospital system and community-based women's health centres with no charge attached to this service.

Abortion Law

From **Ms Warner** (541 signatories) praying that sections 224, 225 and 226 which make abortion unlawful be removed from the Queensland Criminal Code.

Abortion Law

From **Ms Warner** (855 signatories) praying that all abortion laws be repealed to allow abortion to be safely and readily available as a confidential matter between a woman and her doctor.

Petitions received.

PAPERS

The following papers were laid on the table—

- (a) Minister for Tourism, Sport and Racing (Mr Gibbs)—
Trustees of the Willows Paceway—
Annual Report to 30 April 1993
Queensland Tourist and Travel Corporation—
Annual Report for 1992-93
Corporate Plan for 1993-94
- (b) Minister for Health (Mr Hayward)—
Health Rights Commission—Annual Report for 1992-93.

MINISTERIAL STATEMENT**Mr G. Latemore, Overland Safaris**

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Emergency Services and Minister for Rural Communities and Consumer Affairs) (10.02 a.m.), by leave: Honourable members would be aware that it is sometimes necessary to take steps to alert people to a particular problem. In this case, potential tourists to our State are at risk of being subject to unacceptable conduct by a Mr Graham Latemore, who trades as Overland Safaris out of Cairns. Latemore formerly traded as Independent Safaris.

Over the last few years, my department has received numerous complaints from tourists about Latemore's behaviour. Those complaints include intimidation; racist statements; excessive drinking of alcohol; an impatient and volatile nature; abusive language; and direct and indirect threats of violence. As a result of this conduct, some complainants have abandoned their tour and arranged for their own return. Tourists would have a happy holiday with Mr Latemore! There have also been instances of tourists being abandoned in remote locations. My colleague the Honourable Minister for Tourism, Sport and Racing, Mr Bob Gibbs, as well as the Northern Territory's Office of Consumer Affairs, have received similar complaints.

This tour operator travels from Cairns in north Queensland to Ayers Rock and then returns. Mr Latemore has had his tour operator's licence for tours within Queensland cancelled by the Queensland Department of Transport, but operates the interstate tour on the premise that the Australian Constitution allows him the right of free trade between the States. These interstate and overseas tourists are our guests in Queensland. While they are in this State, they are consumers within the meaning of the Fair Trading Act, and are entitled to the same protections as any other Queenslanders. They should not be subject to the ill-treatment which is part of Latemore's stock in trade, and I am concerned that his behaviour has damaged, and will continue to damage, Queensland's image as a premier tourist destination.

Despite approaches to Latemore to mend his ways, no real cooperation has been forthcoming. Many difficulties are faced in dealing with these complaints as many of the victims reside overseas or interstate and have left Queensland. Accordingly, I would warn Queenslanders holidaying in the Cairns area not to deal with Latemore.

I warn tourists to think carefully before embarking on some outback safari tours. Advice should be sought from licensed travel agents or reputable tourist promotion organisations regarding the suitability of certain tours. My colleague the Honourable Minister for Tourism, Sport and Racing, Mr Gibbs, will publicise this problem through the Queensland Tourist and Travel Corporation's international network.

I table for the information of honourable members some of the complaints lodged with the Queensland Office of Consumer Affairs and the Northern Territory Tourist Commission about Latemore's activities.

PARLIAMENTARY COMMITTEE OF PUBLIC ACCOUNTS

Report

Mr HOLLIS (Redcliffe) (10.06 a.m.): I have pleasure in presenting a report of the Parliamentary Committee of Public Accounts upon its inquiry into the financial administration of Aboriginal and Islander councils. During this inquiry, the committee focused on the role of the Department of Family Services and Aboriginal and Islander Affairs and its support for the Aboriginal and Islander councils. Areas considered by the committee included the director-general's responsibility for financial accountability in relation to the councils, the adequacy of the community services legislation and the appropriateness of the structure of the councils. The committee has made only one recommendation to the Minister, that is, to address the conclusions reached by the committee.

I thank all members of the committee, especially the subcommittee members, Messrs D'Arcy, Fenlon and Grice, for their dedicated efforts. The committee particularly appreciated the work of its research staff, Ms Debra Stolz and Mr Ted Dahms, whose endeavours have contributed significantly to the committee's deliberations. The committee also appreciated the work of Ms Sandy Rowse from the committee secretariat for her assistance in preparing this report.

Finally, I also table the committee's issues paper, a transcript of proceedings of the public hearing held on 13 September 1993, and the correspondence provided to the committee during the conduct of this inquiry. I move that the report be printed.

Ordered to be printed.

PRIVILEGE

Answers to Questions by the Minister for Tourism, Sport and Racing

Mrs SHELDON (Caloundra—Leader of the Liberal Party) (10.08 a.m.): I rise on a matter of privilege. In answer to a question on Tuesday, 30 November in this House, the Minister for Tourism, Sport and Racing stated that no grants had been made by his department to the Mount Gravatt Australian Rules Football Club. On Thursday, 2 November, in answer to a further question on notice by me, the Minister contradicted himself by stating that \$10,685 had been made available to the Mount Gravatt Australian Rules Football Club by his department. This raises the question that the Minister deliberately misled the House, and I move—

“That this matter be referred to the Privileges Committee for its consideration and report back to the House.”

Mr GIBBS: I rise to a point of order. On the basis of the accusation, let me say that I have no problems at all—

Mr LINGARD: I rise to a point of order. The motion has been moved. Therefore, it cannot be debated even by a point of order, otherwise it is completely unfair. It has been moved, and must be put immediately to the House.

Mr GIBBS: I seek leave to make a ministerial statement.

Mr SPEAKER: No, the Minister cannot do that now.

Question—That the motion be agreed to—put; and the House divided—

NOES, 48—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Mitchell, Perrett, Quinn, Randell, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

AYES, 34—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Casey, Clark, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Mackenroth, McElligott, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbaniak, Vaughan, Warner, Wells, Woodgate *Tellers:* Pitt, Livingstone

Resolved in the **negative**.

PERSONAL EXPLANATION

Hon. R. J. GIBBS (Bundamba— Minister for Tourism, Sport and Racing) (10.16 a.m.), by leave: On 30 November, the Leader of the Liberal Party asked a question in this House, which stated—

"I direct my first question to the Minister for Tourism, Sport and Racing. In light of a grant of \$200,000 by the Federal Sports Minister Ros Kelly to the Mount Gravatt Workers Club, I ask: has the Queensland Government approved any grants to the Mount Gravatt Workers Club or the Mount Gravatt Australian Rules Club for the development of a clubhouse?"

I replied—

"In short, there have been no grants"—

I repeat "no grants"—

"from my department to either of the sporting organisations that the member has mentioned."

There has been no grant to either sporting organisation for the development of a clubhouse. There has been—

Mrs SHELDON: I rise to a point of order. Mr Speaker, I would like your ruling on this, because I am not quite sure exactly how this should be debated.

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

Mrs SHELDON: My point of order is that the Minister did say that no grant had been made to any of those organisations.

Mr SPEAKER: Order! We are in the process of allowing a Minister, under the Standing Orders, the opportunity to make a personal explanation. He ought to be allowed that opportunity. If the honourable member has a further point of order, she can raise it then.

Mr GIBBS: I thank you for your protection, Mr Speaker. The simple fact is that the Mount Gravatt—

Mr FitzGerald interjected.

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

Mr GIBBS: The Mount Gravatt Australian Rule Football Club made an application for assistance with lighting for the ground, as do thousands of organisations throughout Queensland. Its contribution—and I repeat: "its contribution"—was \$78,000 that it made. The Department of Tourism, Sport and Racing

provided a \$10,500 grant to assist with the floodlighting of its oval.

PARLIAMENTARY COMMITTEE OF PUBLIC WORKS

Report

Ms SPENCE (Mount Gravatt) (10.18 a.m.): I table the following report from the Parliamentary Committee of Public Works: Preliminary Report of an Inquiry into Health Facilities in Far North Queensland. I move that the report be printed.

Ordered to be printed.

Ms SPENCE: The Public Works Committee is in the course of conducting an inquiry into the provision of primary health care facilities at various locations in far-north Queensland. While that inquiry is by no means complete, the committee has become concerned at several matters. First, there appear to be numerous buildings in the Aboriginal communities which are sound and have an obvious further useful life, but which are being earmarked for demolition or removal. Second, there appears to be little intent on the part of the departments and authorities involved to seek alternative sites for the existing buildings. Third, considerable criticism has been voiced to the committee about the level of consultation which occurred within the communities.

The Public Works Committee is pleased to bring forward this preliminary report while there is still time for its views to be acted upon. I commend the report to the House.

QUESTIONS UPON NOTICE

1. Trainees

Mr SANTORO asked the Minister for Employment, Training and Industrial Relations—

"(1) How many new trainees were taken on in Queensland during (a) 1989-90, (b) 1990-91, (c) 1991-92 and (d) 1992-93?

(2) What was the total number of new trainees taken on in the following industry sectors in (a) 1989-90, (b) 1990-91, (c) 1991-92 and (d) 1992-93—

Building	Electrical
Metal	Other Metal
Vehicle	Food
Printing	Horticulture
Miscellaneous?	

(3) What was the total number of trainees registered in Queensland at 30 June (a) 1989, (b) 1990, (c) 1991, (d) 1992 and (e) 1993?

(4) What was the total number of trainees registered in Queensland at 31 October (a) 1989, (b) 1990, (c) 1991, (d) 1992 and (e) 1993?

(5) What was the total number of trainees registered in Queensland in the following industry sectors at 30 June (a) 1989, (b) 1990, (c) 1991, (d) 1992 and (e) 1993—

Building	Electrical
Metal	Other Metal
Vehicle	Food
Printing	Horticulture
Miscellaneous?	

(6) What was the total number of trainees registered in Queensland in the following industry sectors at 31 October (a) 1989, (b) 1990, (c) 1991, (d) 1992 and (e) 1993—

Building	Electrical
Metal	Other Metal
Vehicle	Food
Printing	Horticulture
Miscellaneous?"	

Mr MACKENROTH: On behalf of the Minister for Employment, Training and Industrial Relations, I table the answer and ask leave to have it incorporated in *Hansard*. One of the answers is very long, Mr Speaker. You may need to look at whether there is a need for all of it to be incorporated in *Hansard*.

Mr SPEAKER: Order! I will rule that the answer be incorporated. The Chief Hansard Reporter has indicated some difficulty with some of the tables being incorporated. I will make a ruling afterwards whether the tables will be incorporated, but they certainly will be tabled.

1.

FINANCIAL YEAR	NEW TRAINEES
1989-90	3035
1990-91	1905
1991-92	2127
1992-93	3209

2. Traineeship statistics are not kept by the industry sectors nominated which reflect the traditional means of keeping apprenticeship statistics. The nature of traineeships and the industry and occupational areas in which they have developed mean it is more relevant to keep these statistics by traineeship model.

Model	89/90	90/91	91/92	92/93
Admin.Asst. Bldg and Const.	10	4		1
Aluminium Fabrication	51	14	10	13
Ambulance		32	10	
Australian Public Service	149	80	76	307
Australian Public Service—AVC Trial				8
Auto—Audio and Communications	9	4		
Auto—Exhaust System	13	9	1	5
Auto—Radiator Repair	12	1	2	2
Auto—Replacement Parts	84	34	28	27
Auto—Tyre Services	39	12	9	14
Banking	39	40	20	
Basic Laboratory Practice			1	22
Childcare				77
Civil Construction	8	3	1	
Concrete Workers	10	6	11	4
Dry Cleaning	18	14	15	6
Fibre Reinforced Plastics	39	7	10	20
Field Construction & Maintenance	49	27	27	39
Food Processing			7	
Freight Operations	16	15	34	26
Furniture Removals	15	16	1	
General Office	782	528	662	840
Clerical & Admin Skills				84
General Retail	410	316	398	465
Hire & Rental Operations	14	2		1
Horticultural Production			21	17
Hospitality	298	217	133	229
Insurance	15	5	9	10
Legal Office	110	59	81	112
Local Government	35	27	45	148
National Metal and Engin. Mod 1				
National Metal & Engin. Mod 2				
Nurseryperson	62	61	81	68
Pig Production	3	8	7	
Plastics-Cavity Moulding			5	6
Plastics-Composite Laminates				
Plastics-Thermoforming & Fab.			3	8
Plastics-Extrusion			2	2
Postal Business				
Retail Operations (Sales)				
Rural	164	91	92	81
Seafood Handling	1		3	3
Service Station Food Services	6			
Service Station Operations	49	45	40	53
Small Offset Printing	28	9	5	18
Software Support	9	13		2
State Public Service (Keyboard)	318	96	166	235
State Public Service (Clerical)			25	97
Survey Assistant	13	11	8	6
Survey Assistant—CST				2
Telecommunications Installer				
Textile, Clothing and Footwear	47	19	18	10
Timber Industry	32	15	7	4
Travel Operations	20	21	8	42
Wardsperson	14	17	22	25
Warehousing	44	27	23	67

3.

DATE	IN TRAINING
30/06/89	2752
30/06/90	3069
30/06/91	2015
30/06/92	2010
30/06/93	2956

4.

DATE	IN TRAINING
31/10/89	3019
31/10/90	2587
31/10/91	1673
31/10/92	2303
31/10/93	2791

5. Traineeship statistics are not kept by the industry sectors nominated which reflect the traditional means of keeping apprenticeship statistics. The nature of traineeships and the industry and occupational areas in which they have developed mean it is more relevant to keep these statistics by traineeship model.

Model	30/6/89	30/6/90	30/6/91	30/6/92	30/6/93
Admin.Asst. Bldg and Const.	2	7	2		0
Aluminium Fabrication	33	39	18	11	15
Ambulance			38	47	6
Australian Public Service	155	145	83	80	253
Australian Public Service—AVC Trial					50
Auto—Audio and Communications		9	5	1	
Auto—Exhaust System	26	14	7	2	5
Auto—Radiator Repair	19	10	2	2	1
Auto—Replacement Parts	130	95	33	20	29
Auto—Tyre Services	61	53	11	4	12
Banking	40	38	49	19	0
Basic Laboratory Practice					22
Childcare					74
Civil Construction	24	22	3	2	
Concrete Workers	30	32	14	11	6
Dry Cleaning	4	17	15	13	10
Fibre Reinforced Plastics	41	44	9	7	18
Field Construction & Maintenance	63	70	37	32	47
Food Processing			7	9	1
Freight Operations	14	15	17	30	30
Furniture Removals	17	13	15	2	2
General Office	771	820	505	576	710
Clerical & Admin Skills					102
General Retail	407	421	318	361	404
Hire & Rental Operations		14	7		
Horticultural Production				17	15
Hospitality	270	279	223	117	192
Insurance	11	14	5	7	2
Legal Office	137	108	63	78	97
Local Government	40	34	33	48	146
National Metal and Engin. Mod 1					
National Metal & Engin. Mod 2					
Nurseryperson	60	40	59	71	69
Pig Production		3	8	6	0
Plastics-Cavity Moulding				5	5
Plastics-Composite Laminates					
Plastics-Thermoforming & Fab.				5	6

Plastics-Extrusion				1	3
Postal Business	19				
Retail Operations (Sales)					
Rural	120	141	114	99	95
Seafood Handling	24	12		1	
Service Station Food Services	2	7	1		
Service Station Operations	26	44	47	41	49
Small Offset Printing		25	14	4	16
Software Support		9	13		
State Public Service (Keyboard)	112	328	130	165	229
State Public Service (Clerical)				32	101
Survey Assistant		13	11	9	7
Survey Assistant—CST					2
Telecommunications Installer					
Textile, Clothing and Footwear	65	66	21	17	9
Timber Industry		24	12	7	4
Travel Operations		21	18	7	27
Wardsperson	23	14	19	24	27
Warehousing	6	9	29	20	58

6. Traineeship statistics are not kept by the industry sectors nominated which reflect the traditional means of keeping apprenticeship statistics. The nature of traineeships and the industry and occupational areas in which they have developed mean it is more relevant to keep these statistics by traineeship model.

Model	31/10/89	31/10/90	31/10/91	31/10/92	31/10/93
Admin.Asst. Bldg and Const.	10	1	1		
Aluminium Fabrication	48	28	12	9	20
Ambulance		4	48	35	2
Australian Public Service	110	117	100	176	151
Australian Public Service—AVC Trial					48
Auto—Audio and Communications		8	3		
Auto—Exhaust System	20	9	4	1	6
Auto—Radiator Repair	15	8	1	2	2
Auto—Replacement Parts	125	79	32	15	22
Auto—Tyre Services	59	44	5	6	14
Banking	28	32	38	19	
Basic Laboratory Practice					21
Childcare					101
Civil Construction	21	19	3	1	
Concrete Workers	29	27	13	12	6
Dry Cleaning	10	17	12	12	8
Fibre Reinforced Plastics	53	39	6	11	15
Field Construction & Maintenance	71	63	29	34	28
Food Processing			7	6	8
Freight Operations	18	1	16	35	24
Furniture Removals	23	10	14	3	1
General Office	843	711	454	652	585
Clerical & Admin Skills					214
General Retail	460	341	283	391	383
Hire & Rental Operations		10			
Horticultural Production			3	18	15
Hospitality	293	289	124	143	188
Insurance	8	9	8	9	1
Legal Office	133	99	59	90	85
Local Government	38	22	32	60	116
National Metal and Engin. Mod 1					8
National Metal & Engin. Mod 2					8
Nurseryperson	51	40	47	81	62
Pig Production		6	9	5	

Plastics-Cavity Moulding			5	7	
Plastics-Composite Laminates				5	
Plastics-Thermoforming & Fab.			9	5	
Plastics-Extrusion			1	1	
Postal Business	19				
Retail Operations (Sales)					
Rural	133	86	78	74	78
Seafood Handling	18	8			
Service Station Food Services	7	5			
Service Station Operations	41	28	36	36	41
Small Offset Printing	8	22	4	10	12
Software Support		14	7		
State Public Service (Keyboard)	189	274	116	201	237
State Public Service (Clerical)				43	161
Survey Assistant		12	9	8	6
Survey Assistant—CST					2
Telecommunications Installer					
Textile, Clothing and Footwear	66	48	11	16	5
Timber Industry	20	22	4	7	4
Travel Operations	24	16	13	8	22
Wardsperson		13	15	32	16
Warehousing	28	6	17	27	47

2. Ipswich TAFE College

Mr SANTORO asked the Minister for Employment, Training and Industrial Relations—

“With reference to the Auditor-General’s 1991 report to Parliament and further comments made by the Auditor-General in his report tabled on 1 December relating to the Ipswich TAFE college—

- (1) Why has he allowed this disgraceful degree of financial mismanagement to continue during the past 12 months despite the dire warnings of the Director-General in last year’s report?
- (2) Will he accept responsibility for this disgraceful degree of financial and administrative mismanagement?”

Mr MACKENROTH: On behalf of the Minister for Employment, Training and Industrial Relations, I table the answer and seek leave to have it incorporated in *Hansard*.

Leave granted.

I accept Ministerial responsibility for all matters within my portfolio including the implementation of the Government’s vocational education and training policies and programmes through the Ipswich TAFE College.

Mr Santoro’s question is based on a false premise in his reference to “the dire warnings of the Director-General in last year’s report”. Last year’s report (1992) of the Auditor-General contained no such warnings of the Director-General.

With regard to financial management problems at Ipswich TAFE College urgent and extensive remedial action has been taken by my Director-General. This has included the establishment and deployment of a special team of experts from other areas of the Department and the TAFE network who were charged with the task of correcting all of the deficiencies identified by the Auditor-General. The work of the task force is nearing completion.

Since 1988/89 when the previous Government spent a mere \$213M on TAFE we have increased the Budget allocation for the TAFE system to \$424M in 1993/94, an increase of 99 per cent. This has been necessary in order to overcome the appalling neglect of vocational education and training during the period of the previous National/Liberal Party Government. The increased financial complexity associated with this funding increase has brought with it a need for a concentrated focus on and an upgrading of skills in the area of financial management.

It is gratifying to note that the Auditor-General has commented favourably in this year’s report on a trend indicating a move towards improved financial management practices in TAFE colleges, and on the fact that the Director-General of my Department has acted positively in relation to required corrective action.

QUESTIONS WITHOUT NOTICE

Performance Dividend, Local Governments

Mrs SHELDON: In directing a question to the Treasurer, I refer to his scheme to charge local governments a performance dividend for borrowings obtained through the QTC. I table documents which detail quotes for a loan to the Wambo Shire Council from the Commonwealth Bank at an indicative rate of 5.1 per cent and from the QTC at 5.85 per cent. The council was unable to accept the cheaper quote due to the Treasury-imposed indicative rate cap of 5 per cent applied to lending to shire councils. The Wambo Council is now forced to borrow from the QTC at a higher interest rate and pay the performance dividend. I ask: why try to disguise this dividend as a voluntary scheme when it is now obvious it is just a new and compulsory tax on local governments?

Mr W. K. Goss: A question from Bob Sparkes for the Liberal Party.

Mrs SHELDON: Is the Premier prompting the Treasurer again?

Mr De LACY: In answer to the question from Sir Robert Sparkes—I am not aware of that quote. The arrangement we have with local authorities is that they need to ask the QTC for a quote. If the quote from the QTC is

not better than that which they receive from private sources, local authorities are entitled to borrow money from private sources. If the local authority to which the member referred indeed has received a quote at below the cost of funds—and I would have to say that 5.1 per cent is below the cost of funds—provided that it is comparing apples with apples, there is no reason that that local authority cannot borrow through the Commonwealth Bank.

I need to make the point that, if a quote has been given on a fixed rate for two years or five years or whatever, and that is being compared with a floating rate loan, apples are not being compared with apples. I put it to the Deputy Leader of the Coalition that the banking system cannot provide funds at a cheaper rate than the QTC, unless in some instances it is prepared to offer—as some retail outlets do—what retail outlets call a loss leader in order to attract business. If banks are prepared to do that, the local authority is entitled to borrow from them.

If the Wambo Shire Council has a problem in that regard or if it believes that it has to borrow through the QTC when it is genuinely receiving a cheaper quote from the Commonwealth Bank, the council should contact me, and I will review it. We would not make a local authority borrow money at a higher rate than it needs to.

Mabo

Mr SPEAKER: I call the Deputy Leader of the Coalition.

Mr Gibbs: That worked—what's the next tactic?

Mrs SHELDON: Still smarting, are we?

Mr SPEAKER: Order! The Minister for Tourism, Sport and Racing will cease interjecting.

Mrs SHELDON: In directing a question to the Premier, I refer to the reports in national newspapers of the list of amendments to the Commonwealth's native title legislation being demanded by the Green Senators Chamarette and Margetts. In particular, I refer to their requirement for a clause that, in the event of any inconsistency between the Commonwealth Native Title Bill and the Racial Discrimination Act, the RDA will prevail. Secondly, they are seeking an expansion of the parameters for special inquiries before the national native tribunal to allow access for Aborigines who believe a native title claim brought by others is prejudicial to them. I ask

the Premier: would the inclusion of either clause endanger his support for the Federal Bill?

Mr W. K. GOSS: We are not just smarting; we are wilting. I do not know precisely what amendments the Greens will seek in the Senate—

Mrs Woodgate: They don't know either.

Mr W. K. GOSS:—and I doubt that they know themselves. I do not think we will know until—

Mrs Sheldon: What about—

Mr W. K. GOSS: I will come to those two points. We will just have to wait and see. They are a very unpredictable bunch of people.

As to the first of the two points raised by the Deputy Leader of the Coalition—on the face of it, that particular amendment does not appear to add anything to what is already the law of Australia, namely, that where there is a Commonwealth law and the law of a State and where there is an inconsistency, the Commonwealth law prevails. That is already the law of Australia. If there is a proposal from the Greens to add that to the legislation, subject to seeing whether there is any other hook in it, I do not think that would change the law of Australia. If the Greens are seeking an amendment in that regard, I believe that they are misguided, but we will certainly examine it in detail to see whether there is anything more to it than that which the Deputy Leader of the Coalition has put forward.

As to the second point that she raised, namely, that the Greens might seek an amendment that enables native title claimants or Aboriginal people to go to the tribunal and oppose a claim from some other Aboriginal clan or group because it is against their interests—I am not sure what that amendment adds to the legislation, but we will examine it. I say that I am not really sure what it adds to the legislation because two competing groups going to court or to a tribunal seeking the same interests happens in the courts every day. If that occurs with a claim over land by two competing Aboriginal clans or groups, courts and tribunals are there to sort it out. I do not think that amendment will be a problem, but we will examine it very closely.

Environmental Policies

Mr PITT: I ask the Minister for Environment and Heritage: can she inform the House what changes have been achieved in the management of the environment in

Queensland since the Government came to power in 1989?

Ms ROBSON: I thank the honourable member for that excellent and timely question, four years and a day after we were elected to Government in this State. This morning, I opened a conference titled "The Greening of Government—Ideals and Reality", which is designed to delve into the issue about which the member inquired. This morning, I was able to inform that conference——

Mr Veivers interjected.

Mr SPEAKER: Order! I warn the member for Southport under Standing Order 123A for that inane interjection.

Ms ROBSON: This morning, I was able to show that audience that Queensland is a very different place today compared with that which the Labor Party inherited four years ago. During that period, we have changed the culture of Queensland's environment. The President of the Wildlife Preservation Society, who also spoke at that conference, acknowledged that fact. He told the audience that most of the 101 point log of claims put forward by that society prior to the 1989 election have been resolved. I think that is an admirable record. He referred specifically to the achievements of the Department of Environment and Heritage, which has totally or partially achieved some 95 per cent of that log of claims, which is a very good move towards a green revolution. The Cabinet of this State endorsed the national strategy for ecologically sustainable development and the national greenhouse response strategy. The decision of the Government was that, across all departments, the principles and policies of ESD would be striven for and we would work towards a collective effort not only through the Department of Environment and Heritage but also through all Government departments to revolutionise environmental protection in this State.

An indication of our record of achievement, for example, is that, when we took Government in 1989, national parks in this State covered only 3.5 million hectares. We now have representation of some 5.8 million hectares. We inherited 44 per cent of the State's ecosystems being protected; we have increased that figure very significantly to 63 per cent. We have a strong Heritage Act under which 960 heritage sites are permanently protected. They cannot be knocked down, as was the practice of the former Government, with its no protection, bowl them over, leave nothing for the future attitude. Fraser Island is now a World Heritage

area. There will be no more logging and no more sandmining. The Labor Party has delivered its four major promises for changes in conservation and the environment. We promised four legislative changes: a Heritage Act, a Coastal Act, a Nature Conservation Act and an Environment Act. We have delivered on all of those Acts. We have changed the culture in Queensland, and the Government should be recognised for its contribution.

Business Conditions in Queensland

Mr PITT: I ask the Minister for Business, Industry and Regional Development: can he outline the state of business conditions in Queensland as outlined in the *Queensland Economic Review*?

Mr ELDER: A good measure of solid, strong, sound business conditions and confidence in those business conditions is found in the *Queensland Economic Review* list of new business registrations. In the September quarter, there were 10 256 new registrations. That is even higher than the record of 9 500 in the previous quarter, and it is a good demonstration of the confidence.

An Opposition member: Bankruptcies.

Mr ELDER: I heard the comment "bankruptcies". I know that members of the Opposition get undisguised glee from other people's misfortunes with bankruptcies. They love highlighting bankruptcies. However, I take bankruptcies very seriously. The trends in bankruptcies in this State show a reduction from 2 900 to 2 600 over the year; in other words, a trend downwards during the period of this Government. We do take bankruptcies seriously. We do not take undisguised glee from them, as do Opposition members.

If members were to look closely at the *Queensland Economic Review*, they would see another good indicator, which is that stress sales decreased by another 8 per cent. That reinforces a number of commentaries on the Queensland economy over the past 12 months. If one looks at the Yellow Pages index, one sees that Queensland companies are showing far greater confidence in terms of their expectation of sales, profitability and employment. If one looks at the QCI Pulse survey, again one sees significant confidence coming from the business sector. The proportion of businesses that expect to see stronger activity in the next 12 months is 38 per cent against the national average of 23 per cent. On the question of whether business conditions are seen as satisfactory or

good—again, one sees a significant increase on what one sees in the national average.

In terms of investment conditions in this State—the issue that Opposition members play on continually—the QCI Pulse survey shows that 67 per cent of businesses expect far better conditions over the next 12 months. Again, I cite ABS figures. In the short term, our companies in Queensland expect an increase in profitability, sales and employment well above the national average. Continual evidence from a multitude of sources reaffirms the strength of the Queensland economy and confirms the confidence that the business community in this State has in the Government and in the economy generally. I say to Opposition members that it is no good taking glee from the misfortunes of others. It is about time that they were far more positive in their support for the business community. They should stop preaching doom and gloom and start looking after Queensland.

Mr J. Miller

Mr LINGARD: In directing a question to the Minister for Primary Industries, I refer to his reply on Tuesday of this week that, in fulfilment of the earlier commitment that the Premier and he had discussed, he held discussions with Mr Jim Miller concerning Mr Miller's future and that he would be talking further with him later this week. I ask: what was the result of those further discussions with Mr Miller? Will he remove Mr Miller from his position?

Mr CASEY: Those discussions are now ongoing.

Mr D. Barbagallo

Mr LINGARD: I ask the Minister for Environment and Heritage: why did National Parks and Wildlife rangers of her department confiscate a vehicle in Cape Melville National Park containing three firearms, a chainsaw and a small quantity of marijuana, all belonging to members of the Barbagallo family, including David Barbagallo, the Premier's former private secretary? Were those people intending to rendezvous with a trawler? Did they have in their possession any foxtail palms, the illegal handling of which involves a fine of \$200,000?

Ms ROBSON: The member has strung together an incredible sequence of events that are currently under investigation, as they rightly should be. The honourable member is talking about allegations that have been made. They are currently being investigated.

He has strung together a fanciful tale and drawn some longbows. The matter is under investigation and, when the results of that investigation are available, we will talk about them.

Election Funding

Mr LIVINGSTONE: In directing a question to the Premier, I refer to comments by the Leader of the Opposition following the release of the Parliamentary Electoral and Administrative Review Committee report on the funding of elections, and I ask: is that consistent with his party's position here in Queensland?

Mr W. K. GOSS: I was interested to hear in the media yesterday the Leader of the Opposition, Mr Borbidge, say in respect of the recommendation that there be public funding of elections in Queensland—

“It is not on. You know the people of Australia should not have to finance political campaigns or political parties.”

That is what the Leader of the Opposition says. Let us look at what he does. I have a report from the relevant Commonwealth Government agency on the total amount paid to political parties in the 1984 Federal election. The National Party of Australia received—

Mr Perrett: That's nine years ago.

Mr W. K. GOSS: Do not worry. We will get there. Thank you, Mr Perrett. In 1984, the National Party received \$814,000 from the taxpayers of Australia. In 1987, the National Party of Australia received—

Mr Slack: What did the Labor Party get?

Mr W. K. GOSS: I will table the document. We are open about it. Opposition members say one thing and do another. In 1987, the National Party of Australia took \$1.1m from the taxpayers of Australia. In 1990, the National Party took \$1.1m from the taxpayers of Australia. Let us come back to Queensland, Mr Borbidge's bailiwick. In Queensland in 1984, the National Party at Spring Hill, at Bjelke-Petersen House, took \$391,000. In 1987, the National Party took \$502,000. In 1990, Mr Borbidge and the National Party took \$344,000 from the taxpayers of Australia.

The question I have, and I am sure the question that some people in the press gallery have who were told yesterday that it is not on, is this: in the election that was held this year, how much did Mr Borbidge put his hand out for? How much did Mr Borbidge take this year?

Mr Borbidge: Don't do it. You don't have to do it.

Mr W. K. GOSS: It is all in the records. How much did Mr Borbidge take this year? In respect of public funding, the Leader of the Opposition said, "It is not on." How much did he take this year?

Let me conclude on this note: if a similar scheme is introduced in Queensland, then, like the Federal scheme, it will not be compulsory, just as integrity and honesty in the Leader of the Opposition's public statements are not compulsory.

Roads

Mr LIVINGSTONE: I ask the Minister for Transport: can he indicate what the State Government's plans are for Queensland's roads over the next five years?

Mr HAMILL: I will be releasing details of our five-year State road strategy that will involve expenditure of State funds totalling some \$1.9 billion. As well, there will be some \$1.1 billion made available by the Commonwealth for national highways in Queensland. All told, that is some \$3 billion worth of investment in our road network. I might say, though, that the success of the State Government's road reform package has meant that some \$90m of additional works will be undertaken this year alone because of the productivity gains that we have achieved in the delivery of our road program. In practical terms, that means—and these documents clearly indicate it—that in excess of some 60 additional projects will be undertaken in Queensland this year because of the State Government's initiatives.

These projects are spread right across the length and breadth of Queensland. For example, there will be major reconstruction work on the bitumen seal in Injune and Rolleston; major work done on the peninsula development road; major work done between Cairns and Cooktown and between Cairns and Normanton; major work at Capalaba in the Redlands; as well as the completion of the new bridge across the Burnett River in Bundaberg. All told, that is a massive investment in Queensland's future and a significant achievement by this Government in getting the best possible value for the taxpayer's dollar when it comes to road construction and maintenance.

Aboriginal and Island Councils

Mr BORBIDGE: In directing a question to the Premier, I refer to the PAC's report tabled this morning critical of the chronic lack of financial administration of Aboriginal and Island councils and to advice from the Crown Solicitor that it is the Minister's responsibility—

" . . . at the least inquire as to how grants have been expended, and that they have been expended in the discharge of a Council's functions, duties and powers under the relevant legislation."

Given the committee's unanimous view that the Minister and the director-general both failed to fulfil their duties under sections 82 and 83 of the Community Services Act, when is the Premier going to live up to his own Cabinet Handbook's requirements in relation to ministerial accountability and sack her?

Mr W. K. GOSS: I will certainly examine the parliamentary Public Accounts Committee's report and ensure that a detailed response is provided to the House. I think a couple of points need to be made plain, that is, that in relation to the problems of accountability on these Aboriginal councils, all members well know that this has been an ongoing problem for many years—

Mr Borbidge: It is a legal requirement on the Minister.

Mr W. K. GOSS: I will come to that—and was a significant problem under the previous Government as well. It will take time to get the accountability measures in these councils right and, frankly, it will need some of these Aboriginal leaders to accept some responsibility for their own affairs instead of dawdling on in the way they have with unsatisfactory standards of accountability.

In relation to the role of the Minister's department in providing funds to these councils, they only provide a very small amount of funds, but in respect of the proportion that they do provide, as I understand it, there is a power in the legislation—I am not sure what the particular sections are—to provide moneys. Although there is no specific requirement to audit those funds, there are, in fact—

Mr Borbidge: Sections 82 and 83—the Crown Solicitor's opinion.

Mr W. K. GOSS: The honourable member seems to have a detailed knowledge of this report half an hour after it was tabled. What is this? Half an hour after the report is tabled, every Opposition member has read it and has the relevant sections highlighted. Mr Speaker, what do we have here? I sniff a leak from the committee. Do not tell me that we

see here the use of the Public Accounts Committee for partisan political purposes! They have all got it. We see here each and every day the difficulty that these people have even drafting a question. Sometimes they have trouble reading the questions that are passed down from the front, yet, half of them have, in the last half hour, read the whole of the parliamentary Public Accounts Committee report. Even the member for Nerang has all the relevant sections highlighted.

Mr Gibbs: He was colouring in.

Mr W. K. GOSS: I think I smell a rat!

Mr Nunn interjected.

Mr SPEAKER: Order! The member for Hervey Bay!

Mr Stephan: He's just helping the Premier.

Mr SPEAKER: Order! The member is certainly not helping me, anyway. Let us see if he can. I am sure that he can.

Mr W. K. GOSS: I conclude on this note: this matter has come up on a number of occasions and it will come up on more occasions; that is the fact. I have spoken to the Minister about it. There are a number of steps or mechanisms, as I understand it, in general terms—

Mr Borbidge: You said you had spoken to the Minister about the report?

Mr W. K. GOSS: I said I have spoken to the Minister about this matter.

Mr Hobbs interjected.

Mr SPEAKER: Order! I am on my feet. The member went for a walk yesterday. If he wants to go for another walk today, I am easy; I really am.

Mr W. K. GOSS: I have spoken to the Minister three or four times in the past two years about this matter. I am assured that there are a number of steps taken to improve accountability. I assure the House that a detailed response will be given to the parliamentary committee's report as soon as it has been studied by the Minister and that report has been submitted to me.

In conclusion, I would like to apologise to the member for Nerang. I said before that he must have had an advance copy of the report because it was all highlighted. I apologise. He was in fact colouring it in.

Ministerial Responsibility

Mr BORBIDGE: I direct a further question to the Premier concerning his personal

credibility. I refer to the Premier's Cabinet Handbook requirements in relation to ministerial accountability, which he has now been trumpeting for a number of years. I refer also to unprecedented advice from the Crown Solicitor and the unprecedented action of a unanimous report of the Public Accounts Committee that one of his Ministers has failed to meet these requirements under the legislation that she herself is responsible for. I give the Premier another opportunity and ask: when does he intend to act?

Mr W. K. GOSS: The Leader of the Opposition is the last person who should talk in this place about accountability. The record in relation to the state of law and the operation of the Auditor-General under his Government was a disgrace. They had no parliamentary Public Accounts Committee—

An honourable member interjected.

Mr W. K. GOSS: No more "slick Bobby" interjections from the member. The facts are that the previous Government had a Public Accounts Committee that had a ministerial veto to prevent the committee from investigating anything that would embarrass them. What a joke!

Mr BORBIDGE: I rise to a point of order. The Premier is misleading the House. I table his comments in support of the previous Government's PAC that were made in this place on 10 November 1988—his words.

Mr SPEAKER: Order! There is no point of order. The Leader of the Opposition will resume his seat.

Mr Veivers interjected.

Mr SPEAKER: Order! The member for Southport! Are we quite ready? I think that might be the last interjection that the member for Southport makes today.

Mr W. K. GOSS: The Labor Party consistently supported a Public Accounts Committee, but not one with a ministerial veto and not one with a shonky override to cover the biggest bunch of crooks—

Opposition members interjected.

Mr W. K. GOSS: The biggest bunch of crooks!

Mr SPEAKER: Order! This is the last warning I will give. I have warned some members. I am going to take action shortly. Question time is degenerating into a slanging match and a screaming match.

Mr W. K. GOSS: It is one of the reasons why this Government was elected four years ago.

An Opposition member interjected.

Mr SPEAKER: Order!

Mr W. K. GOSS: We promised, as part of our platform, to abolish the ministerial veto, and we did it. Members of the Opposition should not talk to me about accountability because what they are saying is the same as what they have claimed about public funding of elections. They say one thing, but out in the backroom of the National Party, they take the money.

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A.

Mr W. K. GOSS: Every time, they take the money and the low road. I say again in relation to this particular issue that it is a problem of accountability that existed under the previous Government and which exists under this Government. It will take some years to fix because we are dealing with complex problems and, frankly, some Aboriginal leaders will not take responsibility when they should. Eventually, the problem will be fixed up, and it will be fixed up as soon as is humanly and reasonably possible. In respect of accountability and in relation to the performance of the Minister and her department, I can inform the House that steps are being taken by the Minister and her department. I assure the House that a detailed response to the parliamentary Public Accounts Committee report and the pre-prepared National Party press release will be given this morning.

Women's Infolink Service

Mrs BIRD: In directing a question to the Premier and Minister for Economic and Trade Development, I refer him to a new library catalogue service being offered by the Women's Infolink Service. I ask: will this benefit women living in regional areas?

Mr W. K. GOSS: It certainly will. Under the previous Government, women were sadly neglected as a section of the community in terms of their needs. Four years ago, we promised, among other things, to bring in a special adviser in respect of women's issues, which we did, and to establish a Women's Policy Unit within the Premier's Department, which we did. As part of that, approximately three years ago the Government established the Women's Infolink Service. Since the service commenced, it has offered a library service.

Honourable members interjected.

Mr W. K. GOSS: I am pleased to be able to inform the House, the member for Whitsunday, and the members who are chattering at the back of the Chamber during question time—

Mr SPEAKER: Order!

Mr W. K. GOSS:—that this service will be expanded and improved. I know that the member for Whitsunday, as a woman member from country Queensland, is interested in this service and recognises its value to women and women's groups throughout Queensland.

The service will include a new library catalogue that will provide better access to information for women in regional Queensland. The new catalogue, through Women's Infolink, will be available through shire and council libraries and community agencies, such as neighbourhood centres and health centres, and it will boost access right across-the-board for women outside the metropolitan area. The catalogue covers more than 2 000 books and reports and a broad range of subjects that are of particular interest to women, including health, education, child care, family law, employment, women's portrayal in the media and in advertising, and violence against women.

The other point I would make in relation to this Government's commitment to women in rural and regional Queensland is that a 008 telephone service has been installed to give women right throughout Queensland access to these sorts of services—access that a Country Party or National Party Government never gave them. Of the 30 000 telephone calls for assistance and information that have been received from women since the service opened—which are now running at about a thousand a month—about 30 per cent came on the 008 number from outside the metropolitan area. It really is a service that women in rural and regional Queensland are responding to, and I think that this extension of the service will be a very positive step forward for women in this State.

Video and Computer Games

Mrs BIRD: In directing a question to the Deputy Premier, Minister for Emergency Services and Minister for Rural Communities and Consumer Affairs, I draw his attention to community concern about the level of violence and sexual content in computer and video games. I ask: what measures will be introduced to ensure that there will be some regulation of computer games?

Mr BURNS: I thank the honourable member for the question. On 4 November in Sydney, censorship Ministers met to adopt various measures which will ensure that, for the first time, there will be some regulation of computer games. The measures include: a compulsory classification system for all computer games, including coin-operated arcade games; classification levels to be modelled on those already in place for film and videos so that community confusion is minimised; the guidelines to be used by the Commonwealth Censor will be tighter than those for films and videos to reflect the interactive nature of computer games and the potential psychological risk that the repetitive playing of violent games could have on young children; additional restrictions to be placed on arcade parlours so that young children are not subject to explicitly violent material; and the drafting of new guidelines to be developed in conjunction with the States so that broad community interest and concern are accurately reflected in the final form.

The recommendations of the Senate Select Committee on Community Standards in its report on video and computer games, including the possible prohibition of R and X rated games, will be considered by the Ministers at their next meeting in February 1994. To reflect the importance of this issue, the ACT Classification of Publications Ordinance 1993 will be amended in the next few months so that the States can then pass complementary legislation. It is also likely that the Queensland Classification of Films Act 1991 will be amended in the first nine months of 1994 to ensure that computer games are classified in this State.

The censorship Ministers meeting was marked by broad support for the legislative intervention to provide greater consumer intervention on computer games and to regularise the industry. Ministers also noted the need for increased and coordinated research of the medical and social consequences of computer games on players, particularly children. The proposed guidelines will empower parents by providing user-friendly consumer information and by banning or restricting access to games containing scenes of violence, cruelty or sexual exploitation.

This matter has been raised by many members. The honourable member who asked the question has raised it with me on a number of occasions. It is a national issue, and as the Commonwealth and the States have now agreed, we can start to get on with the job of introducing legislation.

Aboriginal and Islander Councils

Mr LITTLEPROUD: In directing a question to the Minister for Family Services and Aboriginal and Islander Affairs, I refer to the wide variety of allegations of financial impropriety of Aboriginal and Islander Councils, including an allegation that the cost of air charter to deliver alcohol for private consumption was met by a council; that the full rate of travel allowance has been paid to council representatives whose accommodation costs were also being separately met—a case of double dipping—and that councils have not paid workers' compensation premiums or superannuation contributions for workers. I ask: why did the Minister not implement the recommendations of the previous PAC report and listen to the previous warnings given by the Auditor-General?

Ms WARNER: In respect of the matters raised by the Auditor-General and in a number of other places—in all cases where there had been allegations of misappropriation in respect of the Aboriginal councils, the matters have been referred to the CJC. They are still under investigation.

Mr Borbidge: What are you doing about it?

Ms WARNER: The reality is that some of the matters have been referred to the police. I do not have total power over every part of the councils' administration simply because it has to do—

Mr Cooper interjected.

Mr SPEAKER: Order! The member for Crows Nest!

Ms WARNER: There seems to be an outrageous assumption in this House that anything to do with Aboriginal people has automatically got to come back to me.

Mr Borbidge interjected.

Mr SPEAKER: Order! I have already warned the Leader of the Opposition twice. This is my final warning.

Ms WARNER: I say again that there is an outrageous assertion that anything to do with Aboriginal people automatically has to be controlled by my department. That is a totally fallacious view which is reminiscent of the colonial regime which the members opposite operated for a number of years. We do not operate like that.

Mr Horan interjected.

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

Ms WARNER: If Aboriginal people are guilty of official misconduct, they are reported to the CJC in the same way as any other citizens are. If they are guilty of misappropriation of funds in a criminal manner, they are reported to the police for prosecution. A number of those issues are under investigation. That are not a matter for the administration of my department. I make it clear that they are not. In terms of the administrative procedures of councils, let me make it clear that councils are independently elected bodies. They are elected every three years in the same way as members are elected to this Parliament, which is an independently elected body. They are autonomous bodies and they are bodies corporate.

We take a number of steps to assist councils with their financial responsibilities. We have always offered that assistance to councils. Officers of my department have actively encouraged councils to comply with the financial provisions of the Community Services Act. There is on-the-job training for council staff, which amounts to \$370,000 for the full year budget for 1994. There is financial support for the ACC to provide internal audits on the council. There is development of a model—

Mr Santoro interjected.

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

Ms WARNER: There is the development of a model of financial procedures, which will allow individual councils to develop their own specialised manuals. I provided accounting standards in June 1991. A TAFE course has been developed for council clerks. Those are the appropriate mechanisms.

Mr Littleproud: In 1991!

Ms WARNER: I will have a look at the report. I will make a full response to the report at a later stage. This issue has been a long-standing one. Issues of accountability have bedevilled Aboriginal councils since their inception by the National Party in 1984. That is a fact of life.

Aboriginal and Islander Councils

Mr LITTLEPROUD: The Minister for Family Services and Aboriginal and Islander Affairs was just heard to say that she organised a financial administration for the councils in June 1991. The special Auditor-General's report in May 1993 accuses the

Minister of not complying with her own piece of legislation, whereby she should provide and administer an accountability system for those councils. Can the Minister now explain the variation on the statement that she has just made and the statement coming from the Auditor-General earlier this year?

Ms WARNER: In words of one syllable, for the benefit of the member opposite who does not understand plain English, there was a development of a model financial procedures manual in that year.

Mr Littleproud interjected.

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

Ms WARNER: Accounting standards for councils were issued by me in June 1991. There may very well be further improvements that we can make, but we have to make them in an evolving manner as we work out what are the bugs in the system. There are no blueprints for answers in this very difficult area, as I said before. Clearly, the National Party created this problem, after its many years in Government.

Mr Johnson interjected.

Mr SPEAKER: Order! I warn the member for Gregory. It is becoming unbelievable in this Chamber today.

Ms WARNER: The reality is that Aboriginal people have been kept in a state of dependence by successive National Party and Labor Party administrations throughout this century. It is not going to happen overnight that those people will accept their responsibility, but the reality is that the department under the National Party regime was trying to do the councils' audits for them. That is paternalism.

Mr Stephan interjected.

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

Ms WARNER: That is not going to lead to effective responsibility for the financial matters for councils. The reality is that we all want councils to be accountable. The issue is: how is that result going to be achieved? The members opposite singularly failed to do anything for Aboriginal people during their entire time in Government. At least we are getting some runs on the board.

PRIVILEGE

Minister for Family Services and Aboriginal and Islander Affairs

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (11.05 a.m.): I rise on a matter of privilege. The Minister, in response to a question from the member for Western Downs, has clearly contradicted a report to this Parliament by the Auditor-General of May 1993—

Mr SPEAKER: Order! That is not a matter of privilege.

QUESTIONS WITHOUT NOTICE

Marine Rescue Units, Gulf of Carpentaria

Mr BREDHAUER: I ask the Deputy Premier: can he advise what progress is being made on the development of volunteer marine rescue units in the Gulf of Carpentaria by the Air Sea Rescue Association of Queensland in conjunction with the State Emergency Service units?

Mr Elliott interjected.

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

Mr BURNS: I thank the honourable member for the question. Under the Commonwealth/State agreement for marine search and rescue, the States are responsible for ensuring that an efficient and effective service is available for the boating community within each State. The Queensland Government has recognised this responsibility.

Mr Lingard interjected.

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

Mr BURNS: In an attempt to ensure continued development in the area of marine search and rescue, we conducted a review of volunteer marine rescue services in Queensland. One of the recommendations of the review was to identify areas of underservicing. The Gulf of Carpentaria was identified as an area in urgent need of a volunteer marine rescue service as there are only limited facilities and resources available with which to conduct marine search and rescue operations. Other aspects in the gulf which are of major concern are its vastness, the large numbers of people involved in maritime activities, the peculiar nature of the communications in the gulf, the potential for a major marine incident and the potential for enormous population growth in several communities.

This initiative by the Air Sea Rescue Association of Queensland, in response to requests from the Queensland Emergency Services, should result in an efficient, reliable and highly trained marine rescue service for

the boating community in the gulf. The only practical way to provide such a service in the gulf is through volunteer organisations. These volunteer marine rescue organisations are recognised as an integral part of the National Search and Rescue Plan and provides the necessary resources and trained personnel to assist the State Search and Rescue Authority and the Queensland Police Service in successful searches for and rescue of persons in distress. In view of the limited population of the gulf communities, these marine rescue units will be established utilising existing State Emergency Service infrastructure. This extension of local SES units will provide members with the opportunity to extend their skills into the marine field and will certainly attract more members to the various units.

I make the point that subsidy funding on a dollar-for-dollar basis up to \$20,000 to purchase equipment to enhance their rescue operations is available. In some ways that funding arrangement presently disadvantages some groups. Obviously, smaller communities do not have the capacity to raise \$20,000. I have asked the department to look at investigating changes to the funding arrangements so that we are not discriminating against groups with smaller populations. I have also asked them to have a look at the boat replacement policy. There is a subsidy under the boat replacement policy that can also be used to purchase a new boat for this type of operation.

I thank the honourable member for his question. At the moment, there are very few air sea rescue facilities available in the gulf. A lot of people boat there. A lot more people from places such as Karumba are going there for fishing holidays. The danger of a major marine problem in the area without rescue facilities has been on our minds for some time.

Baby Safety Capsules

Mr BREDHAUER: In directing a question to the Deputy Premier, I refer him to the Government's Baby Safety Capsule Hire Program, and I ask him to outline the availability of such safety capsules in rural and regional areas. Further, I ask: does the Minister recommend the use of such capsules, especially in the light of the approaching holiday season?

Mr BURNS: I thank the honourable member for the question. With the holiday season approaching and when road safety should be on everyone's minds, it is a good time of the year to be drawing attention to the

baby safety capsule hire service. That service was started by my colleague the Minister for Transport in 1990. In September last year, the service was handed over to the Queensland Ambulance Service. That was done for a number of reasons. The most important reason was that, instead of the hire capsules being available through 30 Transport Department offices, they are now available through 180 ambulance stations right throughout the State.

Mr Hamill: A great move.

Mr BURNS: It was. It was a good initiative, because it makes them more available in rural areas. There are some very distinct advantages for people in hiring capsules through their local ambulance stations. I have heard some real horror stories about parents buying a capsule and installing it themselves incorrectly. One capsule was discovered to be attached to the seat with a piece of wire. It was not even secured with a seat belt. If people hire capsules from the Ambulance Service, for a very small fee ambulance officers will install them and ensure that they are safe. Mistakes have been made by well-intentioned parents who buy a capsule but overlook some minor details in the installation instructions. It is very dangerous if the capsule is not installed properly.

It costs \$150 to buy a capsule, which is a fairly major slug for young families. The Ambulance Service offers a capsule for \$30 for a six-month period, and after that it is usually not required. As I said, a small fee is attached for the expert fitting of the capsule, plus a refundable deposit when the capsule is returned in good condition. The capsule must pass through safety and hygiene checks before it is hired out.

Since the start of the scheme in 1990, hire capsules have been used to protect more than 10 000 Queensland babies. During that time, no cases of serious injury to children in capsules have been recorded. The hire scheme means that parents who are concerned about their baby's safety do not have to suffer financially to help protect them on the roads. The extension of this hire service to country areas, such as the member's electorate, will make more capsules available to people who live in those areas.

Papua New Guinea Trade Commission

Mr BEATTIE: I ask the Minister for Transport: is it a fact that the Papua New Guinea Government has decided to close its trade commission in Sydney and move it to

Brisbane? Can he advise the House of the reasons for this decision, and what benefits are likely to accrue to Queensland as a result?

Mr HAMILL: Queensland business has welcomed the announcement by the Deputy Prime Minister of Papua New Guinea, Sir Julius Chan, when he was in Australia recently, that Papua New Guinea will be moving its trade commission from Sydney to Brisbane. I believe that is a reflection of the very substantial trade that exists between this part of Australia and Papua New Guinea. Furthermore, it is a recognition on the part of the Papua New Guinea Government of the solid endeavours of the Queensland Government to forge even closer relationships with one of our closest neighbours.

The importance of this move for Queensland should not be underestimated. Already, Queensland counts for approximately one-third of the billion-dollar trade that exists between Australia and Papua New Guinea. Much of that trade comes out of Queensland ports. It is also worth noting that in the period between 1982 and 1992, Papua New Guinea moved from the thirteenth to the eighth largest export destination for merchandise out of Queensland. It is also a fact that north Queensland has a very close relationship with Papua New Guinea in terms of trade, involvement in education and in the sourcing of services. That relationship is going to become even stronger with the exciting economic developments that are taking place to our near north.

In recognition of the closeness of our economic ties, Papua New Guinea has made this decision and, next year, a position within the Department of the Premier and Minister for Economic and Trade Development will be established to focus on the economic relations with Papua New Guinea and Oceania.

Finally, Sir Julius Chan's announcement recognises the fact that Queensland is the gateway to the rest of Australia for Papua New Guinea, and is certainly the gateway to Papua New Guinea for the rest of Australia.

Queensland Economy

Mr BEATTIE: In directing my second question to the Minister for Transport, I note the comment by the Deputy Prime Minister of Thailand at the recent national trade and investment conference in Melbourne that Australia had a lot to offer Asia, and I ask: how competitive is Australia and Queensland when compared with the rapidly expanding economies in the Asia Pacific region?

Mr HAMILL: Last week, I had the pleasure to represent Queensland at that international trade and investment outlook conference in Melbourne. I heard two presentations, one of which was by Dr Supachai Panitchpakdi, who is the Deputy Prime Minister of Thailand. Dr Supachai made the point that Australia was a very valued source of expertise and natural resources for the rest of Asia, and highlighted our technology and expertise as being one of the great trading opportunities within the region. In fact, his comments were backed up by another of the key speakers who is a director of McKinsey and company, Dr Kenichi Ohmae from Japan, who highlighted what he called the richness of Australia's IQ industries.

The value to our exports of services, technology and expertise is growing rapidly. Approximately \$15 billion worth of exports from Australia are now coming from that service sector, and that sector is growing in value to Australia's export performance in the order of \$2 billion per annum. In Queensland, our local manufacturers and service industries are joining in the enormous export drive into Asia in that rapidly expanding service sector. Indeed, one company, Toll Systems International, which won an award at the recent Queensland export awards, has won two major contracts in Indonesia. That is a clear indication of how companies based in Queensland can compete effectively on the international scene.

A number of other factors are enhancing Queensland's position as a base for exporters into Asia. Queensland's labour costs are 10 per cent below the national average. We have high-quality telecommunications and other communications links to Asia. Very significantly, businesses that are wishing to establish themselves in the Asia/Pacific region can look no further than coming to Queensland, as it offers a very cost-effective base. The figures on the cost of CBD rentals illustrates that point. In Brisbane, the average rental is US\$225 to US\$314 per square metre. In Tokyo, rental costs US\$2,009 per square metre; in Hong Kong, it costs US\$784 per square metre; and in Taipei, US\$516 per square metre.

Mr Johnson: Sit down!

Mr HAMILL: I can understand Opposition members not appreciating the significance of those figures, because when they were in Government, their attitude to export was to dig it up and ship it out, or get it out of the paddock and not worry about it after that. Queensland is poised for enormous economic

expansion based upon value-added industry. If Opposition members do not want to go along with that, then they will be seen as the economic troglodytes that they are.

Nurses Registration Fees

Mr HORAN: I ask the Minister for Health: why does the Goss Labor Government want to increase the annual nurses registration fees from the lowest in Australia of \$15 to the highest in Australia of \$100.

Mr HAYWARD: I thank the honourable member for the question because, again, it demonstrates his absolutely pathetic and abysmal ignorance of the process involved in the nurses registration fees. Let me say quite simply that the Nursing Act was passed through this Parliament in November 1992. Following that, a decision was made to form a Queensland Nursing Council. For years, nurses in this State have wanted to have an independent council. They wanted to have their own separate registration body that registers nurses in Queensland. The decision was made that, as part of that independence, within a four-year period that organisation should become self-funding. There is nothing secret about that, because that matter was canvassed widely and supported as part of the consultation process in the formulation of the Nursing Act. The Queensland Nursing Council met and dealt with these issues. Currently, the registration fee is \$15. The Nursing Council made the decision that, to run a nursing council in Queensland which is on par with nurses' professional and educational independence, it has to operate in that way. It should be understood that the Queensland Nursing Council determines independently what the registration fee should be for its own membership. It is not something imposed upon nurses by the Government.

I understand that, currently, having made the decision that the fees should increase to \$100, the council has implemented a consultation process, and through that consultation process, that matter will be resolved. The previous situation was that two boards existed. According to the Queensland Nursing Council, the annual fee simply does not cover the amount of expenditure and the issues that it wants to address as a council of professional educated nurses in Queensland.

The council will assume the series of new functions included in the legislation. Those new functions include the expanded scope of nursing practice. And, of course, a new code of conduct for nurses will have to be determined. Importantly, if the Queensland

Nursing Council determines its own rate and registration fee, the Opposition is asking that the Government should somehow interfere and tell it that that is not an appropriate fee. The point is that, if the Government interferes and determines that that is not an appropriate fee, how will the Queensland Nursing Council operate? Are members opposite asking that every taxpayer in Queensland should make some contribution to running the professional and educational operations of nurses in this State? If so, that is an unreasonable expectation.

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

REVOCAION OF ENVIRONMENTAL PARKS

Hon. G. N. SMITH (Townsville— Minister for Lands) (11.21 a.m.): I move—

“(a) That this House agrees that the proposals to revoke the reservation and setting apart as Environmental Park under the Land Act 1962 of—

- (i) all that part of Environmental Park R1746, parish of Cairns, now surveyed as Lot 160 on plan NR7985, area 274 square metres,
- (ii) all that part of Environmental Park R1746, parish of Cairns, described as an area of 1 hectare on Mulgrave Shire Council Drawing Number 7874,

be carried out, and

- (b) That Mr Speaker convey a copy of this resolution to the Minister for submission to Her Excellency the Governor in Council.”

This proposal makes provision for the revocation of two small areas from the Mount Whitfield Environmental Park reserve R1746 on the north-western outskirts of Cairns. Careful consideration has been given to both of the proposals and detailed consultation has occurred with affected agencies, including both the Cairns City Council, the trustee of the environmental park, and the Mulgrave Shire Council.

The first proposal involves the revocation of a site on Lumley Hill containing an area of 274 square metres on which cellular mobile telephone facilities can be established by Australian and Overseas Telecommunications Corporation. This site was selected as being the most suitable in the district due to its situation and elevation and its ability to service vast areas north of Cairns, including the

coastal belt, up to Mossman. The carrier advises that this installation is one of its key far-northern facilities and when fully operational will process a large percentage of mobile traffic throughout the region by locals, business people, tourists and emergency organisations.

The site has been inspected by regional officers of both the Department of Lands and Department of Environment and Heritage who have reported that, as a result of its remote location and rugged terrain, there would be no effect on the surrounding environment given the stringent conditions placed on construction works by the Cairns City Council. All access to the site for construction and maintenance purposes will be carried out by helicopter, and no approvals will be issued to provide ground vehicular access to the site.

It is proposed to offer the Australian and Overseas Telecommunications Corporation a long-term special lease over the area of the installation in order to give it exclusive possession to protect its valuable improvements. Leasing will also enable the State to collect revenue from the corporation for usage of the area.

The second proposal involves the revocation of an area of approximately 1 hectare within one of the northern boundaries of the park adjacent to Behan Street at Stratford. With the object of improving the water supply in and around the Stratford locality, the Mulgrave Shire Council, with the concurrence of the Cairns City Council, sought the assistance of the Government in making land available from the environmental park for reservoir purposes. Council proposed to utilise the area in conjunction with adjoining freehold land which it is negotiating to acquire.

Council engineers looked at several sites in the general locality and concluded that the area now proposed for revocation was the preferred site. It has existing access, would require limited earthworks and little environmental impact would be evident. Regional officers of the Department of Lands and the Department of Environment and Heritage have also considered all aspects of this proposal. Given that the Mulgrave Shire Council has agreed to comply with certain requirements imposed by the Department of Environment and Heritage, including minimising the visual impact by revegetation of the batters and planting of specific trees as a food source for cassowaries, local officers felt the public interest would not be adversely affected by the excision of a small area for such a much needed public facility. The area

when excised from the park will be set apart under the provisions of the Land Act as a reserve for water supply purposes with the Mulgrave Shire Council being appointed trustee.

In recognising the need to balance community and environmental interests, the Department of Lands has been able to identify an area of vacant land adjacent to the park in the Behan Street locality, which has similar environmental and topographical features as the reservoir site, for addition to the park to offset the losses. It has been approved that this area of land, which totals approximately 3.98 hectares, be added to the environmental park which, when all actions are formalised, will see a net gain in the area of the park of over two and a half hectares.

There can be no doubt that these actions are in the best long-term interests to the people of and visitors to the Cairns district and that environmental interests will not be adversely affected as the Government is making additional land available to offset the losses. I strongly support each of the proposals and commend them for the approval of the House.

Dr CLARK (Barron River) (11.26 a.m.): I second the Minister's motion. There can be no doubt at all that the proposals before the House not only maintain the environmental integrity of the Mount Whitfield Environmental Park but also recognise the community needs of Cairns and its surrounding districts. Honourable members will all agree that we are daily becoming more and more dependent on advanced community facilities, and particularly mobile phones. I think members who have mobile phones can appreciate their value.

There is also the issue of the locality's growing residential and tourism population and the resulting need to improve infrastructure, particularly water supplies. In this regard, we are providing today an opportunity for the Mulgrave Shire Council, which takes its responsibilities in this area very seriously, to proceed with the construction of a reservoir to meet the needs of the area.

In providing the land for the improvements to telecommunications and the water supply, all of the agencies involved have recognised the need to protect the environmental interest of the Mount Whitfield Environmental Park. On learning of this proposal, my first questions to council officers were: why does this have to be built; why are we required to excise a portion of the Mount Whitfield Environmental Park; and why can it

not be built entirely on freehold land adjacent to the park?

My inquiries revealed that there was a definite need for that. Primarily because of the height required to make the reservoir operate appropriately, it was necessary to acquire a small portion of the Mount Whitfield Environmental Park. But some freehold land is also being acquired for this purpose. Those land-holders have been very cooperative in their negotiations with the council because they, too, recognise the need to construct that reservoir.

Another of my questions to the council was: what will be the impact of building the reservoir, both visually and ecologically? Again, I have been reassured from my discussions with council officers that all that is necessary will be done to revegetate the batters that will have to be cut to bench the hillside so that we can construct the reservoir. I was also reassured by what the Minister said—and I was aware of it—that is, there will be two positive benefits to fauna in that area. Firstly, we will be planting some food trees for cassowaries and, secondly, a watering source for wildlife will also be provided in that area. Members might be surprised to learn that that part of Mount Whitfield does get very dry.

I understand that we might also be able to use the water supply for fighting fires which, unfortunately, occur with frequency on that part of the Mount Whitfield Environmental Park. The fauna that we are particularly hoping to support by these measures are the cassowaries. About eight cassowaries have been sighted in the Mount Whitfield Environmental Park. As members know, cassowaries do require a large habitat and we need to be careful that we do not do anything to unwittingly either decrease their habitat or in some way jeopardise it so as to have an impact on them.

I would like to take the opportunity to commend the work of Keith and Lindsay Fisher who have been active in increasing public awareness of the cassowaries there and also about what is necessary to protect their habitat. They have been involved in forming a special interest group. They have also organised public displays and workshops. Those people have helped to conduct surveys of sightings of cassowaries in the area. Through their efforts, much more has been done to increase the awareness of cassowaries in the area. In fact, as a result of their work and their cooperation with the CSIRO, a survey was undertaken of the Mount Whitfield Environmental Park, which

revealed quite a number of unexpected finds with respect to fauna. The spotted quoll was discovered in the area—an animal that I certainly would have never expected to be found there—and striped possums have also been located. There is certainly an important fauna reserve to be protected in the area.

I am very pleased that, as a result of the negotiations of the Minister, we will be offsetting this loss with an additional 2.5 hectares. That was my third question to the Minister. I appreciated his consulting me and seeking my views on this matter. My comment was, "That is fine with me, as long as there will be some way of offsetting the loss." I am pleased to note that it is being offset more than amply by an additional 2.5 hectares. Since my election to this place, I have been at pains to try to extend the area of the Mount Whitfield Environmental Park. It is such an important area. It is located on the back door of Cairns. As a habitat, one could say that it is quite isolated, because it is not readily connected to some of the other rainforest in the Cairns area. We need to manage the park as wisely as we can.

When we are considering—as we no doubt will in the future—whether the boundaries of the World Heritage area should be changed, I will certainly support an extension of the boundaries of the World Heritage area to include the Mount Whitfield Environmental Park. Until that time, it is being well managed. I know that the adjoining local authorities have policies to ensure that hillside development in that area has as minimal an impact as possible on the environmental park. In the Brinsmead area, with the parkland areas that have been set aside, the council is attempting to provide a wildlife corridor from the Mount Whitfield Range through the Freshwater Valley and into other rainforest areas of the Lamb Range. Through a wide variety of mechanisms, endeavours are being made to ensure that those important rainforest habitats are protected and well managed.

I welcome the opportunity to support the Minister in this revocation, and I certainly have no hesitation in doing so.

Mr HOBBS (Warrego) (11.32 a.m.): The Opposition has no problem with this revocation. We believe that it is an important measure for the district and for Queensland. I am aware that this application has been before the Department of Lands for some time. We are pleased that it has finally reached the approval stage. I am sure that the Chairman of the Mulgrave Shire Council

will be very pleased to see that it is finally receiving approval.

Dr Clark: Tom Pyne called me the other day and said, "How is it going?" I was pleased to be able to say that it is coming onto the notice paper.

Mr HOBBS: That is good. I wonder how many other similar applications are awaiting approval. Because of the complications caused by the High Court's Mabo decision, many applications similar to this have been delayed. We should try to move those applications through the system promptly. The delays that have occurred affect the corporate sector, and they certainly reflect badly on the Government. It does not bode well when companies are delayed in their attempts to obtain approval for applications for titles or other matters. This revocation presents an excellent opportunity for the Australian and Overseas Telecommunications Corporation to utilise a site that is on Government land. I am sure that many people will benefit from that development.

The second proposal involves an area within one of the northern boundaries of the park adjacent to Behan Street. What arrangements are proposed with the council in question? I presume that it will be given freehold title over that land. I ask the Minister to explain the proposed arrangements, and what price, if any, the council will pay for that land.

In his speech, the Minister mentioned that the site to be used by the council will be covered with vegetation around the edges so that the water storage area will not be unsightly. That is a sensible move. When I visited Japan, I toured a coal loading depot. On driving past that facility, one would have thought that it was a football stadium, because trees and lawns had been cultivated. However, one soon discovered that inside the boundaries of the facility was a just heap of coal. Many unsightly reservoirs and other facilities can be disguised with a little imagination. I am sure that the public would appreciate the provision of such vegetation, and I am sure it is understood that sometimes we have to use sensitive areas for that purpose. The Opposition offers its support for this revocation.

Hon. G. N. SMITH (Townsville— Minister for Lands) (11.36 a.m.), in reply: I thank the member for Barron River for her support. The fact that she has very well-known environmental credentials gives me great comfort. Having her support for this revocation assures me that we are not taking a step that

we might regret at a later stage. Although all of us would like to leave some of these areas in their present pristine state, the fact is that in modern society we have little choice but to provide communication links and water services. Unfortunately, sometimes we have to compromise. However, in this case, I believe that a sensible compromise has been reached, and I am satisfied with it.

I thank the Opposition spokesman for his support of this revocation. Obviously, the Government of the day has to make these decisions, and the member recognised that fact. I want to respond to one issue that he raised. Because this is a long-standing application, we will make the land to be used by the council available as a reserve for water supply purposes. The council will be trustee for the land. In future dealings that are not already in place, such an area would be regarded as operational land, and the council would be required to pay for it by way of special lease. However, in this instance, it will be made available at no cost to the council, which will act as trustee. I thank members for their support, and I commend the revocation to the House.

Motion agreed to.

REVOCATION OF NATIONAL PARKS

Hon. M. J. ROBSON (Springwood—Minister for Environment and Heritage) (11.38 a.m.): I move—

“(a) That this House agrees that the proposal by the Governor in Council to revoke the setting apart and declaration as National Park under the National Parks and Wildlife Act 1975 of—

- (i) all those parts of National Park 226, County of Nares, described as area A-8-3-A on Plan DP855874 and area 2-8-6-2 on Plan DP855880 held by the Department of Lands, Brisbane and containing in total an area of 1.0886 hectares, and
- (ii) that part of National Park 2762, County of Canning, described as area 3-4-10-9-3 on Plan DP856000 held by the Department of Lands, Brisbane and containing an area of 183 square metres,

be carried out, and

- (b) That Mr Speaker convey a copy of

this resolution to the Minister for submission to Her Excellency the Governor in Council.”

Mr J. H. SULLIVAN (Caboolture) (11.39 a.m.): It gives me great pleasure to second the motion moved by the Minister for Environment and Heritage. Although I usually would not want to second motions for the revocation of national park areas, it is quite clear—as will be made clear also by my colleagues the member for Barron River and the member for Cook—that the revocation of both of those areas is necessary and warranted. I will confine my comments to the revocation of the second of those two areas, that is, the 183 square metres that is being revoked from the Mount Coolool National Park, which covers 62.7 hectares. Initially, it covered 60.4. It was formed by the amalgamation and gazettal in 1990 of a previous recreation reserve and a quarry reserve on that significant Sunshine Coast landmark.

The area conserves more than 50 per cent of the recorded vascular plant species on the Sunshine Coast. In all, it contains some 600 plant species. The montane heathlands are of particularly high conservation value and contain two endemic plant species which, for the record, I will name as *Bertya sharpeana* and *Allocasuarina thalassoscopica*. The area contains one further species, *Lepidosperma quadrangulatum*, which occurs in Queensland only at that location. While I am talking about *quadrangulatum*, I bring to the notice of members the very good work of the regional director of the Department of Lands in the Sunshine Coast region, Mr John Hall, who, when the park was proposed, renegotiated an adjoining lease to make sure that a significant portion of that species would be included in the park. His work in that area is a demonstration that the environmental credentials of the Government extend well beyond the Department of Environment and Heritage, and rightly so.

The park is also at the limit of the area of occurrence of a number of species that occur in Queensland. Within Mount Coolool are the four types of forest that are usually found in a whole range, which is significant given that Mount Coolool is an isolated volcanic dome. It is also an important conservation area for the peregrine falcon. It is one of two conservation areas on the Sunshine Coast for the peregrine falcon, which is known as being vulnerable to extinction in Australia. The 60-plus hectares of the Mount Coolool National Park have a conservation significance that is possibly

greater than that of any comparable area in Queensland.

In December 1985, the Maroochy Corporation floated a proposal to build a chairlift to the top of Mount Coolum and to build a mountain-top restaurant. One can understand the attraction of that. The top of Mount Coolum provides wonderful vistas of the Sunshine Coast. However, the outcry on the Sunshine Coast led to the subsequent establishment of the Save Mount Coolum organisation. That organisation brought my friend and our former colleague as member for Cooroora, Ray Barber, to local prominence. He cut his public teeth on the Mount Coolum issue.

Mr McElligott interjected.

Mr J. H. SULLIVAN: No. By 1989, the Maroochy Shire Council had relented on its earlier approval of the proposal, and Lands Minister Glasson, who had earlier ruled out environmental park status, agreed with the Save Mount Coolum committee that national park status should be conferred. Given Ray Barber's pivotal role in the establishment of the Mount Coolum National Park, it is fitting that gazettal of that park occurred during his term in office. Members would be aware that the Hyatt Coolum resort nestles in the foothills of Mount Coolum.

Mr Beattie: He's been to the top.

Mr J. H. SULLIVAN: I am sure that the member for Thuringowa took the opportunity of a conference at that resort to make the climb to the top. I follow less strenuous pursuits.

Mr Beattie: Name them.

Mr J. H. SULLIVAN: I shall not. The circumstances of the motion for the revocation before the Parliament today are, as I understand them, somewhat unusual. In 1976, a house was built as part of a subdivision at the bottom of Mount Coolum. That house was built encroaching what was then a recreation reserve given by the developer as part of its park contribution to that subdivision. The current owner of the house purchased that house in 1980. Subsequently, in 1990, the recreation reserve and quarry reserve became national park. When the owner sought to sell the house, he had it surveyed and discovered that there had been an encroachment. I understand that part of one of the bedrooms, the garage and the driveway to that house are on what is considered at this stage to be national park and the subject of the revocation.

Obviously, those occurrences have extinguished any conservation values that the area may have had. The owner cannot sell the property until he has title to that land on which the house is built. My understanding is that he will pay market value for the area to be excised from the national park today. I have heard that not only are we excising 183 square metres but also the action that will be taken will include adding seven hectares to the national park. That is an indication that the Goss Labor Government is committed to the development of national parks on the Sunshine Coast, in contrast to the actions of the representatives of that area.

In this instance of revocation of part of the Mount Coolum National Park, as in the instance of Bartle Frere National Park—which I expect will be covered in more detail by the north Queensland members who will follow me in the debate—I am happy to support the Minister in the revocation. It is warranted. I support the passage of the motion.

Mr SLACK (Burnett) (11.46 a.m.): The Opposition supports the motion. We have no problem with it. We understand that, when there is encroachment on national park land by farmers or other landowners that is not done with any malicious intent, adjustments should be made. In this case, such an adjustment is being made. We understand, too, that when circumstances arise in which land-holders have a type of land that is not overly represented in a national park, exchanges can be made with other land that is superfluous within the national park. In the case of the Mount Coolum National Park, we understand such circumstances exist. The Opposition does not have any problem with the motion.

However, I wonder why four members are listed to speak to the motion. It is a fairly simple motion. I wonder whether there is some sensitivity—

Mr Ardill: It has to be explained, though, surely.

Mr SLACK: Certainly it must be explained, but four members to explain a simple matter seems overrepresentative. I wonder whether there is some sensitivity by the Government about any revocations of part of national parks. There may be some sensitivity because, not very long ago, 60 hectares were revoked from the Dryander National Park. The Opposition opposed that revocation. That motion was completely different from the motion before the House today. Because of those types of actions, this morning when the Minister answered a

question, she showed some sensitivity in respect of the Government's handling of the national park estate.

There is no doubt that, under this Government, the national park estate has increased. However, the national park estate would have increased also under a National Party Government. Before the election in 1989, we made commitments to increasing the national park estate, as did this Government. Then the Government revoked from the Dryander National park 60 hectares of land, which was not well represented, to give to a Japanese developer to build a golf course. That matter is entirely different from the motion before the House today. The Opposition strenuously opposed that motion, and we expected the Government to oppose it. Instead, the Government okayed and facilitated the revocation.

Since that revocation motion was passed, allegations have been made in the media of that company making application for a marina to be built on the coast adjacent to land that the company owns. I understand that that marina was not in the original submission, following which the Government entered into arrangements for the revocation of 60 hectares from the Dryander National Park. I understand that, when that development was proposed by the developing company, the marina was not put in the advertised development proposals. I ask the Minister to explain to the House what the situation is with that marina development. Was she aware of the proposals for a marina to be put—

Ms Robson interjected.

Mr SLACK: We are talking about national park revocations. The Minister has the perfect opportunity now to explain to the people of Queensland just what the current situation is in the Dryander National Park, where 60 hectares were revoked. I understand there was much opposition to that revocation. The Minister now has every opportunity to explain it, and I would appreciate her explaining it.

The Opposition has much pleasure in supporting the motion before the House.

Dr CLARK (Barron River) (11.50 a.m.): I have great pleasure in supporting the revocations before the House today, because they are indeed consistent with the department's policy of revocations, namely, no loss to the environmental integrity of the park or, preferably, a net benefit. Unlike the member opposite, I do not intend to revisit the Dryander National Park debate, but merely re-enforce that that principle was adhered to in that case, too.

The member for Caboolture talked of the Mount Coolum National Park. I might just make brief mention of the Bellenden Ker park from which the second revocation is proposed. That particular national park, the Bartle Frere National Park, is located near Babinda, between Innisfail and Cairns, in the Wet Tropics region. It is, in fact, in the electorate of the member for Mulgrave. I do not normally speak on matters that relate to that member's electorate, but on this occasion I have his blessing.

The owners of the adjacent properties, as has been made clear, have accidentally encroached on the national park when clearing areas for their homes, so it is proposed to revoke those particular cleared areas from the national park. All honourable members know that is a very sensible thing to do. However, to offset those proposed revocations, the adjoining land owners have agreed to exchange areas of rainforested land that are in fact larger in size than the areas proposed for revocation and amalgamate that land with the existing national park. The land owners will bear all the costs associated with that exchange. That is similar to the situation I was talking about earlier this morning with respect to the Mount Whitfield Environmental Park. That park actually received a net benefit. I am very pleased to say that we would actually be gaining some 6 807 square metres from this initiative.

I think it is important to take this opportunity to remind members of the significance of the Mount Bartle Frere National Park. I remind members that in fact this is the national park that contains Queensland's highest peak. The park is most interesting because of the different rainforest types that one can experience with a change in altitude, which goes from the complex mesophyll rainforest on the lower slopes right through to the cloud rainforest at the top, where it is almost a heath land type situation with a very low canopy. There is a very different rainforest experience at the top. In common with the member for Caboolture, these days I do not tend to be so energetic as to go on excursions to mountain tops.

Mr Beattie: Come on. Why not? You're not anywhere near as fat as he is.

Dr CLARK: I do not believe that my level of health would enable me to enjoy that particular experience. I do regret that. I must say that I have often visited Josephine Falls, which is within the Mount Bartle Frere National Park. That is certainly a very enjoyable experience, particularly during the hotter

months. There is no doubt in my mind that this revocation will not have any measurable impact whatsoever on that national park.

I would like to conclude by commending the Minister for her handling of her portfolio. I think there was some feeling that she had a hard act to follow, with the previous Minister, Pat Comben, being known for his intimate knowledge of fauna and flora and, as all members know, being such a keen birdwatcher. There is no doubt that the current Minister has more than adequately filled his shoes and is doing an excellent job in her portfolio.

As the Minister said in question time this morning, there have been some very significant increases in our national park estate. In fact, since December 1989, the Government has purchased 2.2 million hectares for national park purposes—about 12 000 hectares a week every week for three and a half years—costing us some \$32.5m. That is a very clear indication of our commitment to the national park estate. I think the figures that the Minister cited in question time this morning bear repeating. The percentage of ecosystems represented in Queensland national parks has increased from 44 per cent to 63 per cent. I think that those figures speak for themselves about what is being achieved in Queensland with regard to our national park estate. I commend the Minister for that, and I support the revocations before the House.

Mr BREDHAUER (Cook) (11.55 a.m.): I am going to be very brief because I think it is a pretty straightforward amendment. I just take issue a little bit with the member for Burnett who, during his contribution on the revocation that is proposed today, claimed that whatever this Labor Government has done for the environment, the National Party would have done, and done better. Over a period of 32 years, I think we had a pretty good snapshot, if you like, of the National Party's track record on the environment.

Mr Beattie: Vandalism.

Mr BREDHAUER: It was indeed environmental vandalism. The National Party had that reputation not only in Queensland but also nationally and internationally. I think the member has a bit of a hide to stand up in this place and, from his ivory tower on the front bench of the Opposition, criticise this Government and suggest that the National Party Government would have done it better. In particular, I think members opposite have a hide making references to election promises

that they made in 1989 during those last desperate days of National Party Government.

I can remember the list of 200-odd projects that were going to be built—199 of them in National Party electorates, none for the Liberals and only one in a Labor electorate. Of the 200 projects that were promised, only one of them was outside a National Party electorate. The Nationals also promised something like \$25m for a remote area incentive scheme for teachers. If one were to tally up all the promises, the Government would still be trying to pay for them now. I think the member has a bit of a hide. In an exercise of one-upmanship that the Nationals were engaged in at that particular time, anything we promised, they promised one better. When we said that we would double the national park estate to 4 per cent, they said, "Well, we will make it 5 per cent". It became a bit like a Dutch auction. I was actually glad when the election eventually came around because everything that was happening was escalating in the heat and the desperation of their final days in Government.

These two revocations are fairly sensible revocations. From time to time, people do encroach on national park boundaries. It is probably relatively simple, in a case such as the Coolum National Park, to make a determination about the location of the boundaries of the park. If members have had some of the experiences that I have had with national parks in an electorate such as the Cook electorate, which covers an area of something like 310 000 square kilometres and has many very large national parks, I am sure that, like me, they would be flat out finding the boundary of their electorate, let alone whereabouts the national parks might occur within it.

It is quite conceivable that from time to time people could accidentally encroach on national parks. I also feel that from time to time some people encroach on them not so accidentally.

Mr Littleproud interjected.

Mr BREDHAUER: The member is right; some of them are not standing. I am told that these incursions are quite coincidental. There is no point in persevering with having them within the national park estate if there is no environmental or conservation benefit, so it is sensible for the Government to make these revocations.

I make a quick reference to an article that appeared in the *Port Douglas & Mossman Gazette* on Thursday, 2 December, which reports on comments made by National Party

Senator Bill O'Chee. He was referring to landowners in the Douglas Shire who are involved in a proposal for a forestry scheme to provide timber resources in the future. The scheme is being supported by the three levels of government. The local authorities in the area have been pushing it, particularly the Douglas Shire Chairperson, Mike Berwick, and the State and Federal Governments have supported it. This week, Bill O'Chee suggested that landowners in the Douglas Shire and other areas whose land adjoins World Heritage listed areas should be allowed to convert their existing titles to a new forestry freehold title, which would restrict them to timber and associated uses. I do not know where Senator O'Chee has been for the last four years.

Mr Beattie: Overseas.

Mr BREDHAUER: I understand that he has spent a lot of time overseas. The Lands Department has spent a lot of time and allocated a lot of resources to try to rationalise and modernise the land titles system. This Government inherited an archaic titles system from the previous Government and has put a lot of effort into updating it. I believe it would unnecessarily complicate matters for the senator to suggest that this Government should actually be introducing new types of land titles according to the specific use of land.

Many honourable members opposite own land or have land in their electorates that is used for a wide diversity of purposes. I am sure that they can appreciate the absurdity of the suggestion that a specific type of land title should be devised for a particular land use. For example, in the Lockyer electorate, one might have onion leasehold, or sweet potato/pastoral leasehold in some other part of the electorate, or senator's pumpkin/pastoral, perhaps. I believe that the senator has also claimed that specific land use title would help to control feral pigs and generally manage the Wet Tropics Area. I do not know what cloud he was on when he made that statement, but I do not think it was a particularly helpful one.

I thank the Minister for the succinct way in which she introduced the motion. I look forward to her comprehensive summary. I have not used any of my speech notes, so she will not be plagiarising me.

Hon. M. J. ROBSON (Springwood—Minister for Environment and Heritage) (12.03 p.m.), in reply: I thank the member for Cook for reminding me of my inadequacy. I apologise for the fact that I did not read a full

speech. I knew that the member was well prepared, and I was testing him to see how good he is. I thank all contributors to the debate for their contributions. Clearly, they understood what the motion is all about. As the shadow Minister said, this revocation does not create an enormous dilemma. It will clean up a problem which arose when the previous Government was in power. We all accept that such things happen.

I believe that the circumstances surrounding revocations are never taken lightly by anybody, and this Government certainly does not take them lightly. There will always be instances of boundaries being a bit wonky and there will also be a need for someone to come along and tidy them up so that everybody knows where the boundaries are. The land exchange that has been negotiated in one case has been proposed so that the national park will be increased. That is a gain to conservation that all people would welcome. A financial settlement is attached to that arrangement to bring the values up to equal standing. The second revocation has no notable conservation value. It is a very small settlement and is therefore not one that is out of step with this Government's general direction, as members pointed out during the debate.

I thank the member for Caboolture for his incisive and comprehensive comments. He was the first speaker in the debate and was all lined up to congratulate me for the things I was to say in my speech, but he did not get the opportunity. However, I appreciate the thought.

I thank the member for Barron River very much for her comprehensive summary and for the unsolicited compliments that she paid me and my department. The honourable member has certainly been a very staunch advocate for the environment. As all other honourable members would be aware, four years ago the member for Barron River was elected to this Parliament on an environmental platform, and she has continued to very strongly represent her electorate and bring to my attention issues that are relevant to the whole northern region, particularly in relation to conservation and the environment.

I again thank the member for Cook for accurately placing a perspective on the rationale underlying these revocations. I thank him also for his comments about the reality of political activity. I should inform the House that the revocations have been endorsed by the Director of the National Parks and Wildlife Service. For all practical purposes, I strongly

support these proposals, and commend them to the House for approval.

Motion agreed to.

MINISTERIAL STATEMENT

Parliamentary Committee of Public Accounts Report on the Financial Administration of Aboriginal and Island Councils

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (12.06 p.m.), by leave: Today, the Public Accounts Committee, in its third report on Aboriginal and Islander councils, made a number of suggestions regarding the financial administration of Aboriginal and Islander councils. Let me say that there are no easy solutions to the problems faced by Aboriginal and Islander communities.

While the committee is well-meaning and is probably seeking to address issues of financial accountability, there has been a failure by it to appreciate the complexity of the range of issues involved. Indeed, these complex issues have been grappled with for many years by successive Governments. As this report and previous PAC reports have acknowledged, this problem has emerged because of a combination of historical, cultural, economic, social and geographic factors.

The committee criticises me and the director-general for failing to discharge a duty under sections 82 and 83 of the relevant Act. Let us look at those sections, because the committee has misread them. Those sections do not impose a duty; rather, they are simply enabling sections that authorise me to provide financial aid to councils. This is what I have done.

Mr FitzGerald interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order!

Ms WARNER: The PAC report states that, based on an opinion from the Crown Solicitor, neither I nor the director-general had fully met the duties expected of us under those sections. The Crown Solicitor's advice says that the Act is silent as to the extent of financial accountability or duties. However, the Crown Solicitor goes on to say that he would expect that inquiries would have been made about those grants. But the fact is that the legislation does not reflect his expectation.

Mr FitzGerald interjected.

Mr DEPUTY SPEAKER: Order!

Ms WARNER: He goes on to state that consideration could be given to amending the legislation to expressly cover changed accountability or duties. I will consider that.

Mr Littleproud interjected.

Mr DEPUTY SPEAKER: Order! Ministerial statements will be heard in silence.

Ms WARNER: It is incomprehensible to conclude that I or my director-general should have been complying with an implied duty that is based on the Crown Solicitor's expectation, of which I heard on 9 November. I reiterate that I have done what is required by the legislation, as has my director-general. As the PAC report states—

“The Councils and Local Authorities rather than branches of the Department and therefore the Director-General does not have any responsibility for the financial administration of the Councils in terms of the Financial Administration and Audit Act 1977. The elected Councils are bodies corporate and thus are responsible for their own financial administration.”

Under the Community Services (Aborigines) Act and the Community Services (Torres Strait) Act, councils are audited annually by the Auditor-General. This involves total revenue and expenditure of all councils. The audit reports are forwarded to me only in cases where there is a concern. Honourable members should remember that not all councils receive qualified audits. I, in turn, pass those audit reports to the director-general for the appropriate action to be taken. Contrary to what appears in the report, the director-general has never suggested that audit reports were received directly from the Auditor-General by the Division of Aboriginal and Islander Affairs. Under the Act, they come to me first. That is the process laid down by the legislation.

In its report, the committee acknowledged that a number of steps to improve the standard of accountability have been taken. In June 1991, I issued accounting standards for councils. This sets the overall accounting standards for all Aboriginal and Islander councils and requires the ultimate achievement of a very high level of accountability. I have provided assistance to councils, on request, to overcome any administrative problems that they may be experiencing. I have encouraged councils to comply with the financial provisions of the community services Acts. A program to provide on-the-job training for council staff will be introduced in early 1994 with a full-year

budget of \$370,000. I have provided financial support to the Aboriginal Co-ordinating Council to start implementing an internal audit service, which I recognise will require expansion and financial support. A model financial procedures manual, which will allow individual councils to develop their own specialised manuals to suit local needs, has been developed. The department has been working with the Aboriginal Co-ordinating Council on the development of specialised local manuals.

Monitoring of financial accountability has always been a major priority. As the 1991 PAC report recommended, the objectives of proper accountability could only be achieved through long-term restructuring of the governing authorities of Aboriginal communities. The current report reinforces that view. We will continue to work actively towards this.

It is fair to say that Aboriginal and Islander communities have been investigated up hill and down dale by a series of commissions, committees and inquiries, all of which have struggled with these issues. It is no secret that the conditions which prevail on Aboriginal communities are, frankly, unacceptable in a modern and democratic society. A major and recurrent theme of concern is the expenditure of funds for the provision of services.

Let me put it in context. We all want to see improved standards of financial accountability, so that Aboriginal and Islander people may obtain value for money. This must be achieved by Aboriginal and Islander councils accepting their responsibility in financial accounting as independently incorporated bodies. It is simply not good enough to continue to do their accounts for them—as was done in the past. That point was significantly stressed by the last two PAC reports, and it is the policy direction which provides the only effective long-term answer to the issues of accountability.

As I have said on many occasions, the age of offensive paternalism is over, but the road to self-management will be long and hard. However much I might desire a quick and easy solution, we cannot redress decades of dependence in a few years. I intend to continue to redress this dependency by insisting that councils take full responsibility for their accounting procedures with support and advice, but not intervention. That has been tried before, and it has not worked. The only way that Aboriginal people will be able to struggle out of the era of dependence and oppression is if they take full responsibility for their own lives. We cannot, and should not, try

to do it for them, however well meaning we may be.

SOUTH BANK CORPORATION AMENDMENT BILL

Second Reading

Debate resumed from 10 November (see p. 5552).

Mr FITZGERALD (Lockyer) (12.14 p.m.): In the absence of the Leader of the Opposition, who is at an important function, I shall use his speech notes to reply on behalf of the Opposition. The changes made to the original South Bank Act by this Labor Government epitomise the stark differences between National/Liberal policy on the one hand and Labor's policy on the other. In this instance it is this: State control as opposed to private enterprise control and unionised labour force as opposed to individual choice.

The original South Bank Corporation Act introduced by the National Party Government contained a sunset clause. Its purpose was to "provide a statutory mechanism to enable redevelopment of the South Bank lands used for Expo 88 as part of South Brisbane and West End areas." We believe the original Act was the correct way to go and reflected what the people of Queensland wanted. This Labor Government extended the corporation's charter from steering and completing the redevelopment to a continuing existence as a property manager capable of undertaking a whole host of functions. As well, the land tenure was changed from freehold to leasehold, and provision was made for the payment of surplus corporation funds to consolidated revenue. With respect to the latter, this effectively means the payment of a dividend to the Government having regard to its equity in the project.

In 1991, the Opposition opposed the Labor Government's amendments to this legislation on the grounds that it changed the central purpose of the original Act. While the Opposition remains opposed to the fundamental changes made in 1991 and the underlying philosophy of the amended Act, we give qualified support to the Bill before the House. Without equivocation, we believe that a private-enterprise body should manage the new commercial developments and the Convention and Exhibition Centre.

I note from the annual report of the South Bank Corporation that it is expected that, by the end of this year, eight million visitors will have visited the South Bank parklands. We are pleased to see Australians

and international visitors returning to South Bank to enjoy the surroundings and, maybe, to recapture the memories of Expo—one of Queensland's great successes this century.

It must be placed on record here that the present Premier and his party were never supporters of Expo 88. The then Opposition and the Australian Labor Party thought it would be a flop. Acting on that advice, their colleagues in Government in the other States were reluctant to participate in Expo. They were shamed into participating after they saw the prestigious list of nationalities attending and establishing pavilions.

The anti-Queensland stand regarding Expo and the Queensland economy taken by the Queensland branch of the Australian Labor Party and by Labor members still in the House today shall never be forgotten. It epitomises their lack of vision, their lack of entrepreneurial flair and their inability to get up and have a go. Expo was a magnificent box office hit, and it certainly would never have happened under a Labor Government. This Labor Government would not have had the boldness and the flair to grab the initiative. However, in the wake of the Expo success, this Labor administration could not resist the urge to exploit the South Bank parklands site by using it for blatant political purposes.

The corporation and, in turn, the contractor and the subcontractors were pressurised into getting South Bank into a state of readiness for the opening on 20 June 1992—just three months before a State election. The subcontractors included block layers, tilers, plumbers, civil engineers, landscapers, concreters, painters and builders—all genuine small-business people. Labor Government Ministers had a great time swanning around the development. Everyone involved gave it their all because that was a prestigious job. It was a Government showpiece that subcontractors were proud to be working on.

However, no sooner were many of the subcontractors on site than they realised that the planning process was inadequate. There were plenty of attractive artists' impressions of the finished article, but few detailed plans. The end result was a rushed job to accommodate this Government's political time-frame, which came at a huge cost to many of the subcontractors involved. The battlers who made the South Bank parklands what they are today had to contend with the final insult of not being paid fully for the work undertaken. Even today, some still have not been paid in full. Others have gone out of business

because of the financial pressures imposed during the South Bank redevelopment. These subcontractors—in the spirit of Expo—sweated, toiled and financially extended themselves to meet the Labor Government's politically selected opening day. They had to contend with hundreds of design variations and project acceleration difficulties. When they queried the extra costs involved, they were invariably told words to the effect, "Don't worry, this is a Government project." It is fair to say that not one subcontractor would have believed the Government would have duded him. But that is precisely what happened.

Information is to hand that at least five subcontractors incurred losses totalling about \$1m. The reward for their initiative from this Labor Government was brutal. The Premier and the Deputy Premier did not want to know about them. They did not want to talk to them. It was the contractors' problem or the corporation's problem, but never the Government's problem. The Labor Government did a Pontius Pilate; it virtually flogged them and then washed its hands of them. The Premier said, "Taxpayers should not be held responsible for failed commercial projects generated by private entrepreneurs." The House will recall that the extent of unhappiness was such that one subcontractor went as far as having workmen commence dismantling the roof of the main attraction, the Gondwana Rainforest Sanctuary, and then followed court action. Mr Justice Thomas described the court action over the \$73,500 debt as "Gilbertian". The police, the security guards, the South Bank management, the builders and the workers' industrial unions, which managed to black-ban the site for a whole day, were involved in that unfortunate incident.

Mr De Lacy: Two commercial groups; nothing to do with Government

Mr FITZGERALD: As I said before, the Treasurer says, "It is not the Government's problem."

The ruthless side of this Labor Government is highlighted by the example of the Joffe Group, the creator of the Gondwana rainforest sanctuary. It lodged a claim for \$1.65m for cost overruns, which it said were totally beyond its control, and for which the corporation was responsible. I have told the Treasurer before, the timing of the opening was a political decision by this Government, and the accelerated finishing date and all the variations that were made were at the core of all of those problems. That is the point I am making.

The irony is that the Labor Government, motivated by the need to get South Bank open before the State election, through the Treasury Department, supported the corporation to the extent of a \$7.1m guarantee of a loan to Gondwana rainforest sanctuary through an order of the Governor in Council. Despite this guarantee, it still ended up in receivership. It seems that the Government was quite happy to use the Joffe Group's creativity in the first instance, but when it the sanctuary was built, it sunk the boot in. It has been a very sorry saga, and a souring of the Expo dream for many people.

Even as this Bill is being debated, almost 17 months since the opening of South Bank, at least one major subcontractor is still out of pocket by more than half a million dollars because of problems with the electrical system at South Bank. There has been a major problem with the lighting, which warrants an explanation to this House by the Premier. The Opposition is reliably informed that the repair bill to overcome the lighting deficiencies on the site could be in the vicinity of \$1m. The neon lights in the steps do not work; and there is a problem with the fibre optics in the promenade and flag court areas where apparently the light driver does not function properly. We are also told that there is a problem with water penetration. In common with many other problems encountered by subcontractors with the parklands development, it is deemed by the project superintendent to be the subcontractor's fault. However, the reality is that the subcontractor simply installed what the design specified. It is a simple case of what was designed does not work, and it is a problem for the South Bank Corporation to sort out.

Where are the Premier and the Deputy Premier now? Where is the Deputy Premier—the greatest fair-weather sailor in this House? Where is he when it comes to sorting out this problem? Mr Burns used to be a battler for subcontractors. Now he and his Government do not want to know them. We all remember his efforts two elections ago to grab publicity by being the subcontractor's mate. It is totally unfair that subcontractors should be jeopardised financially for inadequate designs for which they were not responsible. In this regard, I believe the Goss Government has a lot to answer for on the part of subcontractors. To date, it has managed to skate around the problem, but this Parliament and the people deserve an answer as to what is being done about such problems. For the battling subcontractors, the joy of working on creating something

innovative and special has left a bitter taste, largely owing to this Labor Government's selfish political motives and the inadequacies I have just mentioned.

Although South Bank is delightful to the eye, the enforced finishing deadline left a troublesome legacy of the Gondwanaland rainforest park, now in receivership. Predictably, the Bill before the House expands the responsibilities of the corporation, further reinforcing the reason for its continued existence. The objective of the Bill is to provide for a restructured corporation board; to upgrade the requirements of the corporation for financial and business planning and for reporting to the Minister; pass ownership and control of the Brisbane Convention and Exhibition Centre to the corporation; and to bring the Act into conformity with current drafting standards.

As I said, the Bill increases the authority of the corporation as a property manager and owner of freehold property. The corporation's responsibilities will be expanded to include overseeing the private development of the 15-hectare commercial area; the operation and ongoing management of the parklands; and control and management of the Brisbane Convention and Exhibition Centre.

To enable the corporation to handle its new areas of responsibilities, particularly the convention and exhibition centre, the board is being expanded to provide for up to eight members. It will now comprise a chairperson, two members appointed on the nomination of the council, and not more than five other members, and they are to be appointed by the Governor in Council. It is to be hoped that this Labor Government does not resort to its recent practice of putting failed politicians or its other cronies on the board. There is no need for me to remind the House that the Honourable Minister for Transport appointed the former and failed Federal member for Hinkler, Mr Brian Courtice, to the Bundaberg Port Authority, and the former Labor Mayor of Townsville, Associate Professor Mike Reynolds, who lives in Canberra, to act as Chairman of the Port of Townsville Authority. This Government has no shame in appointing cronies to the public service, boards or committees, or to the plethora of reviews already undertaken.

Although the Opposition has great respect for the South Bank Chairman, Ron Paul, I hope that he is not burdened with lackeys of the Labor Party in the expansion of this board. It would be a pleasant surprise if the Government could refrain from appointing

such lackeys to the expanded South Bank board.

As to the convention and exhibition centre—it is estimated to cost \$170m, and to be open in April 1995. Already a shadow lies over it. Reportedly, the Chairman of the Queensland Tourist and Travel Corporation, Jim Kennedy, has said that Federal Government taxes are likely to turn convention and exhibition centres into white elephants. This is a very worrying statement coming from a person of Mr Kennedy's standing and with his understanding of industry and tourism. One would certainly hope that this does not happen to Queensland's new centre.

It seems that the Premier is much more optimistic. He has predicted that over the next decade, in addition to the casino revenues, the centre will bring \$1 billion into Queensland. That is \$100m a year, or about \$2m a week. Some specialists in the field believe that that is a large figure, but the Opposition hopes that the Premier is right with his estimates. It seems that, on the books, there are approximately 200 exhibitions bookings and 40 confirmed conventions. However, concern exists among some convention and exhibition organisers about the pricing policy. Planners are praising the centre as a world beater. However it has been said that the pricing structure may result in some of its advance bookings being lost. It will be a challenge for the corporation and the Government to ensure that the Brisbane site is competitive and not bypassed because of cost.

This Labor Government has not been lucky with its business investments. The House will recall that the Government took over the \$50m Indy debt; it had to absorb the \$7m invested in Compass and, of course, there was the Gondwanaland fiasco. Although the convention and exhibition site is still in the development stage, already it has been subjected to criticism before the Parliamentary Works Committee. The building industry specialist contractors organisation argued that contract documents were discriminatory, and parts were referred to the Anti-Discrimination Commission. Under question was the detailed information required about an employee's work record over the preceding three years. The House will not be surprised to hear that contract conditions specify that unionism is compulsory. In this era of enterprise agreements and recent statistics that indicate union membership is in rapid decline, this Labor administration cannot lift itself out of the

dogma of the past, lest it upset some of its factional heavyweights.

An important part of this Bill is the business plan of the corporation. It is noted that the first plan commences from 1 July 1994, and must cover three years. The Minister and the corporation must agree on the plan. It is quite clear that the corporation has a large responsibility, both in terms of financial credibility and the marketing of the convention and exhibition centre. Members of the Opposition wish the corporation well as it adjusts to its expanded responsibilities, and hope that the interests of Queenslanders will be well served.

Hon. K. E. De LACY (Cairns—Treasurer) (12.28 p.m.), in reply: I thank the House for its support for this Bill. I thank the honourable member for Lockyer for his contribution. However, I might say that it was largely an irrelevant contribution. It was a trip down memory lane. The only problem with trips down memory lane is that, at times, the memory tends to become very selective and hazy.

I will make a comment about the subcontractors. The remarks made by the honourable member for Lockyer seem to me to be quite strange. He represents a party that used to pride itself on being a free enterprise party. To the extent that subcontractors have suffered some damage at South Bank, it is because of the arrangements that they entered into with the primary contractor. There was no role for the Government to play in that regard, and I do not think that anybody would expect the State Government to intervene in commercial contracts between people in the private sector. That was the outcome. If protections are to be put in place for subcontractors, they ought to be done on a different basis and in a different context. We should not be interfering in those types of contracts. In conclusion, I thank all honourable members. Those members who stopped here only for this debate can now go out to the cricket.

Motion agreed to.

Committee

Hon. K. E. De Lacy (Cairns—Treasurer) in charge of the Bill.

Clauses 1 to 16, as read, agreed to.

Clause 17—

Mr FITZGERALD (12.31 p.m.): I note with interest the changes to the Schedule which clause 17 effects. It deals with the provisions relating to the disqualification from membership of the corporation. It states that the Governor in Council may remove a member from office if the member—

“(e) is an undischarged bankrupt or is taking advantage of the laws relating to bankruptcy . . .”

We are amending the section in the Act which states—

“A person shall be disqualified from becoming or continuing as a member of the Corporation if—

- (a) he has not attained the age of 18 years;
- (b) he is an undischarged bankrupt or is taking advantage of the laws relating to bankruptcy.”

This is a change that I welcome.

On a number of occasions in this House, I have said that a person who is an undischarged bankrupt should not necessarily be removed from a statutory board, removed from this House, or removed from a local shire council. I believe this is quite adequately covered by the words—

“The Governor in Council may remove a member from office if the member . . .”

A lot of bankruptcies are taking place these days. Some people put their homes, their lives and everything on the line and personally guarantee their liabilities, but then become bankrupts. Yet the scoundrels of this world take money from everybody and walk away scot free. They can stay on boards or remain as members of this House or a local authority.

I will not talk about members of Parliament or members of local authorities, but I believe that many of those people have suffered because they have become bankrupts. Many honest, good people become bankrupts. I do not see why they should not be able to stand for election. An undischarged bankrupt should be eligible to stand, provided everything is open and in view. I think that is democracy.

With regard to a corporation such as this one, I believe that the Governor in Council will definitely carefully look at a person's competency in managing affairs. Obviously, it is a serious impediment for a declared bankrupt to have to justify why he should still be on a corporation. I can think of plenty of people who have been declared bankrupt who

would still be well and truly worth having on a corporation. I will never forget a former shire councillor in my own home town who was a declared bankrupt. At that time, he had to be removed from the fire board. He had never been sacked before in his life. He entered into a scheme of arrangements. He had made some poor business decisions, and some of the shops he had built were no longer occupied. He developed half of Gatton. Then I had to tell him, “I am sorry. It is true. You have to be kicked off the fire board”, even though he had been put there to represent an insurance company. I was very sad about that, and I have spoken about it on a number of occasions in this Chamber.

I am very pleased to see that the draftsman has addressed this matter, about which I spoke to him on one occasion. I could not see the sense in it. I think the community is protected well by the Governor in Council having the right to remove members of the corporation. I wish to make this contribution because I believe that provisions should be included in our drafting so that the Governor in Council is responsible if a person is removed.

Clause 17, as read, agreed to.

Clauses 18 and 19, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

HEALTH LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 9 November (see p. 5479).

Mr HORAN (Toowoomba South) (12.36 p.m.): It is probably about 12 months since we debated a Bill similar to this one. The Minister has indicated that each year he will bring before the House one of these omnibus Bills which make current many of the Acts handled and administered by the Department of Health.

The purpose of this Bill is to amend some 16 Acts within the Health portfolio and to repeal two Acts, those being the Inebriates Institutions Act 1896 and the Inebriates Institutions Amendment Act 1968. There are also some substantial machinery amendments within this Bill, particularly in the area of terminology; in the use of penalty units and the removal of such terminology covered

by the Acts Interpretation Act 1954 and the Statutory Instruments Act 1992.

The Opposition gives qualified support for the Bill. We have no problem with the purpose of the Bill, but we do have some concerns about some of the amendments and about what they purport to implement, particularly those amendments relating to the amendment of the Health Act. We also note the move to omit all references to limitations preventing people of 70 years of age or more from holding membership on Government bodies and committees in accordance with the Anti-discrimination Act. The coalition believes that such limitations are discriminatory and unfair. We cannot help recalling—and we certainly will not forget—the blatant attacks that the former Opposition made on a former Queensland Premier regarding his age.

The first amendment deals with the Chiropractors and Osteopaths Act 1979. That Act provides for the constitution of a board representing chiropractors and osteopaths, for a register of chiropractors and osteopaths, and for the regulation of the practise of those professions. The Act also sets out the requirements for registration and also allows the board to organise educational qualifications in Queensland, and particularly those from other States. The main thrust of this part is to clear up concerns regarding corporate practice provisions, and in particular the way the previous legislation meant that a company incorporated somewhere other than in Queensland could not apply for approved name status under section 28B of the Act and was therefore guilty of an offence under section 28C of the Act.

The next part of the Bill amends the Cremation Act of 1913, which regulates the process of cremation and also contains provisions relating to application for cremation licences, transferred suspension of such licenses, and so on. The cremation industry has been subject to the provisions of two Acts, namely, the Cremation Act and the Local Government (Planning and Environment) Act. This amendment deals with the establishment and licensing of crematoria. It flows from what was titled the Systematic Review of Business Legislation and Regulations by the Business Regulation Review Unit of DBIRD. The operations of crematoria were covered by two Acts. Because of this amendment, those operations will now ostensibly be covered under one Act—the Local Government (Planning and Environment) Act. This part of the legislation sets out that matters relating to cremation are to be dealt with by local government and its health officers, yet the

amendments curiously retain ministerial discretion where permission to cremate at places other than a crematorium is sought.

It seems to us that these amendments do not achieve fully the purpose for which this part of the Bill was introduced. As a result of these amendments, crematoria processes can still be controlled by two Acts, that is, the Local Government (Planning and Environment) Act and the Cremation Act. The Bill provides the opportunity for a person to apply to the Minister for permission to cremate a human body at a place other than a crematorium. Such permission would generally be sought for reasons of ethnic beliefs. Surely, if local government is to be given control of the licensing and approval of crematoria, the advice that it receives would be just as good as that provided to the Minister. Local government should not be given control of only 99 per cent of the cremation industry. Such control should be fully handed over to local government.

The next part of the legislation deals with amendments to the Dental Act. That Act provides for the Dental Board, the registration of dentists and the recognition of dental personnel who are authorised to perform a range of dentistry under the supervision of a dentist. Throughout most of Queensland, there is an incredible waiting list for dental work at public hospitals, even though dentistry is not free, as are all other services provided by public hospitals. Dental work at public hospitals is restricted to health care card holders. In places such as Townsville, there is at least a 60-week wait for dental treatment, and there are stories of people waiting for up to two years for dentures. It is becoming hard to get a feed under the Goss Labor Government, but that is taking things a bit too far. A two-year wait is unacceptable, and the Minister should rectify that problem.

The amendments that we are formally dealing with today refer to the qualification for registration as a specialist and the procedure for prescribing an annual licence fee. My consultations with the dental profession confirm that the profession is satisfied with the changes contained in this Bill. In light of the problems with the annual licence fee confronting the Queensland Nurses Council, it is vitally important that such boards act responsibly to represent the members of the relevant profession.

Earlier today, reference was made to the licence fee paid by nurses increasing from \$15 to \$100—from the cheapest in Australia to the most expensive. The Minister stated that the

Queensland Nurses Council is supposed to act independently and is supposed to be fully self-funding. But the Minister knows that the Queensland Nurses Council is responsible to him. It is certainly in his interests and the interests of the nursing profession to ensure that a sixfold increase does not occur. It is certainly in the Minister's interests and in the interests of the profession to ensure that the Queensland Nursing Council budget is such that it can provide for a modest fee increase that is well within the means of nurses.

Mr Hayward: It's taxpayer funded.

Mr HORAN: The Minister says that the taxpayers have to pay for it, but in fact the Government has to pay for it. Of course, it is ultimately the taxpayers' money. The previous Government was able to maintain the licence fee at \$15. This Government did so for a short time, but now it will oversee an increase from \$15 to \$100. That is just another example of the back-door taxation that is practised constantly by this Government. In fact, since the Goss Government was elected, each Queensland family has to pay an additional \$1,700 in fees, taxes and levies.

The next amendment deals with the Dental Technicians and Dental Prosthetists Act 1991. That Act put in place a new profession for dental prosthetists. It meant that dental technicians could practise in the area of full dentures, partial dentures and, as part of that process, they had to provide oral health certificates for certain procedures that they were undertaking. This amendment is for the purpose of recognising courses that may be approved in Queensland by the curriculum working party—which is currently working on this issue—or approved interstate courses.

At present, a very serious issue confronts the dental prosthetists profession. The Minister is well aware of it, and he is presiding over it. There have been serious allegations of rorting and corruption in the process of examination that leads to registration of dental technicians as dental prosthetists. That process consists of a theory examination and a substantial practical examination. The examinations are overseen by a board of assessors, which consists of one person from the dental profession and the balance being dental prosthetists. The claims that have been made by a number of dental technicians are extremely serious. I know that the Minister is aware of them, because those people have written to the Minister; they have met with the Minister's senior officers; and they have written to the Premier.

It is common knowledge that the dental technicians and the dental prosthetists supported the ALP financially before the 1989 election and probably before the last election. In light of that fact, this issue is extremely serious. The Minister is in danger of being compromised if he does not take some serious action on it.

Mr Hayward: What's the matter?

Mr HORAN: I will outline it again. There are allegations of rorting and corruption in the examination process. The Minister has been made aware of it; his senior officers have been made aware of it; and the Premier has been made aware of it. However, to date no steps have been taken towards investigation of those allegations. The people who are attempting to become qualified have been in conflict with some of the assessors in the past. It appears to those applicants that they are being kept out of the dental prosthetic profession because of their past business activities, such as advertising cut-price dentures. They have fallen foul of some of the people who serve on the assessing committees and, as a result, they are not being judged honestly or fairly on their abilities. It is claimed that they are being failed on the basis that their work is not up to standard, but they claim that they are being failed for their past entrepreneurial activities.

A lot of controversy surrounded the lead-up to the introduction of this Act. However, it is a legal Act of this State, and it is appropriate that it be administered honestly and justly. If the claims by those technicians are ever proved to be correct, it is totally unfair that such discrimination should occur. It is their livelihood. Without passing those examinations, they cannot become dental prosthetists. It is time that all technicians were judged honestly and that their claims to the contrary were taken seriously. They have been advised to take their claims to the CJC. However, if they do that, they will effectively be precluded from passing their exams and having the opportunity to practise their desired profession. They ask that this matter be treated seriously by the Minister and by his officers, and that they be judged accurately and honestly on the basis of their ability.

The technicians claim that their work is good and that the patients for whom they have made dentures are absolutely happy with them. They claim further that other people undertaking the examination process received advice as to what questions would be asked and what sorts of dentures they would be required to make. They are considering

forming an organisation to fight this injustice. They make further claims that, in the initial round of assessments, the 36 people who were assessed all passed, and that they were all mates who were involved in the original lobbying for the dental prosthetists' profession. The ingredients are all there: the Minister being compromised by donations made to his party and the Minister being aware of these claims but not taking any action.

I do not think that any of those people would be concerned if it was accurately and correctly proved that they had failed their exams and did not have the ability. Those people have been working in that field for up to 26 years. One person had seven years' experience. Another person was previously a dentist. It makes one wonder what is going on. It makes one believe that the claims made by those people have a great deal of truth and accuracy. I bring that matter before the House during the debate on the Bill and I challenge the Minister to tell the House how much he knows about that issue and what he will do to clean up the act in his own backyard. Otherwise, those people will be forced to take that issue to the CJC.

The next Act dealt with in the Bill is the Health Act 1937. That covers issues of public health, particularly the prevention, notification and treatment of diseases or disabilities. It also covers the sale and prescription of drugs. In discussing that Act and in talking about issues of public health, I raise the issue of the reported epidemic in north Queensland of dengue fever and Ross River fever. It is pleasing to see the putting in place of the arbovirus task force. I certainly hope that that has some effect in north Queensland in containing those diseases, which can have some serious implications. Recently, I was in Charters Towers. In an endeavour to combat the mosquito menace, the local authority in Charters Towers instituted a fogging campaign in the streets.

The main thrust of the Bill is the control of notifiable diseases, brought about particularly by the ever-increasing incidence of HIV. At this stage, I foreshadow that the coalition will oppose subclauses (2B), (2C) and (2D) in clause 26. We believe that those subclauses allow a person to endanger someone's life. There is not enough definition on that. The Bill puts in place two offences for those people who recklessly convey to another person a disease such as HIV. At the same time, one clause states that, if a person who is a partner in that process knew that the other person had a notifiable disease, it is no longer an offence. That flies in the face of all of the

good practices that are being put in place by Health Departments throughout Australia, including Queensland Health, with respect to the practice of safe sex, the extreme dangers of needle sharing and the risks of the diseases that can be passed on by any of those irresponsible actions.

Under the Bill, a person with a serious notifiable disease such as HIV/AIDS, by using a needle or in the act of sex, can pass that disease on to another person without it being any form of offence whatsoever. That disease can then be passed on to other people within the community at a time when everybody and every Health Department is endeavouring to stop the spread of that serious and dangerous disease.

The other aspect of the amendment to the Health Act is that of day hospitals. Much has been said about the potential of day hospitals to reduce the waiting lists. I speak quite seriously about the situation in Toowoomba. The two day surgeries at the Toowoomba General Hospital have been completed for almost 18 months. We await the money to come through for the completion of the second floor of that building, which will be the theatre complex. I understand that negotiations have been entered into by the Regional Health Authority in that city with the Minister on that particular Capital Works Program being extended to include intensive care beds and to include some additional facilities for accidents and emergencies. Certainly, that would be a great thing. The problem is that the building has been lying idle with one floor completed for almost two years. It is about time that something happened.

The waiting lists throughout Queensland continue to be a problem, nowhere more so than in the field of cardiac surgery. Hospitals such as Prince Charles are restricted to 400 angioplasties a year—that is, approximately eight a week—and to 39 major operations a week. That hospital can double that because it has the staff and the facilities. However, it simply does not have the funds. Within those 39 major procedures a week, five are provided by the program that was put in place to improve waiting lists. That program cuts out in another two or three months' time. This week, the Minister announced that \$11m will come from the Commonwealth Government to improve the waiting lists in the public hospitals. That \$11m will be spread over five years. I challenge the Minister to announce what the Queensland State Government can provide to match that funding from the Commonwealth

Government so that the Government can make a decent dent in the waiting lists.

In some areas, the waiting lists are out of control. Recently, I spoke to an old fellow in Charters Towers. He must wait well over 12 months for urgent prostate surgery in Townsville. The cardiac waiting list continues to be a bone of contention in medical circles and Queensland politics. As shadow Minister, I cannot think of an issue that I deal with more than the issue of people who are on the waiting lists for cardiac surgery. They ring me up, worried and terrified. They think that they will die while they are on the waiting lists. Without being overly dramatic about it, one can easily understand how they feel, particularly the older people. Very often, they are about to be admitted for their surgery and, quite rightly, the Prince Charles Hospital contacts them to tell them that they are further down the list. This week, I heard about an instance of that.

I can understand that, if the medical authorities adjudge someone to be at serious risk of life and to be at more serious risk than others on the list, that person goes to the top of the list. It seems an absolute shame that although the facilities and trained people such as the surgeons and specialised staff are all in place, all that is required is the injection of some additional funds to reduce those life-threatening waiting lists. The Minister would have to agree that it should be one of his highest priorities. When the Minister compares that with some of the other issues that he deals with in the Health Department, if he cannot find \$2m or \$3m in extra funds to match the Federal funds, the great bulk of which he could put into that high-priority area, there is something wrong with the way in which the Minister runs his department. It is quite clear that the Federal Minister for Health is encouraging high salary and wage earners to take out private health insurance and that waiting lists are a concern there, too. It is about time that the Minister became fair dinkum and addressed the issue. He should stop worrying about groups that might oppose the Government.

For the Minister to address the situation at Prince Charles Hospital and, to a lesser degree—because less surgery is done there—at the Princess Alexandra Hospital, it is a matter of funding priorities and the way in which the Minister juggles the funds within his department. It is a matter of how committed he is to what is probably the highest priority in health. The problem with waiting lists is a life-threatening issue. If the medical authorities at a hospital such as Prince Charles can make

the difficult judgments that they must make that some people should be moved up the list and that others who are at the top of the list should be moved down, the Minister should make similar difficult judgments on priorities and move some of the funds within his department from lower down the list to the top of the list.

Some of the amendments to the Health Act refer to confidentiality. The Opposition is concerned about a couple of matters of confidentiality. I will address that issue during the Committee stage.

Sitting suspended from 1 to 2.30 p.m.

Mr HORAN: The next segment of the Bill deals with the Health Rights Commission. The Health Rights Commission Act, which was enacted in 1991, establishes the commission to preserve and promote the health rights of people to receive and to resolve health service complaints. It also establishes the Health Rights Advisory Council, which advises the Minister and the commissioner in relation to the redress of health service complaints. In my position as shadow Minister for Health, I would like to make a comment about the Health Rights Commission in particular. As members can imagine, I receive an enormous number of complaints and queries from people. In many instances it is extremely helpful to be able to relay those on to the Health Rights Commission. In a number of cases, it has been able to resolve those particular matters at the various stages that it goes through in the process.

I would like to thank the commissioner, Ian Siggins, and also his senior officer, Sue Cawcutt, for the way they have treated the many complaints that we have put before them and the courtesy that they have extended to my office. The main point I have noticed in dealing with complaints that are referred to the Health Rights Commission is that they are often made when people are in a state of extreme distress, they have suffered some form of grief and they are extremely concerned and uncertain. In many instances, it has been good for them to be able to be taken through the process of either talking to a hospital liaison officer or having that process instituted by the Health Rights Commission. I found a number of times that once they understand exactly what has happened, it has tended to resolve the initial complaint.

One area of concern is the period within which a complaint must be made, that is, 12 months from the time the particular procedure took place. I have received complaints on one

or two occasions when a complaint has been outside that time. If an unfortunate result occurs more than 12 months after an operation, that is a matter that should be considered. Eye operations are an example of that, because an unfortunate result may be detected subsequently.

Clause 40—Decisions not to take action—is one area that concerns members of the Opposition. We will be discussing that at the Committee stage because we believe that it brings about a situation of double jeopardy.

The Hospitals Foundations Act provides for the establishment and incorporation of bodies to hold and apply property to the object of that association. There are a number of hospital foundations within the State, such as the Royal Children's Foundation, the Royal Women's Hospital Research and Development Foundation, the Royal Brisbane Hospital Foundation, the Princess Alexandra Research and Development Foundation and the Prince Charles Foundation. I will not enumerate some of the good works that they do, but they are basically all related to promoting research and fundraising for equipment. In my own area, the Darling Downs, there has been a recent development with the formation of the Darling Downs Health Services Foundation. That has been formed to promote the activities of hospitals and regional health services on the Darling Downs; to encourage interaction between the hospitals and their communities; to advance the cause of medical health care and facilities; and to contribute to the wellbeing of hospital and health services, staff and patients of the hospital.

Some of the activities of that foundation that have been promoted at this stage have included the annual rural health conference; the Lillian Community Theatre Project, which was to support people—particularly those suffering from schizophrenia—to be involved in community activities; research, grants and scholarships; and health education awareness. The foundation has also purchased and acquired some specific pieces of health technology.

I spoke before on the Health Rights Commission. Today, the annual report of the Health Rights Commission was tabled in the House. Although I wanted to go through some of the details contained in it, I have not had much time to look at that publication. It is interesting to note that during 1992-93 the commission handled 3 928 initial inquiries, of which almost 2 200 were requests for information referral advice; there were 622

complaints that were dealt with immediately by information; and 791 complaints were sent to providers for reply, of which 475 then required further assessment. Sixty-four of these complaints went on to conciliation; 20 went to professional registration boards; 14 went to other agencies for investigation; and 28 complaints were the subject of formal investigation by the commissioner. So in looking at the break down—getting to a lesser number as it gets to the more serious end of the process—obviously, it seems to be doing quite a good job in dealing with people's initial concerns and dealing with them in a way in which it does not have to go right to the formal complaint stage.

I think the other interesting thing in looking at the issue of complaints is that there are about 6 per cent that deal with administration; 9 per cent with costs; 15 per cent with communication; 15 per cent with access; 15 per cent with rights; and 39 per cent with treatment. I think that there is no doubt that it is often in the area of treatment that most of the complaints seem to flow through.

The next Act with which the Bill deals is the Medical Act of 1939, which constitutes the Medical Board of Queensland and the Medical Assessment Tribunal. It particularly provides for registration of medical practitioners and specialists and deals with services and charges of misconduct and so forth. Currently, to be registered as a medical specialist there is an initial requirement for general registration, and in some cases that has to be dealt with by conditional registration, particularly in the circumstances in which an eminent specialist from overseas may come here to lecture or to work within the hospitals. The amendment deals with that problem.

Earlier, I referred to day surgery and day hospitals. One of the ways to attack the ongoing problem of waiting lists and the lack of specialists, particularly throughout the regional and rural areas, is through the better use of day surgeries and day hospitals. Day surgeries are efficient and work well if they are staffed with highly qualified medical specialists. The amendment to the Mental Health Act of 1974, which deals with the treatment and care of mentally ill persons, is an area of great concern to the public, particularly since the Burdekin report has been released. I know that currently within the department a major review of that Act is taking place. I think most of us are expecting that amendments to it will come before the House next year.

At this stage, four papers have been released relating to this review: there has been a background paper; there has been a paper titled "The defining of mental illness"; a paper titled "Treatment of people with mental illness"; and, finally, one regarding the forensic provisions of mental illness. It is interesting to note some of the comments following the Burdekin report. There seems to be a general feeling that one of the real problems in dealing with mental health, and in some of the new ways of treatment of mental health, is the deinstitutionalisation process. As the mental hospitals are gradually or dramatically cut down in bed numbers and the system of dealing with mental health moves to a system of acute care in hospitals or having people accessing community health centres and living a normal life within their own community, there is an enormous need to understand just what back-up and support these people need.

I have spoken to people who have been released from mental institutions. They talk about trying to deal with simple things such as remembering how to catch a bus, how to read the timetable and where to catch a bus. People in such circumstances need exit programs that help them to readapt to the life that they once lived. So it is important that there is 24-hour back-up and support, where possible, and that there are community services that they can access at any time whenever they feel the need.

Following the release of the Burdekin report, a comment was made by the executive director of the Queensland Association of Mental Health, Ms Judy Magub, who said that services in Queensland were "grossly inadequate". She also said that between seven and nine mental health staff are provided for every 100 000 head of population in Queensland compared with 20 and 23 staff for every 100 000 in Sydney and Melbourne.

Obviously, we in Queensland have to get our act together. I look forward to debating the Mental Health Bill. I believe that it is much-needed legislation and that the Government and the Opposition should work together to ensure that the required services are provided and that modern methods of mental health treatment are applied.

This amending Bill also deals with financial provisions and validations. The Health Services Act 1991 amended the Mental Health Act by inserting new sections 73 and 74 to cover financial dealings. In these sections, the references were to the financial management manual of the department. This Bill brings back the functions and dealings

described in the manual within the operation of this Act so that there is a clear head of power indicating what can and cannot be done with patients' funds. The amendment provides a head of power for the payment of interest from the Patients' Trust Fund into a separate Patients' Amenities Fund. Apparently, it has been the practice since the early sixties to use interest from the fund for the overall benefit of patients in the institution, hence the payment into the amenities account. The amendment defines the uses to which the money will be applied and specifically excludes administration costs relating to the Patients' Trust Fund, the purchase of plant or equipment or capital works, although a regional director can still approve such use. Provision has been made for the establishment of a Patients' Advisory Committee in relation to the financial provisions, which seems to me to be fair.

Part VIII relates to validations covering mistakes in six areas. I believe that the mistakes are fairly well described in the Minister's second-reading speech. They arise mostly from changes that have occurred since implementation of the Health Services Act.

While on the topic of the Mental Health Act, I draw to the attention of the Minister, his advisers and other members in the House my advice from people who have been involved in nursing that a large percentage of people in prisons throughout this State are perhaps emotionally and psychiatrically disturbed. Despite numerous calls being made by many people in the community, the services provided for inmates are still grossly inadequate. The Government should provide better services and more help for people who suffer these disabilities. I am also advised that medical officers who complain about the level of services provided for psychiatrically disturbed prison inmates have been chastised for complaining. I take this opportunity to mention the allocation of resources and, in that regard, I mention also the problems associated with adolescent alcoholics.

There is no place, institution, shelter or hostel for the treatment of under-age alcoholics. The young people to whom I refer are too young to be admitted to Biala, so they are literally on the streets. I also wish to comment on a rumour—although I have reason to believe it is far more than a rumour—that the Biala drug and alcohol centre will be closed down. It is an absolute shame to think that an inner-city centre that is only approximately 100 yards from a police station should close down. Other resources that are used for dealing with this problem

have also been reduced. At the Wacol centre, 100 beds have been reduced to 50 and are likely to be reduced to zero next year. At the same time, the rehabilitation centre at the Royal Brisbane Hospital has been reduced from 40 beds to 10 beds.

All honourable members would be aware of the problems associated with escalating alcoholism and drug abuse. It is absolutely wrong for a city centre such as Biala to be reduced to an education centre. This Government is walking away from an inner-city problem that is clearly evident. There are no facilities for young alcoholics except those provided by welfare groups such as Drug Arm, which operates a coffee run in and around the Brisbane metropolitan area. It is very noticeable to the people who provide the service that many of the people who seek the assistance are alcoholic street kids. I urge the Minister to look carefully at this problem, particularly as the festive season approaches.

The majority of the amendments relate to the various medical professions, such as occupational therapy, pharmacy, physiotherapy, podiatry, psychology and speech pathology, and are machinery matters. The main provision relates to removal of the age limitation of 70 years under the Anti-Discrimination Act. The final amendment relates to the Transplantation and Anatomy Act. In considering this particular part of the Bill, it is important to recognise the extraordinarily generous gift of organ donors. It concerns me greatly that despite this obviously generous gesture and the high costs of medicine, the State Government is considering the removal of the free retrieval system that is provided by Government aircraft.

Last year, it cost the State Government \$485,000 to undertake retrievals by using two aircraft, and I understand that consideration is being given to passing on this cost to the Health Department. I am sure that the Minister would not want that to happen, particularly as earlier today we were discussing the funds that would be needed to try to reduce waiting lists and improve the service provided to patients who require cardiac surgery. The proposal to impose a cost of \$500m on the Health Department that has previously been borne by other departments or Government agencies simply ignores the importance of the gesture, and fails to recognise the humanitarian gift given by organ donors to people who are unfortunate enough to be suffering ill health. If the Government goes ahead with this proposal, the Opposition will fight it tooth and nail. I hope that the Minister

will stand up for his department and fight the proposal tooth and nail, also.

This Bill repeals the Inebriates Institutions Act 1896 and the Inebriates Institutions Amendment Act 1968. Some time ago when the Minister issued a press release, it caused great offence to many alcoholics throughout the State. I was quite amazed by the number of calls that I received. Apparently, people objected to the insensitive way in which the announcement was made. It seemed to have been prompted by a search for media attention or a desire for sensationalism because the headline was "Drunks won't have to tend the chooks". Many people who were reformed drunks or who had alcoholic relatives who had undergone treatment were extremely concerned. The press release referred to inebriates who had been looking after chooks at Wacol and that they could also be directed to look after kangaroos and emus. I fail to see the relevance of that information, and it certainly did not show much consideration for the unfortunate people who have to undergo that type of treatment.

Mr T. B. Sullivan: Who did the headlines?

Mr HORAN: Undoubtedly, the headline would have been done by the Minister's media officers. There are plenty of them. There are about 30 of them in Brisbane and a few in every regional city in Queensland, and they are all working overtime. In addressing my remarks to the Inebriates Institutions Act, I point out that a number of people have told me that it was a very useful act of Parliament. They have told me that, unfortunately, sometimes it has been the only way that a family could obtain help for a family member or someone they knew who simply would not seek help. I understand that the provisions relating to inebriates will now be contained within the new Mental Health Act that will be introduced next year.

People are concerned about how they will be able to help a person who is in desperate need of help and who is causing great distress within a family relationship. Under the Inebriates Institutions Act, an application could be made to a magistrate to have a person admitted to an inebriates' institution for a period of from 3 to 12 months. I understand that magistrates rarely ordered periods longer than three months, so it was an extremely useful way for psychiatrists working in this field and the families involved to arrange treatment that would not ordinarily be sought by the inebriate. When the inebriate had been treated, there was also the chance that he or

she could be cured of the illness, even if the cure involved two or three readmissions. It was useful and, in most cases, it was the only way to help these people. I would be interested to hear from the Minister just how this particular facet will be handled once the new Mental Health Act is passed.

The Opposition will not be opposing this Bill. We support most of what is contained in it. However, there are some issues that I wish to raise during the Committee stage.

Mrs EDMOND (Mount Coot-tha) (2.50 p.m.): May I first say that I welcome most of the positive statements made by the Opposition spokesperson, especially his positive statements made regarding the Health Rights Commission and the work that it is doing. I also have had excellent feedback about it. It is a welcome change of attitude from the Opposition. When we debated bringing in a Health Rights Commission, it was not warmly welcomed by the Opposition spokesperson of that time. In fact, there was quite a heated debate and a lot of accusations about invasion of privacy and other arguments along those lines. The change of attitude is very, very welcome. As the previous speaker has indicated, this Health Legislation Amendment Bill consists largely of a wide range of machinery amendments flowing from other legislation.

In particular, the Anti-Discrimination Act of 1991 has necessitated changes to the Medical Act 1939, the Mental Health Act 1974, the Occupational Therapists Act 1979, the Pharmacy Act 1976, the Physiotherapists Act 1964, the Podiatrists Act, the Psychologists Act 1977 and the Speech Pathologists Act 1979, to remove the limit of 70 years of age in their recommendations. I welcome these moves to constantly maintain the integrity of legislation under the Health portfolio in a changing society.

The area of this Bill that I particularly want to address is representative of the other dramatic changes that are taking place in the world of medicine and society's reaction to that and the ethical questions that are raised by these rapid changes—and that is Part 17, the amendment of the Transplantation and Anatomy Act 1979.

Australia is in the fortunate position of having a health service and blood service that does not allow for the trade of human tissue or blood. I say "fortunate", because where this trade is allowed, we have seen abuse of the system.

As well as the ethical problems that this involves, it is quite obvious that the persons

most likely and desperate enough to sell their blood or, in some countries, their organs, are also the least likely to be healthy—disease free—and therefore not suitable donors. The Transplantation and Anatomy Act 1979 had its origins in the 1978 Commonwealth Law Reform Commission that recognised the need to rule on this issue as the range of transplants increased. There was also growing awareness of the trade in human tissue and the possibility of commercial growth in this evolving medical practice.

The 1979 Bill followed initiatives in all States to enact fairly uniform controls for the use of blood products, donations of tissues by living persons, and the definition of death. Medical advances over the past 30 years have transformed human organ transplantation from an experimental curiosity in the 1920s into an accepted form of medical treatment. The first successful kidney transplants were performed in the mid-1950s between identical twins. Prior to the discovery of genetic markers and improved tissue matching techniques, non-familial transplantation had a poor success rate, with organ rejection a major obstacle.

I have had the personal experience of following the improved techniques of transplantation during my career in health. In the 1960s, we would irradiate the "bed" of the transplanted kidney in an attempt to minimise rejection. In 1970, in Canada, I was involved with experimental tests designed to differentiate between acute rejection and poor function due to trauma associated with the surgery.

The advent of the anti-rejection drug Cyclosporin—a fungal extract—made transplants without ideal donor matches feasible. Since the 1980s we have seen a dramatic increase in the numbers and success of organ transplantation and an increase in the variety of organs being transplanted. While kidneys remain the commonest organ transplanted by far; heart, liver, lung, heart/lung and pancreas transplants are now regularly occurring with increased success.

This increased success and capacity, combined with the greying of the population, has contributed to a serious shortage of human organs for use in transplant operations. The annual number of patients waiting organ replacement is growing faster than the number of transplants performed each year. Tragically, in Australia, we rely heavily on the young victims of road trauma to provide healthy organs. The success of road safety programs is also impacting on

transplantation. This is not the case in all countries. The Japanese, for example, appear to have major cultural reservations about the use of human cadavers for therapeutic services. Similarly, notions of morality differ widely, with some societies quite accepting the concept of marketing organs of both living persons, other than family, and cadavers.

The increasing pressure for viable organs will continue to cause concern in Australian medical circles. Laws throughout Australia forbid buying and selling human body parts, and these amendments reinforce those laws. But with the increased efforts of Governments to export Australian health services and expertise, the problem of transactions made outside this country will be difficult to totally exclude.

While India is probably the best organised in what is called the human spare parts trade, with regular advertisements and commonly known rates of pay, the Chinese Government has also come under scrutiny for the sale of organs from executed criminals and "mature" aborted fetuses. In the 1980s, we also had the example of a hospital in England that involved poor Turks being brought to England and paid to give up kidneys to wealthy patients.

It is this type of transaction that involves exploitation of the poor and weakest members of society that has led to action by the World Health Organisation that began in 1989 to establish clear ethical principles. The first was that of distributive justice and equity, which requires that donated organs be made to sick patients on the basis of medical need and not on the basis of financial or any other considerations.

The second principle was that the human body and its parts cannot ethically be the subject of commercial transactions. I totally support both of those principles and I welcome these amendments to clarify and reinforce those principles.

It is worth noting that while I have concentrated on organ transplantation, the use of body tissues is now almost limitless. I had not realised how far this had extended until studying the details of the trail of tragedy that followed the traumatic death of a young man in the United States who unknowingly was HIV positive. Some 173 people contracted AIDS over the years following transplantation of kidneys, ligaments, bones, muscle, joints, etc. The only ones who appear to have escaped are those who received that earliest of transplants—corneas.

It is in recognition of these increased tissue uses that amendments are made to the Act. It is proposed that the definition of "tissue" in the Transplantation and Anatomy Act 1979 be amended in two respects. There is a need to clarify that the current definition of "tissue" includes human foetal tissue and, by extension from that, to make it perfectly clear that human foetal tissue cannot be used for commercial purposes.

Despite the fact that the definition of "tissue" has always included human foetal tissue, the Department of Health continues to receive a number of queries seeking advice as to whether this is indeed the case. In order to ensure that the current level of uncertainty is redressed, it is proposed in clause 110 of the Bill to amend the definition of "tissue" in section 4 of the Transplantation and Anatomy Act to specifically include the following words "an organ, blood or part of a human foetus" and "a substance extracted from an organ, blood or part of a human foetus". When this definition is read in conjunction with the provisions of Part 7 of the Transplantation and Anatomy Act, which clearly prohibit the advertisement, purchase and sale of tissue for commercial purposes, it is abundantly clear that foetal tissue is not to be exploited commercially.

The second problem associated with the definition of "tissue" concerns the exemption of substances from the meaning of this definition, and therefore the restrictions of the Transplantation and Anatomy Act with regard to the donation of or commercial sale of tissue. Currently, substances can be made exempt from the definition of "tissue" by Order in Council. Two such orders have been issued, and as a result the following substances are exempt from the definition of "tissue": testing serum and control serum; and human gammaglobulins prepared from pooled human serum.

As proposed in clause 110 of the Bill, it is intended that those substances currently exempt from the meaning of "tissue" be specifically listed in the definition of "tissue" in the Act in an updated form. This will end the paper chase that exists currently between the principal Act and the Orders in Council as promulgated as well as further rationalise the use of statutory instruments in this legislation. These are practical and non-controversial amendments. I believe that they are the easy ones. But I am also aware that our society will be facing major ethical and esoteric questions that will cause all of us concern. Governments will have to make these difficult decisions and legislate accordingly to establish clear

guidelines. Without making any judgment but to raise some of these questions, how far should we go with in-vitro fertilisation? Who owns which embryo, ova and sperm? How far should the dead be used to help the living? Who should pay for maintaining life-support systems? Who should decide whether very premature babies, anencephalic babies, very ill or aged adults should be salvaged? Medical technology has advanced so rapidly that the community has had little time to digest the information and consider the issues at length.

As I said earlier, I do not pretend to have the answers to these questions, but I do believe society should be informed and debating these important ethical questions now. The gulf between the technological possibilities in medicine and society's ability to finance them is widening. Decisions of resource allocation are currently being made within hospitals which provide this technology. As the public finances these procedures, the public needs to be fully informed so that it can make choices about health-care spending.

Society will need to decide whether funding should be focused on preventative and primary health care for the good of the entire community or directed increasingly to the high technological edge of medicine. Similarly, should restraints be placed on who benefits at that expensive edge of medicine? For example, should transplants be available only to those who have shown a responsible health record? As I have said, these are questions for all society to consider and to give legislators guidance. In the meantime, I welcome these amendments and commend the Bill to the House.

Mr SZCZERBANIK (Albert) (3.02 p.m.): I welcome this opportunity to speak to the Health Legislation Amendment Bill which will, as the honourable member for Toowoomba South said earlier, amend 16 pieces of legislation. This legislation is complex and covers a variety of subjects ranging from the Inebriates Institutions Act Amendment Act to the Mental Health Act. However, I take issue with the member for Toowoomba South about the matter of waiting lists. He has a fixed idea that there are long lists of people who are waiting to enter hospitals. I admit that people are on waiting lists, but we must consider the severity of the illnesses suffered by those people and the ability of those people who need urgent attention to receive hospital treatment.

For example, the wife of a friend of mine had some lumps in her neck. She went to the outpatients centre at the Gold Coast Hospital.

That afternoon, the doctor told her that she had to be in hospital the next morning for surgery. She had to fast overnight, and those lumps would be taken out of her neck the next day. So when we talk about waiting lists, we should consider the severity of the illnesses suffered by the people on those waiting lists. That is the point in issue. We could adopt the point of view that we are all on a waiting list—18 million of us are waiting. Births, deaths and taxes—they are all going to come to us, and we will all experience them in different ways. Some of us will experience them a bit sooner than others.

I would like to talk about the six provisions in this Bill that relate to the Mental Health Act. I used to work at the Wacol centre—it was called Wolston Park and, in the old days, it was known as Goodna. Proposed new section 77 allows for the assignment of the Wacol Rehabilitation Clinic to the West Moreton Regional Health Authority. Such responsibility was incorrectly assigned in July 1991 under the Health Services Act of that year. Proposed new section 78 will also ensure that the establishment of the Barrett Psychiatric Centre and the Barrett Adolescent Centre, which were established a long time ago, is validated up to August 1992.

I must admit that I have worked at the Barrett centre in A, D and E. They used to let me out after I had worked my shift. The staff were given blue shirts and grey trousers to wear to be able to distinguish them from the patients. However, when I worked there in 1982, it was an interesting time. Old procedures were being swept away by new procedures, and new ideas were coming into psychiatric services. During the 1940s and the 1950s, the community did not want to see people who had psychiatric illnesses. Those people were locked away, and the keys were virtually thrown away.

Today, the mental illness of people who have been patients for over 30 or 40 years has been overshadowed by their physical illnesses. When I worked at that centre during 1982, I experienced the difficulty of trying to place back into the community people who had physical illnesses rather than mental illnesses, and to transfer into the community as a whole the resources required for people with mental illness. That is an issue which this Government needs to address during the next few years. I believe that we are doing that as quickly as possible, but we have to realise that these conflicting interests exist. We must consider the interests of the patients and the patients' relatives, the staff and the resources available. This Government is addressing

those matters, but it will take time. We will be moving those resources into the community where they are needed, and I believe that the Government will do the right thing.

Years ago, if a person who had a mental illness arrived at the Gold Coast Hospital, the registrar in the casualty section would ring up the police and say, "We cannot handle them here. We need to send them over to the Barrett Centre." The police would collect the patient and take him or her to the Barrett Centre. Such people were separated from the community, their families and support systems. This Government is addressing those issues. We need to provide those resources where the patients are, that is, in the communities in which they live. It is not going to be easy. I know that people want quick-fix answers, but the Government cannot provide those.

I now refer to the insertion of financial provisions into the Mental Health Act. In accordance with the Government's commitment to public accountability, the administration of public Patients' Trust Funds established pursuant to the Mental Health Act have been scrutinised in response to doubts raised as to whether the relevant provisions of the Mental Health Act provide regional authorities with the necessary authority to administer such funds. The authorities have a clear head of power to perform the following functions: to deduct automatically funds from a Patients' Trust Fund for the purpose of meeting maintenance charges which have been levied pursuant to Regulation 63 of the Mental Health Regulations, and the appropriate amount and disbursement of interest received in respect of moneys accrued to the Patients' Trust Fund for the provision of amenities for the benefit of patients generally. Those provisions will legalise matters that have arisen in the past in the handling of Patients' Trust Funds. When I was working at Wolston Park, the relatives of patients used to want to buy patients items, using money from the Patients' Trust Fund, such as a comfortable chair. Now, relatives are able to purchase those items from the trust fund.

When I worked at Wolston Park, every third or fourth Sunday we would take the patients on an outing. Under the old provisions, we could not withdraw money to pay for those outings. Those were some of the problems that we would encounter. However, these provisions are addressing those problems, and we will get it right. I do not doubt that this Government will have to overcome more problems in the future. The Mental Health Act is under review. We are

seeking public consultation. Eventually we will get it right.

Mr T. B. SULLIVAN (Chermside) (3.10 p.m.): It is in great spirits that I rise today to support the Minister and this legislation—not because I heard the speech from the honourable member for Albert, who told us that we are all condemned to birth, taxes and death, which we all know. Today, I have been in the company of some positive people. On behalf of the Minister for Housing, Local Government and Planning, I attended the launch of Housing Choices with Brian Howe—a very positive person who does positive things for this nation. I was in the company of people from the Bernie Brae Senior Citizens Centre and seniors groups from the north side of Brisbane. Despite the comments of the member for Toowoomba South earlier, these people are very positive.

Honourable members may have heard some of the wonderful music coming from the Christmas party hosted by the Premier's Community Welfare Committee. I can see that it has had an effect on my colleague the honourable member for Nudgee, who is taking in these remarks. Honourable members may have been entertained earlier by Irene Bartlett, Viv Middleton and the Young Australian Talent Company. They are very positive people. We should be very positive, because the Minister is doing good things.

Unfortunately, the discussion on health this year has been tainted by that infectious disease—Nat negative or Lib negative—spread by Mr Borbidge and Mrs Sheldon. It has infected a number of people. I am afraid that Mr Horan has suffered from it to a degree. I hope that he recovers and can see the benefits that Queensland Health is bringing to Queenslanders. One test of whether a Government is doing something right is to see whether it is cleaning up the mess, getting things in order and breathing a bit of new life into things. We can see new life in this Minister. He is down to his new trim size and is showing us all that walking and exercising does lead to a healthier lifestyle. He is cleaning out the old health legislation and is bringing it up to a fresh state.

I will concentrate on amendments to the Health Act 1937. The Opposition had all of the time since then to change some of the things in the old legislation. However, this Government has realised that that work was not done in the previous 32 years by the National and coalition Governments, so this Minister is doing it.

The Bill before the House contains a number of amendments to the Health Act 1937, which do the following: facilitate the release of confidential information in relation to cancer and perinatal records to the Commonwealth; introduce appropriate penalties for breaching the provisions applicable to pest control operators' licences; introduce two new offences associated with the transmission of controlled notifiable diseases; and redevelop the definition of "day hospital". I will concentrate on the first three of those only in this brief speech.

A review of the confidentiality provisions which govern the disclosure of health-related data collected under the Health Act 1937 has identified gaps in section 100 E and section 100 I of the Act. Specifically, an anomaly exists in those two sections whereby the chief health officer in Queensland can, at his or her discretion, give information regarding cancer and perinatal data to his or her equivalent in any State or Territory but not to the Commonwealth itself. Not including the Commonwealth was an oversight in the original drafting of these sections and, of course, there is a need to provide such health data to the Commonwealth. Consequently, it is proposed that section 100 E and section 100 I be amended to include the words "or the Commonwealth" to ensure that cancer and perinatal data can be provided at the appropriate level to the Commonwealth.

We all know how aware people are about toxic substances, especially around children. When toxic substances are sprayed around the home or left around the home, there is a danger that a very young child can be infected and become seriously ill. If the pest control operator does not apply enough chemical and an infestation of cockroaches, ants or other insects results, health-related problems can arise. Division 4C of the Health Act is largely concerned with the licensing of pest control operators and specifies that a person cannot operate as a pest control operator unless he or she is licensed. Nor can a person use regulated pesticides unless licensed or supervised by a licensee.

Licences granted to pest control operators contain strict stipulations about the types of poisons and pesticides they are permitted to use. These stipulations are usually applied by way of conditions attached to a licence. As it stands now, however, the Health Act does not provide an appropriate mechanism for enforcing compliance with licence conditions. In fact, it only provides for the cancellation or suspension of a licence which, in the case of a breach of conditions,

might be an inappropriate enforcement mechanism because it could affect the livelihood of the operator.

So the amendment proposed in clause 32 provides a scale of monetary penalties for the first, second, third and subsequent offences arising from a breach of the conditions of a licence. With its addition to the Health Act, more appropriate penalties can be imposed for minor offences. This will enable Queensland Health to prosecute pest control operators who do not comply with the conditions of their licence and it aims to ensure the safety of members of the public exposed to these treatments.

The steps that the Minister has taken here reflect the steps that other Ministers in this Government have taken. Sometimes members of the Opposition say to us, "Increase the penalties; make the penalties tougher." In this case, we had such severe penalties to the degree that they were not enforced because it would mean the deprivation of the livelihood of the operator. By now introducing a series of stepped penalties, it is more likely that Queensland Health will prosecute, and it has the mechanism to prosecute, which will act as a deterrent for any lax or recalcitrant operators and will bring them into line.

Thirdly, the existing section 48 of the Health Act makes it an offence to knowingly infect another person with a controlled notifiable disease. The defence to this offence is currently three-fold: firstly, that the person is the spouse or de facto spouse of the infected person; secondly, is a person who knew of the partner's infection; and, thirdly, is a person who voluntarily accepted the risk of being infected. Diseases currently declared as "controlled notifiable diseases" include gonorrhoea, hepatitis B, HIV—the human immunodeficiency virus—and syphilis. The amendments proposed to section 48 in this Bill are designed to update the offence provision and to make the provision more appropriate for the most serious of these controlled notifiable diseases, that is, HIV.

In order to more adequately deal with the circumstances surrounding the transmission of a controlled notifiable disease, it is intended that section 48 be amended. In the first instance, it is proposed that the existing offence of "knowingly infecting another person with a controlled notifiable disease" be replaced so as to make it an offence to, firstly, deliberately or recklessly put another person at risk of infection from a controlled notifiable disease, the penalty for which will be a

maximum of 150 penalty units—about \$9,000—or 18 months' imprisonment. Secondly, it will be an offence to deliberately or recklessly infect another person with a controlled notifiable disease, the penalty for which will be a maximum of 200 penalty units—about \$12,000—or two years' imprisonment.

The recasting of the offence provisions as outlined will, in part, redress difficulties that may be incurred when attempting to prove that a person knowingly infected another person with a controlled notifiable disease, as opposed to proving that a person behaved in a deliberate or reckless manner which resulted in the other person being put at risk or another person being infected with a controlled notifiable disease.

I would also like to stress that the penalties previously quoted for the proposed offences are maximum penalties and that a maximum penalty will probably be imposed only when a person has deliberately or recklessly put at risk or infected another person with a controlled notifiable disease that is life threatening, such as HIV. It is unfortunate that we have seen cases—in prisons, in hospitals, in fights and in family disputes—where someone who believed that he had an infected needle or an infected instrument has attacked another person, hoping to cause that infection to spread. That has been one of the depressing developments in our society in recent years, and it is a problem that this amendment acknowledges.

As a result of the offence provisions being re-worked, it was also necessary to re-work the defence provisions in section 48. Currently, the section stipulates that it is not an offence to infect another person with a controlled notifiable disease if that person is the spouse or de facto spouse of the infected person, and voluntarily accepted the risk of being infected in the knowledge of their partner's infection. This Bill proposes that the reference to "spouse or de facto spouse" be omitted so that relationships that fall outside these traditional partnerships can be recognised as part of a person's defence against a charge made under section 48. Secondly, the Bill proposes that the key elements of the existing defence provision be retained—namely, that the person put at risk of infection or infected with a controlled notifiable disease knew of the other person's infection and voluntarily accepted the risk of being infected. It is interesting that both of those provisions are pretty much common

sense. If the former Government had so desired, it could have changed them.

The age-related provisions simply mean that the provisions disqualifying a person because of a certain age will be removed. My colleague the Minister for Health has elected to remove the age-related limitations from all Acts, even though he may have kept them there, and in doing so he has chosen to observe the spirit of the Anti-Discrimination Act. I support the amendments.

Mr PEARCE (Fitzroy) (3.21 p.m.): I want to talk about the repeal of the Inebriates Institutions Act. The Inebriates Institution Act 1896 currently provides for compulsory treatment of persons with an alcohol or other drug dependence problem, providing that certain circumstances exist. The Act also provides for self-committal for treatment of an alcohol or other drug problem and voluntary treatment of an alcohol or other drug problem. A working party was established within the Department of Health to review the Inebriates Institutions Act. That committee recommended that this Act be repealed in its entirety and that the Mental Act 1974 be utilised to provide for compulsory treatment at designated drug and alcohol agencies, general hospitals and psychiatric hospitals throughout the State.

I would like to speak about why this change has become necessary. The Inebriates Institutions Act was introduced in 1896, at a time when voluntary treatment for people with an alcohol and drug dependence problem was not readily accessible, as it is now. After doing some research, I was able to discover that, in June 1896, in a second-reading speech to the Parliament, the Honourable Berkeley Moreton, the member for Burnett, said—

“. . . drunkenness is a crime. It is a vice and a crime, but there is a species of drunkenness which is not a crime—a stage at which drunkenness becomes a disease.”

He likened the disease of drunkenness to that of insanity, and declared—

“We have the right, when we find a person is not able to take care of himself, to lock him up; and there is no infringement to the liberty of the subject in taking care of one who is a nuisance to himself and a nuisance to others.”

I am not seeking any interjections on this subject. That attitude may have been appropriate at that time. However, 97 years later, there is no doubt in my mind that the

legislative framework provided by that Act is behind the times and out of step with the modern approach to the treatment of people with alcohol and drug dependencies.

A discussion paper on the review of the Inebriates Institutions Act was released, and responses to this paper show that there is still general agreement within the community that access to appropriate treatment for people with alcohol and other drug-related problems should be readily available. It also appears that there is still a need for legislative provisions for compulsory treatment under certain circumstances. However, for a number of reasons, the Inebriates Institutions Act is clearly inappropriate for these purposes and, in many cases, is actually counterproductive.

The first reason is that the Wacol Rehabilitation Clinic is the only treatment facility to which the provisions of the Act apply. Secondly, the provisions in the Act for compulsory treatment are cumbersome, because they require recourse to the legal system, and are inappropriate in that they require legal professionals to make decisions about health matters that lie outside their area of expertise. Thirdly, the provisions for self-committal have been found to be counterproductive for patients, other patients in the clinic and staff. The behaviour of self-committed people has frequently proven to be chaotic in nature, and the outcome of their treatment of a poor or questionable standard. As well, the Act does not provide for the appropriate discharge in such circumstances. Lastly, contingencies within the Act that apply for misbehaviour in the clinic, which include drinking or drug taking and acts of a violent nature, are totally outdated and are negative rather than positive reinforcers of more appropriate behaviour.

The working party also found that it was not uncommon for people who were heavily dependent on alcohol or other drugs to show a range of psychiatric behaviours that not only placed themselves at a risk but also other people. Long-term heavy use of alcohol and some drugs can also cause brain damage, with the consequent impairment of a person's ability to think and behave in a manner conducive to the maintenance of his or her health. Therefore, provisions for compulsory treatment are still required for people suffering from these alcohol and drug-induced conditions.

Upon repeal of the Inebriates Institutions Act 1896, the working party recommended that the Mental Health Act 1974 be used to provide for compulsory treatment at

designated drug and alcohol agencies, general hospitals and psychiatric hospitals throughout Queensland. Use of the Mental Health Act to provide for compulsory treatment will ensure that the personal freedom of individuals is not infringed. That is the difference between the Mental Health Act and the Act being repealed. These safeguards ensure that inappropriate enforced hospitalisation does not occur. In addition, the Patient Review Tribunal provides a further safeguard for anyone who is compulsorily committed for treatment under the Mental Health Act. Those safeguards have to be in place to protect people who find themselves committed to treatment when they really do not need to be. That can sometimes occur.

The Government will undertake a significant education and training program for health, welfare and legal professionals about the changes to the legislation and how the provisions of the Mental Health Act and/or other voluntary treatment interventions can be used to provide treatment for people suffering from alcohol and other drug-related problems.

The repeal of the Inebriates Institutions Act 1896 will see the removal of legislation that is cumbersome, archaic and counterproductive in many of its provisions. As well, the repeal of that Act will clear the way for the human and physical resources currently employed at the Wacol Rehabilitation Clinic to be spread more equitably across the State. I support the repeal of that Act.

Mr CAMPBELL (Bundaberg) (3.28 p.m.): I congratulate the Minister on the introduction of this legislation, which modernises the health legislation of this State. I am concerned that technology is driving health policy. Our health policy must be directed to ensuring that people receive the health services that they need rather than focusing merely on the technology being developed by specialists, doctors and researchers.

I want to refer to day surgery. A decade ago, that concept was not even thought of. Now, many surgical procedures are being carried out in such a way that people do not have to spend time in hospital. New technology has enabled that to occur. Consequently, we must enact a new definition for "day hospital". If we do not modernise our thinking, we will not keep up. For example, some people still refer to hospital beds. That is a nonsense.

Procedures and services are needed. The debate on whether or not we should have X number of hospital beds is irrelevant. It is irrelevant to talk about the number of hospital

beds, because the issue is day surgery. The McKay report into south-east Queensland hospital services recommended that Queensland should aim to increase its proportion of day surgery from 15 per cent to 30 per cent over the next five years. In some overseas countries, 45 to 50 per cent of surgery is performed in day surgeries. We still have long way to go. That is why the Bill defines "day surgery".

I had the pleasure of attending the opening of the Bundaberg Friendly Society Private Hospital extensions, which cost \$5m. A large part of the extensions were the day surgery facilities. It was good to see that hospital keeping up with modern technology and providing those first-class facilities in Bundaberg. The 1937 definition has been changed so that "day hospital" means—

“. . . a hospital that provides surgical or medical treatment by a medical practitioner that does not require overnight hospitalisation.”

Under that new definition, the surgical or medical treatment appropriate for a day hospital no longer must be prescribed by regulation. The rapid changes in technology and their application to medical procedures means that any attempt to prescribe such treatment in regulation would be constantly overtaken by evolving treatment. In short, attempting to prescribe surgical or medical treatment is impracticable.

The second change in the new definition allows for general practitioners and specialists to provide treatment in day hospitals. That is important in our provincial and country areas. Following on from those amendments, there is a need for the new definition of "day hospital" to include a provision that makes it very clear that medical centres and general practice rooms do not fall within the definition and hence are not subject to private hospital licensing provisions. Therefore, proposed new section 63A (4) states—

“Premises ordinarily used by a medical practitioner for patient consultation, diagnosis and treatment are not a day hospital.”

It is very important that that provision is included in the Bill so that the definition does not catch ordinary doctors' rooms.

The Government is taking account of new technology. We are keeping up. We can have policy-driven health services rather than services driven only by technology. In 1976, in Australia, five hip replacement operations were performed. Last year, 150 000 were

performed. At a cost of \$5,000 each for the full procedure, as a result of last year's operations, \$750m worth of hips are now running around Australia, which the Government would not have planned for in any policy. I congratulate the Minister on modernising the provision of health services and providing all of those plastic hips for people throughout Australia. The Government is keeping up with modern technology. Day surgery is here to stay and is providing many extra services with less pain.

Hon. K. W. HAYWARD (Kallangur—Minister for Health) (3.33 p.m.), in reply: I thank all members who participated in the debate on the Bill. As was signalled in my second-reading speech, the intention is to introduce one of these Bills on a yearly basis so that the Government can continue to keep various matters of health legislation as up to date as it can. Again, I thank all members who made a significant contribution to the debate.

I will spend a couple of minutes addressing a couple of specific issues that were raised by the shadow Minister. One issue related to clause 11, which refers to the Cremation Act and ministerial permission to cremate in places other than a crematorium. The question was asked whether or not that permission should have been devolved to local government, too. The Government has moved to the stage of implementation of the issues as outlined within the business regulation review process, and we have eliminated the necessity for much of that Act. On that issue, all I can plead is that members give the Government more time. The "other place" provisions are rarely requested. The problem with their being rarely requested is that local governments have very little or no experience in those matters. That is the only reason why, at this stage, we have retained that notion of permission with me, the Minister. However, there are plans for the remainder of the Act to be reviewed again in the context of the review of the Coroner's Act. The issue of ultimate devolution to local government of permission to cremate at other places will be considered then.

During the debate, the issue of the Dental Prosthetists Board, and in particular its examinations, was raised. Although that is not specifically covered within the context of the Bill, I am happy to make some comments on that issue. I am aware of the concerns. Allegations were raised by two or three dental technicians who failed the examination to be registered as dental prosthetists. I am aware of those allegations. Some of my staff and departmental officers met with the people,

listened to their allegations and gave them an extremely sympathetic hearing.

After consultation with the assessment committee and the board, I am of the opinion that the problem is one of difficulty in passing the examination—I am sure that the honourable member would understand what I mean when I say that—rather than a lack of fairness by those conducting the examination. The point was made that, if those people do not accept that and if they feel that something of an untoward nature has been done to them, they should take the advice that they have already been given, and that is to refer the issue to the Criminal Justice Commission. In the end, those people could resit the examination. No-one is excluding them from the process of being able to sit for the examination.

Mr Horan: They had a problem there, too.

Mr HAYWARD: As I said—

Mr Horan: They were given certain advice to wait for something to come back and then resit, and when they got that advice it was too late.

Mr HAYWARD: Sure. The opportunity to resit the examination will be presented. If those people think that something untoward has occurred, they should refer the matter to the Criminal Justice Commission.

I am not deliberately making my reply quickly. However, given the time and members' commitments this afternoon, it is probably appreciated. Another issue raised was that of controlled notifiable diseases. Reference was made to proposed new sections (2B) and (2C) in the amendments to section 48 of the Health Act. Clause 26 (2B) states—

“A person does not commit an offence against subsection (2) if, when the other person was put at risk of infection from the disease, the other person—

- (a) knew the person was infected with the disease; and
- (b) voluntarily accepted the risk of being infected.”

The issue is people being “at risk”. That provision means that people who were aware when they entered into whatever act they did with the other person that that person was at risk. Clause 26 (2C) states—

“A person does not commit an

offence under subsection (2A) if, when the disease was transmitted to the other person, the other person—

- (a) knew the person was infected with the disease; and
- (b) voluntarily accepted the risk of being infected.”

The issue there is “infecting” the person.

These are tough and complex issues. In the end, one must consider what is a reasonable defence. If someone were charged under the Act with deliberately or recklessly infecting someone and it was found that the person who was infected or put at risk knew that that person was going to be infected or put at risk, that person is in a pretty strong position and has a reasonable defence on that issue. It is based on the principle of whether or not one can commit an offence when the complaining party has been fully informed and has chosen to accept the risk. It then makes it a very difficult circumstance not to acknowledge that within the context of the Bill.

Matters were raised about clause 40 of the Health Rights Commission Act. I think the point might have been made that it gives rise to a double-jeopardy position. That is certainly not the intention of the legislation. This clause was changed at the express request of the commissioner. What it is meant to do—and what it should do—is provide some advantage for a complainant because it allows the complainant to keep alive a legal action. In other words, a complainant can keep going with a legal action until the hearing begins while still trying to resolve the matter through the Health Rights Commission. I believe this is an important amendment. As I said, it was changed at the request of the commissioner, but the real purpose was to keep things going so that there was the potential to resolve a problem, even though legal action was pending.

Some comments were made about the Inebriates Institutions Act. As has been acknowledged by the member for Fitzroy, that archaic piece of legislation was introduced when voluntary treatment for alcohol-dependent persons was not readily available within the community. However, as all members would acknowledge, times have changed and the range and diversity of services for the treatment of alcohol and drug dependent people has significantly increased.

The purpose of this Bill is to repeal the legislative framework for the treatment of inebriates. The service delivery institution

could continue to exist following that repeal. However, the decision has been made—and this has been mentioned by a couple of members during this debate—that the institutional approach to inebriation is not the most effective way to deal with that problem. Consequently, the Wacol Rehabilitation Clinic is and will be decommissioned.

I take this opportunity to thank those members who participated in this debate for their constructive contributions. I particularly take the opportunity to thank the members of my committee.

Motion agreed to.

Committee

Hon. K. W. Hayward (Kallangur—Minister for Health) in charge of the Bill.

Clauses 1 to 10, as read, agreed to.

Clause 11—

Mr HORAN (3.43 p.m.): I think that, in his reply, the Minister has to some extent satisfied some of my concerns about this clause, which deals with permission to cremate at various places. I mentioned giving to local government the role of decision making in relation to crematoria. Under this clause, local government does not have that role. The Minister has indicated that this will be reviewed.

I have one particular concern. People who seek to carry out a cremation at a place other than a crematorium can appeal against the Minister's refusal to grant that permission. But if the Minister decides that a cremation should take place—perhaps it might be a particular ethnic cremation that people might wish to take place on a river bank—and if the local government does not agree with that, there is no opportunity for that local government to appeal against the Minister's decision.

Mr HAYWARD: As I said, this is not a situation that arises often. It is a pretty rare request. I am informed that, basically, the procedure would be that, in the process of determining such an issue, we would consult very strongly with the relevant local government that was involved in the particular circumstance.

Clause 11, as read, agreed to.

Clauses 12 to 25, as read, agreed to.

Clause 26—

Mr HORAN: (3.45 p.m.): Again, the Minister has addressed this issue which I raised in my speech, but I acknowledge that it is an extremely difficult issue. This clause states—

“A person must not deliberately or recklessly put someone else at risk of infection from a controlled notifiable disease.”

We are talking specifically about HIV. A person could be put at risk of that disease through sex, the use of needles or through some other method by which blood is exchanged. The clause states further—

“A person does not commit an offence . . . if, when the other person was put at risk of infection from the disease, the other person—

(a) knew the person was infected with the disease; and

(b) voluntarily accepted the risk of being infected.”

That is really the opposite of what is printed just above that in relation to an offence. The Health Department, all sorts of AIDS councils and organisations are advertising and promoting how important it is to practise safe sex, and for a clean needle exchange and that, if people do not adopt these practices, they are putting others at risk of one of the most serious diseases in existence. Once those people are infected, they can then pass that disease on to other people, and so on. We are really facing a bit of a conundrum here.

Perhaps it is a terrible thing for a Health Department to have this in the legislation. It goes completely against what the Minister is probably promoting and trying to teach. In a way, these clauses—and I refer to the clauses just above this one—are probably reckless in their intent and contrary to public good, and both fly in the face of the AIDS prevention policy of the Minister's department. I suppose what it really comes down to is that if someone knowingly is carrying AIDS, that person must not place any other person at risk of catching that deadly disease—whether that person puts them at risk in a forced situation or whether they are put at risk voluntarily. We are really talking about public risk and responsibility. In these sorts of circumstances there are probably many opportunities when the person who might take the risk of being infected could be a young person who could well be ill-educated or may have an intellectual disability, but certainly might be in a disadvantaged position in which it is difficult to

be fully informed of that risk, whereas the person carrying the disease could have full knowledge of how dangerous that disease is.

We are really considering to what extent we should go to make people who are carrying what might be described as a time bomb of a disease responsible and to what extent can legislation be softened—as it is here—so that the person with the disease is not put in a situation in which he or she can say, “I can get out of it this way, because the other person knowingly entered into this particular act.”

Mr HAYWARD: I thought I covered this issue pretty well before but, as I said, I believe that this clause very strongly provides a reasonable defence if that circumstance were to occur. Clause 26 (2B) states—

“A person does not commit an offence against subsection (2) if, when the other person was put at risk of infection from the disease, that person—

- (a) knew the person was infected with the disease; and
- (b) voluntarily accepted the risk of being infected.”

Clause 26 (2C) describes a very similar issue regarding infection. I think reference needs to be made to section 2, which states—

“A person must not deliberately or recklessly put someone else at risk of infection from a controlled notifiable disease.”

As the shadow Minister said, this provides some defence from that occurring, but I think it is important, when we address these issues, to remember that we are dealing with people who are not being forced; we are dealing with people who are in a position to make choices. It would strike me as a very difficult situation at law if a complainant who was fully informed—and that is what it is about, being fully informed—chose to accept the risk of infection and then was in a position to make a complaint against the person who was also involved in what was, in fact, a consenting act. I do not run away from the fact that this is a very complex issue. However, the whole of clause 26 represents an attempt to take account of something that can be very difficult to put into legislative form, and that, of course, is human nature. It recognises that individuals have the right and the ability to make choices. One of those choices among the many that all of us make during our lives is the acceptance of risk.

Mr HORAN: In my final comment on this clause, I emphasise that the important part of the clause is use of the terminology “deliberately or recklessly”. If a person who has AIDS has sex with or shares a needle with another person and it is unprotected sex and a dirty needle, there is no doubt in my mind that it is a deliberate or reckless act, regardless of whether the person to whom the act is done or with whom the act is shared is forced or whether the person knows that the AIDS sufferer has the disease and voluntarily accepts the risk. I appreciate that the Minister is trying to explain the difficulties at law; but as a society, we have not had many years to deal with the modern AIDS disease, and the absolute essence of prevention is responsibility, which means safe sex and clean needles.

A lot of people find the idea of needle exchange clinics abhorrent but, apparently, the program is working in the control of AIDS. The purpose of such measures is to prevent people from being deliberate or reckless. If a person were to be involved with an AIDS sufferer in the activities I have mentioned, that person would really be committing a slow form of suicide. I strongly make the point that people who have a notifiable disease such as HIV, to which this clause specifically relates, must in every way act responsibly. In many cases, responsibility may need to be forced upon them by the Government for the good of people who do not have the disease.

I also wish to comment on subclause (2D). My comments probably indicate that my thoughts are going in the opposite direction in relation to this subclause, but the clause states that it will be sufficient if a complaint states that the person charged carried out the act deliberately or recklessly. In some ways, the clause does not provide for much detail of what happened, which would normally be the case in a criminal complaint. Perhaps I can now see the reason for it, namely, to try in as many instances as possible to get the case to come under (2A) rather than under (2B) or (2C).

Clause 26, as read, agreed to.

Clauses 27 and 28, as read, agreed to.

Clause 29—

Mr HORAN (3.54 p.m.): I have a question relating to day hospitals. The member for Bundaberg referred to this and explained how medical centres and general practitioners' rooms are not examples of day hospitals. In fact, a number of day surgeries are an integral part of medical centres. Does the Minister regard that as causing any difficulty? I know

that, in Toowoomba, there is a day hospital physically located in the medical centre and it is part of the whole complex.

Mr HAYWARD: I am not exactly clear on the matter raised by the honourable member. Basically, the clause refers to section 63A (1) and (2).

Mr Horan: Yes, but I am talking about (4).

Mr HAYWARD: Right. Basically, this provision is all about spelling out exactly what is meant by "day hospital". The clause is designed to deal with changes that have occurred in modern medicine, as referred to by the member for Bundaberg. I think it is helpful to look at the examples that are provided in (4) that illustrate the premises that are not day hospitals. That comfort provision in the clause provides some opportunity for clarification. The point that should be made is that, in the end result, day hospitals will be licensed separately.

Clause 29, as read, agreed to.

Clause 30—

Mr HORAN (3.56 p.m.): This clause relates to secrecy, and I wish to refer to the proposed new section 100E (3) (b) (i) and (ii) because the intent seems to be to take away secrecy provisions that apply to a person conducting scientific research under section 154 or to a person holding an appointment that corresponds to the position of director-general. The Opposition is concerned that confidentiality and secrecy provisions do not apply in those circumstances. I ask the Minister to explain the difference between that and the provisions that apply in other areas.

Mr HAYWARD: I am not sure that I have picked up the point made by the honourable member. I think we are talking about new section 100E, which relates to confidentiality. Basically, this clause deals with a transfer of information to the Commonwealth. The sort of information covered by section 100E is information regarding cancer. I wish to make that quite clear.

Mr Horan: I am referring to (3) (b) (i) and (ii), and I believe that secrecy does not apply in those two instances.

Mr HAYWARD: The clause states that the director-general may disclose information in any form to a person authorised to conduct scientific research and studies under Section 154M, or a person holding an appointment in another State or the Commonwealth corresponding to the director-general. I assume that those people would hold a position that is equivalent to that of the

director-general which is referred to in section 100E but, basically, the clause is about the transfer of information and is designed to assist in planning, the allocation of funds and operational activities. It is also designed to assist the undertaking of what we all just have to accept is valid research in order to improve health outcomes.

Clause 30, as read, agreed to.

Clause 31—

Mr HORAN (3.58 p.m.): The explanation given by the Minister in relation to the previous clause is satisfactory.

Clause 31, as read, agreed to.

Clauses 32 to 39, as read, agreed to.

Clause 40—

Mr HORAN (3.59 p.m.): During the second-reading debate, I referred to this provision really being a matter of double jeopardy. Under the Act, the current practice is that an inquiry cannot be undertaken by the Health Rights Commission while a civil matter concerning an incident or a procedure is under way. This amendment means that regardless of whether action is subject to a civil trial or jurisdiction, it can still be investigated and proceeded with by the Health Rights Commission. That really means that in that process a decision may be made or arrived at by the Health Rights Commission which could jeopardise the particular civil case that is going to take place at some consequent time. That would be to the disadvantage of the defendant.

The other thing to consider is that the Health Rights Commission does not operate under rules of evidence; whereas, the civil hearing would operate under the rules of evidence. Therefore, that particular case could be subject to a different system of investigation to that which it would be finally subject to once it came to a civil court. To the Opposition, it appears to be a matter of double jeopardy. In his second-reading speech, the Minister said that the commissioner had asked for this to be included so that it would be of advantage to the complainant—so that the complainant would not be held up by waiting for this civil litigation to take place. It certainly would be to the disadvantage of the defendant.

Mr HAYWARD: I am sorry that I did not point out before that this provision is to keep things moving along while some legal action could be occurring. It should be clearly understood that, in simple terms, all bets are off once the hearing commences. The Health Rights Commission can not pursue the matter

independently once the hearing commences. Up until that stage, the commission is able to keep things going. It provides an opportunity for resolution of a conflict before the expense and other problems of legal action are incurred. As explained to me by the Health Rights Commissioner, we should endeavour to use every avenue to try to resolve problems before they reach the court. Once they reach the court and hearings commence, then it is all over for the Health Rights Commissioner. It will not be going in tandem then.

Mr HORAN: I appreciate that, but I make the final comment that it can potentially produce a situation of double jeopardy. I can see what the commission is about in trying to seek resolution. When one looks through the Health Rights Commission report, one will see the pyramid effect that most complaints are dealt with at a lower level. Eventually, a certain number do reach that higher jurisdiction and go into court. In those particular cases, a finding by the Health Rights Commission which might be at variance with the finding that is going to be made at a higher level of litigation could disadvantage the defendant. I want to make that point.

Clause 40, as read, agreed to.

Clauses 41 to 44, as read, agreed to.

Clause 45—

Mr HORAN (4.03 p.m.): The present Act restricts the Governor in Council to make regulations relative to matters concerning the Health Rights Commission Act. I am making a fairly fine point. This amendment could allow open slather in the ability to make regulations that are not relative to the matters concerning the Health Rights Commission Act. The original clause placed limits on the proper execution of the Act. As I said, he could make regulations relative to matters concerning the Health Rights Commission Act. This clause states—

“The Governor in Council may make regulations for the purposes of this Act.”

It seems to open it up and take it into a broader scope, rather than the making of regulations simply concerning the Act. I ask the Minister: why does it need changing when it seems that the original clause was entirely satisfactory? The original clause stated that the Governor in Council could make regulations relative to matters concerning the Health Rights Commission Act. It kept the matters within the parameters of the Act.

Mr HAYWARD: I understand the point that the honourable member is making. On checking, I found that the reason for this is

what they call “the modern drafting style”. It is important for the Parliament to understand that the Parliamentary Counsel certifies all subordinate legislation being drafted. This is simply a matter of drafting style.

Clause 45, as read, agreed to.

Clause 46 to 109, as read, agreed to.

Clause 110—

Mr HORAN (4.05 p.m.): This clause deals with a definition of “tissue”. It introduces into the definition the terminology “human foetus”. As there is really nothing in the Explanatory Notes and nothing in his speech about that, I ask the Minister: why has that been added to the definition?

Mr HAYWARD: This is to ensure that we do not allow the sale of blood or organs. It is to ensure that in this particular case—

“(a) an organ, blood or part of—

(i) a human body; or

(ii) a human foetus; or

(b) a substance extracted from an organ, blood or part of—

(i) a human body; or

(ii) a human foetus;”

is not for commercial sale. It is to ensure that it is not being sold.

Clause 110, as read, agreed to.

Clauses 111 to 128, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

SPECIAL ADJOURNMENT

Hon. K. W. HAYWARD (Kallangur—Minister for Health) (4.07 p.m.): I move—

“That the House, at its rising, do adjourn until 10 a.m. Wednesday, 8 December 1993.”

The House adjourned at 4.08 p.m.