WEDNESDAY, 26 MARCH 1997

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

PRIVILEGE

Teachers Strike

Mr BREDHAUER (Cook) (9.30 a.m.): I rise on a matter of privilege. Yesterday in this Parliament the Premier read from two documents which he said were Queensland Teachers Union fliers about the teachers strike. One was an official memo sent to QTU members at the Brisbane School of Distance Education by union representative Veronica Macaulay. The other was an unnamed, unidentified, unsourced document which the Premier deliberately and dishonestly represented as a QTU document.

It was the Premier's staff who stapled the two pages together in the press gallery to malign the QTU. Ms Macaulay has sent me a disclaimer of any knowledge of the pink flier, which I table. Ms Macaulay is an honest and decent person doing her job well, which is more than can be said for the Premier.

PETITIONS

The Clerk announced the receipt of the following petitions—

Referendums

From **Mrs Cunningham** (25,958 petitioners) requesting the House to enact a legislative provision, subsequently to be entrenched in the Constitution of Queensland, whereby a designated number of petitioners, in an approved manner and within a set time-span, shall require the elected Parliament of Queensland or, in the case of a Local Government the elected council concerned, to hold a State or local government referendum as applicable, whereby citizens may assent or dissent to any existing law or regulation, or proposed law or regulation, the decision of the majority of those voting in such a referendum being binding on the elected Government concerned.

Fishing Industry

From **Mr Nuttall** (243 petitioners) requesting the House to support the commercial fishermen and their industry, by allowing them to continue to catch and keep by-product such as squid, crabs, mixed fish, prawns, etc.

Banyo Railway Station

From **Mr Roberts** (90 petitioners) requesting the House to take actions to ensure that the coalition Government meets its commitment to the people of Banyo by re-allocating funds to commence the upgrade of Banyo Railway Station immediately.

Petitions received.

PAPER

The following paper was laid on the table—

Minister for Health (Mr Horan)—

Private Health Insurance Reforms—Discussion Paper.

MINISTERIAL STATEMENT

Business Infrastructure

Hon. J. M. SHELDON (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (9.33 a.m.), by leave: The continued growth and popularity of Queensland as a headquarters for Australian and international businesses has been highlighted in a Business Queensland article titled "HQ relocations boost Brisbane's profile". I would like to commend to members the article, which states that the loyal members of Queensland's business community really have some optimism—and a reason for that optimism—and that a vibrant local financial infrastructure is beginning to develop.

The article highlights the decision by sugar giant CSR to relocate important corporate functions to Brisbane, which will create several hundreds jobs, and the RTZ-CRA decision to move its world aluminium industry headquarters to Brisbane. The article continues with reference to the Australian Stock Exchange decision to move important functions to Brisbane. It says that Brisbane appears to be emerging as a very significant energy centre. The article states also—

> "Pipeline operator Epic Energy, presently a $500 million company with ambitions to treble its size within four years, does not intend to move corporate headquarters from Brisbane, despite press reports to that effect."

It continues—

> "Chevron, manager and leading partner in a joint venture investigating the

> economics of a $1.3 billion natural gas pipeline from Papua New Guinea to Queensland is based in Brisbane."

PGT Australia, which owns and operates the pipeline from the Surat Basin to Gladstone, and has plans to build another pipeline from Surat to Brisbane dedicated to coal seam methane, also has established headquarters in this State.

The article further states—

> "Not least of all, another United States major, Conoco, will decide later this year whether to invest up to $1.3 billion in the extraction of coal-seam methane from the Bowen Basin."

Conoco's headquarters are also in Brisbane.

I would like to refer honourable members to the article titled "High State taxes hampering growth" in the Northern Star newspaper in Lismore on 22 January. The article stated that northern New South Wales is just not competitive enough against Queensland to attract new business. This was the message from John Pearson, who is a regional manager for the Australian Business Chamber. He said that the New South Wales Government had been asked by the chamber to reduce business taxes to make the State more competitive. Mr Pearson said he knew that, in his part of New South Wales, businesses were choosing to relocate or to set up in south-east Queensland. He said that the high and continued growth of New South Wales taxes, fines and fees continued to impede business activity. And Mr Pearson added that the Queensland Budget surplus had led it to reduce business tax levels.

As Mr Pearson so rightly says, we in Queensland are attracting business. The coalition Government has already taken a major step in this direction by creating a major financial entity for Queensland, with the combined strengths of Suncorp, Metway and the QIDC. This new entity will act as a catalyst to attract major companies to headquarter their operations in Queensland, and there have already been a number to date. For example, I refer to—

> the decision by the Dutch bank ABN-AMRO to locate its major corporate function in Brisbane;
>
> the international credit rating agency IBCA has now set up an office in Australia and has chosen Brisbane as home base for its corporate function;
>
> the Australian Stock Exchange has relocated its marketing operations to Brisbane;
>
> DHL Worldwide Express has relocated its national customer service centre and regional distribution centre here;
>
> Chancellor Pty Ltd has located a major ocean cruise line project in Queensland;
>
> Sealright Packaging Company has relocated its labelling and packaging plant with its head office in Brisbane for Australia and the Asia/Pacific;
>
> Asia-Pacific Electric Cables, which operates a cable manufacturing plant producing cable for the Australian and Asia/Pacific export market has established operations in Queensland; and, very significantly,
>
> we also have the recent announcements by both Comalco and CSR to relocate their headquarter functions to Brisbane.

In addition, the coalition has played a major facilitative role in a number of major development projects, including—

> Western Mining Corporation's phosphate project in north-west Queensland, announced in December, with a competitive rail freight arrangement provided by QR and $24m of infrastructure support from our Government; and
>
> QMC's Magmetal joint venture with Ford announced in January.

Yesterday I was speaking to Magmetal, who will be up and running by the year 2001. They have plans to put value adding factories there as well. All these things I have mentioned bring massive investment and create jobs in Queensland.

In closing, Queensland is now in an unprecedented position of great potential and has the opportunity to develop into a major business centre in its own right. From speaking to the Ports Corporation and the Brisbane Port Authority, the increased figures for our port are obvious evidence of increased activity in the port, and it has risen considerably in the last 12 months. The coalition Government is committed to maintaining the State's sound fiscal position and also maintaining Queensland as the lowest tax State in Australia while simultaneously providing the necessary infrastructure to encourage future investment.

I leave the final words to RTZ-CRA chief executive Leon Davis to sum up the development of Brisbane when announcing Brisbane as the world headquarters of aluminium. He said—

"The move of Comalco to Brisbane and the locating of RTZ-CRA Iron Ore in Perth acknowledges the establishment of Queensland and Western Australia as world centres of the mining industry."

MINISTERIAL STATEMENT

Queensland's Film Industry

Hon. J. M. SHELDON (Caloundra—Deputy Premier, Treasurer and Minister for The Arts) (9.41 a.m.), by leave: Mr Speaker——

Mr Beattie interjected.

Mrs SHELDON: The honourable member will hear from me for as long as I like when I am giving good news for Queensland. I would have thought that he, as the Leader of the Opposition, would like to hear that good news. However, I know that all he does is negatively whinge and whine about what we are doing in this State. He should listen to the good news. He certainly could not create any when he was in Government.

I would like to congratulate Queenslanders Geoffrey Rush and John Seale for their Oscar-winning double at the Academy Awards. They are another two good Queenslanders.

Mr Beattie: You need an Academy Award.

Mrs SHELDON: I assure you, mate, you would not be in the running!

Their achievements will provide a major boost for the Queensland film industry, which already is an Australian leader. Geoffrey Rush won his Oscar as best actor for his performance in the hit movie Shine, and John Seale earned his best cinematography award as the man behind the camera in the nine-award sensation The English Patient. The efforts of the Queenslanders are outstanding in the face of intense competition from the Hollywood superstars.

The latest Academy Awards effort shows the world that Queensland really does have something wonderful to offer the international film industry. Our creative talents now rank with the world's best. This is the second time that Queenslanders have taken out an impressive Academy Awards double following the success of Gold Coast-based John Cox and Peter Frampton last year. The family and friends of both Geoffrey and John have every reason to feel proud. The pair are an inspiration to all aspiring Queensland actors and film and television workers.

We are already the leading film State in terms of production expenditure and the awards by these latest two Queenslanders can only serve to boost our film stocks even further. The latest official figures by the Australian Film Commission, which showed 35% or $132 million of the total Australian production expenditure of $478 million for the 1995-96 year, took place in Queensland. That represents a doubling of expenditure in this State since the previous financial year. It was the vision of the State coalition Government in establishing the studios on the Gold Coast that has helped lead to an export-based industry which is a significant contributor to the Queensland economy. The Government continues to play its part in encouraging the employment of Queenslanders through its cast and crew rebate scheme with more than 2,760 jobs created.

Australian productions already scheduled for this year include a further series of the family series Ocean Girl, located in Port Douglas, and further episodes of the medical drama Medivac. The Real McCaw, a $5m family feature film to be directed by Mario Andreacchio, has started shooting on location in Queensland. The US television series Roar produced by Universal Studios is in production on the Gold Coast. The film 20,000 Leagues Under the Sea, which starred Michael Caine and Bryan Brown, filmed at the Warner Roadshow Studios on the Gold Coast and also in and around Parliament House, is in post production. That is all good news for jobs in Queensland.

Queensland is also in the running for two major US movies from Warner Brothers, Matrix and Soldier. Tales of the South Seas, which is an international co-production with France, will be filmed in the Whitsunday region later this year. Then we have the production of The Thin Red Line in north Queensland later this year. The Thin Red Line will start in May or June and has a budget of $65m. About $35m to $40m will be spent in Queensland, with an economic impact on the Cairns region of about $100m. I recently met with the film's senior executives, Oscar-winning director Terrence Malick, who won an Oscar for Days of Heaven, and Oscar-winning director of photography John Toll, who won an Oscar for Braveheart, in Port Douglas. The pre-production team is headed by Grant Hill, who has recently line produced James Cameron's Aliens, Terminator 1 and Terminator 2 and True Lies, and the latest movie, Titanic, in Mexico. Mike Medavoy's Phoenix Pictures is producing The Thin Red Line for the US studio Sony Pictures, formerly Columbia. At least 200

extras and more than 50 speaking parts will be employed in that production.

Coming to Queensland on 10 April are two US inbound initiatives for location shooting, one by Marie Warren, who is head of locations for Walt Disney/Touchstone Features, and another by Joe Aguilar, the senior production executive for Dreamworks Television, who will be scouting for a TV drama development. That is very good news for Queensland. In 1995-96 the film industry had an overall economic impact of more than $300m and provided many, many jobs.

I will conclude by highlighting the package of incentives that the Queensland Government provides to filmmakers. They include a payroll tax rebate for those spending a minimum of $2.7m, a cast and crew rebate for employing Queensland personnel, free police and fire services for traffic and safety control, free advice on any Queensland location and assistance negotiating access to State Government controlled locations. At a time when we are growing jobs faster than any other State in the nation, I think the growth of our film industry is something of which all members, including those in the Opposition, should be duly proud.

MINISTERIAL STATEMENT

Challenge Airlines Pty Ltd

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (9.46 a.m.), by leave: I would like to draw the attention of honourable members to the activities of an airline charter service called Challenge Airlines Pty Ltd. As the Minister responsible for consumer affairs, I have an obligation to advise Queensland consumers about prudent, sensible consumer practices. My concern with the establishment of Challenge Airlines is that the company has commenced advertising flight services and taking money from the public but has not yet received approval from the Commonwealth Department of Transport and Regional Development to operate charter flights from Australia.

Challenge Airlines Pty Ltd was incorporated in Queensland on 21 January 1997 and its registered office is located at unit 8, 931 Kingsford Smith Drive, Eagle Farm. The directors are Charles Ronald Alder and Kevin Daniels. Although Challenge Airlines is based in Queensland, it has been advertising in New South Wales and Victoria for people to join the organisation by paying a membership fee to an exclusive travel club known as Challenge One, which entitles members to cheap airfares to Hawaii. Advertisements have appeared in Sydney and Melbourne newspapers that invite consumers to pay a one-off membership fee of $500, which would entitle them to an exclusive fare of $299 for each return trip for unlimited flights to Hawaii over a two-year period. I table that advertisement.

Challenge Airlines issued a press release on 24 February advising that it proposed to operate direct services between Hawaii and Sydney and Melbourne commencing in June this year. In the same release, Challenge Airlines claimed that it was also offering insurance cover to all passengers, enabling the full refund of any moneys paid by consumers, should flights be cancelled or the company cease operations. However, there is no evidence that those insurance arrangements have been put in place or that consumers will be adequately protected should the company cease operations.

The Office of Consumer Affairs in conjunction with the Commonwealth Department of Transport and Regional Development has been looking into the operations of Challenge Airlines. I am concerned that Challenge Airlines is selling airline tickets and informing consumers that the first flight is due to leave from Sydney at 8.30 p.m. on 16 June 1997 when neither Challenge Airlines nor its charter plane providers have approval from the Commonwealth Department of Transport and Regional Development to operate charter flights. I am also concerned that there is not adequate security of moneys paid by consumers for both airline tickets and club memberships.

While Challenge Airlines has indicated that it proposes to secure moneys paid by the public, consumer affairs' investigations to date show that this has not yet happened. While Challenge Airlines may be honestly endeavouring to establish a new low-cost air service, experience tells us that the airline and travel industries are notoriously difficult and financially risky. I would draw honourable members' attention to the recent activities of Matthew Howden and Queensland Resort Marketing, a company that last year was fraudulently offering a travel package of club membership and cheap airfares on the Gold Coast, which led to a great deal of heartbreak and financial loss to consumers around the country.

I would urge all Queenslanders to be cautious in their dealings with Challenge Airlines Pty Ltd. Consumers considering

signing up for membership and cheap flights with Challenge Airlines should wait until the company receives the appropriate Commonwealth Government approvals to operate charter flights and has put in place arrangements to adequately protect consumer payments. If the public do not wait, there is no guarantee that consumers will receive any of their money back if the project does not get off the ground.

MINISTERIAL STATEMENT

Gold Coast Surgicentre

Hon. M. J. HORAN (Toowoomba South—Minister for Health) (9.50 a.m.), by leave: I rise on a matter which exposes further serious deficiencies in the financial management of Queensland Health under the now Leader of the Opposition. The awarding of a million-dollar contract under dubious circumstances begs answers to several questions. It is a contract which may have exposed patients to unnecessary risks and it continues to tie up much-needed funds for elective surgery. Coupled with the $1.2 billion blow-out of the Hospital Rebuilding Fund, the $78m overrun of the recurrent hospitals budget and the attempted $34m hijack of capital work funds to cover up hospital budget blow-outs, the Gold Coast Surgicentre contract paints a picture of total disregard for financial probity under the Elder and Beattie administrations. An audit of this contract by the Audit and Operational Review Branch has exposed non-compliance with the State Purchasing Policy.

On 24 July 1994, Queensland Health called for expressions of interest in surgery from three private facilities on the Gold Coast. No public tenders were ever called for a $1m contract. Audit has reported that—

> "Exemptions from competitive procurement can only be granted by . . . the Director-General under the State Purchasing Policy. Audit notes that in this instance no exemption has been granted."

With unusual haste, a memorandum of understanding, or MOU, was signed less than a month later with the Gold Coast Surgicentre.

Even the Keating Government was not keen on this cosy deal. The Commonwealth repeatedly asked for further information on the Surgicentre deal—five times between October 1994 and April 1995. This information was never provided by successive Labor Health Ministers and, accordingly, the Commonwealth refused the money.

I can reveal that, prior to entering into negotiations, the Highland Park Medical Centre, trading as Surgicentre, was for sale. Once it became clear that a contract would be negotiated, the centre was withdrawn from the market. Not only that, its financial viability was seriously under question. The 1995 annual return of Ashcoast Pty Ltd, trading as the Gold Coast Surgicentre, shows that the Surgicentre had an operating loss for 1994-95 of $41,879, that its liabilities exceeded its assets by $41,876 and that it was technically insolvent. My department has advised me that—

> "It appears the financial viability of the Surgicentre is closely linked with this contract."

This is obvious. Again, audit has found that—

> "Under the State Purchasing Policy, the evaluation process of prospective contractors must consider . . . the financial viability of the organisation. In this instance . . . the financial viability of Gold Coast Surgicentre had not been considered."

Why did not Labor Health Ministers apply appropriate due financial diligence?

Meanwhile, the Commonwealth's concerns prevented successive Labor Ministers from sealing the deal. A Commonwealth/State agreement required Surgicentre—

> ". . . to monitor performance as required by the Australian Council of Healthcare Standards for accreditation purposes."

At first, Queensland complied. The memorandum of understanding required Surgicentre to "undertake all necessary steps to obtain ACHS accreditation". As time went by, Surgicentre's failure to obtain accreditation became ever more embarrassing for Labor.

Why has not Surgicentre been accredited? In a letter to Queensland Health Corporate Office dated 22 December 1995, the region's medical superintendent raises concerns about "the way in which this contract has been negotiated". He queried—

> ". . . why the Surgicentre contract has been pursued with such vigour and yet others have not been finalised."

He goes on to say that—

> "This contract has been negotiated with virtually no input from myself or the full time general surgeons of this hospital who have at times worked at the Surgicentre, and do not wish to be associated with this contract at all. Two have expressed concerns about patient

> safety and one has suggested there should be a Judicial Review regarding the letting of contracts that have not gone through the appropriate tendering process."

Another service provider approached the south coast region with an interest in treating public patients. This day surgery facility is accredited. Departmental advice dated 28 September 1995 notes that—

> "The Region is concerned about the political implications of the contract with the Surgicentre."

The same advice goes on to explain how the contract could be exempted from freedom of information. The files are littered with missing documents. The intent is obvious: the approach from this second service provider must be concealed.

Suddenly, this was achieved. On 7 November 1995, in the knowledge that the Commonwealth was to pool these funds with the less closely administered Bonus Pool B, Minister Beattie signed a $1m contract with Surgicentre without competitive tender and without even the simplest examination of Surgicentre's finances. And what about the requirement for accreditation, which had for so long haunted the deal? It was gone. It was not there. It was in the only other such contract Minister Beattie signed, but not in the Surgicentre contract. With the watchful eye of the Commonwealth gone, the grubby little deal could be done. The contract did not take long to come apart.

Mr BEATTIE: I rise to a point of order. The Minister is misleading the House. I find those remarks offensive and I ask that they be withdrawn. I advise the House that this Minister made serious allegations against the capital works section, which the CJC cleared.

Mr SPEAKER: Order! The member has made his point of order and he has asked for the remarks to be withdrawn. Order! The honourable Leader of the Opposition has found some remarks offensive. I must apologise; I was talking to the Leader of the House and did not catch them. Would the Minister withdraw those particular remarks?

Mr HORAN: I will withdraw that particular remark. The contract did not take long to come apart. Nine weeks after the contract was signed, an internal memorandum of the department notes that only one in three patients was prepared to go to Surgicentre and that "there is obviously some consumer resistance" to the contract.

By 3 July 1996, Surgicentre had billed Queensland Health for $58,689 in procedures which should not have been done. Queensland Health approached the company in September 1996 to repay these monies but it has not done so.

The member for Brisbane Central and the member for Currumbin have demanded that more patients and more public dollars be allocated to Surgicentre. They are keen for me to send public patients to this financially unstable, unaccredited contractor whose contract was hurriedly signed in secret and in contravention of the State Purchasing Policy, a State/Commonwealth agreement and perhaps even the Health Services Act itself. They were so keen that I initiated an investigation, of which this audit was the first step.

I am keen to see $1m in public funds directed to further cutting Gold Coast waiting times for elective surgery, particularly in Category 2, this year's target for Surgery on Time. I have directed my department, with Crown law, to take whatever action is necessary to achieve this result as soon as possible without compromising patient safety and financial accountability.

MINISTERIAL STATEMENT

Business Centres

Hon. B. W. DAVIDSON (Noosa—Minister for Tourism, Small Business and Industry) (9.57 a.m.), by leave: Members of this House will be pleased to know that this Government is fulfilling its promise to put a focus back on helping business in this State. That promise included a commitment to a number of reforms and new initiatives, for example, the Red Tape Reduction Task Force, the Gateway project, the redesign of business licence forms, the Small Business Council, Innovative Queensland, the cost of compliance review and the lifting of the payroll tax exemption threshold.

Together with these initiatives, we have worked very hard to offer the business community access to all our services. The key to this access has been this State's first ever Business Centre. Together with the Premier and the Deputy Premier we opened the first of these Business Centres in Townsville and next month I will open the Gold Coast Business Centre.

Throughout the coming months the Government will open 15 new Business Centres throughout the State, giving business people a single point of access to our wide

range of business services. We have abandoned the unplanned, "un-client" focused and unorganised offices established by the former Labor Government and established a themed-based concept modelled on the private sector service-orientated approach. Business people walking into our new Business Centres across the State will find a modern, uncluttered, service-focused reception area staffed not by an administrative officer but by a business adviser who is actually able to help them with an entire range of business services.

This themed approach will continue throughout all of my department's locations with offices having standard business displays, signage, colour schemes, videos, publications and other products which will be available for sale. Business people will also be able to use computers located in the reception area which will allow access to my department's information systems and the Internet.

Intending business people hoping to establish or purchase a business will be able to obtain all their licensing information, buy videos and publications to assist them make the best choices, and lots more. They will also be able to discuss issues with a visiting Australian Taxation Officer and an Austrade representative.

This is a new era for my department as it steps out of the traditional Public Service attitude and into the client service philosophy that business across the State can identify with. As I said, I will be opening many more Business Centres across the State this year and I suggest that all members of this House encourage the business communities in their electorates to avail themselves of the many services and information our new Queensland Business Centres can provide.

MINISTERIAL STATEMENT

Aboriginal and Torres Strait Islander Communities

Hon. D. E. McCAULEY (Callide—Minister for Local Government and Planning) (10 a.m.), by leave: I wish to inform the House of key initiatives undertaken by this Government that will bring vastly improved water and sewerage services to Aboriginal and Torres Strait Islander communities. The coalition's whole-of-Government approach to indigenous communities is groundbreaking. Governments in the past have been guilty of delivering bricks and mortar to indigenous communities without much consultation or regard for maintenance. Schemes were built and then Governments and their departments walked away. Often there was no consultation with the communities on what they actually needed and even less thought given to training and ongoing maintenance. The result has been that many schemes have broken down prematurely at a high cost to taxpayers and at a high cost to Aboriginal health.

For the first time, the State Government has undertaken a full audit of ATSI communities, their water, sewerage and transport needs, and after lengthy consultation with them, engineers have been engaged to draw up plans that not only provide construction designs but also programs for training and ongoing maintenance to ensure that the communities gain maximum service life from the works. My department has so far initiated the preparation of total management plans for 34 indigenous communities across Queensland. The plans list current water, sewerage and transport assets as well as professional engineering assessments of the work necessary to bring them up to minimum acceptable standards. This is a management process which ensures not only that the most appropriate schemes are built but also that they will be maintained, as far as possible, by community members. The plans have a 10-year horizon and adequate funding for maintenance and training programs were factored into the financial planning reports.

It is no secret that the health statistics for many remote indigenous communities are appalling. For example, people in the Torres Strait are three times more likely to suffer skin complaints than other Queenslanders, and this is directly linked to poor water and poor sanitation.

The work being undertaken by my department is part of an overall approach being developed by the coalition to improve the coordination of service delivery to indigenous communities. My department's Aboriginal and Torres Strait Islander Infrastructure Program complements the five-point health plan developed for indigenous communities by Health Minister Mike Horan. The recently announced training program to boost construction skills developed by the Public Works and Housing Minister, Ray Connor, will give communities the opportunity to build and repair their own homes using fully trained local tradespeople and apprentices. These initiatives will be enhanced by the work of the Indigenous Advisory Council established by the Families, Youth and Community Care Minister, Kev Lingard, to provide advice to the Government on all matters relating to

indigenous affairs. In short, the coalition is developing a whole-of-Government approach to service delivery that will significantly improve living standards for indigenous communities.

Last Friday I announced a package of $15.4m to boost services to 18 communities. Key projects included a jointly funded scheme which provides $7m from the State and $8m from the Torres Strait Regional Authority, or TSRA, to provide eight outer Torres Strait Islander communities with decent water supplies, and a new $9.4m water supply for the Hope Vale community near Cooktown, through joint $5.2m State and $4.2m Federal ATSIC funding. Other communities to benefit included—

Cherbourg—$700,000 to upgrade water supply;

Woorabinda—$600,000 for sewerage upgrade;

Lockhart River—$1m for sewerage upgrade;

Yarrabah—$800,000 for Stage 2 sewerage upgrade;

Wujal Wujal—$1.5m for sewerage upgrade;

Palm Island—$500,000 for water supply and sewerage upgrades;

Doomadgee—$95,000 for upgrade of river catchment management;

Kowanyama—$95,000 for upgrade of solid waste disposal facilities;

Aurukun Shire—$20,000 for upgrade of solid waste disposal facilities.

In addition, $500,000 has been allocated for total management plans in other indigenous communities.

The Government is serious about delivering decent water and sewerage services to all Queenslanders. I look forward to announcing further programs that will improve municipal health standards for other indigenous communities.

MINISTERIAL STATEMENT

Waste Water

Hon. H. W. T. HOBBS (Warrego—Minister for Natural Resources) (10.03 a.m.), by leave: Waste water is an as yet largely untapped resource available to support the economic development of the State. Many agencies have been addressing various aspects of effluent re-use to meet their immediate needs of best disposing of waste water. However, so far there has been no real focus in these activities towards optimising economic development through making the best use of this resource.

The Government's election commitment on waste water recognised it as a resource that must be re-used where practicable. This was expressed in the Government's water resources policy and supported by statements in environment and waste minimisation policies. A strategy is required to achieve beneficial use whilst having regard to the environmental and social issues involved. The Government has given a commitment to investigate the State's water resources, including waste water, and to plan for their conservation and use.

The Water Infrastructure Task Force that I established to advise on future water resource developments has recently reported to me, giving some priority to the investigation of several waste water re-use schemes. The Government's policy is also to encourage the treatment of sewage effluent for appropriate re-use. The Government is providing long-term financial assistance to local governments to upgrade sewage treatment to tertiary level in order to promote the increased use of the water. A key focus of the Government's charter on waste water use is to develop a model for use by cities and towns, showing the benefits of making use of this resource.

To implement this policy commitment efficiently, the Government is developing an overall coordinated strategy for the re-use of waste water from point sources. The strategy will result in a clear statement of the expectations and continued commitment of Governments, industry, learned and technical organisations and community groups. Having such a strategy has the potential to contribute significantly to the rural and regional development of the State. It will facilitate the establishment of local industry based on the technology of waste water re-use. We will be making more efficient use of our existing water supplies, deferring the development of new sources of supply and freeing up funding for other works.

For optimum benefit, all sectors with interests in waste water need to collaborate in the development of such a strategy. To this end, I am establishing a steering committee, with representation from major stakeholders, to oversee the development of the strategy and ensure that the activities of the various bodies are coordinated. Key agencies, including the Departments of Health, Environment, Primary Industries and Local Government and Planning, all support the

development of the strategy and have indicated that they will participate. My Department of Natural Resources will lead and manage development of the steering committee strategy.

As I have said, the strategy will cover all sources of waste water, including domestic, industrial, agricultural and stormwater, wherever it is collected in sufficient volume to be accessible. As the responsibility for the collection, treatment and reuse or disposal of sewage has been delegated to local governments, they will obviously have a major involvement. Associated groups include potential users of reclaimed waste water, community organisations, research organisations and consultants and planners in their role of providing services to local governments. The strategy will incorporate existing worldwide best practices for reuse, adapted and trialled under Queensland conditions. I will keep the House informed as the waste water reuse strategy develops.

MINISTERIAL STATEMENT

New Zealand Public Housing Reform

Hon. R. T. CONNOR (Nerang—Minister for Public Works and Housing) (10.07 a.m.), by leave: Members of the House will be aware of the fact that I recently visited New Zealand to inspect the country's public housing model, which is similar to proposed Federal housing reforms in Australia. Housing reforms in New Zealand left me concluding that the system was inherently flawed in its assumption that the private market would meet the challenge of providing housing for public sector tenants. What I saw confirmed the concerns that I had after receiving scant details from the Federal Housing Minister. Among these concerns are variations in rental rates, no commitment to provide capital funding for housing for the disabled and no commitment to provide capital funding for community housing for regional and remote areas.

In New Zealand, unbelievable rents are being charged for average housing. For example, in Auckland modest housing is attracting rental of $260 a week. Until the Federal Government can demonstrate a workable model, I withdraw this Government's in principle support for the housing reform agenda. However, I remain committed to the improved management of the supply of public housing for low income earners, and I will be taking my stance to the next Housing Ministers Conference in Tasmania on 10 and 11 April. The delivery of public housing for low income earners will be achieved by making more efficient and effective use of resources. I reaffirm my commitment, which is shared by other Australian Housing Ministers, to adequately house more low income, disadvantaged people in a more effective manner.

In February I brought together State and Territory Housing Ministers in Brisbane. This meeting demanded answers from the Commonwealth on the public housing capital works funding which runs out on 31 December this year. That conference also demanded that the Federal Government immediately guarantee funding for the next two years. There has been no response to date.

MINISTERIAL STATEMENT

Queensland Bulls

Hon. M. D. VEIVERS (Southport—Minister for Emergency Services and Minister for Sport) (10.08 a.m.), by leave: Today yet again Queenslanders are celebrating another sporting success against the odds. Yesterday's sensational victory in Perth over the West Australian Warriors was full reward for thousands of hours of planning and may also have changed the face of cricket for years to come.

The move by coach John Buchanan and his staff to adopt state-of-the-art technology to assist with preparations has proven a big winner. It would have been laughable some years ago if people had said that cricket could be a game which could be aided by the latest in computer technology. Everyone, myself included, thought that cricket was bats and balls, not bytes and chips. However, the Bulls management has proven otherwise and now other teams around the world are taking up computer technology. That research led to strategic data being prepared on most of the Western Australian batsmen and bowlers to pinpoint weaknesses. Even the theft of those notes by underhanded methods in Perth was unable to save the home side.

Yesterday's win was also a just reward not only for all the players and managers who participated in Perth but also for the many other players who helped get the team to the final—not least, Australian representatives Andy Bichel, Ian Healy and Matt Hayden, who were away with the national side in South Africa. Without their efforts, and players like Martin Love who sadly had his season wrecked by injury, this win would never have been possible. All the same, the youngsters

stepped in to carry the day, which shows just how much depth the Bulls have. That augurs well for next season.

A final word should be left for retiring opener Trevor Barsby. Tank, thanks for the memories. On behalf of all parochial Queenslanders, I express sincere congratulations to all the players, managements and other supporters and support staff who have helped achieve this tremendous result. The team is sure to get a great welcome home today and a huge victory parade in Brisbane at lunchtime tomorrow.

ABSENCE OF PREMIER

Mr FITZGERALD (Lockyer—Leader of Government Business) (10.11 a.m.): I wish to advise the House of the absence of the Premier during question time, and I thank the Opposition for granting a pair.

PERSONAL EXPLANATION

Statements by Minister for Health

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (10.11 a.m.): I rise to make a personal explanation in relation to statements made to the House this morning by the Minister for Health. I will advise the House in response to what he said. The Surgicentre contract was signed in November 1995. Negotiations began in 1994. Despite Mr Horan's claims that the company is insolvent, it continues to trade 18 months after the contract was signed and employees 39 people in two centres. It has a AA credit rating with Esanda, and I table a letter from Esanda to prove that.

I make the point that I would welcome any inquiry by this Minister. What he is doing is representing the views of extreme sections of the AMA. I table for the benefit of the House a letter from Dr Phillip Harrington, the local president of the AMA, in which he attacks the Surgicentre, saying—

> "The scheme undermines the function of the private hospitals by having public patients being treated in a facility where private patients have paid significant amounts in private insurance . . . Having public patients enjoying the same services without paying a cent would be rubbing salt into the wounds of the privately insured patient."

I also table for the benefit of the House a letter from the CJC which totally clears Michael Moodie and the capital works section—the last section that the Minister attacked and denigrated in this Parliament. I referred this matter to the CJC, and they were cleared. They will be cleared by any inquiry that the Minister wants to institute. It is about time that the Minister started telling the truth.

PUBLIC WORKS COMMITTEE

Report

Mr STEPHAN (Gympie) (10.13 a.m.): I lay upon the table of the House the Public Works Committee report on its inquiry into the tilt-train project. The committee supports the tilt-train project. It believes that the project will bring real benefits to rail travellers and the Queensland economy. However, the committee does have some reservations.

The committee recommends that Queensland Rail should have carried out an environmental impact assessment for the project. It also recommends that Queensland Rail consult with the users of the service on the conditions of stations along the line and the possible timetable for a new service. Because of the increased speed of the train, the committee recommends that Queensland Rail review safety at level crossings. The committee recommends that the Parliamentary Travelsafe Committee consider inquiring into safety at level crossings. The committee also makes recommendations aimed at ensuring that Cabinet possesses all the necessary facts to make a balanced decision in relation to rail infrastructure investment. That includes the costs.

I thank my fellow committee members—Mr Bill D'Arcy, Mr Graham Healy, Mr Pat Purcell, Mr Ted Radke and Mr Geoff Smith—for their assistance during the inquiry. I thank those people, particularly Queensland Rail officers, who helped the committee with its inquiry. I also thank the secretariat—Les Dunn, Alison Wishart and Maureen Barnes—for their efforts. I commend the report to the House. I give notice that on Thursday next, I will move that the House take note of the committee's report.

PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE

Report

Hon. V. P. LESTER (Keppel) (10.15 a.m.): I lay upon the table of the House the CJC publication titled Reducing Police-Civilian Conflict: An Analysis of Assault Complaints Against Queensland Police. The committee is tabling this document as it

believes that it is in the spirit of the Criminal Justice Act that all non-confidential publications by the CJC be tabled in this Parliament. However, the committee stresses that it has in no way conducted an inquiry into the matter of the subject of the publication, and that it is the CJC which has determined that this publication is not a report of the commission for the purpose of section 26 of the Criminal Justice Act.

NOTICES OF MOTION

Performance of Minister for Police

Mr BARTON (Waterford) (10.16 a.m.): I give notice that I will move—

"That this House condemns the failure of the Minister for Police (Mr Cooper) to make real progress towards honouring his 1995 pre-election promises to substantially increase police numbers and resources, and his failure to address rising crime levels."

Basil Stafford Centre

Ms BLIGH (South Brisbane) (10.16 a.m.): I give notice that I will move—

"That this Parliament calls on the Government to implement all the recommendations of the CJC Stewart Inquiry into the Basil Stafford Centre; specifically, the Parliament calls on the Government to—

(a) work towards the complete closure of the Basil Stafford Centre by December 1998;

(b) provide a range of alternative accommodation and support services to the current residents of the Basil Stafford Centre which are at least equivalent to those being offered to the residents of the Challinor Centre in light of its sale to the University of Queensland;

(c) implement legislative amendments to the Rehabilitation of Offenders Act and the Coroners Act as recommended by Justice Stewart to assist in the prevention of abuse of people in the case of the Department of Families, Youth and Community Care;

(d) make adequate provision in the 1996-97 Budget and the 1997-98 Budget for the full range of lifestyles, accommodation options and support services for residents of the Basil Stafford Centre and their families as the institution is phased out of operation; and

(e) make adequate provision in the 1996-97 Budget and the 1997-98 Budget to fund an independent project to support the participation of family members of the residents of Basil Stafford Centre in the closure process."

Environmental Protection Policies

Mr WELFORD (Everton) (10.17 a.m.): I give notice that I will move—

"That this Parliament—

(a) notes the abject failure of the Government to issue environmental protection policies for air, water, noise and waste despite previous promises by the Minister for Environment (Mr Littleproud) to issue them by the end of last year;

(b) notes the devastating effect this dithering and petty political interference is wreaking upon the morale of Department of Environment staff, resulting in the resignation of at least one senior departmental officer in disgust when the completed water policy was canned by the National Party;

(c) condemns the Government for this failure to address the serious environmental problems and business chaos these delays are causing; and

(d) calls on the Minister for Environment (Mr Littleproud) to seek help to overcome his fear of making a decision so these EPPs, virtually finalised and ready for implementation under Labor, can be put in place to ensure standards of environmental protection to which Queenslanders are entitled."

PRIVATE MEMBERS' STATEMENTS

Community Legal Centres

Hon. M. J. FOLEY (Yeronga) (10.18 a.m.): Community legal centres are seeking urgent reassurance from Attorney-General Beanland of continued funding to carry out their vital community work, particularly for the disadvantaged. The work of community legal centres is too important to be sacrificed in the current squabble between State and

Federal coalition Governments following Federal Liberal Attorney-General Daryl Williams' decision to slash $5m from Queensland's legal aid budget in flagrant breach of a Liberal pre-election promise.

Community legal centres are greatly disturbed at signals coming from the State Government indicating a lack of commitment in this area. I strongly urge the Attorney-General to give an assurance forthwith that at the very least the State Budget line item of $275,000 for community legal centres will be maintained, together with the half a million dollars for community legal centres distributed through the Legal Aid Commission.

Legal aid clients will suffer from the State coalition Government's decision to go it alone with a State-based commission, with a resultant arid distinction between State and Federal matters. Support for victims of domestic violence attending community legal centres should not have to depend upon whether they can obtain relief under Federal family laws or under State domestic violence laws. Similarly, support for clients with consumer or financial problems should not have to depend on whether they can obtain relief under Federal trade practices or insurance law or under State fair trading laws.

Community legal centres want action from this Attorney-General, not mere words. They see a spectacular contrast between the squabbling among Liberal Attorneys-General at State and Federal level and the cooperation under Labor Attorneys-General where we saw cooperation at State and Federal levels to get access to justice for the most disadvantaged in a one-stop shop. They are trying to give the Legal Aid Commission the same treatment that they gave to the Anti-Discrimination Commission, that is, to put it under the thumb to get rid of cooperation.

Time expired.

Dairy Farmers

Mr HEALY (Toowoomba North) (10.21 a.m.): On Thursday, 13 March, the Minister for Economic Development and Trade visited my electorate to officially open the $13m expansion and upgrade of the Toowoomba cheese manufacturing plant operated by the organisation known as Dairy Farmers. The significance of this occasion was the further expansion of Australia's export potential in dairy products and, in particular, cheese. The Toowoomba plant manufactures and packages pizza cheese, mozzarella, cheddar and blue vein cheese and is now capable of producing up to 20,000 tonnes of cheese per year. Dairy Farmers has recently signed a contract with Pizza Hut Australia to supply all its restaurants with pizza cheese. The Toowoomba plant is now one of the country's most technologically advanced and is set to generate millions of dollars in export sales. Dairy Farmers is already one of the largest employers in the district, with more than 240 people keeping the plant operating 24 hours a day, 365 days of the year.

As the Minister quite rightly pointed out during his visit, Queensland is in an ideal position to supply food to the booming Asian economies to our north. Statistics released recently by the Prime Minister's Supermarket to Asia Council show that food consumption in Asia is estimated to be growing at the rate of $20 billion annually. By the year 2015, six of the world's seven new mega-cities, boasting populations exceeding 20 million, will be located in Asia. However, to compete in this area, Queensland companies have to make significant capital investment and work hard to realise their trade potential in order to win contracts over the leading producers and retailers from Europe, North America, even South Africa and Chile, who are already in the region and are making strong inroads. I am confident—and I am sure the Minister is also—that with organisations such as Dairy Farmers Queensland can gain a toehold in Asian supermarkets.

Dairy Farmers is committed to further expenditure to increase the Toowoomba plant. The board, management and employees of Dairy Farmers deserve congratulations as they continue to achieve growth domestically and overseas. I thank the Minister for his interest in the project.

Workers' Compensation

Hon. P. J. BRADDY (Kedron) (10.23 a.m.): The Minister for Training and Industrial Relations, Mr Santoro, and the Premier, Mr Borbidge, have tried to take the Queensland people for a ride on their political tower of terror. By exaggerating the state of the Workers Compensation Fund, they tried to terrorise the Queensland public into accepting the loss of common law rights to compensation. Minister Santoro tried to create shock in the community to justify stripping workers of their common law rights, so he sped the terror rate of future unfunded liability up to $440m. Not to be outdone, Premier Borbidge jumped in the car and raced it up to a peak of a $1 billion deficit, leaving the

Queensland public stuck in their seats staring into a coalition fantasy of oblivion.

Yesterday, Minister Santoro reluctantly told the Parliament that common law claims were trending down, not up, just as Labor predicted throughout this debate. We knew that the changes Labor introduced, taking effect from January 1996, would bring about a substantial reduction in workers' compensation claims. The coalition Government's changes have had no effect on the revised figures, and it can take no credit for the savings which have been gained to date. In addition, it stands condemned for attempting to take away workers' common law rights, an action which has now proved to be unnecessary. So far this year there has been a 17% drop in the number of foreshadowed claims, and statutory claims have also fallen. The improved claims experience has caused a downward revision of the fund's position at June last year—an improvement of $34m. Leaving aside a curiously timed $23m adjustment to investment returns, this $34m revision would have brought the unfunded liability to June 1997 down to $217m—about one fifth of the Premier's fraudulent estimate and well below even the Kennedy report estimate.

The people of Queensland can be grateful that the Labor Opposition led the campaign and successfully resisted the abolition of workers' common law rights. The people of Queensland will be very wary of any future tower of terror predictions which come from Minister Santoro or Premier Borbidge.

Euthanasia

Mr CARROLL (Mansfield) (10.25 a.m.): Monday, 24 March 1997, will be remembered as the day the Senate in Australia's Parliament approved the Andrews Bill abolishing the Northern Territory's euthanasia legislation. The Territory set a world first in establishing its statutory mechanism for assisted suicide, though it was merely following Holland in making such abhorrent machinery legal. It is a well-known medical fact that all pain can be controlled without loss of mental faculties. When a loved one or a doctor asks, "Would you like to die instead of battling this?", the aged, ill, disabled or incapacitated targets, as vulnerable members of our society, get the clear message that they are a burden to others. Such rejection magnifies their feeling of loss, anger or fatigue, and it is no wonder that some might yield to what is plainly the wish of that questioner, who they thought loved them or at least could be trusted.

The Senate decision is a victory for good and commonsense against evil and greed. The bleatings of Phillip Nitschke, the doctor with a vested interest in promoting assisted suicide, were overruled. Shame on Nitschke and like-minded scientific lemmings. I warn anyone who has a fascination with euthanasia, that odorous euphemism for assisted suicide, to avoid being fooled by claims that a euthanasia law is needed to plug alleged gaps in aged care, palliative care or our society's care for disabled folk. There is a vast difference between assisted suicide on the one hand and good palliative care leading to natural death in reasonable comfort on the other.

All honourable members of this Parliament are encouraged to be vigilant against the guiles of the Voluntary Euthanasia Society of Queensland Inc., an evil organisation lobbying to legalise assisted suicide. Those wolves in sheep's clothing use twisted logic in which the end justifies the means. Their intention is to divide and conquer. They can only do that by picking off ill-informed people. All honourable members of this Parliament have a duty to warn our people of the dangers of legally approving medically assisted suicide.

Time expired.

Intellectually and Physically Disabled Students

Mr BREDHAUER (Cook) (10.27 a.m.): In October last year the State Opposition revealed a plan by the Education Minister to terminate the special school enrolments of 236 intellectually and physically disabled students who are over 18 years of age. In an extraordinary display of incompetence and insensitivity, the Minister failed to consult with any of the parents or carers, the students themselves or any other stakeholders before preparing a submission for Cabinet. Under pressure from the State Opposition, the Minister was forced to back down on his plans, and those students were given an extension in their school enrolments until the end of first semester this year.

The Opposition does not argue that students with disabilities should remain at school indefinitely. In fact, it is quite appropriate for the Government to determine an end point to formal schooling. Where the Government has been negligent, however, is through its inability to come to terms with the post school options programs which are needed to provide services for these young

people when they leave school. The former Government put in place two pilot projects in Townsville and Brisbane South which this Government has failed to build on. In spite of a further review and an interdepartmental working group, still no word has come out of the Government about its intentions for students with disability, in spite of the fact that the June deadline is fast approaching.

The Opposition calls on the relevant Ministers, particularly the Minister for Families, Youth and Community Care, to put in place properly funded post school options programs which provide a range of alternative care services for these students before their enrolments are terminated. We also call on the Government to stop slinking around the corridors on this issue and have the guts to go out and talk to the parents and carers and the students about their future so that those people have some certainty about what will happen when they leave school. The Opposition today also calls on the Education Minister to guarantee that these students will not be tossed on to the streets at the end of semester one, as it appears likely his fellow Ministers will be unable to put in place properly funded services through post school options for students with disability. The Ministers for Education, Families and Industrial Relations stand condemned for their failure on this issue. They are clearly not up to the job at hand.

QUESTIONS WITHOUT NOTICE

Ms L. Staib

Mr BEATTIE (10.29 a.m.): I refer the Minister for Emergency Services to his statement last week that he had no involvement in the appointment of Lyn Staib to undertake the review of the Fire Service and that the appointment was made by his acting director-general, John Hocken. I further refer to the documents the Minister tabled in Parliament yesterday, which I read last night, and I ask: how does he explain why the consultancy contract was signed on 15 March by his acting ministerial office coordinator, Roger Plastow—and I again table that for the information of the House—rather than by his acting director-general, John Hocken, who had commenced duties on 5 March?

Mr VEIVERS: I refer the honourable member to my previous comments and to the documents tabled in the House. I have nothing further to add.

TAFE Queensland Promotional Campaign

Mr BEATTIE: I refer the Minister for Training and Industrial Relations to a memo from the executive director of TAFE Queensland, which I table, dated 17 February 1997 which invites directors to the launch of the new TAFE Queensland promotional campaign which was developed by his Liberal Party mate Bob Carroll and the opening of North Point TAFE city campus, which has been opened for two years, and I ask: did he direct that this promotional campaign be postponed following the revelation that he awarded Carroll an earlier advertising contract without public tender to promote his new industrial laws? Secondly, were tenders called for the promotional campaign for TAFE Queensland or was this contract awarded to Carroll Delaney Advertising without going to tender? Thirdly, what was the cost of this campaign? I table the relevant memos.

Mr SANTORO: In answer to the questions of the honourable Leader of the Opposition, first of all, no, I have not ordered the postponement of the development of a promotional campaign using the new logo. In fact, I can inform the Leader of the Opposition and the House that that campaign is being developed subsequent to the launch of the logo. It will be a very public, very intense and a very effective campaign which will help to enhance the image of TAFE Queensland to the point where it again will be a highly respected provider of public training within Queensland.

In relation to the awarding of the contract to develop the logo, I wish to assure the House, as is my practice in all of these matters, that I had no direct——

An Opposition member: You can't keep a straight face.

Mr SANTORO: Members opposite can laugh in that facile, stupid way but if they have any sense they will listen to the answer.

Mr Beattie: What about Bob Carroll?

Mr SANTORO: I am going through the answers. If the Leader of the Opposition listens, he will get the answer. I had absolutely nothing—and I mean nothing—to do with the awarding of that particular contract, which I understand is for a small amount. I had absolutely nothing to do with it. I issued no instructions or memorandums and had no discussions, no meetings—no nothing. If members opposite have any evidence, they should produce it.

Mr Beattie: Here it is.

Mr SANTORO: No, the honourable member has not got any evidence. The memo that Leader of the Opposition has produced is a memo in relation to the logo. I have answered the question about Mr Carroll. The Leader of the Opposition has absolutely nothing and I challenge him to table that memo.

Mr Beattie: I have.

Mr SANTORO: He has not. He has tabled absolutely nothing in relation to Mr Carroll and he will be able to table absolutely nothing because he will have absolutely nothing. Members opposite can go on these fishing exercises all that they want, but they will get absolutely nothing. What was the third question?

Mr Beattie: How much is the contract?

Mr SANTORO: I have absolutely no idea about the size of the contract.

Mr Hamill: You said it was small.

Mr SANTORO: That is right. I have been advised that it is a smallish contract and that all proper procedures were followed. If the Leader of the Opposition has any other evidence in relation to that issue—which he does not—he should table it.

Opposition members: Did he get it or not?

Mr SANTORO: We are seeing in this House a bankrupt Opposition that is out to smear and to undertake character assassinations——

Mr FitzGerald: Of my constituent.

Mr SANTORO: Of Mr FitzGerald's constituent. If the Leader of the Opposition actually does an ounce of intelligent work, which he has not done since coming into Opposition, he will appreciate that Mr Bob Carroll, for whom I have a great fondness and with whom I am very proud to be publicly associated, did a considerable amount of work for Labor Party Ministers who ran departments under the previous administration. If he wants to start getting into the gutter, I will start detailing to the House the work that Mr Carroll did for the Labor Party Government and Labor Party Ministers. It is sad to say that, despite his very best professional efforts, Labor members are still in Opposition.

Interruption.

DISTINGUISHED VISITORS

Mr SPEAKER: Order! The Chair wishes to recognise the presence in the Speaker's gallery of the new Consul-General for the Netherlands in Australia, Mr Reitsma, and Mrs Reitsma and the Netherlands Honorary Consul's wife, Mrs Kuiper.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Palm Beach, Police Station

Mrs GAMIN: I refer the Minister for Police and Corrective Services and Minister for Racing to criticisms by the member for Currumbin relating to the new police station at Palm Beach, and I ask: will the Minister please advise the true facts, and will he please advise us of increases in police and civilian numbers in south-east Queensland?

Mr COOPER: I thank the member for Burleigh for the question. Quite obviously, the member for Burleigh has an interest in the police station at Palm Beach which she, through her representations, can be credited with instituting. The people of Palm Beach and that entire area can be extremely pleased with those representations because, quite obviously, it is in their best interests and the best interests of policing on the Gold Coast, and Palm Beach in particular.

We have advanced the construction of that station because we recognise the need for it after six years——

Mr Purcell: What about Bulimba?

Mr COOPER: What did he say? Play it again, Sam.

Mr Beattie: We're going to have a good day; we'll be back.

Mr COOPER: I know it; I will be, too. I welcome the debate this evening, despite the fact that the Leader of the Opposition reckons that police numbers have not gone up. Numbers are going through the roof. Everyone here knows it. That is again indicative of what we are talking about at Palm Beach, because the numbers in the Gold Coast area are going up. Members should look at the difference in the performance of the member for Burleigh, who constructively tried to get a police station and increased policing on the Gold Coast and has been relentless in her pursuit of that police station. Thankfully, the people down there will be the beneficiaries. The police station has been fast-tracked towards the end of this year or early next year as far as completion and staffing is concerned. Compare that to the member for Currumbin, who was constantly whingeing and whining in the Gold Coast Bulletin about not building a police station when it was not necessary. We are, of course,

interested in building a police station down there.

The member for Currumbin, Merri Rose, was not interested in the offer. Her solution was to employ more police, not build a police station. We are doing both. We are building the police station and increasing numbers and that is the way it is going to stay. The incredible thing also is, as I say, the constant knocking of this project. For six years the member for Currumbin was asleep. She was like some sort of wind-up doll whose batteries had been flat for six solid years and then all of a sudden someone stuck in a charge and she said, "Hey, a police station is a good idea." It is a good idea because we are doing it. Members opposite think now is the time to get on the bandwagon. The fact is that the idea did not come from her. The people down there will recognise that she was totally opposed to it, but has now done a backflip and said, "Yes, I guess it is going to happen, I better support it." Members know the facts and the people down there will know the facts. I notice that the member for Kedron has left the Chamber.

Mr Livingstone interjected.

Mr SPEAKER: Order! The member for Ipswich West!

Mr COOPER: The member for Kedron was Police Minister for quite some time. He is the one who allowed the police numbers to fall. We are now trying to build those numbers up again. We have the necessary mechanisms in place. Recently I circularised a document about when the police inductions will be held at the Oxley and Townsville police academies. A constant procession of police will be going through those academies and coming out into the electorates of all members right across the State, so that all Queenslanders will be the beneficiaries.

The member for Kedron just sits there in his chair. I do not know whether he has done anything since he has been in this place. He sits there and he lolls to one side. Sometimes I think he is going to fall off the chair. He is a bit like Kenny Carruthers, who used to stagger over here and stagger over there. One would wonder about the member for Kedron: is he going to fall off? Is he really asleep, or is he here just for the money and to pick up the super? He is not doing anything. Talk about lazy! He was lazy all the time when he was the Minister for Police. That was when the Police Service started to go on the slide.

Mr Hamill interjected.

Mr SPEAKER: Order! The member for Ipswich!

Mr COOPER: In 1993, for instance, police numbers at the Gold Coast were about 508. Under the member for Kedron, those numbers fell to 449—a drop of 49 police on the Gold Coast—while crime was increasing and the population was increasing. We are building them up, and they will be built up by June this year. There will be another 32 police as at the end of May, and another 17 from the November induction. The numbers are increasing all the time to reach the previous number of about 504.

Mr Purcell: How many is Bulimba going to get?

Mr COOPER: Could the member say that again?

Mr SPEAKER: Order! The member for Archerfield!

Mr COOPER: Blame him. Poor little "Bottlebrush". Everyone always flogs him. I want to talk about civilianisation, too.

An Opposition member interjected.

Mr COOPER: No fear! If the member wants to have an argument about police numbers, I am happy to talk about that today, tonight and all through tomorrow and the next day. I am happy to do that. If anyone ever fell in, the member has fallen in on this one. This is a fabulous opportunity, because we will be putting it on the record, too, even though we have been putting it on the record all the way through.

As to civilianisation—that will have a major effect on Palm Beach and the Gold Coast. So far this financial year we have civilianised 111 positions, and 41 of those will start training from after Easter onwards and will hit the streets around May. We are putting them into communications areas, handling computers and in roster rooms so that we can get police out on the beat where we need them. Another eight police will go out on the beat, because we are civilianising eight positions in the Logan/Beenleigh area in May. Five will go to Redcliffe, five to Maroochydore, five to Rockhampton, five to Ipswich, five to Toowoomba and another eight to the Gold Coast. We are civilianising and improving police numbers all the time so that we can do something about the law and order issue for which members opposite are responsible.

And as for that lazy person—I had better try to say it nicely—the member for Kedron, the whole lot of members opposite ought to condemn him, because that is where it started. That is where the rot set in. As usual, we have to clean up the mess. We are quite happy to do that, because we have everything

in train and everything is going extremely well so far as police numbers are concerned.

Hospital Food

Mr ELDER: I refer the Health Minister to the 1991 Public Sector Management Commission report on Queensland Health, which found that the food served in some Queensland hospitals and nursing homes under the previous National Party Government was so bad that some patients contracted scurvy. I table that finding. I ask: what assurances can the Minister give that the Budget constraints that he has imposed on Queensland hospitals will not result in the same poor-quality hospital food re-emerging to cause scurvy among patients?

Mr HORAN: Obviously the member is pretty concerned that, throughout the six years of Labor, they were not able to provide a reasonable quality of hospital food. I can assure this House and the people of Queensland that everything in Queensland Health is improving. We are bringing about some great improvements, particularly in relation to the number of patients who are being treated in our hospitals. Some 3,800 extra operations have been performed and about 11,500 extra in-patients have been treated in our hospitals in the first six months of this financial year.

So far as Queensland Health is concerned—we are putting in place management systems to ensure that every area of Queensland Health sees an improvement. We are turning Queensland Health around and treating more people. More Queenslanders are being treated, and the budgets are being balanced.

After-school Care

Mr SPRINGBORG: I ask the Honourable the Minister for Families, Youth and Community Care: can he inform the House about what he is doing to address the situation of children over the age of 12 who are not eligible to attend outside school hours care services, such as after-school care and vacation care?

Mr LINGARD: Care for these children comes under what we call the Outside School Hours Programs. There are three areas in this particular program. The first is before-school programs, the second is after-school programs, and the third one is the vacation care programs. All of these programs are run by non-Government groups. At this stage it is for children between the ages of 5 and 12 years. Queensland will now become the first State to introduce care in those three areas for children between the ages of 13 and 15.

There is $6.06m for the three-year program. I am pleased to announce that the first part of that money is being released to go to non-Government groups to enable these programs for children between the ages of 13 and 15. As well, we will release $2.7m immediately for people to upgrade their facilities and infrastructure so that we can bring infrastructures throughout Queensland up to what I would believe is a national standard. That will be a first in Australia for children between the ages of 13 and 15.

While I am talking about care, I refer to the shadow Minister's statement this morning in which he tried to score a cheap political shot about post-school options. The Post-school Options Program is in place now and will be in place perfectly for the 30 June handover from the education system to the Department of Families, Youth and Community Care. That has already been through Cabinet. It is now before the Budget Review Committee. That money and those programs are ready. The Education Minister has agreed that if there are some children who cannot participate immediately, they can stay in the special schools until the end of this year. However, obviously from there on, as a child turns 18, that child will not be able to stay at a special needs school and will fit into my programs.

In regard to the comments about Pathways—we will provide a spectrum of care. That spectrum of care will cover areas such as Pathways, so that kids can be involved in the community. It will also come back to respite care centres for those kids who need respite—whether it be day care or overnight care. So it will be a spectrum of care for the Post-school Options Program, which is in place now and will take place immediately on 1 July as it swings across from the Education Department to my Department of Families, Youth and Community Care.

Hospital Food

Mrs EDMOND: I refer the Health Minister to his previous answer, and I ask: why was Kay Morris, officer in charge of housekeeping at the QE II Hospital, forced to write a memo to all cooks on 6 February saying that, following official complaints from district health managers about the food served to VIPs such as the Minister who attend hospital functions, all VIP functions are to be

given special consideration and planning and they are not to have the same sandwiches as the patients and post-theatre patients receive? If hospital food is good enough for the patients, why is it not good enough for VIPs such as the Minister?

Mr HORAN: I am more than happy to answer that question.

Mr Hamill interjected.

Mr SPEAKER: Order! The member for Ipswich!

Mr HORAN: I get around this State and I go to more hospitals than any other Health Minister in this place has ever gone to. It does not worry me whether I get a drink of water or I get nothing. However, I would say that, whenever I go to the various hospitals, they do provide the normal courtesies of a cup of tea and a sandwich.

This is a nice little stunt that the member has put on today. I do not know who Kay Morris is.

An Opposition member: Your own staff.

Mr HORAN: I have 41,000 staff. I do not know Kay Morris. There has been no complaint from me. I am perfectly happy to have a drink of water or a cup of tea. The only reason I go to hospitals is to talk to the staff or talk to the people.

Smaller Communities Assistance Program

Mr CARROLL: I ask the Minister for Local Government and Planning: can she outline the progress of the coalition's Smaller Communities Assistance Program, which was established to deliver decent water and sewerage services to small communities throughout Queensland?

Mrs McCAULEY: As the Minister responsible for rural communities, I point out that the SCAP program, the Smaller Communities Assistance Program, is one of the better planks in our Back to Basics platform for getting this State back on track. I guess that there is nothing more basic than sewerage. This program will provide water and sewerage infrastructure for small communities that cannot afford to provide it for themselves. So far we have made offers to 37 small communities throughout Queensland worth a total of $41m, because we believe that wherever one lives in Queensland one is entitled to a basic level of services: a good water supply and a decent sewage disposal unit. A lot of members opposite would think that water comes out of a tap; they do not think beyond the tap to where the water has to come from. Those issues are very important to rural and regional Queensland. This program will kick-start civil engineering works throughout the State.

We have expanded the guidelines of the previous Government. Now a community can have 5,000 or fewer people; before it was only 1,500. Previously, many small towns in the State that have communities of 2,000 or 3,000 were not covered. They will now be covered under this net. The local council takes over the project once the infrastructure is in place. We recognise that many communities throughout the State have ageing infrastructure that needs to be replaced. They simply do not have the wherewithal to do that, so we are there to help them.

The first and second rounds of SCAP grants have committed $41.33m of the $150m over the 10-year program. I will mention a few of the communities that have benefited from this program. The South Mission and Wongaling Beaches have been provided with $6.5m towards a sewerage scheme that would otherwise have cost them nearly $11m. A water supply has been provided to Ravenswood in the Dalrymple Shire. Of the total cost of $1.3m, we will supply $1.2m. In Tiaro, the Government is providing $1.1m for the full cost of a water supply filtration scheme. These projects are very helpful to small communities that cannot afford that infrastructure on their own. For the gem fields at Rubyvale and Sapphire, we are supplying the total cost of $3.3m to provide a water supply, which will be of benefit. I was visiting those areas recently, and they are coming on in leaps and bounds. However, the growth to those communities is limited if a decent water supply is not provided, so we are providing it.

The best example of the service that this program provides to rural and regional Queensland is in Mount Morgan, which has been desperately in need of a water supply for many years. We will provide $3.8m, which is the total cost of that supply. If honourable members ask members opposite, they will tell them that Mount Morgan was a good old Labor town. It certainly has a good old Labor member! Under the previous Labor Government, what help did the people in that area receive regarding a water supply? Good old nothing, big zero, absolutely zilch! Mount Morgan is a little historic town. In the tapestry of Queensland history, it is a very important place. It will not fade away and die; it will

always be there. When Labor was in Government, it did not help those people to obtain a water supply. Year after year, the people of that town were in crisis because they did not have the wherewithal to provide that for themselves. That is a community of many low income earners and pensioners. They simply cannot afford the $3.8m that is required to upgrade their water supply by raising the level of their dam wall. We have said to them, "We will do that for you. It's not going to cost you as ratepayers anything."

Mr Gibbs: Wonderful.

Mrs McCAULEY: I think it is wonderful, yes.

Mr Gibbs: They'll be calling you the Easter bunny up there.

Mrs McCAULEY: Yes, they probably will.

That is the sort of scheme that the Government thinks is excellent for them, because it puts in place infrastructure that they cannot provide themselves. We know that they do not have the wherewithal or capacity to afford that upgraded local infrastructure. The local member never came to see me about it. He never made representations; however, the mayor did. He came to see me in the middle of last year. He drove to my electorate office in Biloela and said, "This community is really in dire straits. We need an assured water supply. Can't you help?" Of course, I was very keen to help them, because that area neighbours my electorate. I know the problems that they have faced for many years. I see those problems published every day in the Morning Bulletin. That problem will be solved by this Government——

Mr Pearce: This will come back and bite you.

Mrs McCAULEY: —not by the local member or the previous Government, which did not care about those people at all. Not only will we give them an assured water supply but also, at the end of the day, we will help them to sewer the town at no cost to those people who cannot afford it. We will put our hands in our pockets and say, "Here you are; we will sewer the town as well." Once we have an assured water supply, we will sewer the town. We will do that without any representations from the local member. That is the sort of project that the Smaller Communities Assistance Program is helping in rural and regional Queensland. It is good news.

Mr B. Marsh and Mrs M. Marsh

Mr MACKENROTH: I refer the Minister for Public Works and Housing to the application for disability housing from Mr Barry Marsh and Mrs Mabel Marsh of Balsa Street, Inala. Mr and Mrs Marsh were approved for disability housing in September 1995, and were informed that a purpose-built unit would be provided to them in a new block to be constructed at Biota Street, Inala. As the Government's capital works freeze stopped that project, and at this time no contracts have been let for the block to be built, leaving Mr and Mrs Marsh in unsuitable accommodation without proper wheelchair access, I ask: as Mr and Mrs Marsh are in the public gallery today, will the Minister apologise to them for his actions, which have denied them proper housing? Will he inform them when they can expect to be adequately housed?

Mr CONNOR: This is a complex issue. It is about a particular instance. If the member will put it on notice, I will look into it today.

Mr MACKENROTH: I rise to a point of order. Mr Palaszczuk put that question on notice last year. The Minister said that he could not answer it.

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

IndyCarnival

Ms WARWICK: I ask the Minister for Tourism, Small Business and Industry: would he inform the House of any legal advice that he may have received regarding the accuracy of statements made by members of the Opposition yesterday about the 1997 IndyCar event?

Mr DAVIDSON: Yesterday the member for Bundamba made an absolute fool of himself in this House. Over the last week or two, he has continued to raise in this House issues and concerns that he has about Indy that are totally unfounded. There is no truth at all to those issues that have been raised. Last night I was contacted by the solicitors of the Gold Coast Motor Events Co., Witheriff Nyst, who would like me to read into the record of the Parliament a letter that they sent to me last night to correct some of the accusations and issues raised by the member for Bundamba, as they believe that a credibility problem exists. If the member for Bundamba has the guts to go outside this House to make those accusations, he should do so.

I will read into Hansard the letter that I have received from the solicitors who act on behalf of the Gold Coast Motor Events Co.—

"As you are no doubt aware we act on behalf of Gold Coast Motor Events Co., the promoter of Indy Car Australia event. Our client has had brought to its attention statements which were made today in Parliament by The Honourable R J Gibbs in relation to Sunbelt Developments Pty Ltd, the major sponsor of this year's event. Most of the comments made by Mr Gibbs related to matters of which our client has no knowledge, but some statements which were included in the Member's speech touched upon matters in respect of which our client has direct knowledge, and our client considers that they demand response. Specifically, on our instructions almost all of the matters raised by Mr Gibbs in respect of which our client has direct knowledge are untrue, and it behoves our client to make that point quite clearly at this, the earliest available opportunity.

May we deal with the points seriatim.

1. Mr Gibbs said in his speech '. . . my informants have told me that, under the financial deal, $1.5m was to be paid up front before the event.' That information, insofar as it was imparted to Mr Gibbs, is quite untrue. You will be aware that some money was to be paid upon execution of the contract, and that money has been paid, as have all other instalments due under the agreement.
2. Mr Gibbs said 'I am told that there was no due diligence done on Sunbelt whatsoever.' Once again this is quite untrue. As you are no doubt aware the ability of any company or individual to inquire into the affairs of another is limited by law. Our client has no more or greater rights to inquire into the affairs of corporations or individuals than any other citizen. However, within the context of the legal restraints imposed upon it, our client made what it considered to be appropriate and proper inquiries into Sunbelt at the time that its contract was struck.
3. Mr Gibbs said 'Sunbelt was contracted to pay at least $1m a fortnight ago . . .' This is not true. Sunbelt made its initial payment by bank cheque upon signing of the contract and has met its subsequent instalments as required by the contract. These instalments did not amount to $1m, and in any event they have been met.
4. Mr Gibbs said '. . . it (Sunbelt) told Tony Cochrane from IMG a fortnight ago that it could not meet its contractual requirements.' This is simply not true. On our instructions nobody from Sunbelt made any such representation to Mr Cochrane a fortnight ago or at any time.
5. Mr Gibbs said 'My informant also tells me that the Premier and the Government have had a huge disagreement with IMG and the Board of Directors over this issue.' As you know"—

meaning me as the Minister—

"the sponsorship issue is and has always been a matter for the Board of Directors and is handled by the Board of Directors and IMG without the necessity for agreement or disagreement with the Premier and/or the Government. The statement by Mr Gibbs that there has been a huge disagreement with the Premier and the Government over the issue is simply incorrect.

6. Mr Gibbs said 'The outcome was that $400,000.00 was paid last week only after matters were raised in this house about Sunbelt.' Again this statement is untrue. $400,000.00 was not paid last week. In fact no money has been paid since the matter was raised in Parliament, simply because no instalments have fallen due since that time. As already noted the original payment was due upon execution of the agreement and was paid upon execution of the agreement. The next payment was due in early March and was paid in early March. All payments to date have been met, and all were met prior to this matter being raised in Parliament.

Those are the only matters raised by Mr Gibbs in respect of which our client is able to comment. In respect of each it simply makes the point that the information imparted is totally inaccurate.

May we further point out that our client deals with approximately 170 sponsors of the Indy Car event. It deals with all of them in good faith and it considers that each of them is entitled to be treated with courtesy and respect.

> In our client's view, it is regrettable that the Indy Car event seems to have become something of a political football. Perhaps it is not surprising that such an exciting and sensational event might attract such attention. But it is of concern to our client that inaccurate statements might be made under parliamentary privilege which might discourage or unfairly prejudice any person associated with the event.
>
> Our client is very confident that the significant success of this event will be repeated and increased this year and into the future. It will always be a sensational event which will attract enthusiasm and perhaps controversy. But we would hope that truth would always remain an essential element in the discussion."

I will table the letter from the solicitors on behalf of the Gold Coast Motor Events Co.

The Opposition has absolutely no credibility. A week ago, I was going to invite the shadow Minister to the Indy and give him a couple of tickets to the corporate box. Last night, I received a phone call from a sponsor who said, "There is no way in the world we want 'Bolshevik Bollinger Bob' in our corporate box." He said, "It was all right a couple of years ago when he was in charge of the Bollinger and it was flowing freely in the penthouse at the Marriott, but there is no way in the world we need him any more because he is not in charge of the Bollinger any more. We do not need him. We do not want him in the corporate box because he would totally embarrass all of the sponsors associated with this year's Indy event."

As I said yesterday in this House, it is not up to me as Minister to run around checking up on the sponsors of the Indy. Those arrangements are contractual and are in confidence. They rest with the Indy board—the Gold Coast Motor Events Co. board.

I take former Minister Gibbs back in time to 1995. There was no sponsor at all. In 1995, the Indy lost $1.2m, even after the Government contributed $10.2m.

Mr GIBBS: I rise to a point of order. There was a very good reason why there was no sponsor in 1995. It was because of the honesty of the Goss Government. We would not accede to the request by FAI Insurance to give it exclusivity to the Queensland third-party insurance market.

Mr SPEAKER: Order! This is not a debate. I ask the Minister to conclude his answer.

Mr DAVIDSON: Be that as it may, in 1995 the previous Government had no sponsor. It could not attract a sponsor. The Indy lost $1.2m, even after the Government contributed $10.2m. The former Minister was known to be bunking in the Marriott penthouse, on the Bollinger with all the boys. The sponsors do not want him there this year. They do not want him in the corporate box. They have said to me quite clearly already that they do not want him associated with this year's event.

US Navy Personnel

Mr BARTON: I refer the Minister for Police and Corrective Services to complaints by Brisbane taxi drivers that six or seven police patrol cars, each containing two uniformed officers, acted as a taxi service for United States Navy personnel, collecting them from outside Rosie's bar opposite the taxi rank in Edward Street at approximately 1.30 a.m. on Monday, 24 March, and returning them to their ship. I ask the Minister: what steps is the Minister taking to ensure that the Queensland Police Service is being used to fight crime and not to provide a taxi service for visiting US sailors?

Mr COOPER: I know one thing that is absolutely 100% certain, and that is that in relation to policing and law and order, this side of the House is doing a darned sight more than the former Minister did, or the lazy member for Kedron. As I said, we can sheet home to him a lot of the blame for the problems that existed in the Police Service and which are now being corrected.

As for the member's little story, I am certain that the police would have a very good reason for doing whatever they did. I am perfectly happy to ask the Police Commissioner for an explanation. To all questions there is an answer and to all issues there is a valid reason. I am not going to go off half-cocked in any way, shape or form except to say—and I repeat—that there is no doubt a very good reason for that to have occurred, and I intend to find out why.

Regional Forest Agreement

Mr STEPHAN: I ask the Minister for Natural Resources: what does the recent signing of the Regional Forest Agreement by the Queensland and Federal Governments mean to south-east Queensland?

Mr HOBBS: I thank the honourable member for his question. Obviously, he is

interested in all forest matters, particularly those that relate to his particular region.

Following an agreement that was signed by the Premier of Queensland and the Prime Minister of Australia on 20 February 1997, the Regional Forest Agreement concerning the use and management of south-east Queensland's native forests should be in place by mid-1998. The RFA process in Queensland has the support of all major stakeholders. A forest reference panel has been established to ensure stakeholder advice is available on directing the RFA.

The coalition Government has committed very substantial resources to the project with matching funding coming from the Commonwealth. We are talking in the vicinity of nearly $5m from both parties. So it is a very expensive process and, obviously, a very thorough one that we will have to go through.

The RFA is a whole-of-Government process. It is by far the most comprehensive forest assessment and planning exercise ever undertaken in this State. It is my intention, with the continued support of stakeholders, to deliver security and planning certainty to forest-based industries and dependent rural communities. In addition, we will end up with a world-class forest reserve system of which all Queenslanders can be proud.

Mr Dollin: How many mills will you close?

Mr HOBBS: I take the honourable member's interjection. It is people such as the honourable member whose record in Queensland is an absolute disgrace. Look at what happened to Maryborough when Paul Keating closed down the timber industry. What did he promise those people? He gave them a handful of jobs for about 12 months and now they are out of work! People such as the honourable member have broken this industry.

When undertaken, the RFAs will endure for approximately 20 years with a provision for a five-year review. The scoping agreement will be developed in cooperation with the timber industry, conservationists, unions, graziers and community organisations. I take the opportunity to assure all stakeholders that the Government will not let them down. They will not be run out of town as the previous Government did to people in towns such as Maryborough. The Government will not close the timber towns down, as the Goss Government was considering doing.

Opposition members have no compassion for or understanding of the issue. They raped and pillaged the rural towns. They know what they have done, and they are very good at that type of thing. We will not do that. We will look after those towns. It is very important that we look after all industries, whether it be the timber industry or other rural industries. I assure those people that we will give them all the support that they need.

Cairns Ministerial Office, National Party Membership Application Forms

Ms BLIGH: I refer the Minister for Families, Youth and Community Care to the Premier's assurance that regional ministerial offices would not be misused as branch offices of the National Party, and I ask: why are National Party membership application forms on display in the reception area of the tax-payer funded ministerial office in Cairns?

Mr LINGARD: I am sure that the shadow Minister would be very interested in knowing exactly what the National Party policy and the Liberal Party policy is on a lot of areas that concern community service, families and youth. I have no concerns if our policies are available in those particular offices.

Ms BLIGH: I rise to a point of order. The Minister deliberately misled the House. I did not refer to National Party policy; I referred to National Party application forms. I table the statutory declaration and an application form to join the National Party.

Mr SPEAKER: Order! The honourable member has made her point.

Queensland Health

Miss SIMPSON: I ask the Minister for Health: what health improvements has the coalition Government been able to provide to Queenslanders since coming to power?

Mr HORAN: I thank the honourable member for her question. The honourable member takes a very keen interest in health matters, particularly on the Sunshine Coast. I will be demonstrating some huge improvements and advancements for the Sunshine Coast in this reply.

Since coming to Government, the coalition has turned Queensland Health around so that it can provide some basic services to people and provide for more patients to be treated. We streamlined the administration of Queensland Health by eliminating the costly bureaucratic system of the regional health authorities. Most importantly, we have the basis right for the financial management of Queensland Health. We have paid back the $54m Beattie debt

and we are currently paying back, at $8m per year, the Elder debt from 1994-95. This year, for the first time in many years, we expect to deliver a balanced Health budget, with hospitals and districts coming in under budget. Most importantly, while being under budget, we will still provide thousands more occasions of service than the Labor Party was able to provide with massive budget overruns.

Let me detail some of these improvements and increases in service. In mid-1995 under Labor, Category 1 long-waits for elective surgery, that is, the most urgent cases of elective surgery, were 43%. As at March 1997 under the coalition Government, Category 1 long-waits for elective surgery are only 1.9%. That is a massive improvement and Queenslanders can proudly have confidence that this State leads Australia. If a patient requires a Category 1 operation, it will be performed within 30 days. That was never achieved under Labor.

In addition, if one simply wants to look at how many actual operations are being done, in the first five months of this financial year—July to November—3,836 more operations were performed than were performed under the Labor Government, that is, a 9.3% increase. Only the other day I challenged the member for Fitzroy on radio to apologise to the 3,836 people who would not have had their operations had Labor still been in Government.

Patients admitted to hospitals——

Mr Palaszczuk: You're in trouble over this.

Mr HORAN: Members opposite do not like it. This is all about doing it better; this is all about the improvements. The facts on patients admitted to hospitals are—

Separations July to Nov 1995 under Labor—209,242

Separations July to Nov 1996 under coalition—220,452

Under the coalition, 11,210 more people have been treated in five months, which is a 5.4% increase, than were treated under Labor. I would like to hear an apology from some of the members opposite delivered to the 11,210 people who would not have got in the front door under Labor.

Mrs EDMOND: I rise to a point of order. The Minister is misleading the House.

Mr SPEAKER: Order! There is no point of order. I have been listening. The member will resume her seat.

Mr HORAN: Again, I hope that the member for Mount Coot-tha apologises to those 11,000 people who would not have got in the front door if Labor was in Government.

Mrs EDMOND: I rise to a point of order. The Minister is misleading the House. What he is saying is untrue and offensive and I ask him to withdraw it. The rate of increase in patient activity is less than in any year under Labor.

Mr SPEAKER: Order! We are not debating the issue. I call the Minister.

Mr HORAN: Once again, under the coalition, 11,210 more people were treated in five months and we balanced the budget. In terms of outpatient treatments, there has been a 6.5% increase in people attending outpatient clinics or rehabilitation.

Mrs EDMOND: I rise to a point of order. I ask that the Minister table the document.

Mr HORAN: I am just reading some notes. I will table whatever document——

Mr BEATTIE: I rise to a point of order. The Minister was referring to the document and, under Standing Orders, there can be a request and direction that he table it. I move accordingly.

Mr SPEAKER: Order! There has been a request that the Minister table the document.

Mr HORAN: I will even give the House more information than that. I will table the tables that show how many more people we are putting through hospitals. I will arrange for that to be tabled.

Mr BEATTIE: I move—

"That the document be tabled."

Question—That the document read by the Minister for Health be laid upon the table of the House—put; and the House divided—

AYES, 42—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, Cunningham, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

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

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Mr HORAN: Again, I repeat that there has been a 6.5% increase in outpatient treatments. That is the proud record of this Government. As I said before, I wonder whether the honourable member for Mount Coot-tha will apologise to all those people who would not have received treatment under Labor and who now have increased access to services under this Government.

The former Government had an absolutely disgraceful record in relation to rural health. It cut $88,000 from the budget for rural health scholarships. We have put in an extra $1.3m. As Professor Jim Baker from Roma said last weekend, we will probably see an end to the rural doctor crisis in some three to four years' time. In addition, 26 new allied health positions have been created in the bush—speech pathologists, mental health workers and physiotherapists.

This year, in the area of capital works we will be spending $295m—the highest amount of money ever spent on capital works in Queensland. That is $100m more than was spent by the former Government and $100m more than was in the 1995-96 Budget. I expect every dollar of that $295m to be spent, bringing forward the hospital rebuilding program.

Finally, the honourable member for Maroochydore asked about some of the improvements. I wish to speak specifically about dental improvements on the Sunshine Coast. Under Labor from July to December 1995, there were 16,962 occasions of service. Under the coalition, there was an increase of 6,655, or 39%. That was due entirely to new clinics at Noosa and Kawana, increased chair numbers and sites, additional staff and staff working on——

Mr Elder: Are you going to table it?

Mr HORAN: It will all be tabled. The member will not like this when it is tabled.

Recruiting dentists has been made easier due to salary increases, such as $3,000 for senior dentists, $5,000 for principal dentists and $7,000 for regional coordinators. From Christmas, all Sunshine Coast dental services were fully staffed. No wonder we have an increase of 6,655 occasions of service.

Finally, as to Gold Coast dental services—for July to December under the former Government, there were 12,794 occasions of service. Under our Government, there was an increase of 830, or 6.5%. That increase was due to new clinics at Nerang and Runaway Bay, outsourcing, improved work practices and salary differentials. That the coalition has brought about so many improvements for patients is an outstanding achievement.

Mr I. Macfarlane

Mr SCHWARTEN: I refer the Minister for Primary Industries to the answer given yesterday by the Mines and Energy Minister in which he attacked Queensland Graingrowers Association General President Ian Macfarlane by saying that Mr Macfarlane had deliberately misrepresented a ruling of the Supreme Court, and I ask: does the Minister support this unprecedented and vicious attack on one of Queensland's foremost primary industry leaders? If not, what steps does he intend to take to correct this grave injustice that has been done by his ministerial colleague to this industry?

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

MINERAL RESOURCES AMENDMENT BILL

Hon. T. J. G. GILMORE (Tablelands—Minister for Mines and Energy) (11.29 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Mineral Resources Act 1989."

Motion agreed to.

First Reading

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

Second Reading

Hon. T. J. G. GILMORE (Tablelands—Minister for Mines and Energy) (11.30 a.m.): I move—

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

This Bill seeks to amend the Mineral Resources Act 1989. Over the past two years a number of issues have impacted on the administration of the exploration and mining industries in this State. To provide certainty for these industries, it is proposed to amend the Mineral Resources Act to address these issues. Further issues have recently surfaced which may require additional amendments following detailed examination and consultation with affected parties. The main provisions of the Bill provide for—

the amendment of the definition of "owner" to remove any uncertainty as to who is the owner of reserve land;

the amendment of the definition of "reserve" to include resources reserves under the Nature Conservation Act, certain Aboriginal and Torres Strait Islander land, and rail corridor land;

the replacement of the definition of "mine" with an expanded definition to make it clear that extraction of mineral from material mined is "mining", whether or not that extraction takes place on the land where the material is mined;

priority of applications for exploration permits to be established by the date of lodgment;

the environmental management overview strategy (EMOS) and other documentation lodged with a mining lease application to be sufficient for the issue of a certificate of application and to allow the amendment and refinement of the EMOS prior to the grant of the lease;

the advertisement of a modified certificate of application for mining leases to be known as a notice of application;

conferences to be held between an objector and the applicant for a mining lease up until the date set for the hearing of the application;

the taxing of costs awarded by the Wardens Court by the registrar of the Wardens Court, the taxing officer of a District Court or the taxing officer of the Supreme Court; and

other minor administrative changes to clarify current practices.

I will now talk to these amendments in more detail.

The definition of "owner" has been amended to clarify that for reserve land the owner is generally the Minister responsible for the Act under which the land is a reserve. The exceptions are the following where the owner is—

for a road, the entity having control of the road;

for resources reserves under the Nature Conservation Act, where there is a trustee, the trustee;

for Aboriginal DOGIT land, the trustees for the land;

for land held under the Local Government (Aboriginal Lands) Act, the local government;

for land transferred or successfully claimed under the Aboriginal Land Act or the Torres Strait Islander Land Act, the grantees; and

for rail corridor land, the Minister administering Chapter 6 of the Transport Infrastructure Act.

This will remove any ambiguity currently existing in relation to the ownership of reserves. Further, the current definition of "owner" refers to the trustees of reserves vested in trustees as "owners". Legal advice received is that trustees, unless "vested" in the legal sense, were not "owners". Therefore, provision has been made for the validation of mining leases where consents and compensation agreements were obtained from trustees of reserves.

The definition of "reserve" has been expanded to include resources reserves under the Nature Conservation Act to remove any doubt that these reserves are also reserves for the purposes of the Mineral Resources Act. Certain Aboriginal and Torres Strait Islander lands which are deemed to be reserves for the Mineral Resources Act by the Aboriginal Land Act and the Torres Strait Islander Land Act are not currently mentioned in the definition of "reserve" in the Mineral Resources Act. The opportunity has been taken to include these lands in the definition of "reserve" in the Mineral Resources Act to remove any uncertainty.

With the introduction of the Transport Infrastructure Act it is necessary to clarify the definition of "reserve" in the Mineral Resources Act in respect of railway land. Such land is now defined under the Transport Infrastructure Act as existing rail corridor land or new rail corridor land, and the definition in the Mineral Resources Act is amended to reflect this situation.

I will now move on to the definition of "mine". The intention of the Act has always been that the extraction of mineral from its natural state, whether carried out on the land where it is mined or not, is mining. A recent decision of the Appeal Court of the Supreme Court found that "mine" did not include this process unless it was carried out on the land where the material is mined. It is of fundamental importance to the proper functioning of the Mineral Resources Act that this process be included in the definition of "mine" and form part of the mining operation, including environmental controls, to ensure proper and effective management of the total operation.

In this regard, I think it is important to touch on the issue of environmental management of mining operations. The new definition of "mine" will not negate the need to issue Environmental Protection Act licences for any discharge which occurs from mining tenures. Such discharge will be fully conditioned and administered under the Environmental Protection Act. However, the definition will assist in removing the inefficiency and ineffectiveness of duplicating arrangements within mining tenures which are comprehensively covered and conditioned under the Mineral Resources Act. The provisions relating to "mine" in the Bill make it clear that extracting does not include smelters or refineries where a mineral is changed to another substance. Nor does it include the testing or assaying of small quantities of minerals in teaching institutions or laboratories—other than those situated on a mining lease.

I will now address some of the more important administrative issues addressed in the Bill. The current legislation was found to be deficient in that priority of applications for exploration permits lodged on different days was not defined. Provision had been made for priority of applications lodged on the same day. It is important for the Act to indicate how priority of applications for exploration permits is established, and the Bill clarifies that priority is established by the date of lodgment.

Further, the present provisions of the legislation require that an environmental management overview strategy—EMOS—satisfactory to the Minister be submitted with the application for a mining lease. In practice it has been found that an EMOS may require amendment following recommendations flowing from the Wardens Court hearing, refinements required as a result of the compensation agreement and examination by the department's environmental officers. Consequently, it has been the practice to issue the certificate of application if the EMOS is sufficient for that purpose and for the EMOS to be finally accepted by the Minister before the grant of the lease. The possibility of a mining lease granted following this process being found invalid on challenge has been raised and therefore the present Bill amends the Act to provide for the current practice and to validate any lease granted.

The present provisions of the Act also require supporting statements lodged with an application for a mining lease to be acceptable to the Minister. Provision is made in the Bill for these statements to be accepted by the mining registrar with whom they are lodged. When deciding whether an EMOS or supporting statements are acceptable for the purposes of the application, the mining registrar must have regard to the activities to be undertaken on the mining lease and the possible impact on the environment.

Provision is made in the Bill for the advertisement of a notice of application for mining lease which is a modified version of the certificate of application. The advertising of the certificate of application, as required under the current provisions, is a costly exercise for the applicant and does not clearly indicate the location of the mining lease to other stakeholders. The advertisement of a notice of application for mining lease will address these problems.

Finally, where an objection is lodged, the provisions of the present legislation relating to conferences convened by a mining registrar have been extended to allow a mining registrar to hold a conference between the objector and the applicant up until the date set for the hearing of the application. The other amendments mainly deal with administrative matters where minor deficiencies in the present legislation have become apparent.

I commend the Bill to the House.

Debate, on motion of Mr Livingstone, adjourned.

CRIMINAL LAW AMENDMENT BILL

Resumption of Committee

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Resumed from 25 March (see p. 825) on Schedule 2, to which Mr Foley had moved an amendment.

Mr BEANLAND (11.38 a.m.): Last evening when we were discussing the amendment moved by the Opposition, I was in the process of highlighting how the amendment actually does nothing for victims. I think the amendment could well and truly be said to be deceiving the poor, innocent victims of appalling and unjustifiable domestic violence into thinking that something is really being done for them when, in reality, nothing is being done. I want to back that up by referring to the High Court, which clearly and unequivocally, as long ago as 1970, said that relevant evidence of domestic violence is admissible. Because it is rather important that the Committee understands this point, I want to quote for a moment from the case of

Wilson v. The Queen, which is reported in a 1970 volume of the Commonwealth Law Reports. In that case, Menzies J stated—

> "It seems to me that here, as so often happens, an attempt has been made to reduce the law of evidence—which rests fundamentally upon the requirement of relevancy, i.e. having a bearing upon the matter in issue—to a set of artificial rules remote from reality and unsupported by reason. Any jury called upon to decide whether they were convinced beyond reasonable doubt that the applicant killed his wife would require to know what was the relationship between the deceased and the accused. Were they an ordinary married couple with a good relationship despite differences and disagreements, or was their relationship one of enmity and distrust? It seems to me that nothing spoke more eloquently of the bitter relationship between them than that the wife, in the course of a quarrel, should charge her husband with the desire to kill her . . . To shut the jury off from any event throwing light upon the relationship between this husband and wife would be to require them to decide the issue as if it happened in a vacuum rather than in the setting of a tense and bitter relationship between a man and a woman who were husband and wife. Accordingly, in my opinion the evidence in question was properly admitted because it was pertinent to the issues which the jury had to decide."

I will also quote from Chief Justice Barwick from the same case in the same 1970 Commonwealth Law Report. It reads—

> "The fundamental rule governing the admissibility of evidence is that it be relevant. In every instance the proffered evidence must ultimately be brought to that touchstone.
>
> . . .
>
> It is quite apparent that the nature of the current relationship between the applicant and his wife was relevant to the question to be decided by the jury. Evidence of a close affectionate relationship could properly have been used by the jury to incline against the conclusion, which might otherwise have been drawn from the circumstances, that the applicant killed his wife. Equally, evidence that there had developed mutual enmity could be used to induce the conclusion that he had killed his wife and that his story of an accidental shooting lacked credibility."

I want to include that in Hansard to make it quite clear exactly what game is being played here. To include this provision in the Evidence Act is quite misleading. The provision is already clearly accepted. Nothing would be gained by it—far from it. I understand first-year law students are taught this most basic rule of evidence, that is, that to be admissible, evidence must be relevant to an issue in the trial. If it is irrelevant, then it is not admissible.

I understand the political exercise that seems to be going on here but I for one am not wanting to mislead people at all. It is quite clear that this would do nothing but detract from the Evidence Act overall. It is also quite clear that matters relating to domestic violence can be produced in a subsequent court case and used as evidence. Therefore, this window dressing—and that is all it is—does nothing to advance the laws of evidence or produce new material that can be supplied to courts: far from it.

As I say, this has been accepted back to 1970 when this provision was an issue before the High Court. It is quite clear that it is an accepted matter before the courts. It is fair to say that an amendment such as this could bring the Parliament into disrepute. It will cause the judges to raise more than their eyebrows; they will be raising their collective wigs, scratching their collective heads and pondering what great wisdom this Parliament has had in telling them how to suck eggs. That is exactly what we are saying here today. The amendment does nothing at all to advance the cause—whatever the cause might be—of putting relevant evidence in relation to domestic violence before the courts. Therefore, the Government is opposed to the amendment.

Mr FOLEY: The prospect of the learned judges raising their wigs and being told to suck eggs is indeed a daunting one. If one puts aside the indictable offence of uttering a mixed metaphor in a public place, with which the Attorney-General could be charged, his arguments come down to this: he asserts that the state of the common law is such, and has been such, since the High Court decision in 1970 that this provision is unnecessary. I will come to that argument.

Nowhere in the Attorney's speech did we hear any argument that this provision in the amendment is of itself objectionable, only that it is unnecessary. That is his argument. The Attorney says, "Trust the courts." The Attorney says, "Trust the judges." The Attorney says,

"This is a matter that can be left to the courts to sort out." The Attorney seems to be blithely unaware that that is the exact opposite of what he argued yesterday on the provision which abolishes the rule in Hoch's case. For that the Attorney said, "This is an area where the Parliament should make the law. It should not rely upon what the High Court said."

It has to be conceded that the better view of the law on the cases is that relevant evidence of the history of the domestic relationship between a defendant and the person against whom the offence was committed is admissible as evidence in the proceedings. The problem is this: sometimes judges give rougher than usual handling to women involved in these cases. I wonder where the Attorney has been since 1970. If the Attorney's argument is that the courts have had this matter well in hand since 1970, then he seems to have been blissfully unaware of the concerns repeatedly expressed by women's groups that judges, on occasions, do not apply these principles. It is for that reason that it is wise and prudent for this Parliament to state this principle of law so there can be no doubt about it.

Let me give an example. Take the case of the trial judge in the South Australian case of the Queen v. R (1981) 28 SASR 321 in which the accused killed her husband by attacking him with an axe while he was sleeping. She was convicted of murder. At her trial provocation was withdrawn from the jury. She appealed to the Supreme Court (in Banco) where Chief Justice King considered the circumstances and took the view that provocation should have been allowed to go to the jury. I referred to this matter in the course of the second-reading debate, but it is appropriate to refer to those circumstances because I think they illustrate the point well. Chief Justice King said—

> "The deceased's words and actions in the presence of the appellant on the fatal night might appear innocuous enough on the face of them. They must, however, be viewed against the background of brutality, sexual assault, intimidation and manipulation. When stroking the appellant's arm and cuddling up to her in bed telling her that they could be one happy family and that the girls would not be leaving, the deceased was not only aware of his own infamous conduct but must have at least suspected that the appellant knew or strongly suspected that, in addition to the long history of cruelty, he had habitually engaged in sexual abuse of her daughters."

The judge goes on later to say—

> "In this context, it was, in my opinion, open to the jury to treat the words themselves and the caressing actions which accompanied them as highly provocative and quite capable of producing in an ordinary mother endowed with the natural instincts of love and protection of her daughters, such a loss of self control as might lead to killing."

That is an example of the hard facts of life in the courts.

Mr BEANLAND: I make the point to the member for Yeronga that I did not say that this could be left to the courts. The courts made that decision themselves in 1970. Very clearly, the High Court has already pointed out to the courts that evidence relating to domestic violence relationships shall certainly be taken into account.

The South Australian case concerning protection at common law really has nothing to do with this case at all. Queensland law has a provocation section which is relied upon in many cases. So what I suggest the member for Yeronga is talking about is something altogether different, and he is trying to confuse the situation and muddy the waters. I listened carefully to what he said, but the point is that this is already the situation. It does nothing to advance the law at all. In fact, I think it makes one look fairly silly at the end of the day. I appreciate that there are pressure groups and women's groups that want certain changes. But I believe that they want changes of substance, not changes of window-dressing.

It is well worth while pointing out to the member for Yeronga that the Labor Party could not even get the section about non-corroboration right, and we had to include additional words about judges not being able to talk about the various classes of witnesses, etc. So the Labor Party did not fulfil that exercise properly. I am all about appropriate, worthwhile and proper laws, not something that is a piece of window-dressing, which is exactly what this is about, and perhaps trying to curry favour with someone out there. But it is not in fact taking the law further or achieving some worthwhile result at the end of it. What we have here is an attempt to mislead and, at the end of the day, it is just window-dressing.

Mr FOLEY: I am an optimist, so I shall attempt to explain to the Attorney very briefly what this issue has to do with that case which I mentioned. The issue is this: that if one takes

the view that evidence regarding provocation is confined to that which occurred at the moment surrounding the killing, then that on its face would not appear to be sufficient to give rise to a good defence of provocation. However, where there is relevant evidence of the history of the domestic relationship that gives colour to the words and actions that were provocative in the circumstances leading up to the killing, then that evidence of the history of the domestic relationship should be admitted. That is what this amendment before the Committee does.

Let me turn to the second point, namely, that the Attorney argues that this is merely a response on the part of the Labor Party to pressure groups. I accept that the Labor Party has consulted with women's groups. I accept that those women's groups the length and breadth of the State have expressed concerns about issues of justice. We are proud of that consultation, and we mean to try to respond to their concerns. There are petitions which have been lodged with this Parliament, or are shortly to be lodged, from many citizens petitioning the House in regard to domestic violence and sexual assault in Queensland. Item 3 of the matters that are urged upon the members of Parliament in that petition is as follows: that, when the Criminal Code is being debated in the next sitting, amendments which affect women, such as domestic violence, rape and statutory right to interpreters, be included in the Code. The Labor Party moved to reform the law of rape. The Labor Party successfully—against the resistance of the Government—moved to put in a statutory provision with regard to interpreters, and we mean to move to put in a statutory provision with regard to the history of domestic violence being taken into account.

I hope that the women of Queensland read this debate—I hope that all concerned with justice do—and understand that this Government is opposing an amendment which spells out the law plainly. In effect, the Government is saying, "Leave it to the courts. There is no need for this amendment. If women get rougher than usual handling in the courts, well, so be it. This Parliament will sit idly by." That is not good enough for the Australian Labor Party and, accordingly, I commend the amendment to the Chamber.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided—

AYES, 42—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, Cunningham, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Smith, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

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

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Mr FOLEY: There are two matters that I would like to draw to the attention of the Committee. Firstly, with regard to the provisions of the Mental Health Act that appear in Schedule 2, the Opposition supports the amendment moved by the Attorney in relation to giving the Attorney a right of appeal to the Court of Appeal against a decision of the Mental Health Tribunal. This is an area of some difficulty. The Mental Health Tribunal was introduced by a former coalition Government in the spirit of a humanitarian reform, but there have been serious questions asked about it, particularly in the light of a recent case that has attracted a great deal—and deservedly so—of public concern.

Traditionally, these matters of insanity or otherwise were questions of fact for a jury. The previous coalition Government introduced the Mental Health Tribunal, being a Supreme Court judge with the assistance of two psychiatrists, to streamline the process and to provide for expert deliberation. Having appeared before the Mental Health Tribunal myself as counsel for a person whose fate was being decided, I well recall some of the concerns that I had at the time. I do understand that the Attorney and his department are giving some consideration to this matter, and I would encourage the Attorney in that respect. I think that it is very important that, in any of those deliberations, there be full opportunity for public consultation so that there——

Mr Beanland interjected.

Mr FOLEY: Quite so, and I thank the Attorney for his confirmation of that. It is important that mental health professionals, the legal profession and other interested stakeholders be consulted. It is particularly important that victims of crime be consulted and have a say about this.

Mr Beanland: Quite so.

Mr FOLEY: I note from the Attorney's nodding that he joins with me in that. It is appropriate that that matter be carefully reviewed to see whether this is a progressive reform. Significantly, no other Australian jurisdiction has gone down that path. The time has well and truly come to review whether or not it was a wise course for the law to take. I encourage the Attorney and would encourage any interested parties to make submissions to the Attorney's department so that this matter can be fully addressed.

The other matter that I wish to touch on is the remarkable absence in this Schedule of the Criminal Offence Victims Act 1995. What we do not see in the Schedule is any reform to the law governing victims of crime. That law was introduced by a Labor Government in 1995. At the time and subsequently, the coalition has purported to support the interests of victims of crime. The coalition has indicated that it is reviewing the legislation with a view to improving it, yet we see nothing before this Chamber. Indeed, it fell to the Labor Opposition to move the amendment with regard to interpreters, which makes special provision for the position of complainants and requires the court to have regard to the fundamental principles of justice affecting victims of crime.

I note with great concern the failure of the coalition to deliver on its promise of an extra million dollars in support services for victims of crime. I note with great concern the matter that was reported by Tony Koch in last Saturday's Courier-Mail that the Victims of Crime Association is finding itself at the wrong end of a request for $100,000 to be returned to the Government. Why is this so? It is because some of the leading figures, such as Mr Ian Davies and Mr John King, have been willing to do their work on a voluntary basis. Rather than taking the pay for themselves, they have left those funds in the association so that it can get about its very important work of reaching out to victims of crime and working with police in order to ensure that victims of crime both in Brisbane and in regional centres throughout Queensland can have proper access to information and services to assist them. Lo and behold, that association is now being greeted with the extraordinary prospect of being required to return the money to the Government. This is passing strange for a Government that purports to be committed to the interests of victims of crime. I strongly urge the Attorney-General to put an end to that nonsense, to support the Victims of Crime Association and to honour the coalition's promise. It is, of course, the case that payments for criminal compensation for victims of crime have continued to rise, just as they rose under the Labor Government and they have risen in other jurisdictions. Let us not confuse the two issues. What we are talking about is the provision of counselling and support services delivered through victims of crime associations. The coalition promised an extra million dollars; it has simply not delivered. The time has come for a better deal for victims of crime. Labor moved to put in place a better deal in legislation. I urge the Government to live up to its promises and, in particular, to avoid any unfortunate budgetary measures to seek to reclaim that money.

In conclusion, I wish to place on record my appreciation of the courtesy of the Attorney-General in making available to the Opposition his legal advisers who were involved in the drafting of the legislation during the period prior to the matter being debated in the Chamber. I thank the Attorney-General for the courtesy that was extended.

Mr BEANLAND: I will quickly answer a couple of points raised by the member for Yeronga. Matters in relation to the Mental Health Act come within the ambit of the Minister for Health. That Act does not come under my portfolio. Nevertheless, an examination of various aspects of it is being conducted currently. Certainly, before any changes are made, very wide public consultation will need to be conducted in relation to that issue.

As to victims of crime—that matter is covered by separate legislation and will be treated separately. Again, any changes to that legislation will require very widespread consultation, particularly with victims of crime and the community in general. Certainly, no cuts have occurred in the Department of Justice in relation to this matter—far from it; for some time, additional funds have been made available for victims of crime.

Mr WELLS: I take advantage of the debate on Schedule 2 to draw members' attention to the absence of a specific provision in the amendments to the Criminal Code that have been brought forward by the Attorney-General. Those who listen to morning radio or read the newspaper would know that today the Minister for Health was quoted as saying that it is desirable that we should have within the health system adequate provision for palliative care, yet in this series of amendments to the Criminal Code there is no provision for palliative care. There was such provision made in the 1995 Criminal Code. The particular language of the provision was

criticised by the present Attorney-General, but the concept was not criticised.

Let me remind members of what palliative care is. Palliative care is where a degree of pain relief is administered to a dying patient sufficient to prevent that patient from suffering the pain that that patient would otherwise suffer. When palliative care is administered, it sometimes happens that the degree of pain relief that is necessary to prevent the patient from suffering the pain is such that the patient dies as a result. The intention with which the pain relief is administered is not the intention to terminate the person's life; rather, the intention is to provide that person with freedom from the agonising pain which that person would otherwise suffer.

Palliative care is practised widely within the Queensland health system and it has been for a long time. Today the Minister for Health called for an adequate system of palliative care to be provided within the health system and spoke, I think correctly and I think most compassionate people would say rightly, of the importance of providing adequate palliative care. Yet the criminal law of Queensland, as it is currently read, can be read and, indeed, is read by some people as prohibiting the administration of the degree of pain relief necessary to prevent the person suffering and dying in agony.

I am familiar with one particular case from my own constituency. The father of a constituent was in hospital and was receiving morphine for the purposes of pain relief. The degree of morphine which had been prescribed and which he received was not sufficient to palliate that pain. In any case, he was not going to live for more than a matter of hours or days and he asked for a larger shot of morphine so that he could die without the attendant agony that he would otherwise suffer. The nurse refused to give him that additional shot of morphine. The reason the nurse gave was, "If I give it to you, you might die and then I might be charged with taking your life." That kind of thing sometimes happens in Queensland hospitals. It ought not to happen.

I praise the remarks that the Minister for Health made this morning in indicating that, as far as he could go, he would do all that was in his power to ensure that that did not happen. However, unless the criminal law reflects the fact that this is the current practice of hospitals and that it is an appropriate practice, there will always be that doubt in the minds of some people.

When the 1995 Criminal Code was passed by Parliament, the Attorney-General argued that the language of that particular relevant provision was not as it should be. He did not argue that we should not have palliative care. If his view was that the language of that provision was not as it should be, he has now had over a year to get the right language, to get language that will prevent the kind of event which I have just described to members from occurring. I urge the Attorney-General to give some further consideration to this matter and give an undertaking to the Chamber that he will come back with a provision that makes it very clear to all health professionals that there is no legal problem with palliative care. Unless he does that, we will at least in some cases still get the kind of thing occurring that I have described. The dedicated health workers of Queensland are entitled to know that they have no legal difficulties with doing what compassion and human decency dictates, and that is to provide people with the degree of pain relief that is necessary to prevent them from suffering.

There may be some people who think that there may be a religious objection to this issue. In 1995 there was extensive consultation carried out and it was found that there was no religious objection to palliative care. It is a question entirely different from the question of euthanasia. To those who are interested in the theological aspects of this matter, I refer to a very longstanding strand of Catholic theology which refers to a concept known as the principle of double effect. If something is done in order to achieve a certain object and, without the intention being there, also has another effect—a side effect—then there is no wrong done by the person who does that action as long as the original intention is okay. If the intention is to prevent pain, the fact that it has a double effect—an unintended consequence of causing the termination of the life of a person—is no problem for the theology associated with that particular church. The other churches that were consulted took a similar view. They take the view that compassion dictates that people should be allowed to die without pain.

In these circumstances there should be no impediment to legislating that palliative care is legal. To not do so is to miss an opportunity to prevent the unspeakable agony that will be suffered by at least some people. I think that the matter is one that should have received attention in this set of amendments. It is a matter that would have been the law of

Queensland had it not been for the case that the 1995 Criminal Code did not come into effect. It ought to be addressed. I urge the Attorney-General to address it.

I realise that there is no opportunity for the Attorney-General to address it in this Bill. However, I ask him to give an undertaking that he will come back with an appropriate amendment to allow the Queensland health workers who practise in the area of palliative care to be able to do so not only with their consciences clear but also without any fear of legal recrimination.

Mr BRISKEY: I support the honourable member for Murrumba in relation to the need to clear up this uncertainty about palliative care. Palliative care is all about removing pain from the dying patient. Although at present in Queensland some very excellent work is being done, not enough is being done. Every day, members see that in the work that they do. They see it even closer in relation to their own families. Recently, my wife's aunt died of cancer, and the palliative care that she received was not good enough. I know that Mount Olivet provides excellent palliative care and I know that there are other specialist palliative care nursing services that provide very good palliative care. However, it is an area where not enough is being done. We need to ensure that we have good quality palliative care.

As legislators, we need to ensure that we educate the community. Part of that education process is removing uncertainty for doctors and other health professionals who work in this area. It is unfortunate that this Bill does not include some provision to remove that uncertainty. As the member for Murrumba has already called on the Attorney-General to consider legislative changes to the Bill and bring them back to the Chamber, I support that move wholeheartedly.

One of the biggest problems is that many members of the medical profession lack knowledge in this area of palliative care. When talking to doctors and other health professionals, one finds that there is a great lack of understanding about how to deal with the dying patient's pain. There is that concern that if doctors increase the dose of morphine, that will bring on the early death of the patient. As the honourable member for Murrumba has said already, that is not euthanasia, that is dealing with pain in the correct manner.

There are other side effects of providing increasing doses of morphine that many doctors are unaware how to treat. In this area, the medical profession, through its medical schools in the universities, needs to increase the knowledge of general practitioners and other health professionals. I believe that this needs to become a specialist area within medical schools, so that specialists are available in the area of palliative care. At present, very little knowledge is passed onto GPs in the community regarding palliative care. It is an area that requires expert knowledge to be passed on as soon as possible, so that patients are not dying in hospitals or in their own homes while suffering unnecessary levels of pain, as is presently occurring.

As the member for Murrumba said, it is unfortunate that the changes that appeared in the 1995 Bill to amend the Criminal Code are not covered within this Bill. I also would call on the Attorney-General to revisit this area urgently in order to provide amendments to the Code as soon as possible to remove any uncertainty so that all those caring for and working with dying patients are assured that what they are doing is not against the laws of Queensland.

Mr WELLS: I notice that the Attorney-General has not responded yet. The Committee would be grateful if he would respond specifically to the question of whether he will look further at the question of palliative care and return to the Chamber with an amendment.

Mr BEANLAND: I have made a note to take both members' views on this matter into consideration. Of course, there are some difficulties, as the member for Murrumba would be fully aware, as we had difficulties with his amendment in 1995.

This is an intricate area which requires a great deal of public consultation to get the exact wording right. I do not believe we have the exact wording right at this stage—the member for Murrumba himself used the expression "unintended consequences" when explaining Catholic moral theology on this issue. If there is an indirect effect of what is done to ease pain, which is the primary and direct object, then that is acceptable. It may be intended that the more accurate phraseology would, in fact, be "indirect and unavoidable". All sorts of phrases need careful consideration in relation to this issue. I have taken note of what the member said and will certainly give it consideration.

Mr WELLS: I thank the Attorney-General for his response. The language that I happened to come out with in the course of an extemporaneous speech in the Chamber is not intended to be the kind of language that

would be included in a Bill. I thank the Attorney-General for the improvements that he extemporaneously offered to the language that I used. I would like to emphasise that when I quoted Catholic moral theology I was not purporting to speak on behalf of that particular church. I do not purport to speak for that or any other organisation, but it is well known that the general principle that I am referring to is accepted in that theology and in the theology of other denominations.

I take it that the Attorney-General is saying that he will come back at a later stage and that he will go down this track? I understood him to be saying that.

Mr Beanland: I said that I will give it consideration, yes.

Mr WELLS: I thank the Attorney-General for saying that he will give it some consideration. I assure the Attorney-General that that consideration is needed; I assure the Attorney-General that the consultation that he has will be fruitful and will result——

Mr FitzGerald: You are boring us to death. Give us a bit of palliative care, please!

Mr WELLS: I thank the Leader of the House for his comments, but this is not a matter about which we should be joking. This is a matter of extreme seriousness. The opportunity exists for the Attorney-General and the Government to remove agony and pain that in the future will be suffered by some people. However often the Minister for Health might say that palliative care is okay in the Queensland system, unless the law reflects that then there will be cases where people will die in agony when they could have died in peace.

Mr Briskey: There are cases at present.

Mr WELLS: I take the interjection of the honourable member for Cleveland and I thank him for it. For the Attorney-General to say that he will merely give the matter some consideration and for the Leader of the House to attempt to laugh it off in the way that he did is not dealing with the seriousness of the case. The Attorney-General needs to keep firmly before his mind the fact that the manner of departure of some people in this jurisdiction of three-plus million people is going to be determined by what he does. He cannot escape the consequences of the fact that the way somebody dies is going to be affected by whether or not he brings in the amendment which he has now said he will be prepared to consider.

I am not wedded to any particular form of words; I would hate anyone to think that I was. If the Attorney-General did not like the form of words that I put to the Committee last time, he can come back with another form of words. I do not want to argue about the words. We need a principle that will be established so clearly in the minds of the health professionals of Queensland that never again will we have a case where somebody like my constituent's father dies in the kind of agony, pain and trauma that that man died in. In a civilised society and a civilised jurisdiction such as this, we should never have incidents where people who can depart this life in peace have to suffer agony. To say that it will merely be considered or to laugh it off, as the two honourable gentlemen on the other side of the Chamber did, is not to do justice to those people. Those people are entitled to justice, compassion and the care of this Parliament. If that care is not expressed in this set of amendments, then it ought to be expressed in another amendment that is brought back at an early stage.

Schedule 2, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (12.30 p.m.), by leave: I move—

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

Question put; and the House divided—

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

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

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

JUSTICE AND OTHER LEGISLATION (MISCELLANEOUS PROVISIONS) BILL

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (12.34 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill for an Act to amend various Acts administered by the Attorney-General and Minister for Justice, and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (12.35 a.m.): I move—

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

The objective of this Bill is to provide for a number of minor or technical amendments to a range of statutes administered by the Department of Justice as well as several other statutes coming under the portfolio responsibilities of the Honourable the Premier, the Honourable the Minister for Transport and Main Roads, the Honourable the Minister for Natural Resources, and the Honourable the Minister for Training and Industrial Relations.

As I have previously indicated in second-reading speeches to other departmental miscellaneous provisions Bills, the Department of Justice is responsible for the administration of approximately 170 statutes and, as a result, there is a necessity for a large number of minor or technical amendments to be regularly made to various legislative provisions to ensure that the statutes continue to operate in the manner intended and are maintained in an up-to-date form.

Once again, to ensure that this occurs, from time to time a departmental miscellaneous provisions Bill is prepared so that the minor or technical amendments needed can be effected by means of one statute. Generally, these types of Bills include provisions of a technical, discrete and minor nature. However, departures from this convention may be justified under appropriate circumstances.

This Bill contains amendments to 27 statutes, all of which, except for seven, fall within my portfolio responsibilities. Since becoming Attorney-General, as well as implementing the Government's reforms in relation to the criminal law area I have been committed to ensuring a continual refinement of existing legislation within my portfolio. A recent example of my commitment is last year's Justice Legislation (Miscellaneous Provisions) Act 1996. All members will recall that this Act is a departmental miscellaneous provisions Bill which made significant amendments to legislation such as the Justices Act 1886, the Electoral Act 1992 and the Trustee Companies Act 1968. Not unlike previous departmental miscellaneous provisions Bills, there are many legislative amendments contained in this Bill which have various elements in common, namely—

- they improve the operational efficiency of various Government departments such as the Queensland Police Service and the Public Trustee;
- they will produce cost savings for the Queensland Police Service and the Public Trustee;
- they will allow all Government departments to comprehensively examine their subordinate legislation—and, in the case of the Department of Transport, primary legislation—within realistic timetables and with appropriate resources;
- they provide clarification of existing law;
- they do not modify the philosophy or direction of the statutes that are being amended.

Before elaborating on the most significant amendments to the legislation, I propose to substantiate, by reference to the Bill, those amendments which carry out these common elements.

In relation to the improvement of operational efficiencies in the Queensland Police Service and the Public Trustee, I mention the amendments to the Bail Act 1980, the Criminal Investigation (Extra-territorial Offences) Act 1985, a particular amendment to the Criminal Code, the Evidence Act 1977 and the Public Trustee Act 1978. Those amendments to statutes which will produce cost savings for the Queensland Police Service and the Public Trustee are once again the amendments to the Evidence Act 1977 and the Public Trustee Act 1978.

The amendment to the Statutory Instruments Act 1992 will allow Government departments to carry out an assessment of subordinate legislation in a more realistic timetable. Similarly, the various amendments to the Department of Transport legislation will allow the Department of Transport to carry out relevant assessments of its own legislation. Perhaps the most significant amendments to

legislation in this Bill are made to the following statutes—

Criminal Code

Peace and Good Behaviour Act 1992

Public Trustee Act 1978

Succession Act 1981.

Part 7 of the Bill contains various amendments to the Criminal Code. One of these amendments inserts new provisions which deal with the contamination of goods, hoax contamination of goods and dealing with contaminated goods. All members would be aware that, recently, reports were made public of the fact that an extortionist was being sought by police in relation to a threat to poison Arnott's biscuits unless a demand was met that four New South Wales police officers take a lie detector test to prove their perjury in a Queensland murder trial. As a result of this incident and its consequential effects on consumers and retailers as well as the economic impact on one of Australia's leading food manufacturers, it is timely now to reconsider the appropriateness of the existing provisions in the Criminal Code.

Whilst the Criminal Code provides sufficient penalties for food extortion, the purpose of these amendments is to reinforce those existing provisions in the Criminal Code and to send a clear signal to all persons who contaminate food or make hoax threats about contamination of food which can cause detriment without the threat of extortion. It is envisaged that such amendments will provide an extra deterrent for those persons who wish to engage in such despicable criminal activity.

The amendment to the Peace and Good Behaviour Act 1992 has the objective of allowing the referral of certain complaints to mediation. In carrying out this amendment, it provides an additional legislative base for the Government's policy on alternative dispute resolution within the court system. By way of information, there is a provision—section 53—in the Justices Act 1886 which allows justices to refer appropriate matters to mediation instead of issuing summonses. Similarly, there is a proposed amendment to the Justices Act 1886 to also enhance the use of mediation as alternative dispute resolution in the Magistrates Courts.

The Bill provides amendments to the Public Trustee Act 1978. Some of these amendments are directed at improving the operation of the Public Trustee and the administration of the Public Trustee's functions under the Act such as management of the property of incapacitated persons. However, most of the amendments are concerned with the need to provide a legislative base to receive unclaimed superannuation benefits.

Currently, the administration of the Superannuation Industry (Supervision) Act 1993 is carried out by the Insurance and Superannuation Commission. Part 22 of this Act requires unclaimed money to be paid to the Australian Taxation Office by 31 October each calendar year unless a law of a State or Territory requires it to be paid to a State or Territory authority in similar conditions and on similar terms to those set out in Part 22, in which case it will have to be paid to that State or Territory authority rather than to the Commissioner of Taxation.

In essence, these provisions in Part 22 of the Superannuation Industry (Supervision) Act 1993 require that unclaimed superannuation money of beneficiaries who have reached pension age must be paid to the Commonwealth—the Commissioner of Taxation—unless there is State or Territory legislation dealing with such amounts. At this stage, State and Territory laws are inconsistent with Commonwealth law in this matter. In fact, the major concern of the superannuation industry is that these inconsistent provisions, both legislative and administrative, amongst the States and Territories will cause problems for superannuation funds.

Consequently, there have been meetings of senior State and Territory Government officials to develop a workable, practical system for the administration of unclaimed superannuation benefits. As result of these meetings, it was recently agreed at a senior officer level by all major States to amend their unclaimed monies legislation to incorporate the substance of the provisions in Part 22 of the Superannuation Industry (Supervision) Act 1993, in particular to incorporate the substance of subsections 225(9), (9A) and (9B).

Accordingly, Part 18 of the Bill implements the substance of these relevant provisions in the Commonwealth superannuation legislation as well as providing enhanced enforcement powers to enable inspectors appointed by the Public Trustee to collect unclaimed superannuation benefits and unclaimed property.

It is expected that similar amendments will be passed by other State and Territory Governments in the near future. I am advised that Queensland is the first State Government to ensure that there is an appropriate legislative scheme to receive these unclaimed superannuation benefits and therefore to

provide certainty for the superannuation industry and beneficiaries operating within this State.

Once again, this Bill, like the other departmental miscellaneous provisions Bills which I have introduced into the House, is directed at making a number of minor or technical amendments to a range of statutes administered by the Department of Justice as well as providing discrete law reform in certain areas such as the proposed amendments to the Succession Act. These amendments will overcome some unintended consequences of various court decisions over the years, particularly in relation to the definition of a "stepchild" for the purposes of the family provision under the Succession Act. I commend the Bill to the House.

Debate, on motion of Mr Foley, adjourned.

PENALTIES AND SENTENCES (SERIOUS VIOLENT OFFENCES) AMENDMENT BILL

Second Reading

Resumed from 19 March (see p. 601).

Hon. M. J. FOLEY (Yeronga) (12.43 p.m.): This Bill comes before the House with a spectacular lack of consultation with the community. The Bill makes significant changes to the principles governing the penalties and sentences applicable under Queensland's criminal law, and yet one sees that the consultation listed in the Explanatory Notes is as follows—

> "There has been extensive consultation and cooperation with the Honourable the Minister for Police and Corrective Services."

That is to say that on the face of the Government's own document—the Explanatory Notes—it would appear that there has been no consultation with victims of crime, with the legal profession, with Aboriginal and Islander groups, with domestic violence groups or groups concerned with the rehabilitation of offenders.

Mr FitzGerald: We consulted the people of Queensland and they voted.

Mr FOLEY: The honourable member for Lockyer seeks to defend this Bill on the grounds that it purports to be coalition policy. How strange it is that the Government comes into this place urging all haste with respect to this Bill without even the pretence of community consultation, and yet where does one see its other reforms, for example, its reforms regarding victims of crime? That was National and Liberal coalition policy at the last election. What about its reform to the prostitution laws? That was National and Liberal coalition policy, and yet there does not seem to be any haste in respect of that. What about, most significantly, its policy on crime prevention and victim support, which I will detail in a moment? None of these significant matters has been implemented, and yet the Government purports to come here and argue that it does not need to consult with the community because it relies upon the content of its policy prior to the election in order to put this before the House and to have it passed. I indicate that that is quite an unsatisfactory process, and I foreshadow that I shall be moving an amendment to the question before the House to refer this Bill to the all-party Legal, Constitutional and Administrative Review Committee with a direction that the committee undertake public consultation on the Bill and report to the House by the next sitting day, that is, 29 April 1997.

The lack of consultation by the Government on this Bill shows a brazen indifference to the principles set out in the Fitzgerald report. The Fitzgerald report tried to deal with the problems that beset Queensland society when the National Party was last in power. Part of those deliberations entailed recommendations about a more effective and open process for law making. There has been great concern within the community at large at the arrogant disregard for the Fitzgerald reform process that this Government has demonstrated. Nowhere could that be more manifest than in the Attorney-General having the temerity to come before this House and to inform the House through the Explanatory Notes that the only consultation that has occurred has been with his ministerial colleague. What an extraordinary state of affairs!

I am reinforced in that view by the concern already on the record and tabled in this Parliament expressed by none other than the Queensland Law Society in respect of the Criminal Law Amendment Bill, where it said this—

> "It is of general concern to the Society that the administration of criminal law should be seen as an area where rapid change may be affected for populist reasons and where detailed commentary could not be entertained due to time constraints."

Later in the letter of the Queensland Law Society to the Attorney-General dated 4 March

1997 dealing with the Criminal Law Amendment Bill, the society had this to say—

> "It is a matter of concern to the Council that the consultative process created and followed as a result of the Fitzgerald Report seem to have diminished in their effectiveness in more recent times. The Fitzgerald Report identified reform of the criminal justice system as an area requiring special care and safeguards and the need for an effective and balanced consultative procedure in the development of legislation to be brought before Parliament. The Fitzgerald Report stressed at a number of places that 'criminal justice law reform activities should, so far as is possible, be removed from the party political process and the bureaucrats who participate and should be distanced from any bias towards a particular point of view.' Commissioner Fitzgerald identified the need for consultation specifically with legal professional bodies and the need to ensure that bureaucrats do not 'filter information and argument when advising Ministers' or Parliament."

That was the concern that the society which represents the legal profession had about the Criminal Law Amendment Bill but, in the case of the Penalties and Sentences (Serious Violent Offences) Amendment Bill, the lack of consultation has been truly spectacular. One has to question the reasons why the Government has sought to introduce it. When one looks at the Government's approach to the problems of crime confronting the Queensland community, one sees a patent failure on the part of the Government to attack the causes of crime, in particular, unemployment and poverty. We see, in this Government's actions, an attempt to rely upon the rhetoric of heavier penalties while doing nothing to attack the causes of crime.

It is very curious indeed that the Government urges this House to pass this Bill with great haste, while its own policy on crime prevention and victim support languishes without being implemented by the Government of the day. Let me remind honourable members of the failure of the Government to implement even its own policy on crime prevention, let alone a more deep-seated strategy which would attack the underlying causes. We saw in the Queensland National/Liberal coalition State crime prevention strategy policy, a commitment which reads—

> "In order to improve the co-ordination of justice policies the Queensland National and Liberal Coalition Parties will establish a State Crime Prevention Strategy."

One waits with breathless anticipation to see any State crime prevention strategy from a Government that has been in office now for well over a year but has failed to do the very thing that it included in its own policy. Similarly, in the Government's own policy, the very argument upon which it relies in this place, it promised to—

> ". . . develop policies which recognise the importance of safety for women in the home and public places, domestic violence, safety for the elderly, the frail and the disabled, and urban design principles for individual houses and housing estates etc."

This coming from the Government which voted in this Chamber against provisions to give better recognition for domestic violence in the Criminal Code! This coming from a Government which voted in this Chamber against the Labor Opposition's amendment to provide greater safety for the elderly by putting assaults on the elderly into the category of serious assaults! This coming from a Government which voted in this Chamber against the Labor amendment which provided extra protection for the frail and the disabled by increasing the penalty from three to seven years in that case by placing such offences in the category of serious assault!

In other words, the Government is very selective about the policies which it chooses to implement. It significantly failed to make any provision in the last Budget for increased prison numbers, a matter pursued at the Budget Estimates committee by my colleague the shadow Minister for Police and Corrective Services. But it simply cannot get away with the humbug of coming into this House with a false sense of urgency, complaining that this Bill must be rushed through without adequate consultation because it purports to implement the policies of the coalition—yet it is very happy to allow months to pass by without other policies being implemented.

Let me go on—and I shall table this document in due course—in order to drive home to the people of Queensland the stunning hypocrisy of this Government in its failure to implement its own policy on crime prevention and on victim support while it comes to this Parliament and urges support for a Bill prepared without adequate and

effective consultation. The strategy of the coalition includes this provision to—

> ". . . ensure crime prevention programs work more effectively at the local level by encouraging the involvement of individuals, community and voluntary support groups, local government and police in providing programs for young people."

This is the Government which abolished programs for young people. This is the Government which abolished the Youth Employment Service. This is the Government which has abolished opportunities under labour market programs throughout the length and breadth of the State, yet it has the temerity to come before this Parliament and argue that it is seeking to implement its policy. What an extraordinary act of hypocrisy after promising the Queensland people that it would provide programs for young people! One could well ask the clients and the workers of the Youth Employment Service abolished under this Government where those programs might be. But no, this Government prefers instead to bring in legislation which abolishes provisions relating to young first offenders That is what this Bill does; it abolishes a specific provision governing young first offenders. This comes from the Government that promised, but failed to deliver, on a policy of providing programs for young people.

The Government, also in its policy, promised to cooperate with local governments to develop local priorities to prevent crime. What one sees is a glib reliance upon the rhetoric of heavier penalties without any of the hard work and budgetary infrastructure measures necessary to attack the causes of crime. One sees a failure of the Government to implement its own policy with respect to the establishment of a Statewide network of police and community councils—and one wonders when that will see the light of day.

One turns in particular to the failure of this Government to implement the Queensland National/Liberal coalition policy on victims of crime. There one sees a promise to provide information which will inform victims of their rights and of available counselling and support services. Yet, one sees that the Government has failed to provide adequate and effective information for victims well over a year since the Criminal Offence Victims Act 1995 came into effect. Indeed, one sees that the Victims of Crime Association is being frustrated in its efforts by the Government asking it to return $100,000 simply because a number of its staff had engaged in voluntary rather than paid employment. The Government has also failed to deliver on its promise in its policy of a subsidised, community-based counselling service for victims and, yet, it urges on this House an indecent haste based upon the improbable argument that it wants to implement its policies urgently.

Sitting suspended from 1 to 2.30 p.m.

Mr FOLEY: I have outlined to the House a number of the areas in which the coalition policy has not been implemented in relation to prevention of crime and in relation to support for victims of crime. As I foreshadowed, I now table the National/Liberal coalition policy on crime prevention and victim support from prior to the last election. A perusal of that document will demonstrate how selective this Government is in its approach to tackling the problems of crime confronting the Queensland community.

What is remarkable in the material placed before this Parliament is the lack of information about the resources implications of the proposal before the Parliament. When one examines the Explanatory Notes on administrative costs to the Government of implementation, one sees the projected increase identified as approximately 130 prisoners. However, of course, that is concerned only with the provision governing offenders serving periods of imprisonment of 10 years and more. In addition to those, there is provision in the legislation before the Parliament for a declaration of a person to be a serious violent offender in cases where the person is sentenced to a period of between five years and 10 years' imprisonment.

In addition to that, there is further provision in the legislation that if an offender is convicted on indictment of a violent offence or one that resulted in serious harm, then the sentencing court will have a general discretion to declare the offender to be convicted of a serious violent offence as part of a sentence even if the offence is not in the Schedule and regardless of the sentence imposed. One is left to wonder at exactly what resources are to be applied to deal with those numbers. What one sees is the characteristic approach of the Government of seeking to apply the resources of the Queensland taxpayer, not at the front end by providing extra police, as promised, or by providing measures to combat unemployment and to prevent crime. Instead one sees the resources being applied at the tail end of the criminal justice system in respect of offenders. Furthermore, one looks high and low through this legislation to see ways in which it will benefit victims of crime. For

all of the additional cost to the public purse, one is left to wonder what resources are to be applied to victims of crime.

With respect to the administrative cost to Government—the provision of resources—what we have in the estimate of 130 extra persons incarcerated is no doubt an underestimate. The Government is simply unable to advise the House with any significance just what a realistic estimate will be of the increased resources that will flow past the passage of this Bill in terms of building further prisons and staffing and servicing them.

Let me turn to some other aspects of the Bill which indicate a lack of care on the part of the Government and which reflect perhaps the indecent haste with which it has brought this matter before the Parliament. The Schedule to the Bill includes a definition of "serious violent offences". One sees in that the net cast very broadly. One wonders, for example, as to why it was necessary to include the provisions of section 421 (2) of the Criminal Code relating to entering or being in premises and committing indictable offences in the definition of "serious violent offences" when what one has on its face is a break and enter into somewhere other than a dwelling.

I ask members to keep in mind that, of course, violence can occur during the course of break and enter offences and burglaries, but there is already provision elsewhere in the legislation—to which I have already referred—that if an offender is convicted on indictment of an indictable offence or one that results in serious harm to another person, then the sentencing court will have a general discretion to declare the offender to be convicted of a serious violent offence as part of the sentence even if the offence is not in the Schedule and regardless of the sentence imposed. Indeed, the definition of "serious violent offence" is one that I am sure would benefit from a period of community consultation in order to ensure that the net is cast in the appropriate way and not simply cast in a way which picks up circumstances that would not normally of themselves fall under the category of "serious violent offence".

I turn to another provision of the Bill concerning young first offenders. The law has traditionally taken the view that it is desirable for young first offenders to be diverted from a custodial penalty where that is appropriate in all the circumstances of the case. The existing law is set out in the principal Act, which provides that a court may impose a sentence of imprisonment on an offender who is under the age of 25 years and has not previously been convicted only if the court, having considered all other available sentences, and taking into account the desirability of not imprisoning a first offender, is satisfied that no other sentence is appropriate in all circumstances of the case. That provision is proposed to be abolished in the legislation that the Government has before the Parliament. One is left to wonder why such a sensible provision would be abolished without proper care and consultation.

One looks to the second-reading speech of the Minister, and one sees flatly contradictory arguments presented by the Minister. In his second-reading speech the Minister argues that such a provision is also pointless for stating the obvious and acts as a fetter on a court's sentencing discretion. The Government really cannot have it both ways: it cannot on the one hand argue that the provision merely states the obvious and on the other hand argue that it acts as a fetter on a court's sentencing discretion. That demonstrates the confused thinking that lies behind this Bill. It is a sensible provision to have in place with respect to young first offenders. The rationale advanced by the Government is really not persuasive. What one is seeing is the sort of thinking from the Government which led it to bring in the Juvenile Justice Act amendments earlier in the year, and which led it in the Criminal Code to seek to impose the over-the-top penalty of seven years' imprisonment for graffiti, that being, as has been noted, the same penalty that the Government urged in respect of the very serious offence of bribing a Cabinet Minister.

The abolition of the provision with respect to young first offenders does not make good policy; it does not make good law. The Government has not presented to the Parliament any good and persuasive reason why that principle should be abandoned. We are, after all, talking of a young offender who has not previously been convicted. All of the research shows that most persons who are in that category are unlikely to offend again. There are, of course, situations where it is necessary to imprison a first offender. The law provides for that, and that subsection expressly provides for that. The Opposition should not be taken in any manner, shape or form as saying that there is a bar on imprisonment being imposed as a sentence in such a case. It is a sensible provision of the common law, which is expressed in the statute in the form of the Penalties and Sentences Act. It is an unwise Legislature that removes

such a provision without compelling evidence. It is undesirable to put first offenders in prison in contact with more serious offenders when that can reasonably and properly be avoided. It is well known that prison in such circumstances can become a post graduate course in crime for such a person. Far from diverting such a person from a career of vice or crime, such a period of imprisonment may, in fact, serve to introduce the person to undesirable elements that would lead to that person embarking upon the commission of more serious offences.

Similarly, I turn to the provision in the Bill that prevents a court in the case of a violent offence, including common assault, from having regard to the principles set out in the principal Act, firstly, that a sentence of imprisonment should only be imposed as a last resort, and secondly, that a sentence that allows the offender to stay in the community is preferable. The legislation that the Government has placed before the Parliament ousts those principles mentioned in section 9(2)(a) of the principal Act about imprisonment as a last resort. Those principles do not apply to any offence of violence, so the offence of common assault in a pub brawl gives rise to a situation in which the legislation expressly provides that those principles mentioned in section 9(2)(a) do not apply.

The wording of the legislation is itself problematic, because one has to consider the interaction of both the statute law and the common law. Many of the principles set out in section 9 of the Penalties and Sentences Act reflect the common law. They give clarity by declaring it in statutory form. However, the way that this legislation is brought before the Parliament it is not simply a case that the statutory provisions of section 9(2)(a) do not apply; no—the legislation goes further than that. It asserts that the principles mentioned in section 9(2)(a) do not apply to the sentencing of an offender for any offence that involves the use of violence or involves counselling or procuring the use of, or attempting or conspiring to use, violence. Again, what we see is a very broad ouster of the common law. If it is not a complete ouster of the common law, it is a set of words that are capable of being construed as ousting the underlying principles of the common law. That is worrying if one is concerned to ensure that the punishment fits the crime and that discretion is retained in an appropriate way by the court to go about its task of imposing the appropriate penalty in all the facts and circumstances of the case. This issue goes to a proper understanding of the principles governing the issue of imprisonment as a last resort. Considerable criticism has been made of that expression in the Penalties and Sentences Act and, indeed, some misunderstanding of the provision in that some have thought, mistakenly, that that meant that judges were prevented from imposing imprisonment in appropriate circumstances.

The manner in which that provision has been dealt with in the legislation before this Parliament is rather ham-fisted. It certainly gives rise to a concern that the court may be prevented from relying not upon the statutory provisions but upon the very common law principles to which reference is made in the statutory provisions, that is, the ambit of the way in which that has been dealt with goes further than just dealing with the statutory provision. To be fair, one has to concede that, prior to the last election, the Labor Party indicated that it would change that section in the Penalties and Sentences Act; however, it does not follow from that that the court is thereby prevented from having regard to the proper principles of the common law that should properly govern the exercise of judicial discretion in the sentencing process.

Let me turn to two other groups who will be affected by this legislation. Let us consider the position of Aboriginal and Islander persons. Regrettably, those persons are overrepresented in our criminal justice system. The royal commission into Aboriginal deaths in custody gave rise to a set of comprehensive recommendations that stressed the proposition that, where it is reasonably possible, such persons should be diverted from being placed in custody. The reasons for that are many and varied. However, one looks in vain at this legislation to see whether there has been any consultation with the Aboriginal and Islander community. All that one sees is that there has been consultation with the Minister for Police and Corrective Services, the Honourable Russell Cooper.

Mr Ardill: Are there enough prisons?

Mr FOLEY: I note the interjection of the honourable member for Archerfield. It is extraordinary that such a large group of people in our criminal justice system, who regrettably constitute a disproportionate number of the persons held in correctional institutions, do not appear to have been consulted in regard to the impact of this changed criminal law on them. It is almost as if the whole royal commission into Aboriginal deaths in custody did not occur, because that consideration appears not to have occurred to the Government.

One notes the approach taken historically by the Supreme Court of Queensland and, indeed, the famous case dealt with by Mr Des Sturgess, QC, some years ago—that tragic case of Alwyn Peter, which involved a killing of Mr Peter's de facto wife on a remote Aboriginal community in far-north Queensland. That case drove home to the legal system and to the public of Queensland the complexities that lie behind the spectre of violence in the Aboriginal community and the need to address some of the underlying causes that give rise to violence. But sadly, nowhere in the approach of the Government do we see any serious attempt to address those underlying causes. The lack of consultation with Aboriginal and Islander people and the lack of relation of these measures to the royal commission into Aboriginal deaths in custody is truly worrying.

It would be disgraceful for this Government to proceed down the path that it urges without full and proper consultation in the manner that is urged by the Opposition, namely, by referring this matter to an all-party parliamentary committee over the next month so that at the next sitting day of the Parliament the matter can be brought back to be debated.

The other group that one looks in vain to see attention being given to are the victims of crime. One sees provision for the distribution of reports in relation to the sentencing of persons to indefinite sentences which will, no doubt, address issues of availability of such reports for the Director of Public Prosecutions, for the legal practitioner representing the offender and for the offender if the court so directs. But there is no reference made to the victim of the crime. It would appear that the Government has not heard of the fundamental principles of justice for victims of crime, which include reference to the prosecutor placing before the sentencing court statements as to the impact of an offence upon the victim. Again, we see a Government, which was elected upon a raft of promises with respect to victims of crime, when in office fall back upon the tired old framework that regards the criminal justice system as simply a gladiatorial contest between the Crown and the defence with the victims of crime well and truly relegated to the sidelines.

The facts and circumstances surrounding this Bill are such that reasonably warrant proper and full public consultation. Over the last few days, the editorial of the Courier-Mail has quite rightly criticised the approach adopted by the Government on the Criminal Code, with particular respect to the killing of an unborn child provision, as not the way to go about law reform. Whatever one's view of the merits of that—and the Labor Opposition opposed the amendment moved by the member for Gladstone—the lack of consultation and the lack of opportunity in that case for the Australian Medical Association to be consulted gave rise to the criticism that flowed in the Courier-Mail editorial that that was not the way to go about the process of serious law reform. The Bill before this House is not the way to go about the process of serious law reform. For that reason, I move—

> "That the question be amended by omitting the words 'now read a second time' and inserting the words 'referred to the Legal, Constitutional and Administrative Review Committee with a direction that the committee undertake public consultation on the Bill and report to the House by the next sitting day, 29 April 1997."

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (2.57 p.m.): I second the motion that has been moved. In doing so, I indicate to the House that the Opposition does not move this amendment lightly. I am aware that the Premier indicated publicly that he wanted this Bill passed through the Parliament without delay and, hopefully, he wanted the matter resolved by Easter. Had the Premier been genuine about that position, instead of seeking to score a few cheap political points he would have taken the opportunity of picking up the phone and talking to me about it. There are provisions in this Bill of which the Opposition is very supportive. However, the Opposition believes that there are a number of concerns about the Bill that warrant more appropriate and more detailed consultation.

I remind the House that we are talking about very serious legislation. This is legislation that is designed to deal with a serious and major issue that is confronting society today and about which there is considerable and detailed public interest and concern. It is not good enough—and I stress: it is not good enough—to introduce into the House legislation in indecent haste without appropriate consultation and without appropriate detailed consultation with the appropriate people involved.

I draw the House's attention to the Explanatory Notes. Under the heading of "Consultation" it simply says—

> "There has been extensive consultation and cooperation with the

> Honourable the Minister for Police and Corrective Services."

What does that mean? Does that mean that the Attorney-General and the Police Minister had a nice long lunch together? I find that extraordinary.

Mr Mitchell interjected.

Mr BEATTIE: No-one, not even the honourable member for Charters Towers, would believe that if a Minister is going to consult on legislation that that Minister consult only a fellow Minister. The member's constituents would not agree with that, and no-one else——

Mr Mitchell interjected.

Mr BEATTIE: No-one else in the community would accept the fact that all a Minister does is simply consult with another Minister. Frankly, that is offensive. I would like the honourable member who is interjecting to go back to his constituents and say——

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Laming): Order! The member for Charters Towers and the member for Caboolture will not interject across the Chamber.

Mr BEATTIE: I would like the honourable member who was interjecting before to tell his constituents that his view of consultation is such that it means that one Minister has a discussion with another Minister. If there had been more detailed consultation, I am sure that the Attorney-General would have insisted on it being included in the Explanatory Notes. I would have thought that some groups simply should have been consulted, such as the Law Society, the Bar Association and the judiciary itself. After all, this Bill deals with penalties and sentences and it deals with the behaviour of the judiciary. I would have thought that the Chief Justice, for example, should have been involved in detailed discussion. Indeed, not only should solicitors, barristers and judges have been consulted; a very detailed consultation should have involved the whole community, the various victims of crime associations—and many people are involved in victims of crime associations—some of the larger offender groups and Aboriginal groups. I would have thought that it would have been a very basic tenet that those groups be consulted.

It is important that this legislation is about more than just penalties. It is about actually doing something about the root cause of crime; it is about getting to the hub of the problem. One cannot do that unless one talks to the people in the community who are concerned about the issue and who are demonstrating that concern on a public basis. This shows that the Government really is not up to the task of governing, because otherwise there would have been more appropriate discussion and consideration given to the issue. It is not good enough to have a knee-jerk reaction and to have Government by press release or Government by news conference. The difficulty that I find is that too often the Government goes from one crisis to another or from one news conference to another, announcing a so-called news worthy item for the day but never making it part of a long-term strategy or a long-term plan.

The Bill should be referred to a parliamentary committee of our colleagues which should report back to the House at the first available opportunity, that is, when Parliament resumes at the end of April. That would provide enough time for the committee to consider the Bill. We do not want to see any lengthy delays occurring with this legislation. This is not a delaying tactic on our part. Had it been, we would not suggest that the committee report back on the first available date when the Parliament next sits. We are not interested in a lengthy delay, but we are interested in good law; we are interested in considered law so that we do not end up with the sorts of problems we had when Rus Hinze was a Minister. He would introduce legislation and then be forced to amend it.

I have indicated that we will support significant parts of this legislation. I say that very clearly on the public record: we will support significant parts of this legislation. Equally, there are a number of very serious issues which we believe have not been properly considered nor properly thought through, which will cause difficulties and which will not achieve the objectives that the Attorney-General has publicly stated to be the objectives of the legislation. Indeed, they will act in a way contrary to what the Attorney-General intends.

I had hoped that consultation with the Opposition would be more extensive. I had hoped that consultation with the community would be more extensive. One of the major concerns I have, and why we have moved this motion, is that if one looks at the Explanatory Notes it says in part—

> ". . . it is unclear to what extent the policy will impact financially because, as anecdotal evidence has it, many of these

types of prisoners are not granted parole when it would otherwise be available."

For Heaven's sake! Anecdotal evidence? I would have thought that the whole issue would have been handled in a much more professional and well-considered way than simply relying on anecdotal evidence alone! I am not saying that there is anything wrong with anecdotal evidence per se, but if it is relied on solely for key provisions in the legislation parliamentarians would quite rightly be condemned by people with a genuine interest in tackling crime who want to ensure that we handle a number of serious issues in a sensible, pragmatic and workable way.

I reiterate that my concern is the lack of consultation. We are talking about an adjournment which would be somewhere in the vicinity of just over four weeks which would enable more detailed consultation. I give a clear commitment to the House that my parliamentary colleagues and I, both in the Parliament and on the committee, will behave in a responsible and constructive way to see this matter advanced speedily but thoughtfully. The editorial in the Courier-Mail to which the shadow Attorney-General referred suggested that we as a Parliament and in particular, obviously, the Government—because we opposed it—were criticised for the way that a particular amendment to the Criminal Code was handled. I think that criticism was justified. If we are to have the respect of the community, we cannot allow ourselves to behave in that way on serious legislative matters.

I urge the Attorney-General to give some considered thought to the proposition the Opposition is putting forward in a very genuine, serious way in the interests of making certain that this legislation will stand the test of time. While the Attorney-General may see this as a political point, it is a realistic one. When my Government is elected next year, we should not be forced to come back and repeal large sections of this legislation because it has not been properly considered or thought through following appropriate consultation with the community. If we are going to do something about penalties, let us get it correct right from the beginning. Let us do it in a sensitive and constructive way. If we do it in that way, I believe——

Mr Stoneman interjected.

Mr BEATTIE: The honourable member may not be interested in penalties for serious offences, but I am. If the honourable member wants to treat law and order issues with contempt, I believe that the electorate will deal with him accordingly. I regard this as a very serious issue and I refuse to allow the debate to be treated in the half-hearted manner that the member wants. The record will speak for itself, as the member's interjection will be available for his constituents to see.

The honourable member for Gladstone has joined us and it is important that I reiterate what the Opposition is doing. We are moving for the deferral of the Bill to the appropriate parliamentary committee for its consideration so that it can report back to the Parliament when we next meet at the end of the April. We believe that a number of clauses in the Bill have not been subject to adequate public consultation. The consultative clauses in the Explanatory Notes indicate that the only consultation has been with the Police Minister. We are supportive of significant parts of Bill, but we have concerns about a range of clauses. We believe that the appropriate way to deal with those concerns is to allow the appropriate parliamentary committee to consider the issues. We indicate very clearly that we will give a positive approach to that. Then, when Parliament resumes at the end of April, there will be an opportunity for those considered views to be presented to the House.

Our view is that this is serious and important legislation. We want to get it right and we do not want to simply see the legislation used as a political football when it should stand the test of time. The only way to do that is to make certain that all concerned community groups—whether they represent victims of crime, the judiciary or whomever—have an opportunity to look at those clauses and consider them.

I ask the Attorney-General to consider seriously our proposals. I stress again that this is not a delaying tactic; we are only talking about four weeks. We will then be in a position to put the Bill through the Parliament. When the debate resumes in April, which presumably it would if the Attorney-General accepts our amendment and refers the Bill to the appropriate committee, the Bill will be passed by the Parliament. The Government has been in office for 13 months; we are talking about only another four weeks of appropriate consultation with the groups involved. In the interests of fairness and in the interests of sensitive Government, I urge the Attorney-General to support the Opposition's amendment.

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (3.10 p.m.): I wish to speak briefly to the

amendment that has been moved. It is fair to say that, prior to the last election, no other issue was the subject of as much public consultation. Public meetings were held across the length and breadth of the State. Those meetings were attended by me, the Minister for Police and Corrective Services, the member for Western Downs, Brian Littleproud, the member for Mooloolah, Mr Laming, and the member for Broadwater, Mr Grice. Everyone had an opportunity to attend those public meetings.

This legislation became a very clear election commitment for this Government. That is why much of the second-reading speech is written in the way it is. This legislation fulfils an election commitment which we gave clearly and in some detail. That is what we are now delivering. Interestingly, no-one is claiming that we are rushing through this legislation. We are not trying to use the guillotine. We are allowing appropriate time for people to consider the Bill. As I said, there has been a great deal of public comment. Wherever one travels in the State, people say that they want tougher provisions in respect of serious violent offenders. That is what we are delivering.

The Scrutiny of Legislation Committee did not indicate that it shared the concerns being expressed by members opposite. Again, I emphasise that this legislation fulfils a very clear commitment given by the National/Liberal coalition Government following extensive public consultation. Everybody had an opportunity to attend meetings. I cannot force people to attend meetings.

Mr Foley: They were just campaign meetings.

Mr BEANLAND: These were not campaign meetings. These meetings were held around the State for 18 months to two years prior to the election. The National/Liberal coalition Government's Law and Order Task Force meetings were well advertised.

Mr Foley: Did the judiciary attend?

Mr BEANLAND: A wide range of people attended.

An Opposition member interjected.

Mr BEANLAND: The victims of crime put their views and so on. There has been extensive public consultation and input from a range of groups in the community. Consequently, we did not arrive at this position at a moment's notice. I cannot help noticing to which committee the Opposition is proposing to send this legislation. On a previous occasion the Opposition proposed to send some legislation to the Scrutiny of Legislation Committee; however, this time the Opposition is proposing to send this legislation to the Legal, Constitutional and Administrative Review Committee. One could question whether that is an appropriate committee to review this legislation or any similar legislation.

As I said earlier, this legislation delivers on a very clear election commitment which was spelled out in some detail. More detail is contained in the second-reading speech. There has been extensive public consultation. The people of Queensland now want to see some action.

Mrs CUNNINGHAM (Gladstone) (3.14 p.m.): I agree with a comment made by the Leader of the Opposition: this is a very serious issue and one that has been around for a long time. A number of meetings were held in my electorate. Those meetings were held after, not before, the election. The meetings addressed crime issues in our region. The message that the community gave me at that time was similar to the sentiments conveyed in this Bill, that is, they want serious offenders dealt with toughly. They want truth in sentencing—and I guess that is a catchphrase. They want people who commit serious crimes to do the time.

I wish to quote the final paragraph from a press release containing comments of the Attorney-General. The concluding comment states—

> "The wide ranging changes included a crackdown on child abusers and paedophiles, home invaders and fraudsters, computer hackers, graffiti artists and now serious violent offenders."

The press release was not only about the penalties and sentences legislation but also the Criminal Code. I verified that meetings were held across the State. The meetings held by former Opposition members addressed law and order. The claim is that they were pre-election meetings. I attended separate meetings in my electorate. Those meetings certainly gave people an opportunity to convey to elected representatives, whether in Government or Opposition, their wishes and concerns with respect to law and order issues.

In respect of penalties and sentences for serious violent offences, this Bill may not have been specifically circulated for comment, but I think it embodies many of the issues raised with individual elected members and also their parties. This is a moot point. However, I believe the community has telegraphed its concern. It is appropriate that we do not defer

dealing with the community's concerns. I will support the continuation of the second-reading debate.

Hon. J. FOURAS (Ashgrove) (3.17 p.m.): Members opposite, and even the member for Gladstone, are missing the point about why the Opposition wants to send this legislation to the Legal, Constitutional and Administrative Review Committee. No-one doubts that the Attorney-General consulted people about whether the Government needed to get tough on crime.

However, members of the judiciary and people from a number of other interested bodies have not had a chance to be consulted. The Minister's documentation states that there was consultation only with the Police Minister. The issue is whether we have got it right. Basically, with respect to fundamental aspects of this legislation, the Opposition is saying that it agrees with the Government. That is not the issue.

In relation to an amendment to the most recent piece of legislation passed through the House, I do not think that a lot of people think that we got it right. This legislation is far reaching. It may be the case that the majority of members in the House accept the principles of the legislation. However, what about the views of the people who know more about this issue than the man in the street? Sure, the man on the street wants the Government to make these changes. However, the Attorney may not have it right. He really is not doing justice to this process.

How does New Zealand's unicameral Parliament deal with legislation? The legislation is presented to the House by a Minister. It is referred to a committee, which holds public hearings, calls for submissions and gives all interested parties a say. That is a very positive way of approaching it. With respect to serious legislation such as this Bill, that is the process we should be adopting. We are not debating whether the community feels that people who commit violent crimes should be treated more harshly or whether, as the member for Gladstone said, if they do the crime, they should do the time. Although I do not like using cliches, I believe that what the member is saying is right. That is what people think. Nevertheless, I do not think that the Attorney-General is doing justice to this process.

The member for Gladstone holds the balance of power in this Parliament. In common with us, members opposite number only 44. It seems to me that the member for Gladstone is saying that, because people in the community are making noises about harsher sentencing, her mind is made up about this legislation. There has been a lack of consultation with a lot of bodies that should have been involved in the formulation of the Bill, such as the judiciary, the CJC and other interested parties. What is the hurry? We are talking about less than a month. It is not a great delay. We are not filibustering in this situation at all. I am very disappointed with members opposite and with the member for Gladstone.

Mr Beattie: Let's be very clear: this Bill has not been brought up for public consultation at any public meeting.

Mr FOURAS: Exactly. Government members have talked about law and order out there. They think that because they have talked to certain people who made certain statements they have a mandate. In fact, the coalition lost the 15 July election. The Government is talking about consultation and is claiming that it has a mandate. In reality, it has no mandate to present the Bill currently before the House.

Mr ARDILL (Archerfield) (3.21 p.m.): The talk about public debate on this subject and the talk about the will of the community and the will of certain people has nothing to do with consultation. The fact is that the people who attended the meetings that were allegedly held—and in some cases they certainly were held—were those who were demanding loudly that we should hang offenders or castrate them or whatever else. The people who had a different point of view did not attend those meetings—they had no reason to attend those meetings. The Government has heard one side of the argument and one side only. Although I happen to agree that in many cases violent offenders should be kept off the street, that is no indication that I am right and anyone who might have a contrary view is wrong.

There should be consultation on this Bill—not just consultation with the Police and Corrective Services Minister on whether there is enough accommodation in gaol, but consultation with people in the community who can put an expert point of view on the various issues: what effect this will have; whether or not it will increase the severity of some crimes against people to shut them up and make sure that they are not around to tell the tale; whether or not the penalty is appropriate to the crime. All of those things should be addressed, and they have not been addressed by the Attorney-General.

Some of the offences in the Bill certainly do not fit the description of violent crimes. How can one say that breaking into a factory——

Mr DEPUTY SPEAKER (Mr Laming): Order! We are debating the amendment, which is designed to send the Bill to a committee, not the Bill.

Mr ARDILL: I am putting the point of view that this Bill needs further consultation. In particular, we should allow other members of Parliament to have a look at it from the point of view of whether or not the items in the Bill are correct and all have the same force of argument and the force of logic. Quite clearly they do not. These things should be discussed with the committee that the shadow Attorney-General has recommended it be referred to. That will provide an opportunity for members of Parliament to look closely at all of the provisions in the Bill to see how many of them fit the criterion of preventing violent crime. That is what it is about.

The final point is that what has been proposed in this amendment will not delay the Bill at all. There will be no delay whatever. In point of fact, it can be dealt with and brought back to the next day of sitting. The Bill is not going to be finalised today if everyone who is listed gets up to speak and it then goes through the Committee stage. The debate will not be completed today anyway; it is going to be carried over to the next day of sitting. So there is no harm in proper consultation taking place.

Mr J. H. Sullivan: I can see the Leader of the House is ready to gag it.

Mr ARDILL: He may be. In that case, he will compound the felony.

Mr J. H. Sullivan: And he's nodding, too.

Mr Purcell: Is he nodding or shaking his head?

Mr FitzGerald: You've given me an idea. I hadn't thought of it.

Mr ARDILL: If he does, he will have compounded the felony of preventing proper discussion on the Bill, proper public consultation, proper consideration of the Bill. I realise that this Attorney-General is not capable of proper consideration on the floor of the House. He demonstrated that very clearly during the debate on the Criminal Law Amendment Bill. Even when he was of a mind to accept the fact that he was totally wrong and tried to correct it, he then brought in amendments which negated what was already in the Bill and which totally contradicted it. So this Bill will not be properly considered on the floor of the House or in the Committee stage.

This Bill should go back to a committee of this Parliament so that it may fully consider it and look at the matter dispassionately—not in the heat of argument in this Chamber and not in the situation of total confusion that we saw during the last Bill that was debated in this House. No matter how clearly it was put from this side that changes were needed, they never saw the light of day, or if an attempt was made it was totally fouled up and we ended up with a Criminal Code which is going to be the joke of Australia. Let us not end up with a Penalties and Sentences Act which is going to be a similar joke.

Mark my words: the Bill that just went through is going to be the greatest joke in Australia for this decade. The member for Gladstone refused to see the logic of our arguments because somebody—I do not know who, whether it was the Attorney-General or someone else—said, "This is not so", that black is white. She was convinced by that argument and did not take the necessary action to support the logical amendments that we moved during that debate. The same thing will happen again.

Mr Pearce: What would she expect as a citizen? She would like to look at legislation before it went through this place.

Mr ARDILL: That is right. Normally people would want it to be fully discussed; they would want to have input into it. Nobody other than those who are screaming for blood has had any input into this Bill. Let us be sure that it does go back for dispassionate consideration and that it still gets dealt with in the first day of sitting after this day.

Mr J. H. SULLIVAN (Caboolture) (3.26 p.m.): I was not going to participate in this debate on the amendment moved by the shadow Attorney until such time as I heard the Attorney-General mutter the aside, "The Bill lies on the table." I feel compelled to rise and talk about that particular point.

There are three unicameral Parliaments in mainland Australia, and there is the Norfolk Island Legislature also. Amongst those three mainland Parliaments, this unicameral Parliament—and I cannot cite the precise figures because I have not brought them into the Chamber with me—requires legislation to lie on the table of the House for the shortest period before it can be brought on for debate. In fact, this legislation came into the Chamber just a week ago, and it has lain on the table for the required amount of time under our

Standing Orders: six calendar days. If the Attorney-General thinks that six calendar days is sufficient time for either the Scrutiny of Legislation Committee, which does not publicly complain about the shortness of the time, or the public of Queensland—be they the legal profession or those interested in the rights of people, be they victims or criminals, or the rights of people generally who are neither victim nor offender in the system—to be able to examine the content of this legislation, then the Attorney is sadly mistaken.

I do not believe that there is terribly much wrong with the Bill. When the time comes, I will demonstrate that a lot of the provisions are pointless. But let me say again that members on this side of the House have taken the opportunity to collectively discuss the content of the legislation in a number of forums since the legislation was tabled. In those forums, members on this side of the House collectively decided that there is much about this Bill that they would support. But they are concerned that a pivotal, sensitive piece of legislation such as this is being pushed through in this fashion.

The Minister's legislation is flawed, as the member for Archerfield said, and he runs some very grave risks. There is nothing about a public process that invites comment from the people who look after the rights of victims, the Victims of Crime Association; the people who look after the rights of our citizens generally, the Civil Liberties Association; the Bar Association or the Law Society which will give the people of this State worse legislation than they already have. Not even the judiciary has been asked for views about the legislation that the Minister is presenting. After all, the Minister is obliged, as are his ministerial colleagues, by the terms of the Legislative Standards Act 1992 to ensure that this State has a statute book of the highest quality.

The Minister is rushing this legislation through against good advice. We are urging the Minister to accede to the process of referring the legislation to one of the parliamentary committees on which, I have to say, his side of politics holds the number. We on this side of the House believe in the parliamentary committee system. We believe that in all committees all members act in the best interests of the people of the State, not in the best interests of one or other side of politics.

There is much to be gained and absolutely nothing to be lost if the Minister accedes to the position put by the shadow Attorney-General and so ably seconded a moment ago by the Leader of the Opposition. I urge the Minister and the member for Gladstone to consider that. I will repeat: there is nothing to be lost, only gains to be made. No time in any real sense will be lost; there is only the possibility of positive gains, gains that can perhaps move towards the realisation of the policies that the Government put to the people prior to the 1995 election. I believe, as I think everybody on this side does, that the Minister is entitled to try to achieve those policy objectives. I just think that the way he is going about it is wrong, and I think he may find that his policy objectives are better achieved if he accedes to this position right now.

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

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

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

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Mr BEATTIE: Mr, Speaker——

Mr SPEAKER: I was advised that the Leader of the Opposition had spoken.

Mr BEATTIE: No, only on the amendment. I only had an opportunity to speak to the amendment, not to the substantive motion.

Mr SPEAKER: Order! I will read from the House of Representatives Practice—

> "A member who moves or seconds an amendment cannot speak again on the original question after the amendment has been disposed of, because he or she has already spoken while the original question was before the House and before the question on the amendment has been proposed by the Chair."

Mr J. H. SULLIVAN: I rise to a point of order. Mr Speaker, I note that you read from

the House of Representatives Practice. I would prefer, in accordance with the Standing Orders of this place, that you find a similar prohibition to the Leader of the Opposition being allowed to speak in the practice of the House of Commons. That is clearly set out in the Standing Orders of this place. Unless you can find one, I suggest that the Leader of the Opposition be allowed to speak.

Mr FOURAS: I rise to a further point of order. Our Standing Orders are very clear. Standing Order No. 333 states that, in the event of the proceedings not being clear under our Standing Orders, the House of Commons practice prevails. Therefore, I do not see anything in our Standing Orders that precludes this action. Members debated a motion about deferring this legislation to somewhere else. We were not discussing the Bill at all. Members such as myself and the member for Caboolture want to speak to this legislation. We rose on the premise that we were debating whether this legislation should go to another body. None of us discussed the legislation. We are not having two bites at the cherry at all. I believe that this is gagging members of this House.

Mr SPEAKER: Order! I am waiting on advice from the Clerk.

Mr BEATTIE: While you are doing that, Mr Speaker, perhaps I can assist. We sought the guidance of the Clerk in relation to referring this matter to the appropriate parliamentary committee. We were advised that the procedure that we followed was the appropriate one. During my contribution to the debate, I was appropriately restricted by the Deputy Chair to the relevant motion before the House, which was not the relevant substantive motion before the House. If the Government wants to take objection—as is occurring at present—to my making a contribution on the Penalties and Sentences Act, then the final arbiter of that will be the people of Queensland.

Mr ARDILL: I rise to a point of order.

Mr SPEAKER: Order! One moment. I have not ruled out that I may call the Leader of the Opposition, but in the meantime I call the honourable member for Caboolture until the Clerk sorts this out.

Mr J. H. SULLIVAN (Caboolture) (3.43 p.m.): Thank you, Mr Speaker.

Mr Fouras: He's already spoken, too.

Mr J. H. SULLIVAN: This is completely different. It is a slightly different question. The House of Representatives Practice has no application to this Chamber. Mr Speaker, I welcome your call. I understand that while I make my contribution——

Dr Watson: The House of Commons is silent on it.

Mr J. H. SULLIVAN: The House of Commons may be silent, but I wish the member for Moggill would be silent so that I may make my contribution to this debate.

A Government member: You never interject, do you?

Mr J. H. SULLIVAN: Never. It is very noticeable throughout his second-reading speech that the Attorney-General wants to highlight to us, the Parliament, and the people of Queensland that this is a Bill in which he says he is delivering election commitments of the coalition. He highlights these by the device of quoting commitments made in bold print throughout the original copy of the second-reading speech, never actually telling us where these commitments were made.

I want to deal with a couple of these issues, because the pieces that are quoted are essentially motherhood statements, anyway. The first of those is to introduce into the penalties and sentences legislation a section dealing with serious violent offences which reflects the coalition's concern for community safety and community outrage in relation to this form of crime. I believe that, in some ways, this legislation may do that. But how does it go about doing it? For a start, it suggests that one of the ways to do this is to make community safety the primary sentencing consideration when sentencing serious criminals.

I can think of no more serious crime than that of murder, yet I wonder, given the facts of a great many of the murder cases in this State, how many of those murderers would, by not being incarcerated at all, be placing other persons in the community at risk. Sure, we hear occasionally of gangland-style killings and the like, but the greater number of murders are spontaneous actions, often committed by people against someone close to them in a fit of rage and not something that we would expect those offenders to repeat at any time. So is it the intention of the Attorney that people who commit the crime of murder in those circumstances should not spend any time in prison?

I was also interested in this little gem in the Minister's second-reading speech. He gave us an example from the 1994 Litigation Reform Commission report on section 9 (3) of the Act, which the Litigation Reform Commission says was pointless and needed

to be deleted. The Minister said that it was pointless, and therefore it would be repealed. Then we go to section 9 (4), to which the Minister has given the dual accolade that it is pointless—because that is what they do, anyway—and, secondly, that it is a hindrance to them. If it is pointless because that is how the courts behave in the first instance, how can it be a hindrance to them? This legislation is repealing section 9 (4), but the Attorney is saying that the courts' normal practice is a hindrance to them. He is really having a shot at changing court practice. I am not sure that that is going to get the Attorney very far.

I am not unhappy with the inclusion of drug offences into the cast of serious violent offences. I believe that most people on this side of the House would agree with the Attorney in respect of that provision.

Mr Pearce: Yes.

Mr J. H. SULLIVAN: I note the acknowledgment that the member for Fitzroy also has that view.

Let us talk about the pivotal section of this penalties and sentences legislation, that is, the provision that states that a person convicted of a serious crime will serve 80% of his or her sentence in gaol. The Minister tells us that this is getting tough on crime. It may seem that way on the surface, but there is a long argument that I am going to go into—unfortunately for members assembled—that says that the approach that the Attorney is taking is actually soft on crime.

When the Minister introduced the Criminal Code into this place, in his second-reading speech he made a very specific point of saying that the increased sentences were in no way to be seen to remove from judges their discretion. I believe that it was appropriate for the Attorney to say that. I believe that increasing the penalties is sending a message to those judges that the people would like to see the penalties increased, but I do believe it is appropriate that the Attorney said that it was not in any way to be interpreted as removing from them their own independence in that matter.

Let us have a look at what happens when a person who has been convicted by a court appears before a judge for sentencing. In my mind, the judge looks at the sentence that he or she is entitled to apply. That is taken essentially from the Criminal Code. The judge would then be aware of all of the sentence management provisions of the Queensland Corrective Services Commission, and that judge would know precisely what would be available to that convicted person by way of remission and parole. Judges makes a decision based not on the length of the sentence that they apply—the period that, in his second-reading speech, the Attorney called the "specified years"—but on the length of time that they believe that people standing before them should spend in gaol. If under any system a judge decides that a person should spend five years, he or she will impose on that person a sentence that will ensure that the person spends five years in gaol. Under the 50% provision, to spend five years in secure custody a person is required to be sentenced to 10 years. Under the 80% rule, such as the Attorney is proposing to introduce, in order to spend five years in secure custody, a person would need to be sentenced to six and one-quarter years.

What is the difference, apart from three and three-quarter years? If, after having spent five years in custody, a person has not been what one would call a model prisoner—if that person has been difficult, recalcitrant, uncooperative—that person will not receive parole. People who have not bent their will to the prison system, people who have made no attempt to rehabilitate themselves for the crime for which they have been convicted, will be kept in prison beyond the five years. In the case of a 50% parole provision, such a person could be kept in prison for 10 years; in the case of the Attorney's 80% parole provision, such a person will be kept in prison for only six and one-quarter years. Under this Attorney's proposals, the very worst behaved of our prisoners will be out on the streets among the people sooner.

Mr Carroll: You can't guarantee they'll be out earlier. The minimum of 80% is a minimum.

Mr J. H. SULLIVAN: My point—and the member for Mansfield may not have been listening—is that the judge will sentence the person to the amount of time in prison that he or she believes that person should serve. The judge will be aware of sentence management, parole and remission provisions that apply. If the judge says that the person should get five years——

Mr Carroll: Why do you presume that?

Mr J. H. SULLIVAN: Why do I presume that? I do not think that I am presuming too much. I do not think that, when sentencing any convicted person, a judge makes the decision on the basis of the paper sentence. I think that a judge makes the decision based on what time he or she believes that person should be locked away.

Mr Carroll: That is wrong. Experience shows that they look at precedent cases reported.

Mr J. H. SULLIVAN: The precedent takes into account those sentence management provisions.

Mr Lucas: And there is always a range of penalties.

Mr J. H. SULLIVAN: Yes, there is always a range. Even if the Attorney's increased penalties in the Criminal Code encourage the judiciary to up the level of sentences that they are imposing, the fact still remains that, in order to serve five years behind bars, under the 80% rule a judge would need to sentence a person to six and one-quarter years, whereas under the 50% rule, five years is 50 per cent of 10 years. A prisoner who misbehaves, one who does not bend to the prison system, will be out in six and one-quarter years under this provision; under the other provision, that person could be kept in gaol for 10 years.

Let us talk about prisoners who behave appropriately during their time in the prison system, the ones who seek to rehabilitate themselves and then obtain parole. What is parole? For the benefit of some members who may not know—I think most members ought to know—I point out that parole is a system of supervision of a person in the community. Under this Attorney's provisions, a person convicted of a serious crime who serves five years, under an 80% provision, will be within the community under supervision for a year and a quarter, whereas under the 50% provision that person could be in the community under supervision for five years. I wonder whether we are doing the community any favours by shortening the time that that person is under supervision. Certainly that would result in a great cost saving to the Queensland Corrective Services Commission in respect of the community corrections budget. That would not be taken up by the increased number of prisoners who are held in gaol, because I contend that a sentencing judge will not impose a sentence based on the specified years, the paper sentence, but upon the years in secure custody that he or she believes are deserved for the crime that the convicted person has committed.

In trying to get tough on serious offenders, the Attorney is being softer on them. I am not one to believe that serious offenders are people on whom this Parliament should be soft. The danger is that I am right. If I am right and if judges are sentencing people to the amount of time in secure custody rather than the amount of specified years—as I believe they are—through this legislation the Attorney is allowing serious offenders to be out on the street unsupervised by community corrections officers a lot sooner. If those people commit a serious crime and they are imprisoned for a period and do not qualify for parole, the Attorney will be obliged to release them much sooner than would have been the case under the 50% rule. In that sense, I believe that the Attorney has it significantly wrong.

The Attorney needs to get tough on serious criminals not only because the community is demanding that but also because his side of politics went to the 1995 election promising to do just that. I respect his right to do that. I support tougher sentences for serious criminals. I believe that what the Attorney has tried to do by increasing penalties in the Criminal Code is to send a signal to judges that he wants them to give criminals more severe penalties. What I have been discussing today has nothing to do with whether judges accede to that signal. I am saying that the Minister is providing a mechanism whereby people who have been convicted and imprisoned, if they are not eligible for parole because of their good behaviour while in prison, will be out on the streets sooner than they would otherwise have been.

I do not believe that, for example, people who commit a crime for which last week the judge sentenced a person to five years in custody will this week be given eight years in custody. I do not believe that anybody will see a 60% increase in the amount of time that a prisoner is required to spend in secure custody as a consequence of the Minister's 80% rule. We will see specified-year sentences that will be reduced. The judge will sentence a person to six and one-quarter years. Under the Minister's legislation, he will order that the person serve at least 80% of his or her time before being eligible for parole. At some time the Attorney-General will come back to this Parliament and say, "Look at all these people who have been sentenced to fewer than 10 years and the judges are saying that they must serve 80%. The legislation is working." It will not be working.

What will be happening is that serious offenders will spend exactly the same amount of time in secure custody as they would have spent had there been a 50% rule. Serious offenders who obtained parole because of their good behaviour in prison will spend less time under supervision in the community by

community corrections because their specified-year sentences will be lower. Serious offenders who do not conduct themselves in prison in a manner appropriate to their obtaining parole will be out on the streets sooner. The worst people will be out on the streets sooner. As for the ones who actually behave, maybe there is a point in saying that they can do with less supervision in the community. However, the problem lies with the ones who will not behave. The problem is that they will be eligible for release after only another one-fifth of the time that they have served already rather than 100% of the time that they have served already.

This is dangerous stuff that the Attorney-General is proposing. He has wrapped it up in this Bill and told people that it is because he is tough on crime. If the Attorney-General can convince me that judges who would otherwise have sentenced somebody to 10 years knowing that they will serve five are going to continue to sentence them to 10 years knowing that they will serve eight and that this Bill is not going to cause an horrendous blow-out in the Corrective Services budget of his colleague the Minister for Police and Corrective Services, then he will be doing a fine job. However, he cannot convince me. The only thing that is going to happen is that people are going to be out of gaol sooner. The worst people will be back in the community sooner. When judges impose a sentence, they are obliged to consider the amount of time that the person is going to spend in secure custody. I do not think that there is anything in this legislation or other legislation brought to this place by the Attorney-General that will change that.

I appeal to the Attorney-General to trust the judiciary to take the lead that this Parliament has given them in the Criminal Code amendments to increase sentences. That is what the community wants. The community wants people to be given increased sentences and the lead for that is in the Criminal Code. If the parole provisions are changed, people will be out of gaol much sooner. I appeal to the Attorney-General to consider amending those provisions.

Mr SPEAKER: Order! I wish to inform the House that, in relation to the question that arose earlier, I would like to quote from page 370 of Erskine May—

> "A Member who moves an amendment cannot speak again upon the main question after the amendment has been withdrawn or otherwise disposed of, since he has already spoken while the main question was before the House and before the amendment had been proposed from the Chair."

I would also point out that that does not refer to a seconder; that is only about the member who moves the amendment.

I also refer to page 331 of Erskine May, which states—

> "Standing Order No. 27 provides that no motion or amendment shall require to be seconded before the question thereon is proposed from the Chair."

My first statement does not apply to a seconder. In accordance with the rulings in the House of Representatives Practice and what I have read out of Erskine May, I am afraid I will now call the next member to speak.

Mr BREDHAUER (Cook) (4.04 p.m.): I seek leave to allow the Leader of the Opposition to speak to the Bill.

Leave granted.

Mr BEATTIE (Brisbane Central—Leader of the Opposition) (4.05 p.m.): Mr Speaker, I thank you and I thank members. The Opposition supports tough sentences to fit the vile crimes perpetrated by serious violent offenders. For that reason the Opposition will not be opposing this Bill, although the shadow Attorney-General will propose appropriate amendments.

However, we on this side of the House are concerned that the coalition lacks a well thought out and comprehensive plan to fight rising crime. A comprehensive plan is about more than tough penalties, just as smart policing is about more than police numbers. A tough-on-crime approach needs to include more police and a range of community policing and crime prevention initiatives. We need to harness the eyes and ears of the community.

Queensland has experienced and appreciated the benefits of crime prevention under Labor. It was Labor's crime prevention strategies which led to a drop in property crime of 6% in the last full statistical year under Labor. Over the same period crimes against the person dropped by 9%—proof indeed that Labor was doing something right. Since the coalition came to power, property crime has gone up by 13% and crimes against the person have gone up by 6%. Recidivism under the Nationals was almost 60%, that is, three out of five prisoners reoffended after release. The recently released report on Government service provision, which compares outcomes across the States, showed that this figure had

dropped to 31%—the lowest in Australia. That is more proof that Labor's crime prevention strategies were working. I notice that Mr Cooper, the Honourable Minister for Police, crowed about this achievement in the media and adopted it as his own. He neglected to mention that the period during which the comparison was made covered the time when Labor was in Government.

When Labor came to Government in 1990, there were just a handful of Neighbourhood Watches in Queensland. There are now close to 600. Labor also introduced School Watch, Commercial Watch, Rural Watch, and Train Watch. Through those programs, Labor harnessed the eyes and the ears of the community. The Government, the police and the community were working in partnership in the fight against crime. Queensland communities told the Labor Government that they wanted tough penalties, and Labor responded with a comprehensive review resulting in our 1995 Criminal Code, much of which the coalition has adopted for itself.

The Queensland communities were also telling us that they wanted to see more police being involved in the fight against crime long before crimes were committed. That is the key. During the life of the Labor Government, it increased the number of operational police by almost 1,700, or three times the rate of the population growth. Queenslanders wanted their police to be more visible and more approachable. Labor introduced police beat shopfronts, which put the police where people worked and shopped. The result was that, where shopfronts were introduced, there were massive decreases in crime such as car theft and property and petty crime—more proof that Labor's crime prevention strategies were working. Under the coalition, this program has stalled.

Under Labor, the police beat or village cop concept was trialled with equal success. It involved a police officer living, working and walking the beat in a defined local area, becoming familiar with local troublemakers and heading off crime before it was committed. What has happened to this program under the coalition Government? It has been scrapped! Mr Cooper told this Parliament that it was not a priority. That is further proof that this Government is not interested in crime prevention, which the Opposition is.

Under this Government, crime has been allowed to rise unfettered. The people of Queensland will simply not buy the message that tough penalties alone mean a tough-on-crime approach. The community has tasted crime prevention under Labor and knows that it works. Along with the Criminal Code, this Bill stands in isolation as the coalition's answer to law and order and rising crime in communities across Queensland. Labor is tough on crime and recognises the need for a range of tougher sentences. That is why Labor doubled the penalty for escaping.

The average term served by a life-sentence prisoner went from 13 years under the Nationals to over 18 years by the time Labor left office. Labor enshrined in legislation the requirement for lifers to serve a minimum of 13 years. Under the Nationals, there was no minimum term and Cabinet Ministers made decisions on when to parole murderers and then made recommendations to the Governor in Council.

Viewed in this context, the new-found zeal of those opposite is somewhat intriguing. The coalition has tried to tell us that the increase in prisoners serving sentences of between five and 10 years and over 10 years is proof that more crime is being committed and that Labor's policies were not working. On the contrary, it is proof that under Labor sentences increased. While under the Nationals a crime may have attracted two to three years, under Labor the offender would go to gaol for six or seven years. That is more proof that Labor's policies were working and that Labor had a multifaceted approach to crime which brought results. Unless we return to a multifaceted approach to tackling crime, we cannot solve or deal with the problem. We have to face up to that reality. The community wants answers, certainly; it wants tougher penalties, certainly. However, what the community really wants is a reduction in crime. Members of the community want to be safer in their homes; they want real results. That is why our multifaceted approach is the only approach that will work in the long term.

Labor can see the benefits of community policing and crime prevention strategies. So too, once upon a time, could the coalition. Before the last election, the coalition promised the people of Queensland a comprehensive strategy on crime prevention. My colleague the shadow Attorney-General, soon to be the Attorney-General, has already tabled that document. Indeed, the coalition even had a substantial policy—a policy which is now gathering dust. I read part of that policy with some interest. The coalition's seven-point crime action plan states—

> "The National Liberal Coalition Parties believe that a comprehensive

> crime prevention strategy that involves the entire community is the best investment in public and private safety in the long-term."

The Borbidge/Sheldon policy document also states—

> "Queenslanders deserve a Government which gives crime prevention and crime fighting a real priority."

What breathtaking hypocrisy in light of the complete absence of any move on the coalition's part to introduce any of the initiatives included in its own policy! If the Attorney-General introduced such initiatives, he would have 100% support from the Opposition.

Where is the support for victims, a matter that the shadow Attorney-General keeps pursuing? Where is the crime prevention initiatives database? Where is the resource centre? Where do we see the involvement of stakeholders such as the victim support groups, the domestic violence groups, the legal community and the Aboriginal community? Where are they involved in this process? If one wants real solutions, those people have to be involved. The coalition did not even see fit to consult with those groups about this legislation.

Mr Foley: Shame!

Mr BEATTIE: It is a shame. The Opposition wanted them involved. It is not good enough to say, as the Attorney-General said, that there was a range of politically inspired meetings before the 1995 election and that was the consultation. For heaven's sake! If we did that, the Government would rightly condemn us. Consultation means putting a specific proposal to people and seeking their views on it. One does not simply seek people's views on a wide-ranging agenda and leave it at that. People are entitled to be consulted on the detail. Had there been the short deferment that the Opposition wanted, it may well be that this legislation would have returned in a more appropriate form and it would have been better legislation. It may not have required amendment at a later date.

Under the heading "consultation" in the Explanatory Notes, we see that extensive consultation was undertaken with the Minister for Police and Corrective Services. Does extensive consultation mean a couple of long lunches instead of a cup of coffee? What did the Government fear from letting the community have a say? If the Attorney-General had had extensive consultation, he would have said so in the Explanatory Notes. That is proof that he did not have the sort of consultation that he claims he had.

The Opposition has no argument with tougher sentences. Indeed, as I said earlier, it is entirely correct that people who commit these vile offences are appropriately punished and that is why we will not be opposing the Bill, although we will be moving some amendments to it. We have grave concerns that, despite its rhetoric, the coalition is walking away from its responsibility when it comes to crime prevention. I say to all Queenslanders: if we move away from crime prevention, crime will continue to increase as it is increasing under this Government. One has to prevent the causes of crime—which is why the Opposition released its unemployment strategy—not just to create jobs and give young people and the unemployed generally an opportunity for the future but also to get to the root causes of crime. Is it a surprise to anyone that young kids in certain suburbs who do not have a job and who do not have the prospect of a job—because there is well over 30 per cent unemployment in this State—have idle time and get into trouble? If one really wants to do something about youth crime and graffiti problems, one has to tackle the issues where they start. One has to go to the root causes. What is missing in the strategy of the Attorney-General and the Premier is that they are not attacking the root causes of crime. That is why the statistics are increasing and crime is becoming a greater problem. One cannot simply solve the problem by increasing the penalties. Although that is part of the solution, one also has to attack the root causes of crime. That is what is missing in the strategy of the Government.

As I said, the Opposition has grave concerns that, despite all its rhetoric, the coalition is walking away from its responsibilities for crime prevention. If the coalition were serious about protecting our communities against crime, why would it not have implemented initiative No. 5 of its seven-point crime action plan, which would have seen the coalition developing an annual Queensland crime prevention award? Why would it not have implemented initiative No. 4 of its plan, which would have seen programs developed to support victims of crime? On such issues, there is a bipartisan approach. The Opposition agrees with the coalition's policy. Simply because it is the policy of the Government does not mean that it is wrong. What is wrong is that the Attorney-General is not implementing the coalition's policy. The document that the shadow Attorney-General has tabled is simply gathering dust. For

heaven's sake, let us have a little less rhetoric and a little more delivery when it comes to sound policies. If the Attorney-General introduces the policies outlined in the coalition document which he says he will introduce, the Opposition will support him.

The coalition has walked away from victims, as it has implemented none of its pre-election commitments. That is another set of broken promises. The Opposition is concerned that victims of violent crime have not been sufficiently regarded in the Bill. Labor will continue to support the victims of violent crime and we will be moving amendments to section 172 of the principal Act. Nowhere in section 172, which deals with the review of indefinite sentences, is there any mention of the victim. Labor will be moving to insert a requirement for a copy of the report on the prisoner prepared for the review to be given to the victim at the time of the review. We will also be moving that the court have regard to the victim impact assessment when considering a prisoner's application for a variation of sentence.

These amendments are about giving victims a say and a fair go. For too long, victims have not had a fair go. It is about time that all sides of politics in this State gave victims a fair go. What the Opposition, and the shadow Attorney-General in particular, have been saying for some time is that we will give victims a fair go. On behalf of my Government, the shadow Attorney-General will introduce a legislative initiative into the House to make certain that victims get a fair go and he will have the unanimous support of my Government. The emotional and psychological pain of violent crime goes on and on for victims. A constant fear for victims and their families is that prisoners will get out of gaol and they will not know about it. These amendments will mean that victims will be kept informed.

The coalition has walked away from its election commitments to introduce a comprehensive crime prevention strategy. It has walked away from its commitment to increase police numbers, and it has walked away from its responsibility to provide jobs. The coalition has taken the easy options. That is not what government is about; it is certainly not what government is about when it comes to fighting crime. Along with the Criminal Code, this Bill stands in isolation as the coalition's sole answer to law and order issues and it is not good enough on its own. It is only part of the solution. The people of Queensland will not be fooled into believing that whacking up penalties and locking up offenders for longer periods constitutes a comprehensive response to rising crime. It is not a comprehensive response in itself; it is only a part of an approach.

When the Opposition first heard that the coalition would be introducing a range of new sentences for serious violent offenders, it was imagined that the State would need many more prisons to hold the vast numbers of serious violent offenders that the coalition would be keeping from the community. However, a perusal of both the QCSC Infrastructure Plan and the Explanatory Notes accompanying this Bill reveals that no additional provision has been made to house the enormous numbers of additional prisoners that we are told will be generated by the coalition's new tough-on-crime approach.

Indeed, the Opposition wondered whether the Government would have to take the same approach as that adopted by the British Government, which recently purchased a modern-day prison ship. One could just imagine prison hulks being anchored off the Botanical Gardens to accommodate the increased numbers of prisoners which the coalition intended to lock up for longer. Therefore, it is intriguing to see that neither the QCSC Infrastructure Plan nor the Explanatory Notes accompanying this Bill were able to arrive at a conclusion as to how many extra cells would be needed. Indeed, the Explanatory Notes state—

> "It is unclear to what extent the policy will impact financially, because, as anecdotal evidence has it, many of these types of prisoners are not granted parole when it would otherwise be available."

What sort of basis is that on which to plan a law and order strategy? Anecdotal evidence! As I said in speaking to the motion for the adjournment of this debate, how can the Attorney-General possibly use that view as the sole piece of evidence on which to base a comprehensive policy on law and order? That is why this policy is not a comprehensive one, and that is why what we are hearing today is a nonsense argument.

Could it be that Labor was tough on crime? Perhaps we will not be needing that many cells after all. When asked by ABC presenter Anna Reynolds how he felt about the legislation which will see serious violent offenders serving 80% of their sentences, QCSC Director-General Keith Hamburger said—

> "We're very comfortable with that because what you have to realise is that the effect of this legislation (if you look at the prisoners serving more than 10 years) . . . probably the effect will be around an additional 100 prisoners in prison, but that will take quite some years because it's not retrospective."

He went on to say—

> "If you look at prisoners between five and ten years, well that, once again, there'll be discretion there, I understand for judges so I'm not sure what impact that will have on numbers, but it won't bear huge impact."

I repeat that "it won't bear huge impact". That is from the person running the prisons, not just any commentator. The Government's expert—the Director-General of the Queensland Corrective Services Commission—tells us that there will be little or no impact as a result of the amendments to this legislation. Is this just a stunt, a quick fix or an exercise in coalition public relations? I think the Attorney-General should answer those questions. Will greater numbers of serious violent offenders be serving longer prison terms, as we have been told they will?

Perhaps coalition members asked themselves—they certainly did not consult with any stakeholders—what would make the biggest splash and send the biggest message to the community about how tough on crime they were without their having to do a great deal. Perhaps the coalition recognised that the community was fed up with a coalition that made a raft of promises on law and order in 1995 and again during the Mundingburra by-election but failed to deliver.

My Government will be tough on crime, but we will adopt a strategy and an approach which is comprehensive. Criminals will serve an appropriate length of their sentence in gaol. In addition, in the early stages of their offending behaviour, criminals will also participate in a crime prevention strategy. Any Government which comes into this place and introduces legislation that is piecemeal, shallow or which is not long term deserves not just to be condemned; it should be viewed as introducing a policy which is little more than a gimmick.

As I said, we will not be opposing this legislation. On the key matter of offenders serving 80% of their sentence, we will be supportive. But I urge the Government to start looking at policies that will bring about results. If it does not do so, crime will continue to be a problem. In conclusion, I thank the Leader of Government Business, Tony FitzGerald, for his courtesy in supporting my being able to speak to this Bill. I also thank my colleagues for this opportunity to speak to the Bill. This is a very important piece of legislation. It is important that our views are known. I thank the House for the courtesy.

Mr CARROLL (Mansfield) (4.24 p.m.): I am pleased to hear that the Opposition supports the substantive part of the Bill and that its only real point of attack is the threshold question, that is, it suggests that there has not been ample or extensive consultation. It is the Government's position that there has been more than enough consultation.

Not only was there an airing of our policies prior to the 1995 election—policies which secured the support of almost 54% of all Queenslanders; over a number of years there have been cries that this issue needed attention. Those cries did not receive serious attention when Labor was in Government. Over a number of years, there have been repeated cries and calls for action in the printed and electronic media. The Bill being debated tonight is a very significant step forward and is part of a plan by the coalition Government to address serious crime.

There is certainly a need for heavier deterrent sentences and also for a more serious treatment of those sentences once imposed. When the Bill is enacted, the public will see that this Government is serious about the types of crimes that have been offending Queenslanders for the past three or four years in particular. I wholeheartedly support all of the remarks made by the Attorney-General in his second-reading speech. This is an overdue crackdown on serious crime. I agree with a remark made by the Opposition Leader that we should be looking at a multifaceted approach to dealing with the problem of serious crime in our community. This legislation is certainly a significant step forward in that direction.

That is only one of many measures that need to be taken to attack crime. I wish to mention briefly some of the other measures that I believe will complement the step forward. Recently, there was some publicity about whether our controller of prisons should allow smoking in the new Woodford gaol. I readily wrote to him and endorsed his initial publicised intention of not allowing smoking in that prison. I was disappointed to see that, subsequently, he has allowed smoking in some areas. The community does not want

prisoners to relax and have a good time. They want prisoners to serve hard labour.

In addition, I wish to reiterate my previous appeals to honourable members to bring in a system that makes criminals pay. As I have said before, not only should they be made to pay for their time in the prison—in other words, their accommodation—but also a compensation fund should be established to help meet the increasingly hefty criminal compensation bills that our Government is facing. As has been mentioned earlier, that criminal compensation bill was also climbing under the previous Labor administration.

I point out to honourable members that estimates appear to be showing us that the gap between the revenue gained from fines and monetary impositions on lesser criminals—and that does not directly relate to these serious criminals—is increasing and already is in the region of some $40m per year. In other words, what is recovered from traffic fines and those sorts of penalties would appear to be in the order of about $30m, while the costs of administering those systems—imposing fines, policing, enforcing and collecting them—is about $70m. That costs our society a substantial amount of money. I hope that our Government addresses the issue sooner rather than later.

Many constituents have asked me why we are letting criminals fiddle away their time in gaol without there being serious reform of the administration of the time that prisoners serve in gaol. The Bill before us tonight is part of a serious attempt to make prisoners serve substantially all of their term.

On the matter of a system which makes prisoners work—some prisoners I have spoken to have said that they would welcome some serious regime which requires them to work; they would welcome it as a reforming release from an occasional pattern of crime into which they have fallen. It would assist them to reform and get back into society equipped and ready for work. I believe that all prisoners need to be placed under such a system as soon as possible.

The third point I want to mention as part of a wider attack on crime and particularly in publishing the deterrent penalties that this Government will impose is, as I have said only this week in the House, a boost in funds for the better prosecution of criminal cases. Everything reasonably possible should be done to assist the prosecutors to make sure that appropriately high sentences are imposed on offenders. The number of appeals that our own Attorney-General has instigated since we have been in Government these past 13 months has shown us that the sentences being imposed are not high enough in view of public expectations.

The fourth point I want to make in regard to a raft of reforms is something I have mentioned before, that is, the important role that the media can play in publicising sentences. If the media were doing the job that it should, people would be aware of the maximum sentences available for a whole range of offences, they would be aware of the circumstances relating to each conviction for serious offences and they would know exactly what was ordered to be served. I believe then there would be more public outcry when people discovered that convicted prisoners were out on the streets earlier than everyone thought they would be.

Just on that point—I want to take issue with a couple of matters raised by the honourable member for Caboolture. I believe his arguments are specious in regard to suggestions that judges are looking at what might be served by prisoners. They cannot possibly do that; it is guesswork in many cases. I think that when judges impose sentences, that is the amount that they expect people to serve. Judges have their hands full getting to the point of conviction and, I believe from my own experience as a solicitor, have not become involved and will not become involved in calculations as suggested by the member for Caboolture. I am confident that sentences will increase as a result of the reforms initiated by this Government and that, further, the period of the sentences that is actually served will increase as well.

I want to deal further with the allegation that this Bill may not be perfect. If this Bill happens to be imperfect, then—as with every other Bill that has come before this Parliament—it can be amended. Certainly we do not want to be coming back every six months to change the law. But I believe that this Bill is pretty well right and that ample consultation has been undertaken in relation to it. This issue has been before the public for plenty of discussion. This Government will not be caught in the position that the previous Labor Government found itself in. The previous Government fiddled around with the Criminal Code, albeit with the admirable intention of rewriting the entire Code—a job which we thought was a bit of overkill—but that rewrite took six years. It was pushed through on the eve of the departure of the previous Government prior to the 1995 election. We will not be caught in that type of time warp.

I did not spend time earlier arguing about that threshold issue of whether or not there should be further consultation, but I am convinced that the Bill is more than satisfactory and well worthy of the support of all members of this House, which I understand it will be receiving. The learned Leader of the Opposition made claims about the need for even more consultation. The same member has complained on plenty of occasions in the past 12 months about too many inquiries and too much consultation. He has called for decisions to be made promptly and so on, and yet here we are this afternoon having attacks made on the fact that after a year in Government, with lengthy discussion after consultation up and down the entire length of this State, we have an excellent Bill before the House. The member for Ashgrove joined in those delaying tactics earlier this afternoon. I am confident that we have this legislation pretty right. The community is demanding these reforms and, I think, quite reasonably. This Bill is part of a very effective package when joined with the amendments to the Criminal Code which were passed only yesterday. I urge all honourable members to support the Bill.

Mr LUCAS (Lytton) (4.35 p.m.): One of the greatest problems confronting society today is the increase in serious violent crime. In my previous profession as a solicitor I acted for victims of crime as well as offenders, so I can certainly appreciate the very real and serious concerns of specific victims as well as the community as a whole.

One of the most disturbing aspects of crime and serious violent crime is its impact upon victims. It is often said that women who are victims of sexual assault have their rights taken away: they have the night taken away from them and they have the right to feel free to go outside and walk around without having guards or other people accompanying them taken away from them. Of course, rape is a very serious crime of violence. It has nothing to do with sex; it has everything to do with violence and violence against women. Crimes such as rape take away women's rights and take away their liberty to exist in society in an unhindered fashion.

Similarly, people whose homes have been broken and entered, whether they are at home or not, often say that they feel violated that other people have gone through their possessions and ransacked them. Their concern is not so much that their property has been stolen but that other people have violated the sanctity of their home. Violent crime takes away the mobility of older people. It takes away the liberty of people to go to public places such as railway stations. This is a vicious circle. When people are discouraged from going to public places, fewer people do so and public places therefore become more dangerous and even fewer people frequent them. It is very true that there is safety in numbers. It is the fear of attack that prevents people from frequenting deserted public locations. Sometimes that fear may not be particularly warranted, but it is a very real and valid concern held by many members of our community.

The liberty of those accused of criminal offences is very important, but it is all too easy to forget the victim. I am very proud of Labor's record in relation to passing the Criminal Offence Victims Act; our record with respect to taking into account the rights of victims and our achievements in stating for the first time a charter of the rights of victims. All too often the court process is geared towards the defence, the prosecution and getting people through the system and dealing with them, and we forget about what happens to the victims and about their rights and sensitivities. I am very proud of Labor's record, and I am particularly proud of our shadow Attorney-General's record in that regard. As the Leader of the Opposition said before, Labor supports a multifaceted strategy to deal with crime.

One of the most frequent comments that I receive from my constituents is with respect to the sentences imposed on serious violent offenders. They have great difficulty in understanding why sentences so often do not seem to fit the crime and why, in particular, when people are sentenced to a certain period of imprisonment they do not appear to serve that period of imprisonment. This Bill does address that in some respects and does give the community more confidence in terms of the penalties that are imposed.

There is no excuse for violence—ever. I repeat: there is never an excuse for violence. Although I do not condone crimes such as property offences and stealing in any respect, at least when someone says, "Well, look, I was unemployed, I had no money, and that is why I shoplifted" or "That is why I did this", one can say, "Well, that is something that the court might take into account in showing you some clemency." That does not in any way excuse the commission of the offence, but the court might take such matters into account in showing some clemency.

But there is no excuse for violence. Individuals do not gain any benefit, other than

sadistic pleasure, from committing acts of violence on other people or taking away their liberties. There is no excuse for violence. I think it is very important that we send a message to the community and to those people who commit or contemplate committing serious violent offences that we will not tolerate their behaviour and we will not tolerate them taking away the rights and liberties of citizens. In my own electorate we have recently had a number of quite disturbing violent offences and people are certainly saying to me that enough is enough.

One very concerning aspect of the legislation presented by the Attorney-General today is its lack of consultation. I would have thought that if this Government is very serious about addressing issues then it needs to talk to the people at the coalface, that is, the victims, the police, the courts, youth and elderly representatives and prison groups. When I read the Explanatory Notes, I thought it was a sad, sick joke to say that there had been extensive consultation with the Minister for Police and Corrective Services. I suppose it was the sort of consultation that the coalition had with him in the course of the Mundingburra campaign. How could the Attorney-General justify that as consultation? He now comes here with some latter-day apology about it being part of the coalition's election platform, but he did not even put that in the Explanatory Notes as consultation because that is not really the reason; that is an excuse he has dreamt up now because he is embarrassed that there has been no consultation at all, except for a chat with Russell Cooper over a beer or two at the Parliamentary Annexe no doubt.

It is very important that the community fully supports legislation that this Parliament enacts. In fact, my colleague the member for Ashgrove referred to the procedure adopted in the New Zealand Parliament, a unicameral Parliament, where just about every Bill goes off to public consultation to ensure that the public have some ownership of it. This Parliament represents the people and legislation is that much better if we can have public input and consultation about it.

The Opposition supports significant parts of this legislation but we want to achieve the best result. Protection of society is very important and it is very regretful that our suggestion of referring the matter to an all-party committee to investigate it in more detail was not adopted by this Parliament. I think that would have produced the best result. This Parliament is not the font of collective wisdom; there are other places where it resides in the community. I would have thought that the community should have been given an opportunity to comment in detail on the clauses of this Bill.

I have no doubt that the community would have supported the broad thrust of the Bill. Of course, the Opposition itself is supporting the broad thrust of the Bill. There are other actions that this Parliament and this Government could take to deal with some of the problems with crime that we have, such as unemployment and police numbers. I spoke about police numbers last week when we were debating the Criminal Code amendments. I noted that Queensland has the worst police to population ratio in Australia at 1 to 525, the next worst being New South Wales at 1 to 475. The average ratio for all States, according to my figures, was 1 to 452 and a comparable State, Western Australia, was 1 to 386—one police officer for every 386 people in the community. That was bad enough but the ratio in the area of the member for Mundingburra was 1 to 613. But of course the most shocking and disturbing statistic from my point of view is that the Wynnum police district, with 1 to 1059 which takes in my electorate of Lytton, has the worst figure in Queensland—it has the worst statistics in the statistically worst State.

Mr Tanti: You are not representing them too well.

Mr LUCAS: The member for Mundingburra might make that comment, but he has been here a little longer than me and he obviously has not done much of a job if his ratio is worse than the rest of the State.

Tougher sentences are no good to the community in isolation if the prisoners are not caught. If the Government wants to get tough on serious violent offenders, as it should, it makes no difference if there are not enough police on the ground to detect the crimes and to prosecute the offenders.

What about our prison system? Another very important aspect of Labor's achievements is in the nature of prisons. Prisons are not holiday camps, but we need also to have a strategy that does not ensure people go back to them again and again. It does not do anything for our system if we encourage people to offend over and over again. In my opinion, Queensland badly needs a specialist prison for first-time, non-violent and young offenders so that if they are unfortunately sentenced to a term of imprisonment, because that is what is called for in those particular circumstances, they have an

opportunity to be rehabilitated whilst in custody. They could perhaps be given a trade or provided with some technical or vocational education so that when they get out of prison they can actually make a real start on contributing to society in some meaningful way, rather than being in prison and falling in with the wrong crowd and just being encouraged to get on that vicious crime cycle. I think that is a very important initiative that this Parliament and this Government should pursue.

I am also very proud of Labor's record in relation to recidivism. It is very important also to make sure that offenders who have served their time according to the appropriate penalty are not then coming back through the courts because of lack of appropriate supervision in prison. I was very pleased to note that, according to figures from the Corrective Services Commission, for the two-year period ending 1994-95, Queensland had the lowest rate of recidivism of the States that it was able to get figures for at 36.4%. Western Australia had 65.3% recidivism, so Queensland was much better. Then in the two years ending 1995-96 that Queensland figure dropped even further to 31.65%. That can be compared to 60% under the National Party Government.

That is a fact that gives me a great deal of comfort because it shows that not only were Labor's policies in relation to law and order working but also we were actually achieving something positive in terms of showing people who had been sentenced to imprisonment that there is a better existence than being in the crime cycle; that there is a better existence in terms of contributing to society. I am very proud that we were able to reduce recidivism by so much.

Prison is an inevitable consequence for a certain element in society who contravene our rules and sanctions but we owe a debt to society—to the people we represent—to do something about the level of re-offence by those people. One of the most important issues in this Bill is the provision that makes it mandatory for serious violent offenders who are sentenced to a period of 10 years or more to serve 80% of their sentence. I state quite categorically that those members of the community whom I have spoken to about this support that, as do I. In that capacity, I speak as a member of this Parliament, as a representative of the people of my electorate, as a solicitor and as a victim of an armed hold-up myself. So I feel I am uniquely qualified to comment on the very important and serious concerns that society has about violent offenders. We must protect society from these violent offenders and, in some respects, today we are moving towards that by enacting that particular provision.

I would be very reluctant to ever see the 80% figure go any higher than that, and in fact it is at the higher range of the non-parole periods in other States. It is very important that we have some carrot to hold in front of prisoners to ensure that they behave themselves whilst in custody. It is very important that in the interests of good and prudential prison management, we can say to prisoners, "If you behave yourself, if you make fair dinkum attempts to rehabilitate yourself, we are prepared to take that into account." I think society probably accepts 20% as a reasonable figure but it is very important that we have that facility.

I am also very concerned that the Bill does not really do much for victims in their capacity as victims. There was no consultation with victims in the course of drafting this Bill; the Explanatory Notes make that clear. I have also previously spoken about Labor's very proud record when it comes to dealing with victims and the Criminal Offence Victims Act. This is why Labor, not the crowd opposite, is moving amendments to allow victims to have a say when the courts are reviewing indefinite sentences. The Government will never know if, had it put the Bill out to public consultation, it would have received some more constructive amendments from the Opposition or from members of the community who were more than happy to help the Government with its policy because it is a policy that is broadly supported by just about everybody in the community.

I also want to comment briefly on cumulative prison sentences for escapees. When prisoners escape and commit offences there is really no excuse at all. The courts have already adjudicated on their guilt; they cannot claim any presumption of innocence. I think the community would quite rightly say that there has to be an extra penalty for that and that the prisoners ought to get cumulative sentences in that regard.

This Bill does have a number of provisions that are really smoke and mirrors tricks. My colleague the shadow Attorney-General will be discussing those in detail. They are provisions relating to the claimed abolition of prison as a last resort. The courts have always noted that that is the case. The common law has always made that clear in this jurisdiction as well as in others. The same applies to attempting, as far as possible, to

avoid imprisoning first offenders who are under 25 years of age.

The Court of Appeal had a bit to say about that when referring to section 9 (4) of the Penalties and Sentences Act, which the Government is seeking to repeal. The Court of Appeal stated—

> "That provision gives legislative support to the view which, as appears from the (annexed) document, has long been the view of courts with respect to youthful first offenders. It need hardly be said that the younger the offender generally the greater is the chance and consequently the desirability of rehabilitating that person without requiring him or her to undergo the rigours of imprisonment; though there are, of course, some cases which are so serious that notwithstanding youth and the absence of relevant previous convictions, the offender must go to jail."

I believe it is very important that we take cognisance of that, but I do want to put it up in neon lights that, in all appropriate circumstances, if gaol is called for then gaol should be imposed. The Opposition has never claimed otherwise.

This Bill does have limitations, but it also has a number of important initiatives which the Opposition will be supporting. The community is calling for tougher sentences. The community is also calling for action in relation to police numbers. I have indicated to the House before the disgraceful police numbers in this State. Queensland has the worst police to population ratio of any State in Australia, and my electorate has the worst ratio in Queensland. It has been programs such as Labor's HOME Secure program and providing security cameras in railway stations that have gone a long way towards addressing this problem.

People who use violence in the perpetration of crimes are the lowest of lows in society. They take away the rights and liberties of their fellow citizens. It is those victims, their families and society that we are here to protect. For a person to receive a period of 10 years' imprisonment for a serious violent offence, it has to be a pretty bad offence. So in relation to the mandatory provisions, we are not really talking about catching people who have made a little error or two. They are people who have committed very serious offences. I can say from my experience that, for a person to receive a sentence of 10 years, it has to be a very serious offence. In those circumstances, I have no problem with suggesting that those people ought to serve at least 80% of their sentences.

Finally, Labor offers a comprehensive, multifaceted strategy. Firstly, we believe in dealing with violent criminals in an appropriate manner. We support the broad thrust of this Bill. We support tougher provisions in the Criminal Code. We believe in initiatives that reduce the occurrence of crime. We also believe in initiatives that increase detection, and we believe in initiatives that increase community safety. If we want to have a meaningful and long-term solution to society's problems in relation to violence, then we have to address all of those problems. That is what Labor is about.

Mr ROBERTS (Nudgee) (4.53 p.m.): This is a difficult and controversial issue in the community, and it is one in which emotion can interfere with the need for a rational and informed debate. When I read the Bill, I found myself having some sympathy with and, indeed, support for the overall principles of what the Government is trying to achieve. However, I do have some significant qualifications and concerns about some of the particular amendments that have been put in this Bill.

Many people in the community do have concerns that our courts are not imposing appropriate sentences, particularly in the case of violent offenders. As I stated earlier, it is important, however, that we do not let emotion cloud our judgment in what is an appropriate response by the courts with respect to these offenders. However, I do have a general view that the courts should provide quite a tough and reasoned response to violent crimes.

We also need to ensure, however, that we do not forget about other key elements of crime prevention in our community. That is one aspect with which I have concern about this particular Government. We do need to provide appropriate focus on issues such as addressing unemployment and poverty and ensuring that there is an appropriate social security safety net provided in the community. We need to focus on community development activities and policing strategies, in particular community policing initiatives—a subject which has been touched on by several members during this debate.

I want to touch on a few of the significant issues arising from this Bill; in particular, the matter of the consultation that took place, the issue of serious violent offender provisions and also, in general, some of the sentencing guidelines that have been outlined within it. With respect to consultation, I think it is fair to

say that there has been almost a total lack of consultation with respect to this Bill. The Explanatory Notes state—

> "There has been extensive consultation and cooperation with the Honourable the Minister for Police and Corrective Services."

In other words, the Government has consulted with itself with respect to this Bill. There has been no contact with victims of crime groups, women's groups, prisoners groups, the legal fraternity, domestic violence groups, Aboriginal and Islander communities or, in fact, the general community. It is a matter of great concern that that appropriate consultation has not taken place prior to the development of this Bill. I was particularly disappointed that the Opposition's motion to enable further consultation through public hearings via a joint party committee was defeated in the House here today.

With respect to serious violent offender provisions—in a sense the legislation says that serious violent offenders who are sentenced to more than 10 years will serve at least 80% of their sentences, and with serious violent offenders who are sentenced to less than 10 years the court has a discretion as to whether or not to impose that increased period of detention. I believe that the principle that courts have a discretion to impose the penalty that is appropriate according to the circumstances of a particular case is a fair and just one and one which has stood the test of time through our legal system. However, I also acknowledge that, in the case of serious violent offences, there is some justification in meeting the community expectation that they will be protected from these sorts of offenders. This amendment, although not perfect, will in my view go some way towards achieving that objective.

With reference to offenders who are sentenced to less than 10 years for violent offences—the provisions actually increase the sentencing options and discretion available to the court. Currently, courts are restricted—as I understand it—to a minimum of 50% of the sentence that is imposed in terms of the time that prisoners serve. These new provisions will provide an additional discretion to courts to enable them to impose a minimum of 80% to be applied in appropriate cases.

With respect to sentencing guidelines—again, it is an important principle in our justice system, and one which has been accepted by courts basically throughout the Western World, that prison should be a last resort. I believe that is a sound principle, and one which this Parliament should continue to support. However, as with the previous principle, I also accept that that particular principle must be considered along with other important considerations, such as the need to protect the community from particularly violent offenders. Several legislatures in Australia have, in some cases, overridden the principle that prison should be a last resort, particularly in circumstances of violent crimes. One of the problems with this particular Bill is that it takes that to the extreme and abolishes the principle for all offences that include violence—even common assault, which might occur in a pub brawl. Whereas I believe that there is some justification in requiring courts to pay more attention to the protection of the public in respect of serious violent offenders, I believe that to apply an across-the-board abolition of this principle is not good law.

The courts do have a wide range of sentencing options available to them, extending from imprisonment to periodic detention, suspended sentences of imprisonment, fines, compensation or restitution, probation orders, community service orders, good behaviour bonds, admonition and discharge, and, finally, finding of fact but no conviction. The principle that courts should have total discretion in relation to most offences and that prison should be a last resort are appropriate principles that should be retained in our criminal justice system. However, I have a concern that some people within our courts system or our justice system have abrogated their responsibilities to impose appropriate sentences on particularly violent crimes. I do not believe that the courts have been innovative enough with respect to the sentences that they can impose and which are available to them.

In a bulletin that was prepared by the Parliamentary Library, there is an example of a case in which three young offenders convicted of an armed robbery had their sentences reduced on appeal from three and a half years with a recommended parole of 12 months to three years' probation. Whereas I accept the general principle that young offenders should be afforded some additional consideration in respect of sentencing, to me that case seems to have gone from one extreme to another. The courts have a wide range of sentencing options available to them. In cases such as that to which I have just referred, they do not appear to be exercising the discretions that the Parliament has provided them. Perhaps if they did exercise discretions that were more in line with community expectations, there would not be any need for Parliaments to interfere

with the general principles that have been referred to during this debate.

I generally support the matters outlined in this Bill; however, I believe that the Government has been too heavy handed in ousting some very valuable and sensible principles that have served our justice system well over the years and which have been accepted within the community and within the court systems in other States. I place on record my congratulations to the Parliamentary Library on the preparation of an excellent briefing paper on this particular Bill.

Hon. J. FOURAS (Ashgrove) (5.01 p.m.): In common with other members of the Opposition, I support the broad thrust of this Bill. Crime is a very serious problem confronting our communities. In the recent council election in my electorate, the Liberal candidate for The Gap jumped up and down on the law and order bandwagon and said that crime is a very serious issue and that what is happening is dreadful. She was forgetting that currently the responsibility for law and order rests with the coalition Government. She was very disparaging about young people. She was concerned that some of her election signs had been broken. One young person wrote a letter to the editor saying that it is terrible that all one hears from politicians who are jumping up and down on the law and order bandwagon is that young people are antisocial, destructive, often in trouble and that they break Liberal candidates' signs. Although she won the election, that candidate had a 9.4% swing against her.

I agree with the approach of the Leader of the Opposition. My experience has shown me that we ought to have a multifaceted approach to crime and we ought to consider prevention. In spite of the fact that my electorate has a large number of Neighbourhood Watch programs that are doing an extremely good job, the area has seen an upsurge of crime, particularly since the restructuring of police services that has resulted in a smaller, more centralised police presence. Statistics for The Gap for the month of January show 52 offences of which 35 were break and enter offences and 12 were wilful damage offences. Crime statistics for that area have increased because of a number of factors, one of which is a decreasing police presence.

One of the most important prevention measures is to have more police on the beat. Some people believe that imprisonment is a deterrent. I do not agree with that. Imprisonment is a punishment, but if punishment is too severe it results in a high level of recidivism. Imprisonment is necessary for the protection of society from violent criminals.

Poverty and unemployment are aspects that lead to crime. Between 1986 and 1989, I was out of the political arena and I was involved in an inquiry into homeless children. For almost three years, I travelled around Australia gathering information for that inquiry. I learned that a strong relationship exists between crime and homelessness. Young people as young as 12 and 13 who are on the streets with no social security safety net will do horrific things to survive. Unfortunately, they prostitute themselves and commit break and enter offences. Eventually they become involved in a drug culture. Unfortunately, many young people who enter the drug culture tend to commit violent crimes. That is a tragedy. Later, I will refer briefly to my concerns about the repeal of section 9 that relates to offenders under 25. I will leave most of that discussion until the Committee stage.

It is important that the Parliament take a whole-of-community approach. I believe it is lousy, for example, that this Government through its Sports Minister is not giving the small number of grants to coaches in my electorate that were given by the previous Government. What is better for keeping kids off the street than providing sporting programs? Last year, the GPS Rugby Union club received a grant from Labor of almost $2,500 and did so every year prior to that that I have been the member representing that area. This year, the Minister gave that club no money at all. The community has a responsibility for children as do parents. I tried to establish a drop-in centre for young people in my electorate. The Salvation Army provided a house free of rent. Some young people from the Uniting Church were willing to run that centre on Friday and Saturday nights. That house is very close to a garage. However, people in the neighbourhood said that they did not want those "grotty kids" in the neighbourhood because they were worried about their property values. I was so exasperated after a series of meetings with people in the neighbourhood that at one public meeting I said, "If I was associated with the church, I would have given that house to a sole parent with nine kids and let them run loose in the neighbourhood seven days a week." I am sure that they did not vote for me after that. We are witnessing a rather superficial approach to issues of crime. In some ways, as I said before about the homeless kids, we are blaming the victims.

There is no doubt at all that those people are victims of a society that has gone off the rails. I believe that community values have declined and levels of family breakdown, homelessness and stress have increased. Ultimately, crime is one aspect of those problems in the community. We need to remember that the biggest deterrent to crime is the thought of apprehension. Long sentences are not the same deterrent. If young people are a danger to society, if they have committed crimes that are so serious that a judge has the right to consider gaol, we ought to be saying quite clearly that they should go to gaol. Statistics show that 40% of our gaol population in Queensland is under 25 years of age; 20% is between the ages of 18 and 21. It cannot be said that, because of the prison as a last resort component of section 9 of the current legislation, people are not being sent to gaol or, as some members opposite would say, not doing the time. The danger is that this legislation is removing the discretion from the courts to consider all aspects of a crime. I believe that the broad definition of "violence" in the legislation is not warranted. That is one aspect of the legislation about which the Opposition has concerns. I am sure that we will be discussing that at the Committee stage.

I want to refer to recidivism. As I said, we cannot have a prison system which is so inhumane and which makes life so difficult for prisoners that they adopt an antisocial attitude. At some time, those prisoners are going to be released from gaol. If they come out of gaol with an antisocial attitude, they are going to be repeat offenders.

There is no doubt at all that, under the Labor Party, the prison system showed some great progress. The Kennedy inquiry preceded Labor coming to Government and it set in train some necessary reforms. They were positive reforms because we have gone from a level of recidivism in 1989 of 60% to 36.4% in 1994-95 and in 1995-96, below 35%; whereas the comparable figure for the worst State in Australia for recidivism, which is Western Australia, is 65%.

I want to talk about what happens in gaols. If we have a prison system that says, particularly to tougher people in that system, that it is not going to give them parole or that the parole that they will get will be very, very small or that there will be no remission for good behaviour because of the crimes that they committed, there is a danger that some of those prisoners will choose not to apply for parole. They will do their whole time in gaol. If they are applying for a small amount of time on parole, such as one fifth, they have to serve 80% of their sentence. Usually, if it is a well-resourced parole system, that person who is on parole is on a string. That person is regularly in contact with his or her parole officer. A well-resourced parole system is a very, very much cheaper option for the community as a whole and it is also beneficial to that prisoner.

Although the Labor Opposition is supporting the provision that people who are sentenced to 10 years or more for serious violent crimes will serve 80% of their terms, we have to consider the effect that has on them. People need to have time out of prison on parole, on a string under the guidance of a parole officer, so that they can be helped to fit back into society and hopefully not become that one person out of three who commits another a crime straightaway.

I conclude by saying that I am extremely disappointed that the Government regarded the Opposition's attempt to refer this very important legislation to the appropriate committee of this Parliament as a delaying tactic, or as an attempt to filibuster and stop the Government from doing what it has been elected to do. I think that it is very unfortunate that, in relation to this Bill, there was no consultation except with the Police Minister. I would have liked to have heard the views of people such as members of the Law Society and the Bar Association about this Bill. I would have liked to have heard what those experts in law had to say about it. It is far-reaching legislation that will have far-reaching impacts. The proof of the pudding is in the eating and although the Opposition supports the broad thrust of this legislation, it will have to wait and see whether the legislation does what it says it will do and whether it works as well it says it can work.

I wish the legislation well. I want a society where people feel secure and safe. As I said earlier, we should put people in gaol specifically to protect society, and those who are a danger to society should do the time. However, with regard to the clause relating to young people, I reiterate that I will be having more to say about that during the Committee stage. I am pleased to have had this opportunity to make this contribution to this debate.

Hon. D. M. WELLS (Murrumba) (5.14 p.m.): To the extent that this piece of legislation emphasises the need to protect society from harm, it merely reinforces the principles inherent in the original Act that it is

amending. That by itself is sufficient reason for the Opposition to allow the Bill passage through the second reading without calling for a division. There are some matters of detail within the legislation which need to be addressed, and they can be addressed during the Committee stage. However, I draw the attention of honourable members to the preamble of the original legislation, which states—

"Whereas—

(1) Society is entitled to protect itself and its members from harm;

(2) The criminal law and the power of courts to impose sentences on offenders representing important ways in which society protects itself and its members from harm;

(3) Society may limit the liberty of members of society only to prevent harm to itself or other members of society.

Be it therefore enacted . . ."

That philosophy is not controverted by the basic thrust of these amendments, and therefore the proposal is sustainable to the extent that the Opposition will not oppose it on the second reading. I note the following point—

"Society may limit the liberty of its members of society only to prevent harm."

The point is that the criminal law ought to be used as a vehicle for keeping in gaol those people who represent a danger to society and for keeping out of gaol people who do not represent a danger to society. It was to this end that the Penalties and Sentences Bill was introduced. At that time, there were too many people who were in gaol who ought not to have been in gaol and there were too many people out of gaol who ought to have been in gaol. At that time, there were far too many fine defaulters in gaol. There were far too many people who had committed trivial offences who were in gaol. They were in gaol by virtue of the fact that there were insufficient sentencing options available to judges.

A little while down the track, that situation changed. Now judges have many more sentencing options and it is not necessary to send harmless, although miscreant people, to gaol. The judges can deal with them in other ways. Nevertheless, when the Penalties and Sentences Bill was introduced and became an Act, it contained provisions that gave judges much wider scope for the longer incarceration of those people who were deemed to be dangerous.

This piece of legislation, by virtue of the fact that it draws a distinction between serious violent offences and other offences, simply entrenches the original thrust of the Act and is not objectionable in itself. However, the problem is that the purpose for which this distinction is drawn is not a purpose that is capable of its fulfilment. As other Opposition speakers have pointed out, it is not going to work very well. I do not need to take the time of the House to go into very great detail but merely point out that a particular clause is not going to work well. That can be discussed further during the Committee stage.

At this stage I refer back to the original philosophy of the Act. The Government has made big play of the fact that it is going to protect society, that the purpose of this Bill is the protection of society and that the Government is going to protect society against serious, violent offences. Clause 4 of the amending legislation states—

"(b) providing for a sufficient range of sentences for the appropriate punishment and rehabilitation of offenders, and, in appropriate circumstances, ensuring that protection of the Queensland community is a paramount consideration."

I was wondering in what circumstances will the protection of the Queensland community not be a paramount consideration? It seems to me that those words are superfluous and those words "in appropriate circumstances" could simply be taken out of the drafting. When the judges are trying to interpret this piece of legislation, they will not make any sense of those particular words that have been put into this amending provision and they might as well be taken out.

There is one odious provision in this piece of legislation. As I said, a number of its provisions need to be considered further. Some of those provisions are pretty unsatisfactory, but there is one that is particularly odious. I refer to the attempt—and I say "attempt"—to prevent the judges from allowing certain regard to be had to the youthfulness of an offender. The youthfulness of an offender is something which is pretty relevant to whether the offender is likely to offend again. A much larger proportion of young offenders do not reoffend than older offenders reoffend. That is a fact that needs to be taken into account in sentencing. To the extent that this Government and this piece of

legislation is trying to do away with that particular safeguard for our community, because it is indeed a safeguard provision which has the effect of reducing recidivism—and it can only be sensibly seen to be a safeguard—it will do considerable damage to society.

The Attorney-General also referred to the deterrent effect of prison sentences. In referring to the deterrent effect of sentences, the Attorney-General needs to have regard to something else, namely, the fact that multitudes of studies have demonstrated that the chief deterrent is not the length of the sentence or, indeed, the circumstances of gaol or the nature of the punishment that somebody will receive in gaol. In every study that I have read the chief deterrent has always been found to be the certainty of apprehension. The more likely a person is to be apprehended for an offence, the more likely it is that that person will take that into account before they commit the offence. To attempt to use a Penalties and Sentences Bill for the purposes of deterrence is not the most effective way to do that. One should use the police force for that purpose. One should use community policing, neighbourhood watches and all kinds of crime prevention programs to deter, because the certainty of apprehension is what stops the people who actually think about it from committing the crime. Of course, there are some crimes of passion where people do not think ahead. However, a crime which involves preparation is carried out on the basis of the criminal's estimate of his or her likelihood of being caught. That is what we should turn our attention to.

Of course, there is a limit to what the Attorney-General, in that capacity, can do as far as crime prevention is concerned. Much of crime prevention is within the ambit of other portfolios. However, if the Attorney-General wishes to concentrate on deterrence, then he should speak to the Police Minister, who has that role. A statute like this is not for deterrence; a statute like this is for protecting the community. It would be a good idea if that was spelt out even more clearly than it is at the moment. It would also be a good idea if the Government took that fact on board.

Having said that, the Opposition is not going to oppose the Bill during the second reading stage. The Opposition looks forward to receiving a good reception from the Minister at the table, so that he will take on board some of the very reasonable propositions that the shadow Attorney-General will put up during the course of the clauses.

Hon. D. E. BEANLAND (Indooroopilly—Attorney-General and Minister for Justice) (5.24 p.m.), in reply: I have noticed the juggling act of the Labor Party in relation to the legislation. The Opposition supports the legislation but opposes the legislation. The Labor Party said nothing for six and a half years in relation to this legislation, which does have overwhelming public support. We have seen a political juggling act from the Opposition in relation to the legislation. I am not sure, but perhaps that is because one faction of the Labor Party is juggling the other. We have certainly seen the Labor Party juggling in order to place itself in a position in which it can support the legislation but raise a few red herrings on the way through. It is interesting that for six and a half years this side of the Chamber has battled to introduce this legislation to put into place the changes we are proposing, which have enormous public support.

The member for Caboolture raised a number of points in relation to my second-reading speech. He seemed to be implying that there was no discretion for the courts to impose sentences that are of 5 to 10 years' duration. There certainly is such a discretion. We are only talking about sentences of 10 years' imprisonment and over where declared offenders will automatically be treated as serious, violent offenders. This legislation certainly gives a great deal more discretion to the courts. It is important for us all to keep that in mind. Quite often we ask for judges to be given more discretion and the Bill will make a very big difference as far as judges' sentencing decisions are concerned. I stressed that when introducing the Bill. Otherwise, the judges would simply retain their current discretions. The Bill gives increased discretions and opportunities that are not present in the Act. That move has been endorsed by the public. It did not occur under Labor.

When talking about precedence of the Court of Appeal, the member for Caboolture did not seem to understand exactly what he was referring to. In my second-reading speech I made the position quite clear to ensure that the courts understand what the Parliament wants with regard to serious violent offenders. I endeavoured to make that very clear in the second-reading speech.

The member for Brisbane Central raised a number of points and talked a good deal about crime prevention. Of course, crime prevention is not covered by this legislation. This legislation stands alone. The Government

is taking action through other legislation, and I am currently working on matters in relation to crime prevention. The issue was also raised by the member for Yeronga, but it is not covered by this legislation. The Government is looking at a number of crime prevention issues and we will get to the legislation in relation to it on another day. At that time, we will discuss it fully.

Mr Foley: What, for example?

Mr BEANLAND: A whole range of issues in relation to crime prevention and victims of crime. The Government follows a whole-of-Government approach to crime prevention. At the last election the coalition said that it would handle the issue of crime prevention through a whole-of-Government approach, and we are certainly doing that. The crime prevention summit has been held and we will work through from there. Some Ministers have already acted through the trial to place policemen in Queensland secondary schools. That is just one initiative that immediately comes to mind.

The issue of victims of crime was raised by a number of speakers. Again, that is covered within the ambit of other legislation and the Government is currently working on possible changes to victims of crime legislation. The Government will work through that, although it will appear in separate legislation. Victims of crime are not covered within the ambit of the Bill before the House.

A great deal of emphasis was placed on consultation. Of course, the Explanatory Notes only mention the consultation that occurred in recent times. It does not refer to the consultation that occurred prior to the last election. At that time, discussions on a wide range of matters occurred with the people of the State. The Leader of the Opposition talked a lot of nonsense on this point, as usual, but crime is happening now and we need to put penalties in place to deal with it. This legislation puts in place provisions to deal with serious violent offences while at the same time giving greater discretion to the courts.

Some points were raised in relation to the Director-General of the Corrective Services Commission, who recently raised a number of points on a radio program. He referred to a number of figures and said that the daily state would increase by approximately 130 prisoners with additional annual recurrent costs, and so on. Whether or not that is going to involve a large number of prisoners is something that——

Mr Foley: But that's only for the people over 10 years.

Mr BEANLAND: Only time will tell, because of the discretion that we are giving the courts in relation to this matter. The 130 prisoners relates to sentences of more than 10 years, when the 80% rule becomes automatic. Any others are at the discretion of the courts. We are giving discretionary opportunities to the courts to make those decisions as they see fit.

The member for Lytton again spoke at great length about police numbers under the former Labor Government. That is not a matter for me; that is a matter for the Police Minister. That issue might be raised later this evening. The Minister will more than amply cover that matter. I thank the member for Nudgee for his general support. I thank the members for Ashgrove and Murrumba. The member for Mansfield made a worthwhile contribution and raised a number of significant points about the legislation.

I was a little appalled by the continual references to unemployed people as being the perpetrators of crime, that somehow unemployment is a cause of crime in itself. Such comments are slurs on the good character of the vast majority of unemployed people who never get involved in crime. Only a small number of the unemployed population are involved in crime. Unfortunately, the Opposition often says that unemployed people are responsible for this or that sort of crime. We should not single out unemployed people as being responsible for crime. I have attended public meetings of unemployed young people and people from broken homes. The people whom I have met at those meetings are not involved in that sort of activity. They do not see that those factors necessarily lead people to become involved in crime.

This legislation fulfils a National/Liberal coalition policy that we took to the last election. The legislation is not meant to cover a range of other issues raised by members. In many cases, those issues relate to other portfolios. We have been working through our election commitments for some time. It will be up to future Ministers to bring in changes that relate to their portfolio areas, such as crime prevention matters and other issues. However, at the moment we are debating this Bill, and it certainly fulfils the election commitments given by this Government prior to the last election. I commend the legislation to the House.

Motion agreed to.

Committee

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Clause 1—

Mr WELLS (5.34 p.m.): It should go on the record that this Bill has an unusual name. "Penalties and Sentences (Serious Violent Offences) Amendment Bill" is a very unusual name, because serious violent offences are only a small feature of the amendments being introduced. It would have been more appropriate simply to call the Bill the "Penalties and Sentences Amendment Bill 1997". However, for political flavour, the words "Serious Violent Offences" were included in the title.

Let us be frank about it: this is not a Bill about punishment, it is about politics. This is not a Bill about righting wrongs, it is about rhetoric. Very little will change as a result of this piece of legislation. All that will change is the detail and the categories that we are given to consider. As I indicated a little while ago to the Chamber, the basic philosophy of the Penalties and Sentences Act is untouched by this set of amendments.

Even though the Attorney-General and various other members of the Government shouted at the top of their voices when they were in Opposition about what a bad Act this was, they are now bringing in a series of largely cosmetic amendments that will do very little to enhance the Act and nothing whatsoever to change its basic thrust. Nothing more than a little political theatre is going on in respect of this legislation.

When the Government was in Opposition, it was very fond of talking about how it would get rid of the provision that gaol should be the last resort. When it was in Opposition, it said that gaol was going to be the first resort, that that was what it would think about first. It was going to get rid of that provision entirely. As I said when we were in Government, it would not really matter if we got rid of that provision entirely, because all it did was state the common law. If we did get rid of the provision that gaol would be the last resort, all we would be left with is the common law. His Honour Mr Justice Macrossan, the Chief Justice of the Supreme Court of Queensland, and others state very clearly that, when giving consideration to whether a sentence should be imposed, the judge will have regard to the principle that gaol shall be the last resort. It does not matter whether that is put into or taken out of a piece of legislation. That concept will still exist, because the legislation only ever declared what the common law was before. If we take away the declaration, we still have the fact which was declared by the legislation previously.

I draw the attention of the Chamber to the fact that what we have here is a stunt name for a stunt Bill. This is not a substantial amendment; it is insignificant. The amendment is badly made and the Bill contains the occasional odious provision. The Opposition will oppose those odious provisions. But let there be no mistake about it: this is not a fundamental change, a revolution or even an evolution; this is nothing other than a stunt.

Mr ARDILL: I also ask why it was necessary to add those particular words to the title of the Bill. I cannot recall any instances of an amendment Bill changing the name of the Act. No doubt that has happened. But why is it necessary to add those words?

Mr FitzGerald: It doesn't change the name of the Act.

Mr ARDILL: That is all right. But why does this Bill not carry the name of the Act that it seeks to amend? This does not make any sense unless, as the member for Murrumba said, it is a stunt. Clearly, the Bill is about pandering to people in the community who are baying for blood. I do not believe that this is a sensible reaction to the problem of crime in the community. I do not think that is what the Bill is intended to be. I suggest that is why those extra words, which are totally unnecessary, have been added to the title of the Bill.

I wish to draw a parallel between violent crime and road deaths caused by drink-driving. Over the years, we have been able to reduce the number of deaths caused by drink-driving by making driving under the influence neither respectable nor acceptable. I believe that should be the first thrust of this Government, not bringing in a Bill with a fancy name that indicates that something is being done when virtually nothing additional will be achieved by it.

One of the few provisions of the legislation I agree with is that the penalty for long-term prisoners should not be reduced to under 80%, but I do not believe that the rest of it will achieve anything. Again, the name change indicates the lack of responsibility and the lack of concern for due process. Again I say that, before considering perpetuating stunts like this, the Government should be examining ways of making violent crime

unacceptable in the community. There are a number of ways in which that can be done. One of them is by not allowing the media to play up violent crime, not supporting——

The CHAIRMAN: Order! The honourable member is straying from the title at this stage. I ask him to keep his comments in line with the debate on the title.

Mr ARDILL: Thank you, Mr Chairman. I am trying to enlarge on the point I am making that there is no need for those extra words in the title. I am saying that action should be taken to downgrade the acceptability of violent movies, violent TV and other forms of violence in the community and that the first thrust should be to make violence unacceptable so that it is treated in the same way as drink-driving has been treated with considerable success.

Mr BEANLAND: The name of the original Act is not being amended by this clause. Clause 3 states that this part amends the Penalties and Sentences Act 1992, and that is being done for some of the reasons which the member for Archerfield just enunciated: to send a very clear message that serious violent offending will not be tolerated. The reason these words have been included in the amended heading is to send a very clear message that these changes are about serious violent offences—nothing more and nothing less. This is certainly not a stunt; far from it. It is sending a very clear and precise message.

Mr ARDILL: The Attorney-General again misses my point. My point was not the toleration of violent crime; nobody wants to tolerate it. It is not a matter of toleration; it is a matter of making it unacceptable in the minds of people who would perpetrate violent crime. It is about making it unfashionable, unacceptable and certainly not part of the mainstream. The Attorney does not quite understand that it is not a matter of tolerance; it is a matter of getting that point across, just as was done with drink-driving.

Clause 1, as read, agreed to.

Clauses 2 and 3, as read, agreed to.

Clause 4—

Mr WELLS (5.43 p.m.): I ask the Attorney: what is the phrase "in appropriate circumstances" doing in this clause? It states—

> ". . . and, in appropriate circumstances, ensuring that protection of the Queensland community is a paramount consideration . . ."

I wondered in what circumstances would the protection of the Queensland community not be a paramount consideration, or, to put it another way: if the Attorney was legislating in favour of the principle of justice, would he put in "in inappropriate circumstances ensure that justice is to be done"? In what circumstances does the Attorney wish to ensure that justice would not be done? So I ask now: in what circumstances does the Attorney wish that the Queensland community not be protected? If he cannot think of an answer to that question, then why not just take those words out?

Mr BEANLAND: I think the clause reads quite clearly. This is a matter for the court to determine in light of the facts of the case. The clause states—

> "providing for a sufficient range of sentences for the appropriate punishment and rehabilitation of offenders, and, in appropriate circumstances, ensuring that protection of the Queensland community is a paramount consideration . . ."

The word "paramount" speaks for itself; it is the highest consideration. I believe that that needs to be made quite clear. For example, if an assault involves a mere tap on the shoulder, there is no need to protect the community from that sort of situation. It is quite different from someone beating up another person. I think that the clause is quite clear and that the words are quite appropriate. It provides the courts with a discretion to, in appropriate circumstances, ensure that protection of the Queensland community is a paramount consideration.

Mr FOURAS: I want to add my comments to those of the member for Murrumba. I would have thought that it would always be appropriate that we have penalties and sentences to protect the citizens of this State. That is why we take people through the court system and incarcerate them. I do not understand what the Attorney is trying to say. I am rising to speak to this clause to show that I believe the drafting is quite shoddy. I do not think it is of any great concern that it is shoddy, but it is awful drafting. That is all I want to say. I believe that the explanation from the Attorney-General reinforces the view that I hold.

Mr BEANLAND: May I just say that this clause comes under the purposes of the Act; it is not in the sentencing provisions.

Mr WELLS: This really is not a trick question. What we have here is a proposition that, in appropriate circumstances, the judges are to ensure that protection of the

Queensland community is a paramount consideration. I am asking the question: when will the circumstances not be appropriate? The answer is obviously: never; so why not take out the words? Putting the words in will simply confuse the issue. A great deal of ink will be spilled in legal opinions about what these words mean; a great deal of court time will be taken up—wasted—by people arguing about what those words mean. The Attorney is costing the taxpayers money by putting a meaningless phrase into this particular clause. I ask the Attorney: what are those words there for? It is not a trick question. The Attorney does not need to give a trick answer; all he needs to do is say he will give consideration to taking them out.

Mr BEANLAND: I believe I have fully answered that previously.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—

Mr FOLEY (5.48 p.m.): I move the following amendment—

"At page 5, line 13, 'and (4)'—

omit."

The amendment has the effect of retaining the current provision in the principal Act in respect of young first offenders, that is, section 9(4), which provides as follows—

> "A court may impose a sentence of imprisonment on an offender who is under the age of 25 years and has not previously been convicted only if the court, having—
>
> (a) considered all other available sentences; and
>
> (b) taken into account the desirability of not imprisoning a first offender;
>
> is satisfied that no other sentence is appropriate in all circumstances of the case."

That is a sensible provision. It should not be removed. The arguments in favour of removing it are set out in the Minister's second-reading speech. He argues firstly that the principle would not in all cases sit well together with a legislative requirement that the court take into account the protection of the community from a serious violent offender as a primary sentencing consideration. I do not see why those principles would not sit well together. It is the business of courts to balance competing principles. The Attorney goes on, furthermore, to say that it is pointless for stating the obvious on one hand and then contradicts himself by saying it acts as a fetter on the court's sentencing discretion. They are logically inconsistent arguments. The existing provision is sensible. It should be there. Accordingly, I urge the Committee to support the amendment moved by the Opposition.

Mr ARDILL: Surely the important thing here is "first offender". Is the Attorney-General saying that if somebody loses his or her temper on one occasion and actually is involved in what is violent behaviour it is best to send that person to gaol?

Mr FitzGerald: Rip somebody apart, disembowel them, maim them.

Mr ARDILL: I am not saying that at all. Sending the person to gaol is an option that the judge must look at. Surely a judge should also be encouraged not to send to gaol a young, first-time offender—and that is the crux of it. If he or she has previously been involved in or normally indulges in violence, he or she certainly should be dealt with appropriately, but this amendment says "first offender" and they are the words of the 1992 Act. Surely it is not wise to increase the prison population and have first-time offenders dealing with hardened criminals and all of the things that go on in gaol. Surely it is not sensible to send that person to gaol when a salutary lesson to the offender that the result of losing his or her temper and becoming involved in fisticuffs—and how many young people get into that situation once—would ensure that it did not happen again. If it is not a first offender, if it is somebody who normally indulges in that sort of behaviour, certainly he or she needs to be given a final lesson. But when it is a first offender for whom this is clearly not normal behaviour, surely there is a good argument to maintain that provision. It has been there for only five years. It should be retained in the Act.

Mr FOURAS: During his speech, the Attorney-General spoke about the provision having no application to serious violent offenders sentenced under the new part. We are talking about first offenders. If a gaol sentence is called for, as I said in my second-reading speech, it should be imposed. But this is such a broad definition. For example, the words "resulted in physical harm to another person" are in the clause. That is ludicrous; it is such a broad definition that it is the worst aspect of this legislation. I want to speak very briefly on this to ensure that we do not give a discretion to the judiciary or the court system to consider all the aspects. I believe 40% of the people in our prison system are aged under 25.

Mr FitzGerald: They are not all good people.

Mr FOURAS: Of course they are not. They are in prison because they are violent and they do wrong things.

Mr Foley: This is not to do with violence. This applies to anything.

Mr FOURAS: This applies to anything like that. It is such a broad definition. That is what I am worried about and that is why I wanted consideration of the Bill referred to a committee. I would like to hear views from organisations such as the Law Society and the Bar Association because this really is such a broad definition. The Bill title uses the words "serious violent offences". This is poorly drafted legislation. It is a disgrace really. I will leave it at that.

Mr BEANLAND: I am always intrigued by what is so magical about the age of 25 years, because I am sure it is not such a magical age to the victim if the person who has perpetrated the offence on him or her happens to be under 25 years of age. I set out in my second-reading speech the reasons for doing this. I am also very much aware of the violence in the community. Unfortunately, it seems that there are so many people who are under 25 years of age who are violent and commit these violent offences. The provision does not say that these offenders have to go to prison—far from it. In order to keep in line with other changes, I think it is appropriate that we make it quite clear that the future of these people, regardless of their ages, is left to the discretion of the courts. Of course the courts do not put young offenders in gaol if there are other options for them to take. When so many of these young people are caught up in this violence today, I believe that the abolition of this provision is appropriate.

Mrs CUNNINGHAM: I would like a clarification from the Minister. Section 9(2) of the Penalties and Sentences Act 1992 goes through quite a number of matters that the court must have regard to. Some of those appear to be similar without necessarily designating the age. The one that the Minister is proposing to omit designates specifically 25 years of age. Subsection (2) lists the offender's character, age, intellectual capacity and it goes on to name quite a number of other factors that the court should have regard to. Is it the Minister's belief that by leaving out subsection (4) there is still sufficient regard for the person's youth and first offence status or does he believe that subsection (4) gives no extra protection for young people or that it gives an unnecessary protection to young people?

Mr BEANLAND: I believe that the sentencing guidelines in section 9 certainly cover that and I say to the member for Gladstone that there are certainly enough opportunities, discretions and issues for the court to consider. It says quite clearly that in sentencing such an offender, the court must have regard to a whole list of principles including the offender's character, age and intellectual capacity, the presence of any aggravating or mitigating factor concerning the offender and so on. Certainly the issues of age and circumstances and so on are taken into account by the court. Section 9(2) clearly sets it out and gives those discretions to the court. By not omitting subsections (3) and (4), which relate to the age of 25 years, we are trying to restrict the courts in relation to these matters. Young people committing minor offences are more than ably covered because the provision specifically sets out the extent to which the offender is to blame for the offence, any damage, injury or loss, the offender's character, age, etc. Those issues are certainly taken into account by the court and that is clearly spelt out.

Progress reported.

SITTING HOURS ON WEDNESDAY, 26 MARCH 1997

Sessional Order

Mr FITZGERALD (Lockyer—Leader of Government Business) (5.59 p.m.), by leave, without notice: I move—

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

Motion agreed to.

PERFORMANCE OF MINISTER FOR POLICE

Mr BARTON (Waterford) (6 p.m.): I move—

> "That this House condemns the failure of the Minister for Police (Mr

Cooper) to make real progress towards honouring his 1995 pre-election promises to substantially increase police numbers and resources, and his failure to address rising crime levels."

The Police Minister is failing to manage Queensland's Police Service effectively. He is paying scant regard to his 1995 election promises—promises, I might add, that he was very sure when the coalition went to the 1995 election that he would not be forced to deliver or would not attempt to deliver. This Minister is failing totally to even acknowledge openly the rising crime problem that is occurring in our society, let alone taking action to address this increasing crime problem. This Minister created an expectation prior to 1995 and during that election campaign with the public and with members of the Police Service itself that he now cannot deliver on. He has no intention of trying to deliver on some aspects of it. When I move around this great State of ours, I find that both the members of the public whom I speak to and most of the police officers whom I speak to feel betrayed.

I should ask: does this Minister accept his responsibilities? Very clearly, the answer to that question is: no. The Minister is constantly trying to blame the previous Government for the fact that police resources are low at this time, and for his failure to increase them in line with his promises—or to even start to increase them in line with his promises. Again, I have to ask: how long does the Minister want? He has been in the job for 13 months, and we have not yet seen adequate progress on the promises that he made in 1995 and repeated so vociferously during the Mundingburra by-election. This Minister deals in myths. If the proposed fortune-telling provisions that were before this House earlier today had stayed in the Criminal Code amendments, this Minister would be liable for prosecution because he makes such outrageous promises and creates expectations.

There is another myth in which this Minister indulges. He constantly peddles the same story about police numbers over and over again, if one listens to his responses to dorothy dixer questions in this House, the ministerial statements that he makes and the media conferences that he attends. He peddles this myth by selectively quoting statistics that police numbers actually fell under the period of the Labor Government. I think the magic figure that he keeps mentioning is that they fell by 79 over a period of years. Again I have to ask: what is the truth of what occurred with police numbers during the period of the Labor Government for just over six years? The figures are very telling.

Mr Cooper: Don't fudge them.

Mr BARTON: I certainly will not fudge them. I do not have to fudge them, because it is a good story. There were 1,095 additional sworn police during that term of the Labor Government. In terms of operational police, after the impact of civilianisation came into effect, there were actually 1,598 additional sworn police officers out there serving Queenslanders. We increased by 770 the number of people out there in civilianisation. Again, if we listen to the myths perpetrated by this Minister, we are led to believe that civilianisation was something that he thought of, rather than something that was already well under way during the term of the Labor Government.

Mr Johnson: Why didn't you do it?

Mr BARTON: I will tell the member what the figures were. In terms of the average numbers of additional police per year during the term of the Labor Government, it was 266 per year or, in round figures, 22 per month. I do not believe that members should ever forget that, when this Minister was last the Police Minister and Premier during 1988-89, police numbers increased by 12 per year, or one per month. That was the legacy left to the Labor Government by this man when he was last the Police Minister and, for a short period, the Premier of this State.

This Minister has absolutely no credibility on police numbers when he gets up to make the statements that he makes. He has promised 2,780 over 10 years. But they are on the never-never plan. We are never likely to see them. That equates to an average of 278 additional operational police per year, representing an average increase per year of 266—just over that achieved by Labor during the six years that it was in office. In the Budget for this financial year, the Minister has promised 800 additional police over three years. For 1996-97, though, he promises 139. But that is a figure that did not even appear in his official Budget papers. It appeared in the press release that he put out on that day and in an answer to a question on notice, when we asked for more detail about what was missing from the Program Statement and the official Budget papers. I have to ask: how fair dinkum is this Minister when he even wanted to hide the fact that it was 139 police that he was committing to this financial year—139 additional police that he has absolutely no hope of delivering during this period?

Let us have a good look at the analysis of that. Based upon the figures that the Minister provided after we put that question on notice and got the specific detail in relation to those 139 officers, after allowing for the numbers that are to be trained—and which he quotes for the academics—and after allowing for the Minister's prediction of a 3.5% to 4% separation rate, our estimate is that, at best, there will be an additional 20 officers at the end of this financial year and, more likely, a real reduction of 12. At the moment the separation rate is running at higher than the predicted figure. That also followed a separation rate in 1995-96 of 3.92%. My understanding is that it is now well over 4%.

This Minister is out there saying, "I am going to provide these numbers of additional police", but quite frankly, in terms of providing that, they are mainly going to take the place of police who are already leaving. They are just filling holes that already exist. Believe me, when we get to discussing the Budget Estimates this year, we will be looking for what the actual increase is. I am sure that it will be simply a myth when the Minister says that he is increasing police numbers by 139, because he has no chance of reaching that figure in real increased numbers.

This Minister also peddled another myth. He claimed that it was not his responsibility to allocate police but that of senior police managements. But this myth seems to change depending on the day and the circumstances. Prior to the 1995 election, this Minister ran all over the State making specific promises about large additional numbers of police in almost every town and region of Queensland. Ipswich was promised 90, and my colleague will talk about that later. Hervey Bay was promised 60; Logan/Beenleigh, where my electorate is, was promised 150; and Redcliffe was promised 100 when this Minister gained Government. We know that he cannot do that overnight, but we are not seeing any real progress being made to increase those actual numbers out there. But on gaining Government, the Minister suddenly found a revolution on the road to Damascus or the road to Fernberg. He suddenly realised that it is not his responsibility to allocate police but that of the Police Commissioner and senior police managements. Then he hid behind them.

I want to have a more detailed look at this myth. The Minister is now out there perpetrating another myth. He is saying that the police recruit intakes who are graduating are all genuine increases. He is failing to recognise that they are simply filling holes that already exist. He is out there claiming the credit for it and trying to create an impression that large numbers of genuine additional police are going to these centres. But he is not content with making announcements about those who are already graduating or are about to graduate—like the ones at Oxley in December, when there were 117, and the 40-odd who are about to come out of the Townsville academy. Now he is spinning it out to "by the end of June" or "by the end of September". Clearly, he is making announcements about where he is going to put police who have not even started their training courses yet, let alone graduated from them. This is just another indication of how sloppily this Minister is prepared to play with the figures. So he is perpetrating that myth.

I believe that Mount Isa is a very good example. In the North West Star of 11 March, even the local police superintendent said that the 10 police he expects to get will simply only make up for some of those who have already left and that what he really needs is something between 16 and 20 if he is even to keep up with the numbers of police officers who are already going. So we have a Minister who is simply not credible on the promises that he is making in terms of lifting police numbers in this State. He is simply not credible on crime, because he even refuses to acknowledge the very significant increases in crime that are taking place now, which are following on from actual falls in crime under Labor.

Mr LIVINGSTONE (Ipswich West) (6.08 p.m.): I rise to second the motion moved by the member for Waterford. When this Government came to power, it inherited a lot better Police Service than the Labor Party did when it won Government in 1989. In 1989, the Police budget was $294m. When we lost Government in 1995, it was $541m. That $541m represented $161 per person, compared with the last National Party budget, which represented $96.20 per person. The Minister regularly tells us about the black hole where all this money disappeared. With all due respect, if members recall what we actually inherited and consider the conditions and the services that we had, they can easily see where a lot of the money went.

The North Ipswich Police Station, which is just around the corner from my electorate office in Ipswich West, was an absolute disgrace. It did not have a fax machine. If officers wanted to do any photocopying, they would come to my office to use my photocopier.

Mr Johnson: And how long has that been going on?

Mr LIVINGSTONE: That had been going on for 32 years under the honourable member's Government. That is one of the oldest police stations in Queensland, and it did not even have hot water under the Government run by those turkeys. That place had absolutely bare boards, and nobody gave one hoot about the staff.

In 1989, Ipswich had 156 police officers. When Labor left office, that figure was approximately 223. During that period, we built a new JAB and a new police station at Karana Downs and established a police shopfront on the mall and Police Beats at Silkstone and Leichhardt. They have been working extremely well. The officer at Leichhardt, Adam Wilmott, is doing a great job. The only criticism—and it certainly is not of Adam—is that regularly he is seen driving a police car around town, because Ipswich does not have enough police and the guy from the Police Beat at Leichhardt is required to do other work. That has happened because this Police Minister has not provided any additional resources to that area.

I believe that the media have been very kind to this Minister. When we were in Government, reports were coming from Mr Cooper week after week and month after month about the great crime wave and the shortage of police. When one reads the comments of the Minister at that time and compare them with what he has delivered, one finds that they do not say a lot for the Minister. Hansard states—

> "The Lowood area is a massive growth area. Two police officers serve 8,000 people, and there is no way in creation that those police officers can do that job. With the increase in police numbers being so small, there is no way in the world that the people in that area are going to be protected. The police officers are"—

doing a great job but—

> ". . . feel the pressure more and more in stations throughout the State."

He said that the Labor Government needed to do a lot more. He said that people on his side of politics were saying, "Let's get on and do it, and do it for the good of the people." Now the Government tells us that the Ipswich district has eight police officers too many. For crying out loud, what happened to the figures that he was quoting before?

Rosewood, another small country area, has two police officers. I believe that that figure should be four. When we are returned to Government next year, I will be pushing to have a new police station built there. In a letter to the editor of the Gatton Star of 21 June 1995, Mr Cooper stated—

> "The 'thin blue line' grows thinner by the day."

He asked who could accept that police can do their job and referred to the "betrayal, failure and excuses of the Goss Government". Let us start with "betrayal". On 12 January he promised 90 police, gave us none and now claims that we have eight too many. As to failure—he referred to there being no new police recruits, and now we hear the excuse that we have eight too many. I have never heard anything like that in my life! This guy gets away with it. The media have allowed him to get away with it.

Mr SPEAKER: Order! The honourable member will refer to him as the Honourable Minister.

Mr LIVINGSTONE: The Honourable Minister gets away with it. The media will have to take careful notice of statements made by the Minister when he was in Opposition. The Queensland Times of 10 January——

Time expired.

Mr TANTI (Mundingburra) (6.14 p.m.): Nowhere is Labor's abject failure to improve police service delivery and lift police numbers more starkly evident than in Townsville. Townsville has seen enough Labor snake oil on police numbers to light up the docks. The perfect example is the Mundingburra by-election. The member who rejected Rockhampton to inflict himself on the poor people of Kedron, the former Minister for Police, promised 21 extra police for Townsville in that by-election—21 police who did not exist, 21 phantoms, 21 figments of Labor's cunning and over-fertile imagination.

Mr Lucas interjected.

Mr TANTI: We have already provided 22 police.

The people of Townsville did not buy it then and they do not buy it now. The reason is Labor's shabby record and the way in which it mistreated the people of Townsville. Townsville police were battling just to hold the thin blue line under Labor. Police numbers in Townsville actually fell from 318 in 1993 to 312 in 1995, while crimes increased by a staggering 14.6% and property offences increased by 1.3% between 1993 and June 1996. Last week I

spoke to the Criminal Law Amendment Bill and I clearly detailed how the member for Waterford, Mr Barton, was way off the mark when referring to Townsville police numbers. Those details, which are clearly spelt out in Hansard for everyone to read, covered why he was totally wrong.

I will now give the House some facts about the steady rise in police numbers. They explain what this Government is doing in Townsville and throughout the State. It is a good sign that 39 police retreads have begun retraining at the Oxley Police Academy. It is a good sign that those people want to return to a police force for which they do not mind working. The latest recruits kept the Government's $76m, three-year strategic police staffing plan right on target. Police numbers are being pushed up as fast as physically possible. We have opened the Townsville academy to keep the throughput at a cracking pace and provided an avenue for training for north Queensland recruits. There are 277 recruits currently training in the Oxley and Townsville academies, which are running close to capacity. It takes approximately six months to train police recruits and three months to train retreads rejoining the service. The staffing plan required a substantial front-end investment this financial year to get the recruits into training. The real impact of extra police numbers will start to be evident as they graduate in the latter six months of the year. In August, over 100 will be inducted and join active service in communities right across Queensland. The Government is fulfilling community demands for additional police. The Government is getting on with the job of providing a well-resourced, well-managed and professional Police Service for Queenslanders.

I now have some details from a press release of the Minister for Police, Mr Cooper, dated 23 January 1997, titled "'Bleatty' bungles police numbers". That document gives examples of the Opposition's scaremongering and its hiding of the truth of what is happening. According to that press release, Mr Cooper said—

> "The State Government is delighted for ALP Leader Peter Beattie to advertise Townsville's projected Police increase . . ."

As usual—

> ". . . Mr Beattie got his claims of police shortages according to authorised strength in the Northern Region so hopelessly wrong he was a laughing stock."

He continues to be. Mr Cooper said—

> "'Our recruitment for the Townsville District is well ahead of schedule.'
>
> . . .
>
> 'The Coalition has delivered on its simple . . . commitment to set up a north Queensland academy.
>
> 'The Academy is spot on. It has its full quota of recruits in there and the first batch of Townsville Academy recruits will graduate and be allocated to stations in north Queensland in May."

On 28 April we will all be there to see them graduate and we will be very proud of them.

Mr Lucas interjected.

Mr TANTI: I do not mislead the Parliament. If I do, I apologise—unlike the honourable member. The press release continues—

> "'The Government and Police are exceptionally pleased at the way the Academy is running—it is first rate—and as we anticipated the response in terms of recruit applications from north Queensland has been a success beyond our wildest dreams.'
>
> . . .
>
> 'I am surprised Mr Beattie has reminded the people of Townsville of the grubby attempt to mislead them during the Mundingburra by-election.
>
> . . .
>
> 'Unlike Labor's rhetoric and hollow promises about boosting police numbers, we are fairly and squarely delivering,' Mr Cooper said."

I will now tell honourable members what will happen if Labor gets back into office. I will quote from a press release of 14 February titled "ALP plans to axe Townsville's Academy"—

> "The Labor Party is . . . opposed to the Townsville Police Academy and will close the establishment if it gets back in office"—

I wonder whether Mr Barton will be there on the 28th—

> ". . . the ALP was querying the cost of the Academy and was planning to close it if returned to office."

Mr Cooper—

> ". . . said the Academy—a Coalition initiative . . ."

Time expired.

Mr McELLIGOTT (Thuringowa) (6.19 p.m.): I can only assume that the member for Mundingburra is still shell-shocked as a result of the Townsville City Council elections. On the Saturday of the elections, he was quoted as saying, "We don't know what hit us. We are still trying to work out what happened." I can advise the House what happened. Mayor Tony Mooney was returned with 66% of the vote and the Labor council team secured 9 out of 10 councillor positions. The reason that they secured that massive vote of support is that they ran very heavily on the issue of law and order.

Mr TANTI: I rise to a point of order. Mr Mooney ran on law and order but——

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

Mr McELLIGOTT: The reason that they won such a handsome majority is that they convinced the people of Townsville that this State Government has not delivered on the promises that it made at the 1995 State elections and the Mundingburra by-election in regard to police resources in Townsville. Some members opposite would understand—and those others who have not yet had the experience will shortly experience the harrowing experience of being voted out of Government—that being voted out of Government is particularly annoying when it occurs because of false promises and promises that are simply are not delivered. In this case, there is no doubt that the coalition secured Government by running heavily on a law and order platform. Quite simply, the coalition has not delivered. In my view, it was very, very poor that, during that election campaign, police officers and even prison officers campaigned for the defeat of the Goss Labor Government—something that I never thought I would ever see in Queensland.

The fact is that this Government has not delivered. Very clearly, the perception in Townsville is that this Minister and this Government have not delivered. If anything, the incidence of crime has worsened. Indeed, there are more horrific crimes being committed throughout Townsville and Thuringowa than have ever occurred in the history of those communities. Regularly, Flinders Mall experiences massive incidents of violence. We are aware of the problems of the park people at Hanran Park, the cowardly attack that occurred when 30 young people attacked four peace-loving citizens at The Willows Shopping Centre, the 13-year-old female to whom I referred in this place some time ago as creating havoc in the Upper Ross is at it again, an 18-year-old's birthday party was taken over by 200 unruly people wielding iron bars, and the story goes on. Recently, when the Premier visited Townsville he was inundated on talkback radio by calls from people complaining about inactivity and the inability of the Police Service to protect the community in the way in which it was promised.

In today's Thuringowa Sun, a crime prevention expert stated the following—

> "Crime prevention should not be left solely to the police, as the organisation did not have the physical resources to adequately deal with the problem."

He stated further—

> "There is simply not enough police resources, so crime prevention needs to be the responsibility of the whole community."

I do not disagree; the community has a role to play. However, this Government and this Minister in particular duped the people of Mundingburra at that by-election with the promise that all of those terrible things that were happening under the Goss Labor Government would be eliminated upon the election of the coalition. Now they see the results for themselves. My information is that currently the Townsville police district is 15 officers short. That is demonstrated clearly by the way in which they are unable to deliver the protection that the people demand.

I refer to the Townsville City Council election. The Liberal Party's mayoral candidate, Barbara Hymus, made the extraordinary statement that extra police resources was not the answer to the crime problem in Townsville. As I indicated earlier, she received some 34% of the vote and was laughed out of the campaign. There is no doubt that, during that election campaign, the people of Townsville, Thuringowa and Mundingburra realised that they had been conned. That has been confirmed by the election results for the Townsville City Council. I have no doubt that whenever the next State election is held, that view of the community will be represented at the ballot box as the people will then have the opportunity to punish this Minister and this Government for their failure to make progress towards delivering those election promises that they made so substantially, and particularly their failure to address rising crime levels in our society.

Mr CARROLL (Mansfield) (6.24 p.m.): The Opposition's motion is more desperate stuff. This Minister is performing admirably. Our Police Minister has done an excellent job

of managing the very serious and difficult portfolios that are under his control. His answers during question time this morning demonstrate his thorough knowledge of his portfolios and his ability to discern the scurrilous behaviour of those opposite and to carve them up and present them in little pieces.

This motion is just another transparent excuse to have a cheap shot at a hardworking, efficient and very successful Minister. The Opposition has done everything to badger this Minister and interfere with his management of those portfolios under his control. The Opposition has been presenting prolonged and exaggerated claims over some minor paperwork that arose in the lead-up to the Mundingburra by-election—a largely irrelevant matter when considering the management of this State in the wake of a Labor Party that was thrown out by 54% of Queenslanders.

At the same time as the Police Minister was battling with those allegations that were brought before the CJC, he was dealing almost single handedly with the very difficult guns issue. He steered this State's Legislature towards the Weapons Act, which has been widely accepted as a satisfactory solution to the problems that were created in the wake of the Port Arthur incident. This teflon-coated, cast-iron Minister has not only been the epitome of the hardworking Queenslanders who were forgotten by Labor but also he is thoroughly competent in managing the portfolios assigned to him. I think that his family also suffered because of the great difficulties that he faced over that CJC campaign.

Parties elect Ministers to carry out policy. This Minister is doing that; he is carrying out the coalition's policy. Queenslanders can have every confidence in his performance. The police and others who serve under him can have every reason to be secure under his leadership. He has stamped out cronyism, which under Labor was made into an art form. That was one of the complaints of police officers who came to me both prior to the 1995 election and in the year after. The only continuing complaint of those police officers, but one which is diminishing, is that there was a shortage of backup in prosecutions. Police want to be able to complete the job and get convictions after they do the detective work.

As to the events that have affected the Police Minister over the past 18 months, the CJC has played an interesting role. Recently, we have found that Labor and the CJC knew that there was no case worthy of pursuing this Minister about, and especially through such an expensive inquiry as the Carruthers inquiry. It was dragged out, and it seems that Mr Carruthers could find no way to conclude that the charges against the Police Minister were justified. It is strange that he suddenly scuttled back over the border throwing up the created smokescreen of an allegation that there was interference by the Connolly/Ryan inquiry. Honourable members and other Queenslanders will draw their own conclusions from all of that.

The second way in which the CJC actively interfered with the work of this Police Minister was the shameful way in which its chairman endeavoured to use vague and very serious allegations about accelerating high-level involvement by the police in alleged drug trafficking. That came to light last year during the Estimates committee hearing. I was one of those members of that committee who asked questions that brought about allegations by the CJC chairman that led to a media circus around this place for the following week. In answer to my questions, it appeared that the police had not been informed of those CJC allegations. It appears it me that the trumped-up claim was made to support a shabbily prepared budget submission to the Attorney-General.

There is plenty of reason to be nervous about the CJC chairman, but no reason to be nervous or anxious about the performance of the Police Minister or the Attorney-General, who I think has been implicitly criticised in this motion before us tonight. The crackdown by both Ministers on crime has been impressive. It is going to succeed. Another example of that crackdown has been the passage through this Parliament this week of the amendments to the Criminal Code and the Penalties and Sentences Act.

I have only praise for the police who are stationed at the three stations in my area, Camp Hill, Holland Park and Upper Mount Gravatt. They actively support every conceivable community crime stopping effort and they promptly attend to any calls that are made.

Time expired.

Mrs ROSE (Currumbin) (6.29 p.m.): I rise to support the motion moved by the member for Waterford. I have to say that I am surprised to see that the Premier is not present in the House, sitting on the same side as the Opposition and condemning the Minister for not providing the extra police that he promised.

Mr FITZGERALD: I rise to a point of order. This morning I advised the House that the Premier would be away during question time. At present, he is entertaining the Secretary-General of the Commonwealth and he should be back in this House.

Mr SPEAKER: Order! I call the honourable member for Currumbin.

Mrs ROSE: In March last year in an article in the Gold Coast Bulletin—one year ago—the Premier said that we needed another 1,100 police in Queensland. What have we seen? No extra police on the Gold Coast at all! In fact, if members opposite spoke to the police on the Gold Coast, they would tell them that they have fewer police now than they did 12 months ago. There are fewer police at Surfers Paradise, the Premier's own electorate, fewer police at Coolangatta and fewer police at Burleigh. The numbers are down on the recommended strength right across the region. The police officers in the Gold Coast region have to work twice as hard as officers in other areas. There could be another 100 police officers on the Gold Coast tomorrow and one would not see them disappear into the holes. That is not the positions that are available; that is just the need. The Gold Coast needs another dozen police cars as well.

The Surfers Paradise police are so burned out from continual late night shifts during which they fight off drunks from 10 o'clock at night until five o'clock in the morning that they are being sent out to stations such as Coomera to take some of the pressure off them. The number of police at the Burleigh Heads station is 20; the recommended strength for Burleigh Heads is 24 according to the Government's model on the number of police required. The model strength for Coolangatta is 31; it has 25 police officers. It was only in the last couple of weeks that that station received five extra officers to bring the number up to 25. That is 20% short of the Government's recommended strength for the Coolangatta station. It is an absolute outrage! The Government has promised the Gold Coast an extra 24 officers by June of this year, that is, 24 officers from November 1995 to June 1997. The population increase for the Gold Coast over that time is 20,000 people and yet the Minister is saying that we should be thankful for getting 24 extra police!

Yesterday morning in the House I outlined the absolutely shocking number of violent crimes occurring in Palm Beach in recent weeks. What did we see this morning? In retaliation, we saw a disgraceful performance from a Minister of the Government who personally attacked a member of Parliament who had stood in the House to try to fight for their local area! The Minister did not want to address the question of policing in Palm Beach or on the Gold Coast. He could not attack that issue, so he made a personal attack on me. He called me names because that is the only way he knows how to deal with the issue. He attacks people personally because he cannot attack the issues.

You got the member for Burleigh to ask a question and then you stood up to defend her.

Mr SPEAKER: Order! The honourable member will refer to the Honourable Minister for Police as "the Honourable Minister for Police".

Mrs ROSE: The Honourable Minister for Police launched his attack after a dorothy dixer from the member for Burleigh. I am not surprised at that, because she has been copping a bit of flak in the media lately. According to an article in the Gold Coast Sun, even the local Neighbourhood Watch Program is stunned and surprised that she will not support a police shopfront for the Palm Beach area. The honourable member has also attacked a local person who has been fighting an anti-crime campaign. According to this morning's Gold Coast Bulletin, Mrs Gamin said that Palm Beach is now the best policed area on the Gold Coast. The newspaper also states—

> "Burleigh MP Judy Gamin attacked Mrs Rose's comments as an attempt to inflame and provoke the people of Palm Beach."

Honourable members do not have to listen to me; they can listen to the people of Palm Beach.

The Palm Beach Law and Order Committee Chairman and real estate agent, Tony Burns, has said that robberies were not surprising as crime in the area was spinning out of control.

Time expired.

Mr SPRINGBORG (Warwick) (6.34 p.m.): The community has a realistic and just expectation that the State Government will do what it can to protect them. This Government is doing that and tonight I intend to outline how. Firstly, I will respond to comments made in the last few minutes by the member for Currumbin and the member for Ipswich West, my erstwhile friend and colleague.

I refer to a letter which was written by Mr Cooper and sent to Mr Livingstone, the member for Ipswich West, on 8 March 1996. Mr Cooper was responding to Mr Livingstone's call for extra police to be made available within our first month in Government. Mr Cooper said—

> "The plain, obvious reason for this chronic staffing shortfall is the appalling neglect by your Government. The Queensland Police Service has advised me that your Government provided for only 60 extra Police positions in its 1995/96 Budget and, until this Government passes its Budget for 1996/97, we have to live with the consequences of the Labor Party's shameful inaction."

The Minister continued—

> "You, and the long-suffering people of Ipswich, will be very pleased to know that in the first few days of this Government I have taken action to ensure that Police numbers are boosted beyond these pitiful Labor Party targets."

I think that it is a little rich for members of the Opposition to expect the Government, in one short year, to address the appalling neglect that they perpetrated on the State over the previous six years. However, let us see what has happened in the last year.

By June 1997, there will be 139 additional police officers in the State and, with the ongoing civilianisation program, we will be reaching our target of 800 additional police officers in the State by 1999. I have no doubt that that target will be met. The intakes into the Police Academy in Brisbane and in Townsville will assist us in overcoming the chronic shortage in police numbers.

The honourable member for Currumbin raised some points about the Gold Coast. In reference to civilianisation, civilians replace police who are in office-bound positions. Those police can then go onto the streets. Five civilians have been assigned to Redcliffe and others have been assigned to Maroochydore, Rockhampton, Ipswich and Toowoomba. Eight more civilians have been assigned to the Gold Coast. That would seem to equate to police officers who were office-bound being able to go onto the streets to do the things that police do best within the community.

In the last six years I have heard much about how good the former Government was in addressing problems within the Police Service. I remember years ago, particularly in rural areas, that if a police officer in a one-man station went away, that officer was replaced and the community was not left exposed to the vagaries of crime. When the Labor Party came into Government, people were constantly contacting me to ask, "Why is our station left unmanned for six weeks or five weeks or four weeks or three weeks when in the past when the police officer went away the station was still manned?" I do not know the answer to that. The Government of the time told us that extra police were available, but they were not showing up in the community.

A new police plan has been approved for the Warwick district which will see one extra constable and one extra sergeant assigned to the district. The region does have a problem and the Government is moving to address it.

For a number of years there has been a problem with the Stanthorpe Police Station, particularly with the counter area which is completely inadequate. There is not enough room to swing a cat once people start queuing for drivers' licences and so on. Within its first year in power, the Government will revamp the public counter area, build two additional watch-houses and provide wheelchair access to the station. The Government is fulfilling its commitment not only to the people of Queensland but also, very importantly, to the people of rural Queensland.

Also on the drawing board are plans to provide two Aboriginal liaison officers for Warwick. That will help to address some of the emerging problems of the area. The Government deserves some degree of credit, not censure and condemnation.

Mr NUNN (Hervey Bay) (6.39 p.m.): It was indeed sad to watch a once-proud Police Minister touting for votes virtually on the street corners during the run-up to the last election when he made promises that he could not keep and had no intention of keeping. I hold in my hand an article which appeared in the Maryborough-Hervey Bay Chronicle during the run-up to the 1995 State election. It is headlined, in letters 20 centimetres high, "Call for 60 more police". The headline is misleading because the article actually stated that 65 police were called for. However, the newspaper, in its kindness to the Minister, discounted the number by five because it knew that he had no hope of keeping that promise. The newspaper knew that the coalition could not be trusted to keep its promise because, like everyone else, it knew the history of police numbers in Hervey Bay.

In 1986, when the National Party was in its heyday, there were 18 operational police in

Hervey Bay. By 1989—and I think the Honourable the Minister was the Minister for Police for part of that time—when the Nationals were in their death throes as a party which could be trusted, the numbers were down to 15. So over those three years, although the population had increased by 25%—and members should not forget that Hervey Bay was the highest growth area in Queensland; it had phenomenal growth by any standards—the number of police decreased by 16.66%. Public meetings were held in protest. From 1990 to 1995, there was an increase of almost 100%. Under a Labor Government, the numbers went up to almost 30.

After so many promises and 13 months after the member for Gladstone took over the reins of Government, the official figures obtained from the Queensland Police Union show that in Hervey Bay there are 28 operational police. I will now give honourable members some figures for police numbers. According to a Police Union document, the allocated strength for the city is 34 officers. The target strength for 30 June is 32 officers, and the present strength is 28 officers. Based on the Minister's requirements, we are six officers short. Those are the Minister's requirements, not anybody else's.

Upon seating his backside on the ministerial leather, the Minister for broken promises could not wait to get to Hervey Bay to tell us all about what he was going to do for us. On the local news, he said that a snap of the finger was all that was required to provide the paddy wagon which Labor had promised during the election campaign. He snapped slowly! A nine-month snap got him into the Guinness Book of Records for being the slowest finger snapper in the business. I reckon that he must have built the paddy wagon from parts!

I have to admit that the Minister did stir himself into action. When the second police inspector in the Maryborough police district was granted a transfer, he was not replaced, and the Minister has refused to do anything about it. I know the Minister says that he cannot tell the commissioner where to deploy his staff. All over Queensland he has been hiding behind that line. I am here to tell him that he can. To prove that he can, I will quote from an extract from the Police Service Administration Act 1990. Subsection 4.6(2)(c) states—

> "The Minister, having regard to advice of the commissioner first obtained, may give, in writing, directions to the commissioner concerning—
>
> . . .
>
> (c) the number and deployment of officers and staff members and the number and location of police establishments and police stations."

Subsection 4.6(3) states—

> "The commissioner is to comply with all the directions duly given under subsection (2)."

The Minister can tell the commissioner where to deploy police officers. He can redress the situation any time he likes. He has boasted of his immense capacity to do just that.

The Minister has also said that money would be better spent on providing operational police. However, I wish to remind the Minister that his promise was to provide more police, not to provide more police and to take away one inspector. Those extra police were to be on top of those we had already. Bundaberg has an allocated strength of 91 officers and has two inspectors. Gympie has an allocated strength of 91 officers and has two inspectors. The Maryborough police district has an allocated strength of 103 officers and has one inspector.

Time expired.

Hon. T. R. COOPER (Crows Nest—Minister for Police and Corrective Services and Minister for Racing) (6.44 p.m.): Again, I wish to speak about police numbers. For the benefit of the House, I reiterate that between February and May of this year 173 first-year constables will have been allocated as follows: Gold Coast, 13; metropolitan south, 19; Mount Isa, 10; metropolitan north, 20; Logan, 20; Mackay, eight; Cairns, 18; Mareeba, five; Maryborough, two, with another 12 to come to the district by the end of the year; Townsville, 13; Redcliffe, 12; Gympie, two; Toowoomba, six; Bundaberg, four; and Gladstone, two. This year, the budget went up by 7.3%, or about $39m. There is also another $6.3m from the Cabinet Budget committee.

Mr Livingstone interjected.

Mr COOPER: There will be plenty more. So far this financial year, Logan's police numbers have increased by six officers. In the not-too-distant future, that number will rise. Twenty extra officers will be inducted in April and a further three in June. Five more civilians will be employed in May, freeing up five police officers for general duties.

In 1993-94 under Labor, police numbers in the Logan area fell from 328 to 316 officers.

That is a classic example of Labor's record right across the State. So far this financial year, Ipswich's police numbers have increased by five officers. Crime rates are falling slightly. Under Labor, police numbers fell from 214 in 1993 to 203 in 1995. Police numbers are now 220 and rising. At Redcliffe there has been an increase of nine officers so far this year. Under Labor, police numbers fell from 186 in 1993 to 166 in 1995, a drop of 20 officers. In February, the police numbers clawed back to 183 officers. Under Labor, the Gold Coast's police numbers went down from 508 to 449.

Opposition members interjected.

Mr COOPER: What did Labor do about police numbers then? Nothing! Labor promised 21 extra police in Mundingburra. When we gained power, I asked the Police Commissioner where these 21 officers were. I was told that they never existed in the first place. That was a total con; they were phantoms.

Mr Livingstone interjected.

Mr COOPER: Labor knows very well that police numbers in Townsville are rising. In addition, Townsville has a new academy, which members opposite want to close. I do not see how they will justify that closure.

Hervey Bay has an extra paddy wagon, a school-based constable and a car. Things are improving all the time. The issue of a second inspector was raised. We gave Maryborough 14 extra police officers—14 for one. Is that not an improvement? That is what people want. They want police out on the street, and that is exactly what we intend to provide.

The member for Waterford has been trying to pull the wool over everyone's eyes. He has been claiming that the funded police strength went up under Labor. Sadly, that is true. The member was talking about funded positions—phantoms. However, he did not put in place warm bodies. We are putting in place warm bodies. Between 1993 and 1995, Labor poured $1.5 billion into the Police Service, but the numbers went up by a paltry 29 officers over those three years. That is an utter disgrace. The population exploded but Labor let the numbers fall. It decimated the police to population ratio. That was ground into the dirt. We now have to clean up Labor's mess.

In 1995, Labor spent $541m on the Police Service. The figures were right, but what did Queensland get? During that time, police numbers fell by 79 officers. Crime rates increased and morale went down. What happened to valuable taxpayers' money?

Mr Livingstone interjected.

Mr COOPER: We maintain that there will be 139 extra new police this year. There will be 252 officers in the following year, and 409 in the following year. That adds up to 800 officers over three years. The money and the plans are in place. One hundred and fifty civilians will take up positions this financial year, and police will be out on the beat.

Mr Hollis interjected.

Mr COOPER: Next year, 150 civilians will take up positions. Another 100 will take up positions in the following year. Those numbers will be achieved. Whether members opposite like it or not, those numbers will be provided. Police numbers will be increased in the electorates of all members. Throughout the year there will be induction after induction and intake after intake. Nearly 500 recruits will have gone through both academies in this financial year.

We are putting police where we need them and building up the numbers after Labor's abject failure and pathetic promises. Labor had six years to try to fix up police numbers, and it did absolutely nothing. The responsibility for that failure should be sheeted home to the member for Kedron. He was the one who was supposed to fix these things, and members opposite know it. Members opposite were crying and screaming to him, "Help us, help us." Help is on the way, and it is coming from this side of the House. We intend to put police into place right across the State. That is exactly what we are doing. Throughout the year, police numbers will increase.

Time expired.

Mr HOLLIS (Redcliffe) (6.49 p.m.): I am pleased to support this motion. I am sure that the Minister's speech will come back to haunt him. All he ever says is, "We will, we will, we will." Let us examine what is happening, because people in the community and members of this House are becoming confused about what the Minister is saying. Each time he steps into this Chamber he talks about the increased numbers of police. When he was the shadow Minister, he ran around the community promising extra police everywhere. He promised an extra 100 police in Redcliffe, an extra 90 police in Logan and more elsewhere. But let us have a look at the true picture in Redcliffe alone. The Minister quoted the figures for 1993-95.

Mr Cooper interjected.

Mr HOLLIS: Mr Speaker, I ask for your protection.

Mr SPEAKER: Order! There was a lot of interjecting on the previous speaker as well,

quite a bit of it from the honourable member who is speaking, but I now call for order.

Mr HOLLIS: Let us have a look at the figures for 1989-90 in the Redcliffe region. In 1989-90 there were 132 police officers at the Redcliffe Police Station. This is how the Minister is deceiving the people. He is quoting the figures for 1995-97. There were 132 in 1989; the number rose to 182 in 1995—an increase of 38%. What did the Minister say in answer to my question on notice recently? He said that we now have 178 police in Redcliffe—a minus four drop. This is the so-called increase that the Minister talks about so often. The numbers have actually decreased. That is what is happening in Redcliffe, and that is what is happening across the State. The Minister is deceiving the people of Queensland.

I turn to resources. The member for Ipswich West spoke about this matter earlier. Under the National Party Government when Mr Lester was Police Minister, there were police stations with no equipment. Redcliffe was exactly the same as Ipswich West. There was one old, beaten-up typewriter for all the staff. There were no computers. There was no fax machine. The police used to come to my office to send faxes of a confidential nature. There was nothing for those police officers whatsoever. The Labor Government gave them computers, fax machines and cameras in watch-houses. We gave them all the materials necessary to do a proper job. The National Party Government did not do that. The Labor Government also paid police more. We paid them at the appropriate rate for their services. Previous National Party and coalition Governments never paid police the correct wage. No wonder we had a demoralised and corrupt police force under previous coalition Governments; police were never paid the appropriate wages. Members of the coalition should not talk to us about what they are doing about the police force now. This Government is not increasing police numbers and it has not done anything about providing appropriate resources, because we did that before this Government came to office. The Minister's claims will come back to haunt him as time goes on.

It was interesting to hear the member for Warwick espouse the virtues of the Minister. I draw the attention of members to an article in the Warwick Daily News of Friday, 14 March 1997—just a little while ago. It carries the heading "Promises made but not met" and states—

> "Last year the Borbidge Government made a promise that Queensland's crime rate would be curbed by the provision of 800 more police and tougher penalties for juveniles and drug users.
>
> So what happened?
>
> Although the new criminal code is about a month away from completion, policing it may be another matter with Warwick district, for instance, promised only one new officer this financial year and police in towns like Stanthorpe battling against poor working conditions, understaffing and an escalating crime rate."

That article appeared in a paper published in one of the Government's own electorates. It is not from a Labor electorate. One would think the Government at least would be doing something about its own electorates. But not this Government! All it does is fabricate stories about providing more police officers. Soon people will refer to the Police Service in Queensland as the "Phantom Police Service", because that is all the Government is doing: talking about phantom numbers each time this place meets.

In the time left to me, I want to talk about community policing. The Police Minister says that community policing is not one of his priorities. The only way to catch crims is to put police officers on the street. They are not on the street. The Government merely puts police officers behind desks—it builds police stations to house all these officers behind desks—and in cars going by. The Government should be putting police out in the community, but that is not where they are.

Time expired.

Question—That Mr Barton's motion be agreed to—put; and the House divided—

AYES, 40—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

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

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **negative**.

Sitting suspended from 7 to 8.30 p.m.

PENALTIES AND SENTENCES (SERIOUS VIOLENT OFFENCES) AMENDMENT BILL

Resumption of Committee

Hon. D. E. Beanland (Indooroopilly—Attorney-General and Minister for Justice) in charge of the Bill.

Resumed from p. 912 on clause 6, to which Mr Foley had moved an amendment.

Mr ARDILL (8.30 p.m.): The Attorney-General actually inadvertently supported the point which I was going to make when prior to the dinner recess, that is, that a large number of first offenders—first violent offenders, even—are under the age of 25. He was using it as an argument to say that they should not receive any special treatment.

The point I was going to make is that certainly the majority of first offenders under 25 are people who are immature. That is the reason why we are suggesting that they should not be sentenced to gaol as hardened criminals when, in many cases, the crime is caused by a simple mistake. As I said in an earlier speech, if they are involved in violence regularly, they should go to gaol as a last resort. But if it is a first offence and it is not a matter of wilful or gratuitous violence, they should be given a bond or even parole. They should certainly be treated differently from an older, hardened criminal or even a young, hardened criminal who has been involved in violence. One mistake should be treated as just that. That is why we support this particular section of the Bill. It is one of the few concessions that are made to violent offenders. Normally violent offenders should be treated with the utmost severity, but this is one occasion when they should be given the benefit of the doubt.

Ms BLIGH: I would like to contribute to the debate on this clause because, in my view, the Attorney-General's proposal is nothing more than another attack—after the attacks in the Criminal Code—on young people in our community. It is little more than an extension of his ridiculous graffiti laws and the motivations behind those is an attempt to vilify, demonise and marginalise young people as the cause and the root of all evil in our community.

It is an absolute nonsense for this Parliament to be proposing to fly in the face of all internationally recognised practices and opinions in relation to how juvenile offenders, young offenders and first offenders should be treated by the criminal justice system. Here we are flying in the face of all evidence which suggests that the detention of young first offenders does little more than make sure that those offenders will become second, third and forth-time offenders. For many people, their first offence is their only offence. For us to suggest that prison ought to be a punishment of first resort is little more than the Attorney-General again attempting to beat the drum of law and order for his own political expediency. It is absolutely disgraceful that he is again using his office to marginalise the younger generation of this State.

The reason why the communities of civilised nations treat young first offenders differently for the most part is that they operate on the principle of second chance; they operate on the basis that people ought to be given an opportunity, without the threat or actuality of detention, to correct their ways. It accepts that perhaps young people are not necessarily motivated by evil when they make mistakes. There is nothing in the proposals being put forward by the Attorney-General which would see him offering such compassion.

I understand the position of the Attorney-General is that his amendments will not oust the common law and that in relation to the sentencing principles the common law will, in fact, rectify the deficiencies that are left by the omission of these principles in the Penalties and Sentences Act. I say to the Attorney-General that it is not good enough for us as a Parliament to say, "It does not really matter what we put in this legislation because the judges will have something else to rely on." It is not good enough for us as law-makers to stand before the people and say, "We have put this proposal forward; this is the way we are going to draft our law but if the judges use it differently that is not an issue."

Mr FitzGerald: Read the legislation, please!

Ms BLIGH: I thank the Leader of Government Business very much.

The common law may rectify the deficiencies left by the omission of these clauses. As I said, it is simply not good enough for us, as a Parliament, to stand here and make laws which we believe to be unsound, unfair and unworkable. That is exactly what will happen in this case. We are saying to the people of Queensland that we no longer believe that young first offenders deserve to be treated differently. By removing this provision, we are saying to the people of Queensland, particularly young people, "The principle of second chance is no longer going to operate."

I say to the Attorney-General that the young people of Queensland know what he is about and their disillusionment with his Government is growing day by day. During the Attorney-General's summing-up to the debate on the Criminal Code amendments, one of the most disappointing aspects, in my view, was his position on whether or not the actions that he takes in relation to penalties and sentences may or may not affect criminal behaviour. He said over and over again in——

Mr FitzGerald: You can't refer to another debate in the same session—Standing Order 120.

Ms BLIGH: I say to the honourable member that it is my understanding that the Attorney-General believes that his part in the criminal justice system bears no responsibility for looking into programs or mechanisms which might look at the causes of crime. He has stood in this Chamber over and over again and washed his hands of any responsibility. It is just not good enough that the very actions that he is proposing in the Bill that is currently before the Chamber will inevitably lead to people staying in prison longer and more people being put in prison, which will lead to a drain on the State Budget. When the Education Minister, the Health Minister and the Minister for Families, Youth and Community Care go to the Treasurer and say that they want money for programs for young people, increasingly one of the drains on the State Budget if we keep going down this absolutely ridiculous path will be that the Government will be using that money to build more and more prisons to keep more and more people in them. It is an absolutely unbalanced and skewed way to run a criminal justice system and to address some of the social problems that young people face.

I say to the Attorney-General that he has yet again used his office to launch another attack on young people. I am disappointed that yet again the Parliamentary Secretary who is responsible for Youth has nothing to say—absolutely nothing to say—in this debate. There is no-one on the list of speakers from the advocates for youth. Where are they when the principles of juvenile justice and juvenile detention are about to be turned on their heads? Nowhere, silent! They should be ashamed of themselves.

Mr FOLEY: The response from the Government on this is quite hard-hearted. The Opposition is urging that we, like every other civilised society, should take the view that young first offenders should not be put in prison unless every other avenue has been fully explored. This is the raw end of politics. This is the unpleasantness that inevitably follows if one subjugates the political will of mass political parties to the machine politics that seem to characterise so much of the modern life.

Let me correct the Attorney-General, because I suspect that he himself does not even understand the provision that we are debating. This provision does not apply simply in relation to violent offences. It applies in relation to all offences. So what we are discussing in this amendment is not the principle that should govern how the courts treat violent offences; we are discussing whether or not section 9 (4) should remain a statement of the law in Queensland with respect to all offences, that is, that in the case of young first offenders the court should consider all other available sentences and take into account the desirability of not imprisoning a first offender.

I do wonder on occasions like this whatever happened to the spirit of liberalism. I do wonder how on earth the Liberal Party can go back to those in its ranks who believe in the philosophy of liberalism. I wonder how the Liberal Party can bequeath a legacy to the young people of Queensland—not a legacy that lights up the sky with new opportunities for jobs and training but a legacy of cracking down through the Juvenile Justice Act, a legacy of removing the principle known to every civilised society that one should look carefully before imprisoning a young first offender. All of this is a shift in the jurisprudence that stands behind the day-to-day decisions in our courts. All of this is a shift towards more and more young people in our juvenile detention centres. All of this is a shift towards more and more young Aboriginal people being separated from their families and from their communities and being placed in detention.

I urge upon those members of the Government who have not done so—and I suspect that most of them have not—to go and visit a juvenile detention centre. I urge on them to visit, for example, the Cleveland——

Mr FitzGerald: All members should do that.

Mr FOLEY: Sure. I thank the honourable member for Lockyer. I urge them, for example, to go to the Cleveland Youth Detention Centre at Townsville and see the young people who are there. Many of them are Aboriginal people who were brought down to be incarcerated. The staff are looking over their shoulder day in and day out, by the

minute, to try to prevent suicide. That is the legacy that this framework of legislation is leaving. If it were relieved by some sincere attempt to combat the causes of crime, one could understand it.

There was a time when the Liberal Party in this State stood for something other than acquiescing to the extreme populism of the National Party. But sadly, this clause demonstrates that the principle of liberalism is dead, that the Liberals are happy to kowtow to National Party populism and that any claim that they had to liberalism has long since been abandoned.

Mr BEANLAND: From listening to the member for Yeronga, I am sure that he was talking about juveniles. This is not juvenile justice legislation; this is penalties and sentences legislation. It does not relate to juveniles. We are talking about those who are not juveniles but are under 25 years of age.

As I pointed out previously, there are already several sections in the sentencing guidelines that relate to this section. Sections 9 (1) and 9 (2) still remain. Subsection (2) states—

> "In sentencing an offender, a court must have regard to . . ."

A series of points are made there quite clearly. If the member for South Brisbane had been here earlier, she would know that we went through this in some detail. A court must have regard to an offender's character, age and intellectual capacity, or one of those factors, including the nature of the offence, however serious the offence was, including any physical or emotional harm done to the victim, the maximum penalty prescribed by the offence, and so on. The items covered there are set out from (a) to (p).

I remind the Chamber that, unfortunately, some very serious offences and crimes are committed by those under 25 years of age but who are not juveniles. That is unfortunate, but nevertheless it is true. Some of those people really do commit some very serious violent offences. I believe that the sentencing guidelines—the governing principles as set out there—certainly cover the situation, such as the age of the offender. That is certainly covered in relation to matters that are not covered by the definition of "serious violent offences". I refer to those other types of offences that occur within the community. Nevertheless, it is quite appropriate that we single out under 25-year-olds.

Unfortunately, many of those within our prison system are under 25, but they are in there for violent offences. It is unfortunate that 21-year-olds and 20-year-olds are committing so many violent offences in the community. Nevertheless, it is true. For those who are not within that group, they certainly have an out within the sentencing guidelines. The courts take into account the type of offence that those people commit and would likewise give them an appropriate sentence.

As to those who commit all types of minor offences—no-one is suggesting for a moment that matters such as the type of offence should not be taken into account and that they should receive a prison sentence. In many cases that would be totally inappropriate, whereas those who commit serious violent offences—and unfortunately there are far too many of them in this category—certainly have to be dealt with accordingly. Unfortunately, some of the worst offences that are occurring within the community today are committed by people from that category. That is unfortunate but nevertheless true. Therefore, I believe it is appropriate that these clauses be deleted because, for the purposes of what we want, they are fully covered under section 9 (1) and particularly section 9 (2), which sets out in great detail that, in sentencing an offender, a court must have regard to a series of principles set out there.

Mr FOURAS: The Attorney-General is implying that while we have a policy of imprisonment as a last resort, it somehow is keeping people who are violent and serious violent offenders out of our gaols. The fact is that 40% of our gaol population in Queensland is people under 25 years of age, and 20% are between the ages of 18 and 21. There is no way that these people are not ending up in our gaol system.

The Minister draws a longbow. He said that there would be no application to serious and violent offenders sentenced under the new part. He talks about serious and violent offenders, yet he also talks about "that resulted in physical harm to another person". It could be a kick in the shin. It is a broad definition of "injury". He is removing the discretion of the court to consider other aspects in relation to whether that is the best place for a young person to be put. I have no doubt that nobody would argue against sending someone to gaol for committing a very serious physical attack. But the Minister is not saying that. The Leader of the House was interjecting and saying, "That is not what we are saying." The legislation is saying it quite clearly: "that resulted in physical harm to another person". How broad can it be?

The Minister is saying that the community is demanding that more young people end up in institutions. He is saying that they should end up in institutions because the problem out there is with all these young people. This is very similar to the debate on the Juvenile Justice Act. In fact, in the juvenile justice system, only 1% of children are cautioned and 1% actually go before the courts. We are using a broad brush and making these people scapegoats. The Minister wants to see an increase in the number of people under 25 in our prisons system. Then our recidivism rate will increase. Recidivism in Queensland is the lowest of any Australian State. If we start behaving that way with young people and put them in gaol, where they learn how to be true criminals and how to really break the law, we will really blow those figures out of the water. In the end, we will have no less crime and we will have no prevention of crime; we will have more gaol cells and more prison officers.

The fastest growing industry in Queensland will continue to be the prison system. We will have a justice system that is not really about the protection of society and individuals. It will be a vengeful attack for a very gross and demeaning political agenda by the person who calls himself a Liberal Attorney-General who wants a scapegoat. The young of today will not be given another chance. I am sure honourable members can recall a stage in their life when they were at a bar being a bit boisterous and they ran into somebody or kicked somebody and something happened. No honourable member would want to be charged under the letter of this law and be given no chance other than gaol. I think that it is a disgrace.

Ms BLIGH: I will address some of the points made by the Attorney-General. He seems to be of the view that I have not read the range of sentencing principles that he is providing for, and I would like to correct his opinion. The current legislation provides a statement of principle. It sets out what we as a society believe ought to be the principles that guide our judiciary when they have people before them for sentencing. What we say is this: when a magistrate or a judge has before him or her a person who is under 25 and a first-time offender, we regard the punishment of detention in a prison to have such serious ramifications on the life of that young person and his or her potential to reoffend that we want it to be regarded as a sentence of last resort. That means that judges and magistrates must satisfy themselves that no other penalty will deal with the offence that the person has committed. If they are satisfied that there is no other penalty, then detention is available as a sentence. However, they must satisfy themselves of that. If they are unable to satisfy that criterion, they should not put that person in detention. That is a principle that we as an Assembly have a right to be proud to have in our legislation. That is a principle that we can defend. It is a principle that is sane and fair.

The Attorney-General is suggesting removing that principle and replacing it with the absolutely pathetic substitute that says that judges should have regard to the age of the offender. That could mean that, if a person is over 76, he or she should not be gaoled. The provision says nothing about first-time offenders; it says nothing about the person being what we regard as a young offender. It does not set out a principle about the way that the judiciary should manage the sentencing process. The proposals that the Government has put forward are an absolutely pathetic replacement for a very sound principle that matched the sentencing principles of the common law.

I agree with the shadow Minister that it would appear that the Attorney-General is not clear about the proposal in his own Bill in relation to its effect or otherwise on serious violent offences and other offences. The effect of his proposal is that it will remove the sentencing principle in relation to first-time young offenders for all offences. It will remove that principle as a sentencing principle whether the person has committed an offence of graffiti or of murder. It does pick up serious violent offences—in that regard, he is absolutely right—but it also picks up everything in its net. To try to present this as a provision that is targeted at serious violent offences is absolutely dishonest and a distortion of his proposal. If that is the target, that is what it should say; if it is not the target, it should not cast its net so widely.

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

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

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott,

Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Mr FOLEY (9 p.m.): I move the following amendment—

"At page 5, line 20, 'person.'—

omit, insert—

'person;

but nothing in this section prevents a court from having regard to relevant principles of the common law.'."

The reason for inserting those words is to ensure that a court is not prevented from having regard to the principles of the common law by virtue of the operation of the wording in proposed new subsection (3), which says that the principles mentioned in subsection (2)(a) do not apply to the sentencing of an offender for any offence. The principles mentioned in subsection (2)(a) are the principles concerned with imprisonment as a last resort.

The wording that the Government has chosen to employ is not simply to say that the statutory provisions set out in subsection (2)(a) do not apply; no—the Government's wording goes considerably further than that. It states that the principles mentioned in subsection (2)(a) do not apply. The principles that we are concerned with are the principle that a sentence of imprisonment should be imposed only as a last resort and the principle that a sentence that allows the offender to stay in the community is preferable. Those are principles known both to the statute and to the common law. One could understand if the Government wishes to limit the application of those statutory principles in the case of offences of violence, but the wording that has been employed by the Government in this clause is open to the interpretation that it goes well beyond ousting the statutory principles and goes so far as ousting the common law principles as well. That would be quite wrong in principle.

As I conceded in my speech during the second-reading debate, it is true that prior to the last election the Labor Party foreshadowed an amendment with regard to the principle of imprisonment as a last resort. However, it never went so far as to purport to fetter the common law on this issue. That is what this clause seems to do. I urge upon the Chamber the principles that are contained in the amendment, namely, that nothing in this section prevents a court from having regard to relevant principles of the common law.

It is true that the Penalties and Sentences Act does not constitute a code which of itself ousts common law principles. However, the particular wording used in new subsection (3) is very broad and, when courts come to consider this legislation, it is important that they be reassured on this point and that they are not prevented from having regard to relevant principles of the common law.

Of course, knowing the devotion that people such as the Honourable the Minister for Training and Industrial Relations have to the principles of common law—a proposal which he urged upon the Queensland people in another policy area prior to the last election—and knowing the deep-seated commitment that the Liberal Party and the National Party have to the common law, I am sure that support from the Government should be forthcoming for this very reasonable amendment.

Mr BEANLAND: The Government does not propose to accept this amendment. It is inconsistent to place a clause relating to common law in legislation that codifies significant areas of the law relating to the sentencing of offenders. In fact, the preamble of the Penalties and Sentences Act states that it is an Act to consolidate and amend the laws relating to the sentencing of offenders. It sets out quite clearly what it is, and I think that it is inappropriate to accept this amendment.

In moving the amendment, the member for Yeronga did not indicate to Parliament which common law sentencing principles he proposed that this amendment revive—whether there are any in conflict with specific provisions of the Penalties and Sentences Act and, if so, in view of the comments that he has made in this place, how the courts are to resolve that conflict. I think it is fair to say that he would have people scramble through perhaps some old English decisions and Australian decisions to find out what common law principles might be revived to fit into these provisions, because in relation to this amendment it is not clear at all to which common law principles he refers.

I think it is fair to say that, by moving such an amendment, the member for Yeronga is trying to undo many of the provisions of this Bill that the Government gave a very clear commitment to the people of Queensland that it would insert into the Act. The clauses spell out provisions relating to offences such as physical harm to another person and violent offences. Despite the comments that have

been made, we are not talking about other types of offences. It seems to me that this amendment has been moved because, just a few moments ago, the Opposition lost the division on the previous amendment to this clause. The Opposition is still batting on the same clause. It is still trying to regain that ground.

The member for Yeronga said that the Labor Party was going to do away with gaol as a last resort. That makes me laugh! What a hypocrite he is! That takes the cake! All day in this place the Labor Party has carried on about this issue—for six years it carried on about this business—yet the member stands in this place and says that the Labor Party was considering amending this section of the legislation. Not a word was said. In fact, when the coalition first suggested it when it was in Opposition, I remember getting abused up hill and down dale from a whole host of people in the Labor Party. Quite clearly, we cannot accept this proposed amendment from the Opposition.

Mr FOLEY: I can understand how the word "hypocrisy" leaps so easily to the lips of the Honourable the Attorney-General. It is hypocrisy to assert that one has some commitment to the common law and then to vote against it in the Parliament. It is hypocrisy to pretend, as the Attorney-General does, that the mere fact that an Act consolidates the law, as the Penalties and Sentences Act does, means that it is somehow immune from the developments in the common law. It is hypocrisy to imagine that within the four corners of this statute, the Parliament of Queensland can oust the collective wisdom and experience of courts dealing with complex fact situations involving a wide range of individuals' offences and circumstances.

It is curious that the Government wants to oppose judicial discretion. That is all that this provision does—it does the very thing that has been trumpeted in this place by the Minister for Justice, that is, that the judges should have the relevant discretion and that they should not be subject to so strict a straitjacket that the discretions available to them in the common law tradition are not available. Had the wording of the Government's clause simply purported to remove the statutory provision, it might have been otherwise. However, as I indicated earlier, it goes further than that and ousts or purports to provide that the principles concerning imprisonment as a last resort do not apply to the sentencing of an offender for that particular class of offence.

This is a very reasonable amendment from the Opposition. It does the very thing that has been urged on the Parliament, namely, it retains judicial discretion. It does not even go so far as to destroy subsection (3) which the Government has placed before the Parliament. It simply allows the judge to have regard to relevant principles of common law. How often have I heard it said by conservatives in political debate that we do not need a Bill of Rights in Australia because we have the common law? How often have we heard it said that we do not need to legislate in various areas because we have the common law yet, when the common law is just a tad inconvenient for the Government of the day, it is willing to abandon it willy-nilly. Again we see the price that the Liberal Party is paying for coalition with the National Party. Who could imagine Angus Innes in this Chamber voting against the common law? Who could imagine Terry White in this Chamber voting against the common law?

Mr T. B. Sullivan: Sir William Knox.

Mr FOLEY: Who could imagine Sir William Knox in this Chamber voting against the common law? It is a sorry crew in the Liberal Party these days who are unwilling to even stand up for the common law. The Liberals are willing to crush the common law by the force of numbers in the Parliament. It is a shameful day for Liberal Party members. They must be deeply embarrassed when they go back to those who purport to be small "l" Liberals among their constituency.

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

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

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Clause 6, as read, agreed to.

Clauses 7 to 13, as read, agreed to.

Clause 14—

Mr FOLEY (9.19 p.m.): I move the following amendment—

"At page 13, after line 1—

insert—

'(d) any victim, within the meaning of the Criminal Offence Victims Act 1995, section 5, of the offence for which the indefinite sentence was imposed, if the court has so decided.'."

This amendment deals with victims of crime and the circumstances surrounding the conduct of a review of an indefinite sentence pursuant to section 172 of the Penalties and Sentences Act. The proposed new section 172A urged on the Parliament by the Government provides for the distribution of reports relevant to the conduct of such a review by a court to the Director of Public Prosecutions and the legal practitioner representing the offender, and the offender if the court has so directed. The Opposition's amendment adds these words—

". . . any victim within the meaning of the Criminal Offence Victims Act 1995, section 5, of the offence for which the indefinite sentence was imposed, if the court has so decided."

There is a related amendment to clause 14 which provides for the court to have regard to the fundamental principles of justice for victims of crime declared by Part 2 of the Criminal Offence Victims Act 1995.

This amendment gives victims of crime, during the review of an indefinite sentence, to have some opportunity for input. As a result of the criminal offence victims legislation in 1995, a principle was established that, at the time of the original sentence, a prosecutor was to place before the court information relevant to the impact on the victim of crime of the crime that was carried out.

This amendment facilitates that happening in the case of a review of an indefinite sentence. The parties before the court are the prosecution and the offender. However, increasingly our law should recognise the proper place that victims of crime have. For far too long victims of crime have been relegated to the wings while there has been gladiatorial combat between the prosecution and the defence. But the conduct of the criminal law is something which is of direct and immediate concern to victims of crime.

One need only look at the history of the common law, if that has not been blotted out from the consciousness of the members of the Liberal and National Parties, to see that in the Middle Ages and earlier the victim played a much more central role in the conduct of criminal proceedings. Over the centuries, the Crown has come to play a more central role in the bringing of prosecutions, and that has been particularly the case since the formation of a professional police service under Sir Robert Peel in the 19th century and, of course, the large standing police services such as we have in modern times.

In the midst of such sophistication in the Police Service, the prosecution service and the legal aid provisions—meagre as they are for defendants, and becoming more meagre as Liberal Attorneys-General in Canberra and Brisbane plunder them—those three areas nonetheless have a degree of organisation. What is missing in much of our criminal justice system is a return to the principles whereby the victim can have an input in a proper way. This amendment facilitates the distribution of reports to the victim with the safeguard that this is done only if the court has so decided. That enables the court to exercise a discretion. That is properly the case, because there may well be circumstances in which it is not appropriate.

However, if the amendment is accepted by the Parliament, it will mean that victims of crime have access to the distribution of reports in proper cases. Accordingly, I urge upon the Parliament this provision which progresses in a modest way the rights of victims of crime and ensures that they can play some role in this review of the sentencing process in having any relevant information conveyed through the prosecutor, just as they can at the time of the original sentence convey information to the court via the prosecutor, so that that can be taken into account in making the appropriate determination.

Mr BEANLAND: The Government is happy to accept amendment Nos 4 and 5. Normally, the DPP brings relevant information to the attention of the victim. I do have a small concern, but no doubt that will be resolved through the processes. Occasionally, we get victims who do not want to be notified, and for justifiable reasons. This amendment does not allow much of an out. Nevertheless, I am sure that somehow we will get over that problem, that is, if a victim does not want to be notified for a number of reasons. For example, one reason might be that the victim does not wish to relive the offence. I am sure that the

member for Yeronga would appreciate that. Without being too finicky about the fine print, the Government is very happy to accept amendment No. 4 and, when we get to it, amendment No. 5.

Mr FOLEY: I thank the Attorney for his indication of the Government's support for Labor's amendment. I will deal with the matter to which the Attorney referred. For very good reasons, certain victims do not wish to be reminded of the tragic events that they have experienced or, for various reasons, do not wish to have access to that material. That is why the Opposition has drafted the amendment in such a way as to put in the proviso "if the court has so decided". I should add that I am indebted for the suggestion for this amendment to none other than the member for Lytton. The former member for Lytton, Tom Burns, stood up for the battlers. I am pleased to see that the current member for Lytton is continuing that fine tradition and is standing up for the battlers in our society, in this case the victims of crime. Perhaps it is the sea air which brings on such far-sighted ideas.

I thank the Government for its support. I urge Government members in the spirit of interest in victims of crime to proceed with the advances to the interests of victims of crime which they have promised to the Queensland people and which we await with breathless anticipation.

Amendment agreed to.

Mr FOLEY: I move the following amendment—

"At page 13, after line 27—

insert—

'(d) have regard to the fundamental principles of justice for victims of crime declared by the Criminal Offence Victims Act 1995, part 2.'."

I shall speak briefly, having regard to the Government's indication of its willingness to support this amendment. This amendment concerns the matters to which a court should have regard in its conduct of the review hearing. Clause 14 states that the court must—

"(a) give both the director of public prosecutions and the offender the opportunity to lead admissible evidence on any relevant matter; and

(b) subject to section 172B, take into consideration any report in respect of the offender that is filed with the court; and

(c) have regard to any submissions on the review made to it."

This amendment adds—

"(d) have regard to the fundamental principles of justice for victims of crime declared by the Criminal Offence Victims Act 1995, part 2."

The fundamental principles of justice for victims of crime were enshrined in legislation so that they could assist in the development of a better jurisprudence in our criminal courts. They are there in order to ensure that the mind of the court is applied not just to the Crown on the one hand and to the defendant on the other but also, where appropriate, to the interests of victims of crime. Those fundamental principles of justice are very important. They are matters which every police officer and every probation and parole officer should know and which should be drawn to the attention of victims of crime at the earliest opportunity by police officers so that they can properly get access to the information and support to which they are entitled.

I thank the Government for its willingness to accede to Labor's amendment to improve the position of victims of crime, and I look forward to seeing legislation brought forward by the Government to advance the interests of victims of crime in due course.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16, as read, agreed to.

Clause 17—

Mr FOLEY (9.33 p.m.): I move the following amendment—

"At page 17, lines 4 and 5—

omit."

This amendment concerns the definition of "serious violent offence". The effect of the amendment moved by the Opposition is to remove from the list of offences that are regarded as serious violent offences No. 46, namely, section 421(2) of the Criminal Code, entering or being in premises and committing indictable offences.

It is important that we understand the breadth of the definition of "serious violent offence", because the consequences of committing a serious violent offence are very serious. It is therefore disturbing that the Government has included this provision, because entering or being in premises and committing an indictable offence is essentially a property offence. It is not of its essence an offence of violence. True it be that such an

offence can lead to violence, but within the scheme of the Government's own legislation there is provision to deal with such a situation. I refer back to the provisions set out at page 10 of the Bill in new section 161B(4). What that provides is that if an offender is convicted on indictment of an offence—say, for example, the break and enter of premises—that involved the use of serious violence against another person or that resulted in serious harm to another person and was sentenced to a term of imprisonment, then the sentencing court may declare the offender to be convicted of a serious violent offence as part of the sentence.

In other words, one does not have to commit an offence that is on the Schedule in order to be declared by the court as a serious violent offender. In the Government's Explanatory Notes, it is made perfectly clear that the offence need not be in the Schedule and the declaration of a serious violent offender can occur regardless of the sentence imposed. If the argument on the part of the Government is that it needs to include the break and enter of premises provision in order to prevent the carrying out of violence during a break and enter, my reply is that that is already dealt with in another section.

The introduction of this list of serious violent offences introduces a new aspect of the criminal law, and "serious violent offences" should mean what the plain words of that phrase mean, namely, offences of violence. What the Opposition simply says is that breaking and entering premises, however wrong, however offensive, however criminal, however dishonest, is not of itself a serious violent offence and it should not be called a serious violent offence. If it becomes a violent offence, then it can be picked up in the provisions of new section 161B(4). So there is absolutely no risk that if violence occurs it can be dealt with within the scheme of the Bill. But at the end of the day the Opposition says that we should not torture the language to try to make words mean what they do not mean.

Mr Lucas: It devalues the currency.

Mr FOLEY: Precisely. As the member for Lytton observes, it devalues the currency. Breaking and entering premises is not of itself a violent offence. Should it lead to an incident of violence, then the offender can be dealt with as a serious violent offender pursuant to a different provision in the Government's own legislation.

I ask the Attorney to accede to the Opposition's amendment. It is a modest amendment. It simply removes No. 46, entering or being in premises and committing indictable offences. It would be odd if persons convicted of that offence or of a string of such offences were to be labelled as a serious violent offender by operation of the legislation even when no incident of violence ever occurred, and for that reason we ask the Committee to accept the amendment moved by the Opposition.

Mr ARDILL: One result of what the shadow Attorney-General, the member for Yeronga, is moving is that it will clearly indicate that there is a difference between breaking into somebody's home, whether they are there or not, and breaking into commercial premises. There is a vast difference. I totally support what the shadow Attorney-General has said.

Mr BEANLAND: We have also included in the first schedule matters such as the production of drugs, another offence that does not directly involve violence. Of course, each of these crimes involves a violation which poses a serious threat to the physical safety and integrity of members of the community. This might become part of a cumulative sentence provision and it certainly could be part of a home invasion situation—entering or being on premises. In order to ensure that some of those crimes are not missed, this has been included within the serious violent offences section. That will ensure that this section can relate to other crimes which occur at the same time. There might be that cumulative effect in relation to the sentencing provision. This is not, as I say, the only provision in the schedule that does not actually include something to do with violence. There are others.

Mr FOLEY: Just to pick up on the last point, I say that, no, it does not include violence and that is why the Opposition says it should not be called a serious violent offence. I will make this clear: the amendment before this Committee does not remove burglary from the list. We are not concerned here with home invasions or with the burglary of dwelling houses. We are concerned only with No. 46, that is, entering or being on premises and committing indictable offences. There is no doubt that there is a logical argument open in relation to No. 45, which deals with burglary, but that is not an argument the Opposition is pursuing in this amendment.

We are pursuing an amendment in relation to the break and enter of premises other than dwellings, that is, factories, warehouses and so on. It really makes a nonsense of the scheme of serious violent

offences if every time a break and enter into some shop, factory or warehouse occurs it is classed as another serious violent offence. One is left to wonder about the statistics that will be produced about the number of serious violent offences in Queensland. It really makes a nonsense of the law to include break and enters of premises—warehouses, shops and factories—as serious violent offences. They are serious offences; the offenders deserve to be punished. They are offences that should be visited with the full force of the criminal law, but they are not of themselves in the category of serious violent offences and they should not be put in that category. It is just a matter of commonsense.

We urge the Government, even at this 11th hour, to be open to the breath of commonsense that is coming from the Opposition on this point. It really is nonsensical to call something which is not a serious violent offence, a violent offence. Otherwise, we may as well rename the Criminal Code the "Serious Violent Offences Act" and say that everything is a serious violent offence: fraud, forgery, stealing, the lot. Some crimes are violent offences; some crimes are offences against property, and others are offences against a good public administration.

If this is a species of getting tough on law and order by re-labelling them, then I really do not know where it is going to end. Perhaps when the crime of forgery or forging and uttering becomes a problem in the community we will re-label that as a serious violent offence, too. This is not good law; it is not good commonsense and the modest amendment that is being moved by the Opposition is one that really deserves the support of all members in the Chamber.

Mr J. H. SULLIVAN: I rise only briefly to support the shadow Attorney in this matter. I note that the schedule of serious violent offences includes the offence of robbery or attempted robbery. Surely, those are the kinds of break and enters in which people—employees of a firm—are placed in danger of physical violence, whereas the section of the schedule which we are discussing, No. 46 or section 421(2), covers crimes in which no people would be placed in such danger. Consequently, I think that the shadow Attorney is correct. We are not seeking, as he said, to remove burglary from the schedule; we are simply seeking to enter in the schedule entering or being on premises and committing an indictable offence. This makes something of a mockery of the list because of the absence of people who may be violently acted against in that offence.

The CHAIRMAN: The question is——

Mr ARDILL: Mr Laming, I thought the Attorney-General would at least reply to the points that have been made.

A Government member: Be quiet!

Mr ARDILL: It is all very well for members opposite to sit there and say "be quiet". The point is that this particular provision encourages people who seek to break and enter premises for the purposes of obtaining money for drugs or anything like that to break into a private home instead of into commercial premises. That is the logical conclusion of what the Attorney-General has done by inserting this crime into the category of violent offences. Surely he has got enough nous to know what he is doing. Surely it is a simple matter of deleting this one.

It is not a complicated matter; there is no fallout from it. It is a simple matter of deleting that one provision from the list which is before us. It is a step which clearly differentiates between breaking and entering commercial establishments and breaking into somebody's home. When offenders break into somebody's home, there is quite a possibility that the owners will be at home and that they will be subject to considerable violence. Any logical person would object to the Government lumping the two together unnecessarily.

Mr LUCAS: I have a query of the Attorney. Perhaps he could answer it for me. Official corruption now attracts a 14-year penalty under the amended Criminal Code and it is obviously an offence that strikes at the very heart of Government administration. It is an offence that sickens people in the community because it advantages those people who take bribes and benefits the people who offer bribes at the expense of ordinary people who have to exist in the community without those contacts and benefits. The definition of violence is obviously not required for the purposes of this schedule, as the Minister just indicated to my colleague the shadow Attorney-General. I was wondering why then the Minister has not put official corruption or some similar offences in this schedule as well.

Mr BEANLAND: I say that enter or enter with intent is used quite often to charge people, as I understand, who enter into places for the purposes of bashing people. It is not only related to stealing matters; in many cases it is related to physical violence. Clearly the situation is, as I indicated previously, that because of that and because it can also be related to cumulative sentencing provisions, it

is necessary to include these provisions where that is the situation. It is quite clear to me that the section ought to be included in order to include those separate situations that occur.

Mr FOLEY: It seems that appeals based on logic have been to no avail. Let me put the case based on policy. If the policy of the Government is to deter violent crime, then there should be a difference between the way it treats violent crime and the way it treats other crime, otherwise a would-be offender may as well do a violent offence as doing a break and enter if there be no different penalty which is visited. The whole point of having a scheme which deals with violent offending is that it deals with violent offending in a different way from the way in which it deals with other forms of offending.

Apart from the nonsensical character of having an offence which is a property offence labelled as an offence of violence, will the members of the Government sit idly by while they are led down the path of nonsense by this Attorney-General, who calls a property offence a violent offence? And what will they say to the victims of violence when those victims say to them, "Why didn't you as a Government impose a different and sterner approach with respect to offences of violence than you did with respect to offences of property? Why did you as a Government allow a scheme to stay in place that drew no distinction between an offence of violence and a very common offence against property, namely, break and enter offences?" Those questions will be asked because everyone who commits a break and enter offence from now on will be labelled under this legislation as a serious violent offender. That person will have crossed that Rubicon, and the law with respect to serious violent offences need hold no terrors for them after that, because they are already in the realm of being labelled as a serious violent offender.

It is an old proposition in the law that if one has the same penalty for stealing a sheep as a lamb, then one may as well be hanged for stealing a sheep as a lamb. It occurred to men and women of commonsense a long time ago that, if we want to deter people from committing more serious offences, we need to treat more serious offences differently from the way that we treat less serious offences. That is what is called the theory of deterrence, and it is known by every schoolboy and schoolgirl, but it does not appear to be known to the Attorney-General. Yet the members of the Government will sit there idly, reassured by the fact that, on this point, no doubt the Attorney-General has consulted; not with the Law Society, not with the Bar Association, not the Victims of Crime Association or the Aboriginal community—no! With whom has he consulted? Russell Cooper, the Minister for Police and Corrective Services! They will put their heads together and accept responsibility for this nonsense in the law—a nonsense which blurs the threshold between property crime and violent crime.

I for one say that the law needs to set its face against violent crime. That is the approach which the Labor Party has always adopted. It is dangerous nonsense for this Government to be blurring the distinction at a time when, even in its own apparatus of law, it can deal effectively with break and enter offences that ultimately result in violence. This is nonsense. It should be rejected by this Chamber. I urge all honourable members to support the Opposition's amendment.

Mr ARDILL: What the shadow Attorney-General has just pointed out is that if somebody uses heavy equipment to break into a factory and unknowingly comes across somebody who is in there as a caretaker, and if they then attack the caretaker with the same equipment, they are not committing any more serious an offence than they were by breaking into the place. That is patently ridiculous. As the shadow Attorney-General said, by not differentiating it is encouraging them to go one step further.

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

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

NOES, 40—Ardill, Barton, Beattie, Bird, Bligh, Braddy, Bredhauer, Briskey, Campbell, D'Arcy, Dollin, Edmond, Elder, Foley, Fouras, Gibbs, Goss W. K., Hamill, Hayward, Hollis, Lucas, McElligott, Mackenroth, Milliner, Mulherin, Nunn, Nuttall, Palaszczuk, Pearce, Purcell, Roberts, Robertson, Rose, Schwarten, Spence, Sullivan J. H., Welford, Wells. Tellers: Livingstone, Sullivan T. B.

Pairs: Borbidge, De Lacy; Rowell, McGrady

Resolved in the **affirmative**.

Clause 17, as read, agreed to.

Clauses 18 to 20, as read, agreed to.

Clause 21—

Mr J. H. SULLIVAN (10.01 p.m.): This clause inserts into the Corrective Services Act a new definition, that of "serious violent offence". It does so by a drafting device that I do not like, the device of signposting, and I bring that to members' attention. If a person reading the Corrective Services Act—many of those who read that Act will be practitioners in the corrections field, and many will not be—wishes to discover the definition of "serious violent offence", that person must firstly go to another Act of Parliament, the Penalties and Sentences Act, and section 4, the definitions section of that Act. When that person reads the definition of "serious violent offence" in section 4 of the Penalties and Sentences Act, that person is directed to section 161(a) of the Act, which in turn directs the reader to section 161(b), section 161(c) and the Schedule.

I am disturbed to see that type of drafting re-emerging in the Queensland jurisdiction. We are meant to write legislation so that it can be understood in itself. In this instance, a definition that ought to be inserted in the Corrective Services Act because there are important provisions relating to it in the Corrective Services Act requires several steps to be discovered. I appreciate that nothing tonight will change that. I rise to signal my objection to that type of drafting. I trust that it will not be common in future legislation brought to the House.

Clause 21, as read, agreed to.

Clauses 22 and 23, as read, agreed to.

Clause 24—

Mr J. H. SULLIVAN (10.04 p.m.): In his reply to the second-reading debate, the Minister said that I did not understand the provisions on which I based most of my contribution to the second-reading debate. With the Minister's assistance, I would like to try to understand those provisions and discover where I went wrong. In summary, this is what I said. Firstly, I said that sentencing judges understand the Queensland Corrective Services Commission's sentence management practices. Secondly, I said that, in my view, sentencing judges would have regard to the amount of time a person whom they sentence will spend in prison. I then asserted that prisoners who do not conform to the prison regimes—those who are recalcitrant—will ultimately spend less time in prison and that prisoners who do conform to the requirements of them as prisoners in our institutions will actually spend less time under supervision on parole.

I believe that, as a consequence of the 80% provision that is being inserted into the Corrective Services Act through this clause, specified-year sentences will be reduced. Where exactly is going to be the expression of the harsher sentences that this Government is signalling to the judiciary that it wants them to impose? That expression can be in one of two places. The first expression of that principle is that courts will sentence a convicted person to a longer term of years. The second expression of that principle of harsher sentences is that the court can sentence a person so that he or she will spend a greater number of years in secure custody in our institutions. Let us suppose for a moment that, as a consequence of the Government's clear message to the judiciary—and I believe that the Government is intending to send a clear message to the judiciary that serious offenders should spend more time in prison—a judge who under other circumstances would have sentenced a person to 10 years' imprisonment now says, "Because the Government wants us to be tougher on crime, I am going to give a person 12 years in prison." In the case of a 10-year sentence, if a person served 50% of his or her sentence, that person would serve five years before being eligible for parole. If a person is given a 12-year sentence and has to serve 80% of that sentence before being eligible for parole, that person must serve 9.6 years. If the judge is going to increase the amount of time that he or she gives for the specified-year sentence, he or she will almost double the amount of time that a convicted person will spend behind bars. Mr Gilmore is a former Opposition spokesman for Corrective Services. I can see the cogs whirring around in his head about what that will do to the Corrective Services budget.

Alternatively, if a person was to have been sentenced to a period of 10 years, under the new rule that the Attorney has introduced the increase in the amount of time that that person will spend in secure custody is three years or 60%. Under the Attorney's new legislation, if judges make no upward move in the specified years of the sentence, a person convicted of a serious violent offence will spend an extra 60% of time in prison before being released on parole. If judges make an upward movement in the specified years, a person will spend more than 60% extra time in prison before being eligible for parole.

I want to know if what I am proposing is incorrect. If it is incorrect, why is it incorrect? I

suspect that sentencing judges will have regard—as they have always had regard, I believe—to the amount of time that the person will spend in prison. If they take the Attorney's lead, they will increase by 20%—that is, to six years—the five years that somebody currently sentenced to 10 years would have to serve. They might increase it by 40% to seven years. Either way, the specified number of years in that sentence will drop. That is what I think is going to happen.

I believe that, in the overall sense, people are going to be given shorter sentences. In sentencing those people to fewer than 10 years, judges will have to say that that crime is a serious violent offence—and they have to declare that for a sentence under 10 years—and the Attorney-General will come into this Parliament and tell us and the people of Queensland that his legislation is working because the judges are simply saying, "This is a serious violent offence" in order for people to serve the amount of time in gaol that the judges believe they should serve.

I want to know why the Attorney-General thinks that I am wrong. I want to know why the Attorney-General thinks that I do not understand, and where I am wrong when I say that sentencing judges understand the Corrective Services Commission sentence management practices. I want to know why the Attorney-General thinks that I am wrong when I say that sentencing judges have regard to the amount of time that the people who they sentence will spend in prison.

Mr BEANLAND: We have just spent the last how many hours discussing some of these matters. At the end of the day, the judges must have regard to the legislation. We have tried to spell out very clearly in the legislation the matters relating to serious violent offenders. There are discretions for the courts to sentence people for periods of fewer than 10 years. The member kept giving a whole host of examples of sentences shorter than that. It is up to the discretion of the court—whether or not the court decides to indicate that someone is a serious violent offender. If the member is talking about those people who are sentenced to 10 years or more, under the terms of the legislation, they automatically fall within the terms of serious violent offender and have to serve 80% of their sentences. If the member is asking me whether or not we are taking away the discretion of the judges, we are certainly not doing that.

I do not distrust the judges and the courts. I am sure that the courts will be able to understand clearly what is legislated and what the Parliament of this State has indicated. In that regard, I think that we have spelt it out fairly clearly. During my second-reading speech, I spelt out a whole range of situations. If the member is asking me to say what term of imprisonment is going to be given by some judge for some offence or other, I certainly cannot and I certainly do not pretend to. That is taking away the court's discretion.

I am talking about sentences that attract penalties of 10-plus years and automatically come within the ambit of this legislation. I am not quite sure whether the member is saying that judges will circumvent the legislation and that, in fact, he does not trust the courts. I certainly trust the courts, and I am sure that they will take into account what the Parliament of this State has legislated, as they always do. It does not matter which party introduces the legislation, the courts are bound by that legislation. I have every reason to believe that the courts will take heed of the signposts that we have put in the legislation. I have heard members opposite talk about second-reading speeches and so on. If the courts have any doubts, they will refer to some of those documents.

I think that, in this legislation, we have spelt out very clearly the intention of the Parliament. Although the member for Caboolture seems to have some concerns about the matter, I am not taking away judges' discretions. I believe that, depending on the evidence and the circumstances, each case is different. At the end of the day, the judges are there, they get paid to review the evidence that comes before them and to make certain decisions, taking into account the seriousness of the offence and so on. I am sure that the courts will have regard for the legislation and the will of this Parliament.

Mr J. H. SULLIVAN: The Attorney-General may be seen to be imputing some criticism of the courts and the judiciary. From what I am saying, nothing could be further from the truth. I said very clearly, "Let us assume that the judiciary does precisely what the Minister wants them to do. Let us presume that the judiciary decides to increase sentences for people convicted of serious violent crimes." If the Minister does not like my example of 10 years, let us use an example of somebody who currently is given a sentence of 12 years. A person who, prior to the passage of this legislation, was sentenced to 12 years would be eligible for parole in six years. A person who, after the passage of this legislation, was sentenced to 12 years would

be eligible for parole in 9.6 years. Is the judge going to increase the amount of time that a person spends in gaol simply by the device of giving the same sentence? Is the judge going to increase the sentence by 30%? Is the judge going to increase the indicative sentence that he gives in the first instance? Is somebody who currently would have received 12 years going to get 14 years and serve 80% of that sentence? Or are judges going to be—and this is the simple question—guided by the amount of time that the people they sentence will have to spend in incarceration before being eligible for parole? That is what I think they are going to do.

I think that, in order to increase sentences in that area, there is also the prospect of judges reducing the overall sentence that they give. If judges reduce the overall sentence that they give to people at the same time as increasing the amount of time those people will spend in prison, the Attorney-General will have this result: people will spend longer in prison. That is okay; I do not have a problem with serious criminals spending longer in prison. However, the Minister is going to subject those people to a shorter parole period.

So somebody who currently receives 10 years serves five years in prison and five years on parole. Under the Attorney-General's scheme, somebody who gets 10 years does eight years in prison and two years on parole. So those people are going to be under community supervision for a shorter period. They will be in custody for a longer period and under community supervision for a shorter period.

The other part of that question is that if, for example, a serious sex offender does not, through the psychiatric programs that are available in prison, acknowledge that he or she has committed an offence—and many will not—that person will not get parole. Such persons will not be paroled until such time as they acknowledge that they have committed an offence. If the number of specified years has to be reduced in order to maintain an appropriate length of time that people must spend in custody before being released on parole, then the Attorney-General is going to be putting serious sex offenders back out on the street quicker. There is no way mathematically that I am not right. I think that is not the message to send to judges.

Mr Woolmer: No, you are not.

Mr J. H. SULLIVAN: Yes, I am.

Mr Woolmer: They might not get parole at all.

Mr J. H. SULLIVAN: Absolutely. The member for Springwood says that those people might not get parole at all. The case is that they will not get parole, but if the judges believe that people should be sentenced to a period of incarceration, and they assume that those people are going to do the right thing and become eligible for parole, the judges will talk about the amount that those people should be in prison plus 20%. So the indicative sentence that they are given is the amount of time that those people should spend in prison plus 20%. Once they have served that time, they have to be let out. In the 50% situation, if the judge says that five years is the length of time that a person should serve, it will be 10 years before that person is out.

Mr Woolmer: Surely it is a false assumption that judges are going to hand out shorter sentences.

Mr J. H. SULLIVAN: The member is not listening. I am talking about a situation——

Mrs Gamin: We don't want to listen.

Mr J. H. SULLIVAN: The member does not want to listen. She seldom wants to listen in this place. That is why her contributions are so sterling! I am saying that we are developing a system that will put serious offenders back on the streets quicker.

Mr FOLEY: The Legislative Standards Act provides for circumstances in which the Office of Parliamentary Counsel may provide assistance to members in the preparation of amendments. I would like to take this opportunity to record my thanks to the Office of Parliamentary Counsel and, in particular, to Mr Peter Drew for his courteous and professional assistance in the preparation of amendments moved by the Opposition both to this Bill and the previous one considered by the Chamber.

Clause 24, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

SPECIAL ADJOURNMENT

Mr FITZGERALD (Lockyer—Leader of Government Business) (10.21 p.m.): I move—

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

Motion agreed to.

ADJOURNMENT

Mr FITZGERALD (Lockyer—Leader of Government Business) (10.22 p.m.): I move—

"That the House do now adjourn."

Home Medical Aids Scheme

Mr MULHERIN (Mackay) (10.22 p.m.): I wish to bring to the attention of the House the lengthy delays being experienced by constituents awaiting approval of funding for medical aids under the Home Medical Aids Scheme. Constituents who have contacted my office have complained of delays of anywhere from three to seven months for approval for such things as a helmet, wheelchair or hoist. The common thread to these delays is funding constraints imposed by the Minister for Health. I will highlight a couple of cases in the Mackay region.

The first case is that of Megan Johnson, who suffers from Down's syndrome and has uncontrolled epileptic seizures. She wears a helmet at all times to protect her head from injury during seizure. The helmet is old and too large. It is made of heavy material that makes Megan's head very hot and sweaty. She recently had a fall and received a nasty bump to the head because the helmet slid around. Last August Megan's mother approached Community Health in Mackay seeking approval for a new, light-weight helmet. The cost of the replacement helmet was $250. She was advised by Community Health that approval would have to come from Rockhampton. Mrs Johnson was later advised that approval from Rockhampton Community Health was not forthcoming due to a lack of funding.

On 18 October I wrote to the Mackay District Health Service seeking assistance on behalf of Megan. On 24 December I was advised by the Mackay District Health Service that the application had not been denied per se, but that funding constraints meant that all new applications have been placed on a waiting list. After seven months, today Megan met with Mr Gary Bateman from G B Orthopaedics who has taken her measurements so that a new, light-weight helmet can be made for her.

How can the Minister for Health, who espouses to this Parliament that he and his Government are on top of waiting lists in Queensland, allow $290 to be spent on a cosy lunch at Augustine's for his ministerial staff and David Russell, QC, President of the Queensland National Party, while Megan Johnson has to wait seven months to receive approval for a $250 helmet that can save her from serious injury? Surely it is not too much for Megan to ask for assistance which will allow her to lead her life with as much dignity and comfort as possible. She should not have to wait seven months for a helmet. The Minister should tell his ministerial staff and David Russell, QC, that $290 taxpayer-funded long lunches at Augustine's will cease.

The second case is that of Mr Stanley Cole of Louisa Creek. Mr Cole was involved in a vehicle accident in 1980 which left him a paraplegic and in the care of his brother Robert. On 18 October 1996 Mr Cole applied, through Community Health, for approval for a new wheelchair and a lifting hoist to assist his brother in lifting him from his wheelchair to the bed, toilet and so on. Fortunately, the Blue Nurses have been able to lend an old hoist to the family.

On 8 January 1997 I wrote to the Mackay District Health Service seeking assistance on behalf of Mr Cole. On 7 February I was advised by the Mackay District Health Service that the wheelchair request was approved on 6 November 1996 and that Mr Cole should receive his wheelchair from the supplier in approximately six weeks. I was also told that the application for the hoist had been given a high priority and would be considered in the context of the budget. It is now 26 March, some five months have passed and Mr Cole is still waiting for his wheelchair and for approval for the hoist.

As I mentioned earlier, funding constraints are the source of this problem. My constituents have praised the professionalism of Queensland Health workers in Mackay. However, that is where the professionalism ends. The true-blue amateur Health Minister and his equally amateurish senior advisers have their priorities wrong. While senior ministerial staff and their guests are swanning around Augustine's restaurant, lapping up $100 per head dinners, my constituents have been neglected because of a lack of funding to provide the necessities that will make their lives bearable.

At every opportunity that he gets, the Minister tells the House how great he is. The reality is that he is suffering from a very bad

case of wearing the emperor's new clothes. He has no substance and he has no credibility before the electors of Queensland. To save himself and his party from further embarrassment, he should vacate his position as quickly as possible. He now bears the stigma of being called a failed Minister for Health who has sadly disappointed his supporters and failed the people of Queensland. I call on the Government to provide adequate funding to the Home Medical Aids Scheme and show the people of Queensland that it does care for people with disabilities.

Cyclone Justin

Mrs WILSON (Mulgrave) (10.26 p.m.): Cyclone Justin has left the north bereft of the Cairns boating marina used by many small boating, tourism, fishing and diving businesses. The cost of the replacement of the marina has been estimated at approximately $5m, but that will take some time. Some 114 small businesses have virtually lost their business fronts—their offices on the marina—and they cannot afford to be without a mooring for their customers, especially with the onset of the peak season. I visited the site on Sunday morning with the Minister for Emergency Services and my parliamentary colleague the member for Barron River. Boat owners shook their heads in amazement and, indeed, frustration as they pondered how they would cope with shared moorings, advising booked passengers of the situation and the loss of finance.

Coupled with this is the devastating damage to the sugarcane crops, which felt the brunt of the high winds of the cyclone and flooding. The damage to this industry will amount to millions of dollars in the Mulgrave and Johnstone areas alone, particularly where the cane has been torn and broken. Whilst some of the cane will stand tall again, the effects in the area have not yet been fully ascertained. However, the damage will amount to in the vicinity of millions of dollars. We flew over the flooded areas of the Mulgrave River and the Russell River and saw hectares of land under water. With the high tides and the effect of Justin dropping rain on the tablelands, the water simply could not get away.

On top of this, the massive destruction of banana crops, causing losses estimated at $100m, and pawpaw crops, estimated to cause some four to six months' delay and $5m damage, will mean that many farmers will have to put off workers, so that unemployment in the area will be a problem. This will affect the many part-time workers and families in the area and money will not flow for some of those farms for some four to six months. A sense of desperation existed on Monday, 24 March, as banana growers tried to rescue some of their crops from the ground—some of the hard green fruit that had fallen to the ground due to the wind or which remained on fallen trees.

Following the representation made by the member for Hinchinbrook and myself to the Minister for Primary Industries, I am pleased to advise the House that the Government is supplying cost-free inspection services to the value of $20,000 until the close of business on Thursday, 27 March, for those with hard green fruit picked after noon of 24 March. Those growers who did not have certification assurance accreditation would have been charged out at about $34 an hour—a hefty financial burden at this time.

The advice is that bananas picked from plants blown over by the cyclone and not picked up by Thursday, 27 March, will not be worth picking. Growers who had already harvested and packed bananas before 12 noon on Monday, 24 March, under hard green protocols established for the papaya fruit fly could send their fruit direct to markets outside the north Queensland quarantine area without treatment. Honourable members should remember that these are the farmers who have suffered under the papaya fruit fly infestation and who have been under enormous financial pressures over the last year. Primary producers need all the assistance they can get and are able to appeal to the Australian Taxation Office for sympathetic relief for financial problems separate to the national disaster relief arrangements.

The Department of Families, Youth and Community Care has announced help for people on low incomes who have suffered loss resulting from cyclone Justin in the Cairns and Innisfail region and in other affected areas. The money will be available to people on low incomes who have lost the essential contents of their homes or whose houses need repairs to make them livable. A disaster relief centre is also being set up in Cairns and will be open as of tomorrow.

During his visit to the area on Sunday, the Minister for Emergency Services, Mick Veivers, immediately announced a national disaster relief arrangement which gave joint Federal/State assistance towards the cost of damage repair and the reconstruction of communities which were left damaged in the

wake of cyclone Justin as it flew around the affected areas. I understand that to date some 25 to 30 claims have already been made.

Visits by the Premier and the Ministers for Transport and Primary Industries gave them first-hand vision of the situation so that the immediate responses could be made to those in need. Due recognition goes to the many unsung heroes, the volunteers who gave of their time willingly to assist in redressing the impact of Justin. I refer to the many SES volunteers, the police and the FNQEB workers who worked in dangerous situations to restore power to the thousands of homes left with no electricity.

The streamlined approach of all of the local government coordinating centres, which swung into action and kept the community informed, was the result of some two years' planning for such an emergency situation. They were ready. The Cairns City Council is providing free clearing of post-Justin debris. Recognition also goes to the media and the meteorology station for their constant updates of the situation, and to the many Babinda community volunteers who gave their time willingly when called upon. Our condolences go to the families who have had bereavements as a result of the cyclone.

The Cairns area was lucky in that the cyclone did not impact at Category 3. In spite of that, the damage is enormous, and financial and emotional hardship will be felt for many months to come. We live in a country of drought and cyclone. I touch briefly on the response by the Department of Families, Youth and Community Care to families in rural areas, particularly those affected by drought. I speak of the rural family support initiatives——

Time expired.

South East Freeway

Mr ROBERTSON (Sunnybank) (10.31 p.m.): Tonight I rise to alert the House to a $150m con on the people of Queensland by this Government and in particular the Minister for Transport and Main Roads. Members will recall that I have spoken in this House on a number of occasions about the grubby political deal between VETO and the Liberal/National coalition prior to the last State election that resulted in the scrapping of the south coast motorway and the decision to widen the existing freeway to eight lanes. That was a grubby deal borne out of political opportunism that not only cancelled a controversial project but also imposed on a community, without any consultation and without any regard to its health and lifestyle, an eight-lane highway which, according to the Department of Transport's latest figures, will carry over 170,000 vehicles per day every day by the year 2011.

The Minister for Transport would have Queensland, and in particular the residents of Underwood, Springwood and Rochedale, believe that expansion of the South East Freeway between the Gateway Motorway and the Logan Motorway to incorporate high occupancy vehicle lanes will solve the numerous traffic problems along this stretch of freeway. This is the same Minister for Transport who continues to refuse to conduct a full and open environmental impact assessment prior to any decision to widen the freeway. And this is the same Minister for Transport who in answer to a question on notice last year about whether any air quality testing had been done along the freeway replied—

> "The increase in capacity of the highway over what currently exists will result in lower congestion levels and consequently lower pollution levels than would otherwise occur. Further, if the increase in capacity is done in a way that encourages higher vehicle occupancies, then the pollution levels will be reduced even further."

What a grossly irresponsible and patently ridiculous thing to say! The absolute stupidity of that answer is breathtaking even by the standards of the Minister for Transport. Here is a Minister of the Crown trying to tell the people of Queensland that, by increasing the capacity of a freeway by widening it from six to eight lanes—a 25% increase in capacity—designed to cope with a predicted increase in traffic demand over the next 15 years of some 48%, this will result in a reduction in pollution levels. What is the Minister for Transport on? What hallucinogen has he been taking that causes him to make such stupid claims?

However, if members thought that this was a temporary aberration on the part of the Minister, they would be sadly mistaken; it gets even worse. As more and more details of the project to widen the South East Freeway between the Gateway Motorway and the Logan Motorway become available from his department, it becomes more and more obvious what a waste of taxpayers' money this project is. Figures prepared by the Minister's department show that his decision to widen the South East Freeway to incorporate his so-called high occupancy vehicle lanes and then

at some stage in the future construct dedicated busways along this section will cost Queensland taxpayers at least $150m more than if the Minister showed some foresight and vision for once and scrapped the HOV lanes and built busways between the Gateway and Logan Motorways.

I repeat that these are not my figures but the figures from the Minister's Department of Transport. What will be the net outcome of the Minister's HOV lane madness by the year 2020, the department's estimate of the end of the lifetime of the project? Again, using the figures prepared by the Department of Transport, by the year 2020 the eight-lane section of freeway between the Gateway and Logan Motorways will carry 170,000 vehicles per day, whilst the section of freeway between the Gateway and the CBD, which will have six lanes of traffic and the busways, will carry 220,000 vehicles per day.

The people of south-east Queensland demand answers to a number of questions that arise out of the department's estimates. If six lanes of traffic and a two-lane busway can carry 220,000 people beyond the year 2020, why is it necessary to expand an adjoining section of freeway which will carry only 170,000 people to eight lanes with the possibility of constructing dedicated busways at a cost in today's figures of over $150m along this same section at some time in the future? It does not make sense, and similar to the Minister's views on how to reduce air pollution from motor vehicle exhausts, it is an absurd and ill-conceived project that will end up wasting millions of dollars in hard-earned taxpayers' money.

Children's Hospice Project

Mr HARPER (Mount Ommaney) (10.36 p.m.): Tonight I wish to speak about an issue that I hope all members on both sides of the House will support. Terminal illness is hard enough for an adult when one finds out that one has it; but when it happens to a child—a young person—it seems worse. If we reflect on that we realise that that young person will never have the chance to live a full life and to experience many of the joys and milestones that most of us do. That child will never have the fun and experiences that one looks back on through a rich life. One also has to look at the effect on the family both during the illness of the child and afterwards. The traumatic effects on mother, father, brothers, sisters and other family members need no detailing, as I am sure all members will realise what that does to a family.

The project that I wish to highlight tonight is the need for a children's hospice in Queensland. Firstly, I acknowledge the interest and efforts of the member for Springwood, who spoke on this subject on 30 April 1996. At that time he welcomed home Nigel Reed, who had walked around the world, and the support of the Springwood/Rochedale Lions Club for that gentleman and his cause was recognised. The particular project is named the Zoe Reed Little Bridge House, which is an association formed to build a children's hospice in Brisbane, Queensland.

Let us reflect for a moment on the life of Zoe Reed. The daughter of Erika and Nigel Reed, Zoe died at the age of 11 in 1994 after suffering from cystic fibrosis. The Zoe Reed association was formed in March of 1996. That was after her father, Nigel Reed, walked around the world in 1995 to keep a promise to his dying daughter that he would make the world aware of the types of illnesses that children suffer and what happens to them.

In Australia we have only two other hospices, and they are relatively new: Very Special Kids in Victoria and Bear Cottage in New South Wales. One may well ask: what will the hospice do? The hospice will not compete with current services. It will be complementary to hospital and other medical services, aiming to deliver care and support in a home away from home environment for all of the family, not just the children.

The group's pamphlet states that the initial aims of the association are to raise funds for the construction of a children's hospice in Brisbane and to provide home service support for Queensland children. When completed, Zoe's Place will provide physical, psychological, social, spiritual and respite support to families and their children who have a progressive life-limiting illness.

As I said earlier, the father of Zoe, Nigel Reed, has walked around the world—through England, America, etc. Nigel started out on another walk yesterday in Southport. He is going to walk throughout Queensland. It is going to take him two and a half months. He will go all the way up the coast to Cairns, across to Julia Creek and Mount Isa and back down through the west, eventually through Toowoomba, Ipswich and to Brisbane, aiming to return here in mid June. It is quite a rigorous walk, but it is designed to once again raise the profile of this problem and to highlight what the Zoe Reed organisation is trying to do.

I plead with all members to support the fundraising efforts of Nigel Reed's walk and the Zoe Reed Association. As this gentleman

passes through the towns in their electorates, I ask members to give him support, especially through the young people in their areas and the schools in their areas, with an aim to helping that fundraising venture so that we may establish a hospice in Brisbane where the families of ill children can receive support. Such an establishment will enable families to be together while their child is ill and will provide counselling and support during that time and help the parents and the rest of the family grieve and overcome their grief once their young son or daughter has died. I urge members to support this cause.

Time expired.

Maryborough Base Hospital

Mr DOLLIN (Maryborough) (10.42 p.m.): I will read a letter from a constituent concerning treatment her husband received in the Maryborough Base Hospital. It states—

> "I am writing to complain about the treatment my husband received while a patient at the Maryborough Base Hospital. On the 3rd of March 1997 my husband went to the out patient department of the Maryborough Hospital with a pain in his side. The Doctor sent him for an x-ray and after the x-ray told him he was to be admitted into Hospital as they suspected it could be appendicitis. They also stated he was to have an ultra sound the next day. After being admitted to S1 of the hospital they stated he would have the ultra sound on Tuesday the 4th of March 1997. Tuesday morning he was told we are not going to give you the ultra sound, he was going to surgery that morning to have his appendix out. I rang the hospital at 12.30 p.m. to be told your husband is in surgery and is expected to be back in the ward shortly. I went to visit him at 3.45 p.m. to be told your husband is back in surgery as he had a small bleed and we don't know why. He will be back in the ward shortly. He arrived back in the ward approximately 4.30 p.m. He told me a friend of ours had been to visit him and saw blood over the sheets and coming from the wound and had told the nurse. No Doctor at any time has given him an explanation as to why he had the bleed and why he had the 2nd surgery. Friday the 7th of March 1997 he was sent home with an appointment to return to out patients wound dressings at 8.30 a.m. 11th March 1997. On Tuesday 11th March 1997 he went to wound dressings and the Doctor had a look and sent him home. The Doctor stated it was too early to have the stitches removed. He gave him an appointment for Friday 14th March for the sutures to be removed. My husband went back on Friday 14th March 1997. The Doctor from out patients took one look at the wound and stated I am not taking out those stitches. You will have to go back to surgery as you have a huge infection in your wound. The Doctor sent him for another x-ray and ordered the Surgeon down to look at it. The Surgeon came down and had a look and said we won't operate, we will put you back into hospital and give you intravenous antibiotics and see how you go. He was given intravenous antibiotics from Friday 14th March 1997 till Monday 17th March 1997. On Friday 14th March they also took the sutures out and the wound bust open and pus and muck spewed out of the wound. They dressed the wound till Monday. On Monday 17th March they sent my husband home with oral antibiotics and two sterile dressings for me to dress the wound that was still leaking pus. I dressed the wound Tuesday 18th March and Wednesday the 19th March. On the Wednesday the wound started to bleed again so I rang the hospital to find out what had gone wrong and what was to happen.
>
> The Doctor got on the phone and after I asked why I hadn't been contacted as to my husband having surgery twice and what was she doing for the wound. Her words were: there seems to be a lack of communication between you and your husband. I do not ring and let next of kin know. Also what do you expect me to do with the wound and how do you expect me to fix it. You are a nurse. You can dress it daily. We will send you an appointment when we want to see your husband again.
>
> I then rang and took my husband to our private Doctor who was appalled at the state of the wound site and the fact he was not getting medical attention every day. So now I pay for something that we should of had through the public system. Since I have my husband seeing our private Doctor he has received an appointment to go to the surgical clinic at the Maryborough Base Hospital on Wednesday 26th March 1997 which is only nine days since he last saw a Doctor or any other public medical person. Also is there any wonder there is cross

> infection in hospitals when urinals are left on meal trolleys and pushed to the end and the meal stuck on the trolley next to it. This definitely is not good enough."

I ask that the Minister for Health investigate this case as a matter of urgency. I have received many complaints of late about the arrogant and rude treatment from certain staff at the Maryborough Base Hospital, such as some doctors and some other staff telling people who go there seeking treatment, "Why don't you go to a private doctor? We are understaffed and underfunded." Most of the staff at the hospital are helpful and polite; just a few are unhelpful, and this gives the hospital a poor image.

Another complaint I have been receiving from patients and staff over the last few months is that the airconditioning is continually breaking down. Many of the complainants are new mothers who state that the new Lady Musgrave maternity facility is now just a hotbox. This building was designed for airconditioning and has few windows and no fans. It is imperative that the airconditioning to the whole of the hospital be fixed as a matter of urgency, as the Minister would be aware that high temperatures are a cause of infection.

Time expired.

Complaints to Criminal Justice Commission

Hon V. P. LESTER (Keppel) (10.47 p.m.): Today I had the privilege to table in the Parliament a report from the Criminal Justice Commission dealing with the issue of complaints against our police force. I believe that this has been a problem in that many people are making needless complaints against the police and, for that matter, against teachers and other people in responsible positions. It has worried me for some time that some people believe that they can use the Criminal Justice Commission to bring a complaint. That creates a huge problem for the people against whom the complaint is made. I am not for one moment suggesting that people should not bring legitimate complaints, but there is creeping into the system an attitude that if a person wants to get even with someone they report them to the CJC.

I believe that the Criminal Justice Commission has made an effort to be far more realistic about complaints made to it than it has been in the past. There were times in the early days of the CJC when every little complaint was investigated because that was required under the legislation at the time. I believe that commonsense is starting to prevail. Obviously only the more serious complaints are now being investigated in full. We do not want our police or our teachers to be worried about potential complaints against them. Quite often in the course of doing their job police officers find that they are the ones investigated rather than the person they have tried to arrest or deal with. I am very pleased that efforts are being made in this regard.

I want to acknowledge the efforts of the Police Minister, Russell Cooper, in his deliberations in terms of the supply of police at the Capricorn Coast. Some 18 months ago we had one officer at Emu Park and six officers at Yeppoon. I know that the establishment at Yeppoon was more than that, but that was all the officers we had at that particular time. As I speak tonight, the Emu Park station has been upgraded to two police officers. Of course, one of those officers is now a sergeant, which gives a lot more authority in the area. Very shortly there will be 14 uniformed officers at Yeppoon and an additional detective has been provided as well. This brings the number to three——

Mr McElligott: What's the crime level there?

Mr LESTER: I will come to that, yes. Now there are three detectives and two Water Police officers. We had an horrendous problem with crime. However, I do believe that with the new sergeant—this is no reflection on anybody in the past—and the additional help we have overcome a lot of the crime problems. A lot of the bashings and things like that which were happening have gone by the way and, quite obviously, Yeppoon is now a much safer place in which to live. I hope though, as I say this, that I do not find that there will be horrendous problems over this coming Easter weekend. However, over such times we get support from Rockhampton and places like that as well as from the traffic police.

As my speaking time nears its conclusion and being the last Speaker before Easter, I would like to take this opportunity to suggest to everybody, including myself, that we all drive very, very carefully over Easter, that we do not indulge in alcohol when driving and that we show care——

Mr T. B. Sullivan: Use the driver reviver station.

Mr LESTER: Yes, people should use the driver reviver stations and show

consideration for others—that is very important. With that, I wish each and every member on all sides of the House a very happy and a holy Easter.

Motion agreed to.

The House adjourned at 10.53 p.m.

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