TUESDAY, 25 AUGUST 1998

Mr SPEAKER (Hon. R. K. Hollis, Redcliffe) read prayers and took the chair at 9.30 a.m.

PRIVILEGE

Mr SPEAKER: Order! I wish to advise the House that I referred a matter of privilege raised by the member for Merrimac to the Members' Ethics and Parliamentary Privileges Committee for its consideration.

PRIVILEGE

Mr SPEAKER: Order! I wish to advise the House that I have engaged counsel to appear on my behalf as amicus curiae—friend of the court—in a matter in the District Court on 23 September 1998. Questions of law in this case have potential ramifications for the privileges of this House. I have taken the step of engaging counsel in order to ensure that the privileges of the Legislative Assembly and its members are brought to the attention of the court. I note that this is a matter in respect of which the former Speaker also engaged counsel to appear. The hearing on 23 September 1998 is only a continuation of the same matter. It is opportune that at this time I place on record my commitment to upholding the privileges of this House whenever they are likely to be challenged. My commitment to the privileges of this House is absolute and in no way depends on the political affiliations of the members involved. I trust that the House supports my decision in this instance and my general commitment to the privileges of this House.

PETITIONS

The Clerk announced the receipt of the following petitions—

Pedestrian Overpass, Strathpine

From **Mr Goss** (175 petitioners) requesting the House to urge the Minister for Transport to erect a pedestrian overpass, including either a ramp or an elevator for wheelchairs, prams or bicycles and also the elderly residents in the Pine Rivers Shire at the end of Nicol Way, Strathpine Gardens, to connect to the Strathpine Railway Station.

Dam, Finch Hatton Creek

From **Mr Mulherin** (7,610 petitioners) requesting the House to immediately stop any further investigations into the feasibility of the construction of a dam and uphold the decision of the previous Labor Government not to construct a dam on Finch Hatton Creek as it would be an environmental disaster.

Roads, Toowoomba

From **Mr Wilson** (2,959 petitioners) requesting the Minister for Transport to intervene to ensure that major Toowoomba streets are not widened and that the second range crossing construction be brought forward.

Petitions received.

PAPERS

PAPERS TABLED DURING THE RECESS

The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

10 August 1998—

Report on the operations of the Land Tribunal established under the Aboriginal Land Act 1991—Annual Report 1997-98

Report on the operations of the Land Tribunal established under the Torres Strait Islander Land Act 1991—Annual Report 1997-98

18 August 1998—

Queensland Dairyfarmers' Organisation—Annual Report and Financial Statements for the year ended 31 March 1998

Late tabling statement from the Minister for Primary Industries regarding the year ended 31 March 1998 annual report of the Queensland Dairyfarmers' Organisation

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by The Clerk—

Apiaries Act 1982—

Apiaries Amendment Regulation (No. 1) 1998, No. 226

Casino Control Act 1982—

Casino Gaming Amendment Rule (No. 2) 1998, No. 233

Casino Gaming Amendment Rule (No. 3) 1998, No. 234

Explosives Act 1952—

Explosives Amendment Regulation (No. 1) 1998, No. 235

Fisheries Act 1994—

Fisheries Amendment Regulation (No. 3) 1998, No. 232 and Explanatory Notes and Regulatory Impact Statement for No. 232

Justices Act 1886, Statutory Instruments Act 1992 and Transport Operations (Road Use Management) Act 1995—

Transport Operations (Road Use Management—Dangerous Goods) Regulation 1998, No. 224

Nature Conservation Act 1992—

Nature Conservation (Protected Areas) Amendment Regulation (No. 6) 1998, No. 225

Petroleum Act 1923—

Petroleum (Entry Permission—Australian Magnesium Corporation Pty Ltd) Notice (No. 1) 1998, No. 230

Petroleum (Entry Permission—CS Energy Ltd) Notice (No. 1) 1998, No. 238

Plant Protection Act 1989—

Plant Protection (Banana Black Sigatoka) Quarantine Amendment Regulation (No. 1) 1998, No. 227

Plant Protection (Papaya Fruit Fly) Quarantine Repeal Regulation 1998, No. 236

Plant Protection (Sugarcane Smut) Quarantine Notice 1998, No. 222

Plant Protection (Sugarcane Smut) Quarantine Regulation 1998, No. 237

Primary Producers' Organisation and Marketing Act 1926—

Primary Producers' Organisation and Marketing (Dissolution and Repeals) Regulation 1998, No. 228

Sewerage and Water Supply Act 1949—

Sewerage and Water Supply Regulation 1998, No. 229

Superannuation (State Public Sector) Act 1990—

Superannuation (State Public Sector) Amendment of Deed Regulation (No. 3) 1998, No. 231

Transport Legislation Amendment Act 1997—

Proclamation—the provisions of the Act mentioned in the schedule commence 7 August 1998, No. 223

MINISTERIAL RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

The following responses to parliamentary committee reports, received during the recess, were tabled by The Clerk—

interim response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to a report of the Travelsafe Committee entitled Brisbane's Citytrain Network—Part Two—Passenger Security

interim response from the Minister for Police and Corrective Services (Mr Barton) to a report of the Travelsafe Committee entitled Brisbane's Citytrain Network—Part Two—Passenger Security.

The following papers were laid on the table—

Minister for Tourism, Sport and Racing (Mr Gibbs)—

Annual Report of the Lang Park Trust for the year ending 31 December 1997

Late tabling statement in relation to the Annual Report of the Lang Park Trust for the year ending 31 December 1997.

MINISTERIAL STATEMENT

Drugs

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.35 a.m.), by leave: There are two great curses for young Queenslanders—indeed, all young Australians—unemployment and drugs. Since my Government's election, Labor has implemented a number of initiatives to break the unemployment cycle for young Queenslanders. My Government makes no apology for being obsessed about jobs and job security. Every Queenslander—particularly our young people—deserves a job. As I said, there are two great curses. Drugs have been eating into the lives and minds of our young people for decades, destroying the most important years of their young lives, and, in too many cases, destroying their families.

As honourable members would be aware, State Cabinet met in Ipswich yesterday and took significant decisions to address the curse of drugs. These decisions followed submissions to my Cabinet colleagues at our community forum on Sunday and strong representations by my colleague the Minister for Tourism, Sport and Racing, whose electorate has been the subject of recent media reports about the increase in juvenile drug and crime problems. The initiatives that we announced were based on what the community and the experts wanted. That is what our Community Cabinet forums are all about: listening and responding. I was therefore disappointed to hear the member for Maroochydore attempt to discredit the initiatives with simple knocking. The honourable member did not even come up with an alternative strategy.

For the benefit of those honourable members who are genuinely interested in fighting the scourge of drugs, I will now outline yesterday's Cabinet initiatives. The centrepiece of the seven-point strategy is a combined State Government and community summit. The summit, which will be held before the end of the year, will complement Cabinet's recent decision to establish a task force on crime prevention. In fact, the task force will be charged with ensuring that the summit

outcomes are implemented. The Statewide strategy also includes—

increasing the number of night counsellors and funding other initiatives to assist young Queenslanders as part of the $1m Youth Crime Prevention Grants Scheme;

increasing the police presence in drug problem areas, particularly targeting drug dealers around schools;

a Statewide pilot scheme to trial new juvenile justice community centres aimed at helping young offenders to break the crime and drug cycles. A centre will open in Ipswich as part of the pilot study;

working with police, health authorities, school P & Cs, teachers and the Queensland Teachers Union to ensure that drug awareness campaigns in schools are properly targeted and relevant. This will be done in conjunction with the Government's $5.6m School Nurse Counsellors Program;

accelerating the Urban Renewal Scheme and increasing community involvement in the scheme, particularly in areas of high juvenile and drug-related crimes; and

increasing awareness among employers in high juvenile crime areas of Government packages such as incentives to employ more apprentices and trainees.

Following the submissions by the Minister for Tourism, Sport and Racing, State Cabinet also approved a number of immediate initiatives for the Goodna/Redbank Plains area. These include extra police at Goodna and $125,000 to fund an improved response from youth worker agencies, including a night work counselling program and expanded programs for young adolescents after school. The Department of Public Works and Housing will also make a house available in Goodna for use by community agencies working with young people. Cabinet also gave in principle support to expand the Peacemaker Program at the Goodna State School.

As I said, I am disappointed that these initiatives have not received the bipartisan support that they deserve. I urge the Opposition to reconsider its position. The curse of drugs will not beaten by political rhetoric. We, as the elected representatives of the people of Queensland, must act in a determined and united manner. Anything less can result only in more young people's lives being lost.

MINISTERIAL STATEMENT

Queensland Heritage Trails Network

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (9.39 a.m.), by leave: Queensland, as all honourable members know, is the jewel in Australia's tourism crown. We have got it all: sun, surf and sand on the coast, rugged landscapes in the interior, lush rainforests, matchless rolling plains, heritage towns, a wildlife like no other, and the greatest wonder of the world's coral reefs off our coast. With attractions like these, it is no accident that tourism is this State's second-largest industry, giving jobs to more than 125,000 people and contributing $7 billion to our economy. Yet under the coalition Government, tourism was an industry in danger of becoming stagnant.

During the election campaign, I promised that my Government would revitalise it and one of our first acts was to provide the Queensland tourism industry with an extra $5m to fund international and domestic marketing. Today I am pleased to tell this House that jobs and tourism throughout regional Queensland are to get a multimillion-dollar boost.

Yesterday, Cabinet approved more than $40m in funding for the Queensland Heritage Trails Network over the next four years. This Centenary of Federation Project will generate $100m in extra tourist-related spending in rural and regional areas and create around 2,400 jobs. The project is important not just for the injection of jobs and spending that it promises but also because it signals a coming of age for regional tourism in Queensland. So far the tourism potential of our regional and rural areas has not been fully realised. That will change when the four heritage trails planned for this network are operational. There will be something for every tourist—whether they are intrastate, interstate or international travellers.

There are four trails. The Coastal Trail will stretch through more than 2,200 kilometres of eastern coastline from Cooktown to Coolangatta showcasing heritage towns, local museums, indigenous craft centres and world-class natural areas. The Mining and Dinosaur Trail will connect the coast with the country from Miles to Mareeba, from Rockhampton to Normanton and from Townsville to Mount Isa. On this trail, tourists will find historical sites, mines, gem fields and fossil finds. The Matilda Trail will follow the Matilda Highway from the Queensland/New South Wales border to Burketown in the gulf, passing through land which speaks of Queensland's history. The Early Settlers Trail starts at Ipswich and covers the southern Darling Downs area around

Toowoomba and joins the Matilda Trail at Charleville. In Ipswich, the old railways workshops will be refurbished as part of this trail.

An Opposition member interjected.

Mr BEATTIE: For the benefit of the honourable member, I am happy to outline the trails. These are the sort of actions that the Opposition will get under my Government. We can see the different trails.

A Government member: The Leader of the Opposition is a fossil.

Mr BEATTIE: Indeed, the Leader of the Opposition can be included in the fossil trail as an exhibit. I am happy to do that. For the information of all members, I table this. It confirms our commitment to regional and rural Queensland and I know that it should be supported by all honourable members.

As I said, the Heritage Trails Network is designed to crisscross the State highlighting areas of cultural and historical importance. Along the way the network will help to create jobs and boost the economies of regional towns currently doing it hard. As well as the $40m my Government is committing to the network over the next four years, the Commonwealth Government has allocated $50m to the project.

Traditional holidays in Queensland's tourist strips of sun and surf will obviously continue to play a leading role in our State's tourism industry. The network, however, will enhance our reputation as a holiday destination with much to offer the visitor looking for something a little bit different. They will find it in Queensland in the Heritage Trails Network.

MINISTERIAL STATEMENT

NRG and Chevron Memorandum of Understanding

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (9.43 a.m.), by leave: This Government and, I would hope, this Parliament welcomes the move by power supplier NRG Ltd to take gas from the proposed pipeline between Papua New Guinea and Gladstone. The signing of a memorandum of understanding between NRG and Chevron and its partners brings Queensland one step closer to a $3 billion development, which has implications not only for the State but for Australia and Papua New Guinea. NRG's announcement of its intentions to develop a new 368 megawatt gas-fired power station in Gladstone is another important step for the pipeline project.

While this Government played a proactive role in encouraging industrial development between private sector participants, we did not have a role in the direct commercial negotiations of this particular deal. The impact of the pipeline on business will be significant not only in the construction side but through the spin-off industries it will attract to north and central Queensland. The added benefits are that it will also allow gas competition throughout eastern Australia plus greenhouse benefits.

There appears to be some misconception by the Opposition that the Queensland Government is attempting to get this world-class project up and running at the expense of coal. The Government is well aware of coal's importance as Australia's leading export and of the number of coal-fired power stations throughout the State supplying our power needs. But what is being overlooked is what business gas will be able to attract to Queensland. In short, gas will complement the existing power sources around the State and its availability will attract industries such as metal refiners, ceramics and chemicals producers because of its high-energy properties.

According to industry figures, gas currently accounts for only 5.3% of final energy consumption in Queensland compared with a national average of 17.6%, and with Australia a signatory to the Kyoto climate change accord and the reduction in greenhouse gas emissions, the need for gas to diversify our power generation is imperative for the State's development. What must be remembered is that Australia's greenhouse gas limitations from the Kyoto conference is for only an 8% growth on 1990 levels by the reference period 2008-2012.

The pipeline still has some way to go but every effort is being made by this Government and the pipeline participants to progress this project to development. We have taken a proactive stance in facilitating this project. This is in contrast to the previous Borbidge Government, which allowed the decision-making process to drag out during its tenure. The member for Surfers Paradise's handling of the negotiations must be questioned given his recent comment in Parliament when he said, "They"—Comalco—"are not going to sign off." Clearly, the member for Surfers Paradise's remark underscores the view that Comalco would never commit, or not commit, to Gladstone. Such a view from someone who

recently held the highest office in this State is hardly likely to generate confidence in the business climate in Queensland.

MINISTERIAL STATEMENT

Goods and Services Tax

Hon. D. J. HAMILL (Ipswich—ALP) (Treasurer) (9.47 a.m.), by leave: I raise a matter that should be of grave concern to all Queenslanders and that is the enormous risk posed to this State by the Federal coalition Government's proposed tax reform package. That is risk to the health of State finances, risk to the standard of living of Queenslanders, risk to industries such as tourism and housing, and risk to tens of thousands of small-business operators across the State.

Queensland Treasury has been analysing the impact of Prime Minister Howard's proposed package on Queensland and the introduction of a 10% goods and services tax, and the results do not paint a pretty picture. Treasury has concluded, and let me quote—

> "There are a number of assumptions built into the Commonwealth's estimates which may not materialise, particularly its assumptions about increased revenues from higher economic growth in the transition period and savings to State Governments from the abolition of wholesale sales tax and the reduction in diesel fuel excise. If these fail to materialise the bottom-line impact on the State changes by $140m, that is a loss of $190m, in the first year and $350m, that is a loss of $260m, over the following two years."

Let me quote further from the Treasury analysis—

> "Beyond the three-year guarantee period, the States are accepting all the risk if the GST revenue projections are flawed ... in particular the size of the base, the assumptions about the size of the black economy that will be brought into the tax net—$18 billion per annum—and the estimated level of enhanced revenue flowing from improved compliance."

If the crystal ball used by Federal Treasurer Peter Costello is a little bit off the mark, guess who will end up carrying the can? It will not be Canberra.

Despite a backdrop where the chief economist for Deutsche Bank Asia Pacific has described the Asian economic crisis as "the greatest threat to the world economy since the 1930s" and when world financial markets are in turmoil, Mr Costello blithely predicts growth of 3.75% to underwrite his GST forecasts. Even if some of Canberra's assumptions are right, they come with no guarantees—no guarantees to individual States regarding their revenue streams, no guarantee on the distribution of the GST pool, no guarantees that at some stage in the future income taxes will not rise and no guarantee about the future of existing special purpose payments to the States.

Furthermore, this package erodes the autonomy of the States, in particular Queensland, and worsens vertical fiscal imbalance. It is not so much a case of more power to Canberra but all power to Canberra. Should the Commonwealth, and it is the Commonwealth which administers this scheme not the States, decide to make a particular activity GST free, all of the cost to revenue associated with that policy change would lie with the States. It is the old "heads they win, tails we lose".

Mr Howard and Mr Costello want Queenslanders to trust them. The last time Queensland trusted Mr Howard and Mr Costello on tax, with the blind acquiescence of the former Borbidge Government, it was on fuel subsidies. That agreement, which was supposed to neither advantage nor disadvantage Queensland, is now costing us $60m a year. Queensland never had a fuel tax, but at least under the section 90 safety net the revenue we chose not to raise by way of such a tax was largely returned to Queensland. However, the same recognition is not being accorded Queensland with respect to financial institutions duty—another tax which has never been applied in this State. This represents an opportunity cost to the State of $250m—that is a quarter of a billion dollars—by agreeing to not introduce financial transaction taxes.

There is a grave risk that Queensland will be penalised for its low tax status. In effect, Queensland taxpayers will be paying the same 10% GST as will taxpayers in the rest of Australia. We will pay GST that will be used to abolish bed taxes in New South Wales and financial institutions duty in Victoria. In other words, we will be subsidising the removal of taxes that Queensland has never levied. Mr Howard and Mr Costello are proposing—with the complicity of their Queensland counterparts sitting opposite—to strip Queensland of its competitive advantage on the matter of State taxation.

This Government is about jobs and a better standard of living for all Queenslanders,

but this proposed GST represents an assault on Queensland jobs. According to the Treasury analysis, Queensland's share of total employment may fall because of the dominance in this State of service-based industries.

Opposition members interjected.

Mr HAMILL: Members opposite do not want to hear about the impact on tourism, but they will have to hear something this morning. The tourism industry, Queensland's second-largest industry, is under threat here. Mr Howard and the coalition support a scheme which would make holidaying in Bali more attractive than holidaying in Cairns or in the Whitsundays. Let us not forget that a GST will not apply to overseas airfares purchased by Australians, but it will apply to domestic airfares. This can only increase the cost of domestic holidays relative to overseas holidays. That is just one industry.

What about the impact on prices and the demand for new homes? What about the small business operators? The number of businesses brought into the GST net would be at least ten times the number which currently pay wholesale sales tax. For these thousands of small businesses I ask: what about the documentation—the collection, the calculation, the preparation of returns? The cost of compliance for small businesspeople who do not have the economies of scale of BHP's accounting division will be huge.

Dr Watson: Who collects the wholesale sales tax now?

Mr HAMILL: This tax package is regressive, this tax package is anti-jobs, and despite what the member for Moggill might say, this tax package is anti-Queensland.

MINISTERIAL STATEMENT

Queensland Workplace Agreements

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (9.52 a.m.), by leave: This Government is committed to an industrial relations system which is fair and equitable to both employees and employers. We are committed to the establishment of an industrial relations system which improves economic competitiveness, provides for job growth and enhances job security. We are committed to a system that is based on cooperation and consultation.

We on this side of the House were critical of the previous Government's introduction of Queensland workplace agreements because we believed they would not be carried out in a balanced environment. We were concerned that the inequality in bargaining power could lead to inferior wages and conditions for employees.

Mr SANTORO: Mr Speaker, I rise to a point of order. I draw to your attention that the Workplace Relations Amendment Bill is currently before this House. I thought that debate and mention, in a substantive manner, of any issues contained within the Bill before the House was not entertained by this place.

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

Mr BRADDY: We were concerned that the inequality in bargaining power could lead to inferior wages and conditions for employees, particularly those employees who did not have the benefit of union membership. We were also concerned about the secret nature of these agreements.

Mr BORBIDGE: Mr Speaker, I rise to a point of order. Further to the matter raised by the member for Clayfield, this matter is listed on the Notice Paper and I understand that it is the Government's intention that there be a full debate this week. Clearly the Minister will have the opportunity to speak when summing up after that debate. There is a longstanding convention and tradition in this place that should be adhered to.

Mr SPEAKER: Order! There is no point of order because the Minister is not speaking about the Bill. He is making a ministerial statement. He is not talking about a Bill before the House. There is no point of order.

Mr BORBIDGE: With respect, Mr Speaker, he is referring to workplace agreements, and the intention in part of the legislation before the House this week is to abolish workplace agreements.

Mr SPEAKER: Order! There is no point of order. The Minister is not referring to the Bill. I call the Minister.

Mr BRADDY: We are also concerned about the secret nature of those agreements and the fact that they could be used to disadvantage vulnerable employees. I have now received a review of the first 17 months' operation of Queensland workplace agreements and can report to the House that our concerns were indeed justified—so justified that the Leader of the Opposition and the shadow Minister tried to prevent the tabling of this report and the making of this statement a few minutes ago.

Mr SANTORO: Mr Speaker, I rise to a point of order. I have actually made a written

request for that report and I have asked a question on notice in relation to that report. The Honourable the Minister is misleading the House when he says that I am preventing this House from considering that report. I find his comments objectionable and I ask that they be withdrawn.

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

Mr SANTORO: I find his comments objectionable and I ask that they be withdrawn.

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

Mr SANTORO: I find his comments that I have sought to prevent this Parliament from considering that report offensive and I ask the Minister to withdraw them.

Mr SPEAKER: Order! The Minister will withdraw those words.

Mr BRADDY: I will withdraw those comments, but the record shows that he wanted the report for himself but tried to prevent this matter from being discussed.

Mr SANTORO: Mr Speaker, I rise to a point of order. I find the comments that the Minister has just made offensive, because if he read my letter of last Friday he would know that I requested that report for the purposes of having an enlightened debate. I find those comments offensive and I ask that the Minister withdraw them.

Mr SPEAKER: Order! The member has made his point of order. He will resume his seat. The Minister will withdraw the words that the member for Clayfield finds offensive.

Mr BRADDY: I withdraw the remarks that he finds offensive. It needs to be understood that QWAs have been largely rejected by employers as a fair and equitable approach to industrial relations. Only 0.2% of the total number of workers covered by Queensland awards and agreements have been covered by QWAs. During that period, just 1,516 workers employed by 245 employers have been covered by QWAs. This contrasts starkly with the coverage of 46.8% of workers by certified agreements and 53% by awards. It is interesting to note that almost 58% of QWAs gave workers no wage increase.

This Government opposes QWAs not just because they are unpopular or ineffective as a means of reform, but because they directly impinge on the wages and conditions of workers. The operation of QWAs prevents employees from gaining access to increases subsequently granted in parent awards for the lifetime of the agreement. This can result in an employee being denied an increase for as long as three years and, as a consequence, falling below equivalent award rates.

However, the most disturbing element of the analysis of QWAs was the substantial erosion of employee entitlements. In more than half, QWAs increased the span of hours. In 38.7% of cases, ordinary working hours were increased. In 69.4% of cases, penalty rates were either removed or decreased. Forty-two and a half per cent removed overtime; 17.9% removed annual leave, including 12.7% annual leave loading; and 19.4% removed or decreased sick leave entitlements.

Honourable members may be interested to hear that almost 40% of QWAs originated from two industries—child care and real estate. The QWAs in both these industries are pro forma documents which are clearly not designed to introduce innovation or flexibility in individual workplaces. Rather, they appear to be attempts to introduce industry-wide practices while circumventing the public scrutiny of the award process.

In the case of the child-care industry, QWAs have had the effect of altering the award definition of a casual to allow casuals to work full-time hours. This would allow for the increased casualisation of a relatively low-paid female-dominated industry, with all the job insecurity associated with that. The other change to the Child Care Industry Award is to allow meal breaks to be deferred—presumably indefinitely. This type of QWA appears on the surface to pass the financial no-disadvantage test but at the same time clearly socially disadvantages the entire work force in this important industry.

The review of QWAs has revealed other cases where employees are being disadvantaged. One employee—an engineer—was required to work 70 hours a week before he was eligible for overtime, that is, 14 hours a day over a five-day week before that employee could claim overtime. A tourist bus driver was required to work 60 hours a week—five 12-hour shifts. Although he was to lose $25 a week and the Employment Advocate recommended that the agreement did not pass the financial no-disadvantage test, the QWA was accepted and approved with qualification.

In another case a casual plant operator was required to work 60 hours a week. He received no annual leave, and no sick leave or any of the other entitlements of a permanent employee. In cases where higher hourly rates are offered as a trade-off for sick leave or

annual leave, workers and their families may later be faced with a health or social penalty. Similarly, where QWAs have cashed out award entitlements based on an employee's previous year's income, he or she runs the risk of missing out on safety net increases during the period of the agreement. In this case, the employee could be expected to work a greater spread of hours or longer overtime, which would disadvantage the employee in comparison with award provisions.

It is clear that under QWAs the minimum requirement of the financial no-disadvantage test has become blurred. That problem has been recognised by the Enterprise Commissioner, who in a number of cases required employers to give an undertaking that if at the end of an agreement there was a financial disadvantage to an employee compared with awards the difference should be reimbursed. Just how this undertaking would be checked is unclear, but the perceived requirement for such undertakings calls into question the general efficacy of the no-disadvantage test.

The Government proposes to abolish QWAs because they offer no compelling benefits for the majority of Queensland workers. Compared with certified agreements, they have introduced no significant reform measures or innovations to improve the productivity of Queensland workplaces. We are saying that these issues should not be kept secret. They should be out in the open—there should be either awards or certified agreements, which are public documents.

It is an unfortunate fact of life that at times of high unemployment people can be prevailed on unfairly to work for wages and conditions that are unfair. In conclusion, the report clearly proves that only the removal of QWAs from the Queensland industrial relations scene will prevent the unethical and unfair exploitation of some workers that this system encourages.

MINISTERIAL STATEMENT

Goods and Services Tax

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (10.02 a.m.), by leave: Recently, the Australian Council of Social Service—ACOSS—local governments, charities and churches have expressed their concern regarding the Federal Government's proposed goods and services tax. The GST is obviously going to seriously impact on those who can least afford it. The negative impact of the GST will also extend to Queensland's road network, public transport and freight charges. The Federal Government's tax package potentially places thousands of jobs at risk in road construction.

For public transport, the GST means increased fares. For consumers, the GST means higher costs for rail and road freight. I am particularly concerned that the GST will increase the cost of public transport and reverse the trend of public transport improvements that have resulted from a decade of hard work by State and local governments along with public transport operators. Bus and rail fares will rise with a GST. More cars will be forced onto our roads, with a resultant increase in pollution levels in our cities. Increased bus fares will threaten the financial viability of some companies, putting at risk the jobs of those who work for them. Public transport infrastructure projects such as busways and the new proposed light rail will need to be reconsidered in the light of the adverse impact on passenger volumes expected as a result of GST-caused fare increases.

If costs for public transport operators rise, Queensland taxpayers will be asked to provide further funding by way of community service obligation payments, especially to Queensland Rail. Low emission fuels, like LPG and national gas, will lose their competitive advantage, while diesel, which is much worse in terms of air pollution, will decrease in price as excise is slashed. Any incentive for transport operators to switch to cleaner fuels will be removed. The net effect will be a significant deterioration in the air quality in our cities and gridlock on choked roads, especially in south-east Queensland.

Increased car usage will also compound the problems already being faced by local governments trying to fund road improvements. Those who think that the proposed cut in diesel fuel excise will mean cheaper freight charges should think again. The Federal Treasury's own figures predict an increase in both rail and road freight charges. Businesses might be able to claim reimbursement for freight charge increases, but members of the public will pay more—5.8% more for rail freight and 2.6% more for road freight, according to Howard's and Costello's own figures. The increase in freight charges will, of course, have a much greater impact on Queensland's rural and remote communities—communities already hit hard by the Howard Government's policies and now to be hit even harder by a GST.

Perhaps the most insidious effect of the proposed GST will be its impact on employment. Under the Howard tax package, only registered businesses will be exempt from the tax on diesel fuel. It appears that the Department of Main Roads and local governments will not gain the benefit of this exemption. Main Roads and local governments employ thousands of road workers throughout the State, many of whom are in rural and remote areas. The job security of those workers will be placed at risk by Howard's tax package.

Main Roads and local government workers will not be competing on a level playing field for road construction work. They will have to factor the 10% GST into their tender bids, but it seems that they will not gain the benefit of the diesel fuel excise reduction. Unless these work forces are fully corporatised, they may well prove to be non-viable under a GST regime. Local government and Main Roads workers should not have their jobs placed at risk by the GST.

It is not yet clear what the Federal Government proposes with regard to its funding for roads. John Howard's Government has already seen fit to slash funding to the national highway system by $620m over four years, despite the increasing demands placed upon it by high growth in Queensland. Tens of millions of dollars are required immediately to address urgent upgrading across the State on roads such as the Ipswich Motorway, and the Warrego, the Bruce and the Barkly Highways. Under the proposed tax reform package, it may be that the Commonwealth in future further reduces its funding grants for specific purposes like roads at a time when there is an obvious need for funding to be increased.

The Commonwealth's tax reform package may also prove to be unattractive for the private road construction industry. While there initially may be some small gains through reduced costs, it is quite likely that fewer dollars will be made available by the Commonwealth for road construction. This would compound the problems being faced by an industry already competing for too few works on our national highway system.

We have all seen the taxpayer funded ads promoting the tax package—political propaganda that tells us that we will all be better off. The only Queenslanders who will be better off under the GST will be those who never catch public transport, those who never have goods freighted to them, those who do not work in road construction, those who do not travel on Federal roads and those who do not breathe the outside air.

PERSONAL EXPLANATION

Legal Indemnity

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (10.07 a.m.), by leave: I have been misrepresented by certain media reports arising out of a smear campaign being run from the office of the member for Brisbane Central. The latest example concerns allegations printed in the Australian of today's date that when the previous Government was in caretaker mode I secured a legal indemnity from Cabinet in respect of certain legal proceedings. This assertion is a complete fabrication.

In a Cabinet submission dated 3 December 1997, the former Attorney-General recommended to Cabinet that I would be represented by the Crown in this action and that any costs would be met. This recommendation was made following receipt of legal advice from the Acting Crown Solicitor on 7 November 1997 that stated—

> "I am not presently aware of any reasons why this Office should not act for the Premier".

This was based on a specific decision reached by the previous Government on 9 July 1990 which adopted guidelines suggested by the Electoral and Administrative Review Commission. The previous Government was not in caretaker mode in December 1997. Action was only taken following legal advice from the Acting Crown Solicitor. I was not present when Cabinet considered this matter.

My circumstances in this case mirror a similar case where the previous coalition Government continued to act for a former senior Goss Government Minister. The difference is that at no time did my Government or any member of my Government breach legal confidentiality in respect of the former Goss Cabinet Minister. And I do not intend to breach that confidence today. The Australian owes me a retraction and a public apology for so readily spreading the malicious untruths from the office of the member for Brisbane Central and for its failure to check the facts.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs LAVARCH (Kurwongbah—ALP) (10.09 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's Alert Digest No. 6 of 1998, and I move that it be printed.

Ordered to be printed.

NOTICE OF MOTION

Members for Kedron, Bundamba, Ipswich, Chatsworth and Murrumba

Mr FELDMAN (Caboolture—ONP) (Leader of the One Nation Party) (10.09 a.m.): I give notice that I will move—

> "That the Honourable Members for Kedron, Bundamba, Ipswich, Chatsworth and Murrumba be collectively charged with admonition, contempt of the House, and have committed criminal offences and 'official misconduct' on or before 5 March 1990, and they have collectively fled from justice, without any conviction or judgment recorded against them, and they be expelled from Parliament forthwith."

Mr SPEAKER: Order! Before calling the member for Nicklin, I wish to advise that in the gallery today there are members of the Maroochy Shire Junior Council who represent various schools in the Maroochy Shire.

CITIZENS' INITIATED REFERENDUM (CONSTITUTION AMENDMENT) BILL

Mr WELLINGTON (Nicklin—IND) (10.10 a.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill for an Act to amend the Constitution Act 1867 to provide for legislation by citizens' initiative and referendum, to entrench the provisions relating to citizens' initiatives and referendums, and to remove colonial terminology in certain sections of the Act."

Motion agreed to.

First Reading

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

Second Reading

Mr WELLINGTON (Nicklin—IND) (10.11 a.m.): I move—

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

I rise today to introduce one of the most important pieces of legislation ever to be presented to the Queensland Parliament, my Citizens' Initiated Referendum (Constitution Amendment) Bill 1998. This Bill aims to amend the Constitution Act of 1867 which is a prerequisite to my citizens' initiated referenda machinery Bill, and I most humbly seek the support of the honourable members of this House for this Bill.

This Bill to amend the Constitution Act of 1867 is necessary so that any citizens' initiated referendum Bill can withstand a High Court challenge, and it is essential because, under the Constitution Act of 1867, all proposed legislation must go through Parliament irrespective of the outcome of a referendum. That means that, without the amendment to the Constitution Act of 1867, if Queensland voters support a citizens' initiated referendum, it would still have to run the gauntlet of the Parliament which could veto it.

Mr Speaker, the CIR Bill that I present to you today is very simple. What it proposes is that any Queensland voter may register a proposed law with the Electoral Commission. Once this is done, the proponent has 12 months in which to collect signatures of support from qualified electors in Queensland. The proponent must collect a minimum of two and a half per cent of Queensland voter support from a majority of State seats. That is at least 45 State electorates and approximates to 53,000 voters. This makes it impossible for a major population centre such as Brisbane to dominate or control any CIR Bill. It will also eliminate any objection that a powerful lobby group could exert.

If the required numbers of signatures are obtained on the petition, the Governor will issue a writ for a referendum on the proposed law. The referendum must not be held within three months of advice to the Governor that the petition contains the necessary number of signatures to satisfy the minimum requirement for the holding of a CIR. Once the three months have passed, the referendum must be held in conjunction with the next scheduled election in order to save taxpayers money. So, although a person may be able to collect support for a proposed law from at least, say, 53,000 voters in Queensland, the proposed law still has to face the might of all Queenslanders at a referendum. And, I reiterate that for the Bill to succeed it must be supported by a majority of Queenslanders from a majority of State seats.

My proposal is that, if a citizens' initiated referenda Bill is supported in a referendum by a majority of Queenslanders in a majority of electorates, that Bill will go direct to the Queensland Governor for assent and will then become law. This will bypass the Parliament and politicians. But in order to achieve this, we must first amend the Constitution Act. I propose to do this by way of a referendum to

be held in conjunction with the next scheduled election in Queensland. The very first question that will be asked of Queenslanders is: do you support an amendment to the Constitution to pave the way for citizens' initiated referenda? If the answer is no, that is the end of it, but if they say yes, Queenslanders can initiate the process of direct democracy.

Mr Speaker, as you would understand, to initiate a referenda would take considerable dedication, commitment and money. It is not just a matter of dashing off a petition and getting signatures. What I am proposing is that voters in Queensland will be able to create laws for peace, welfare and good government of the State of Queensland which the Parliament of the day is reluctant to do.

However, there are a number of specific matters that are expressly excluded from this process. Under my proposal—

citizens' initiated referenda cannot be used to change the law in order to benefit a particular area, a person or a group of people to the exclusion of the rest of Queensland or other Queenslanders. Let us say, for example, that I wanted to have my electorate of Nicklin excluded from a proposed State law. That would not be on.

Citizens' initiated referenda cannot be used to impose a fine, a penalty or a liability on a person retrospectively. For example, it will be impossible to use CIR to increase penalties already imposed by the courts.

CIR cannot be used to appoint or remove a particular person from public office.

CIR cannot be used to interfere or control the Government of the day's budgetary process.

CIR cannot be used to change the composition of the judiciary of the Supreme and District Courts of Queensland.

CIR cannot be used to make a law in relation to matters beyond the Parliament's constitutional power to enact; and

CIR also cannot be used to remove the Queen or the Governor as long as Queensland remains a constitutional monarchy.

If this Bill is adopted by Parliament and Queenslanders say yes to it when it goes to a referendum, then the Governor consents to it and Parliament has no power to repeal or amend the law for 12 months from the commencement of the Bill. Alternatively, if the CIR Bill is unsuccessful, it cannot be presented again to Queenslanders for a minimum of five years. I also propose that Parliament make laws which will set out the minimum requirements for the preparation of a referendum Bill and the manner in which the referendum is to be conducted. Some of those matters to be considered are as follows—

The initial petition must contain not less than 0.05% of the number of electors enrolled in the State before it can be registered with the Electoral Commission. I understand that is approximately 1,000 enrolled voters.

To ensure that the proposed law meets the minimum legal requirements, under my proposal, Parliament would provide assistance with its drafting.

If the proponents should die or be unable to follow through with the CIR Bill, they must make provision for another person or persons to take over their role.

Before a referendum is held, a summary of the effects of the proposed law and arguments for and against it must be presented to the public.

Provision must also be made to be able to stop a citizens' initiated referendum Bill if the proponent is satisfied that the Parliament has passed a law sympathetic to that proposed by the proponent.

Monthly returns of the petitions must be submitted to the Electoral Commission who will conduct random sampling to ensure that the signatures are valid.

I am confident that, with the safeguards that are in place with this Bill, we will not see dozens or even hundreds of Bills initiated by any Tom, Dick or Harry with an axe to grind. There would also be significant costs associated with the drafting of any CIR Bill and, under my proposal, they would have to be met by the person or persons initiating it. However, while there are safeguards in place, they are not such that they would deter those who have a sincere desire to put what they consider are important matters to the people of Queensland. Taking into consideration all of these factors, I believe that the chances of mischievous or frivolous CIR Bills will be negligible. In fact, in those countries where CIR operates, such as Switzerland, there are virtually no cases of mischievous application.

I believe that CIR will deliver to Queenslanders true democracy. So I ask: why would we, the representatives of the people, reject such legislation? Under our present

system, we Queenslanders have the right to answer questions that are put to us in a referendum. However, we are denied the right to put forward questions to a referendum, and this CIR legislation gives us that right. The Citizens' Initiated Referendum Bill I present to the Parliament today will overcome major constitutional impediments. It is the result of hard work and effort by some of the finest constitutional lawyers in Queensland, and I pay particular tribute and publicly thank John Pyke, lecturer in constitutional law at Queensland University of Technology. I am proud and grateful to John and to the Queensland University of Technology for their contribution to this Bill. I also publicly thank former Senator Michael Macklin for lending his expertise to this Bill. I also thank the many other willing helpers who have assisted with this important piece of legislation.

What I now ask my honourable colleagues is whether they have the courage and foresight to deliver this tool of democracy to the people of Queensland. To those of my colleagues who are vehemently opposed to my citizens initiated referendum, I say: support the people's rights to have their say and if you do not want them to say yes to a particular citizens initiated referendum Bill, get out in your electorates and canvass against it. To deny the people of Queensland the right to at least have a referendum on the matter is to treat them with total contempt. You are effectively saying to them, "You cannot or are not able to make decisions that will impact on your lives."

I caution my honourable colleagues not to treat Queensland voters as fools. As I said in my maiden speech, never before have the people of Queensland been so politically astute. They are watching and waiting to see how this Parliament treats this promised tool of democracy. To reject citizens initiated referendum without at least giving the voters a chance of deciding for themselves via a referendum will, I predict, attract a massive backlash. Surely it is not too much to ask of honourable members that at least they give the people of Queensland a fair go and let them decide whether to say yes or no to what is certainly the most important piece of legislation ever to be presented to them.

The idea of direct democracy is nothing new; it goes back to as far as ancient Athens and to the plebiscites of the Roman republic that gave commoners or plebs the means of voting on repealing or enacting laws. Here in Queensland, I believe the first move to introduce a Popular Initiative and Referendum Bill was in 1915 by the then Labor Premier T. J. Ryan. This Bill was blocked by the Opposition-controlled Upper House. It was introduced four times over the next two years and heavily amended so that it was unacceptable to the Government. By 1919 the Bill had qualified to be submitted to the people but when Edward Theodore took over as Labor Premier it was dropped.

After the First World War the Labor Party lost interest in citizens initiated referendum, although I understand it remained Labor Party policy until 1963. I believe in the 1970s the Australian Democrats in the Senate began introducing Bills to pave the way for the introduction of citizens initiated referendum. Over the years, there have been numerous attempts to introduce similar legislation to the Parliaments with the same negative results. There is strong argument for the introduction of citizens initiated referendum. It will promote Government responsiveness and accountability. If politicians ignore the voice of the people, the people will have an opportunity to make the law via citizens initiated referendum. Citizens initiated referendum enables voters to separate issues from personalities.

Citizens initiated referendum overcomes voter apathy and alienation by allowing for greater participation in Government. It instils a greater sense of responsibility in the electorate for public affairs. It will lead to more acceptance of constitutional change and a wider range of alterations being proposed. Because laws instituted by citizens initiated referendum are the people's laws, they are treated with greater respect and legitimacy. Citizens initiated referendum will produce open and educated debate on critical issues that might not be adequately discussed and it will allow controversial social issues which legislators may not wish to entertain to be resolved. Let us face it, as Senator Macklin said—

> "It would be naive to suggest that the current parliamentary system with its rigid party structure is not subject to pressure from strong, special-interest groups. A small number of these groups can exert enormous and, by community standards, disproportionate influence."

Let us face it, the effect of moneyed groups on our political parties is potentially more insidious than any citizens initiated referendum. They have the potential to influence policy agendas without the electors even knowing what is going on.

Citizens initiated referendum is an integral part of life for many countries, including New

Zealand, various Canadian provinces, Switzerland and the most famous of all, California. Everyone who has had something to do with citizens initiated referendum, particularly the knockers, will quote Proposition 13. Well, let us look at this Proposition 13.

What happened was that in California citizens initiated referendum was used to halve the property taxes. But, we are not told what actually happened, and it was this: although the Californian voters supported halving their property taxes, just one year later when another citizens initiated referendum Bill was presented to halve their income taxes, the population voted against it. This proves that while the people said yes to the first citizens initiated referendum because the taxes were quite clearly too high, when they were asked to slash taxes a second time they were responsible enough to say no because they realised that the taxes were reasonable. They also knew that it would be irresponsible to say yes because the taxes were needed to run the State. Put very simply, the power was put into the hands of the people and they were intelligent enough and responsible enough to make the right decision.

This very clearly indicates to me that we must let the people decide because, by denying them this right, we are treating them with contempt. We are telling them that they do not have the ability to make decisions that will affect their lives. I have presented the mechanics whereby my citizens initiated referendum legislation can be enacted into law. I have explained the nuts and bolts of the actual Bill and now I will present my argument to honourable members for them to give it their wholehearted support.

The great benefit of honourable members supporting this piece of legislation so that it can go to the people of Queensland for a decision is that they are delivering true democracy to the people. In seeking the support of my honourable colleagues for this Bill, I would point out to the members of the Government that I believe citizens initiated referendum was Labor Party policy until 1963. I congratulate those in the Labor Party for their foresight in the past and ask them to at least take the time to read my Bill. Although the majority of the Labor Government may not look favourably on my citizens initiated referendum proposal, there is a reason why they might see some benefit in a referendum to alter the entrenched provisions of the Constitution Act.

The Bjelke-Petersen amendments, which inserted section 53 so as to entrench certain sections in 1977, have produced at least one anachronism and three sources of inconvenience or possible invalidity of laws. The most serious problem is the section relating to the Public Service Act. This has attracted strong criticism from leading constitutional lawyers, including the abovementioned John Pyke from the Queensland University of Technology. John Pyke said—

> "In 1996 the Borbidge Government was advised, recklessly in my opinion, that the entrenchment of section 14 did not have to be taken seriously, and included a section (s 146) in the Public Service Act 1996 that purported to repeal subsection s 14(1) and the reference to section 14 in section 53."

I am informed that the Courier-Mail has reported Professor Suri Ratnatpala of the University of Queensland as believing that the Act was therefore invalid and I am informed that John Pyke wrote to Premier Borbidge threatening to sue for a declaration of its invalidity. Apparently the Government pooh-poohed their claims. However, once the Act was passed, the Government impliedly admitted some doubt by proclaiming the commencement of all the other sections but not section 146! They may have thought they had avoided the problem by leaving the section uncommenced—but now the second inconvenience arises.

John Pyke further informs me that section 53 provides that a Bill that affects any of the entrenched sections or the office of Governor "shall not be presented for assent...unless it has first been approved by the electors" and if it is assented to in contravention of the section "it shall be of no effect as an Act." In light of the above, I suggest to the Government that it is worth spending some public money on a referendum to alter some of the entrenched sections.

I suggest that we could have a package deal; I would happily support the removal of the anachronisms and absurdities from the Constitution Act if they would agree to at least holding a referendum on citizens initiated referendum. To the honourable members of the National/Liberal coalition, citizens initiated referendum legislation has been bandied around the traps for decades. I am informed that Mr Borbidge intends introducing his own citizens initiated referendum Bill and I most humbly suggest to him that he considers my Bill in his determinations.

I also suggest to the Honourable Leader of the Opposition that he already knows the

support that is out there in his branches for this legislation. As for the Liberal Party: citizens initiated referendum is at the very heart of the democratic process and most certainly deserves their strong support.

The honourable members of One Nation have already had the foresight to prepare their own citizens initiated referendum Bill and I commend them for it. As with the Leader of the Opposition, I most humbly suggest that they give my Bill their full support because I believe that it covers all the anomalies that have been touted by those opposed to citizens initiated referendum in the past.

Today I am asking whether politicians are ready to allow the people of Queensland to make their own decisions. It really is that simple. Are you ready to let Queenslanders decide? In closing, I appeal to my colleagues to support me to amend the Constitution so that Queenslanders can ask questions of their fellow Queenslanders without first having to have them approved by politicians. Thank you for your patience.

Debate, on motion of Mr Beattie, adjourned.

QUESTIONS WITHOUT NOTICE

Unemployment

Mr BORBIDGE (10.31 a.m.): I refer the Premier to weekend media reports that Queensland's economic growth forecast will be downgraded from 3.75% to 3.5% in terms of the forthcoming Budget, and I ask: has his Government also revised its unemployment forecast and, if so, what is the new figure?

Mr BEATTIE: In terms of the growth figure to which the Treasurer referred in a major address in Cairns, the figures speak for themselves. As all honourable members would be aware, there is an Asian economic crisis which is having an impact on this country and on this State. During the election campaign—in fact, on the very election day—I was advised, and presumably the then Premier and now Leader of the Opposition was advised, that Japan had gone into a recession. That does have an impact on this country. In fact, there are 23,000 Queenslanders who directly get their sources of employment from exports to both Hong Kong and Japan—that is in addition to tourism, which has to be added into the factor. So of course Asia is having an impact. Of course Asia will have an impact on the growth rates in this country and the growth rates in this State. That modest reduction in the growth rate reflects the impact of the Asian economic circumstances.

When I was in Japan I had an opportunity to be briefed by various officials at the embassy, including Treasury-related officials—people who were aware of the circumstances. I also had an opportunity to discuss this issue with Japanese business.

Mr Borbidge: What's your advice?

Mr BEATTIE: I ask the Leader of the Opposition to be patient. Good manners is something that grows.

When I was in Japan, based on the opportunity I had to discuss the matter with those various people—both business and Government officials—it was very clear that their view was that Japan would muddle on through, that is, that Japan would not go into a depression but it would muddle on through. That means that, when it comes to coal, there will be some difficulties, because the Japanese steel industry has been exporting significantly into Asia. When countries like China and others slow in their demand for steel, that reduces the demand for coal. I am hoping that we can increase the demand for coal in other areas, but there will be some difficulties.

Tourism has dropped by 7% to 10%. That is the dark side, which of course will affect growth. The positive side is that beef imports have increased. As well as that, companies such as Golden Circle which deal with fresh produce have increased their share of the Japanese market. My advice to Queensland business is this: now is the time to invest in Japan in terms of exports as well as in the rest of Asia, because every dark cloud has a silver lining. It is important to take opportunities as they arise, and now there are opportunities. My advice to business is to be optimistic.

In terms of the unemployment target, I have made it clear that I will stick to my 5% target. Although it has been made significantly more difficult, we will stick to the target.

Time expired.

Unemployment

Mr BORBIDGE: I refer the Minister for Employment, Training and Industrial Relations to his comments in the Northside Chronicle of 19 August, when he indicated that the Premier would have been smarter to set an employment target rather than an unemployment one, and I ask: does the Minister agree that the Premier's 5% unemployment election promise, which then became an objective and now is called a

target, and which was originally to be delivered in three years and is now being promised over five years, is nothing more than a cruel hoax? And in view of the Minister's reservations relating to the Premier's promise, I ask: what is his assessment of the likely unemployment rate at the end of the life of this Parliament?

Mr BRADDY: I have with me the media report to which the former Premier alludes. As usual, the master of half-truth again projects a half-truth into this Parliament. Nowhere in that report did I take exception to the Premier's forecast. What I did allude to was that, in general political terms, it is always cuter or smarter to talk about job growth. That is what members opposite did all the time when they were in Government, but their Government did not even have a Minister for Employment. They were not interested in employment and unemployment.

Mr Santoro interjected.

Mr SPEAKER: Order! The member for Clayfield!

Mr BRADDY: What I referred to was that, in general political terms, it is smarter and cuter to always refer to job growth. But the public are not interested in that. They do not remember those figures.

Mr Borbidge: "Politically smarter"—those were your words.

Mr BRADDY: Yes, and it is politically smarter—as the Leader of the Opposition did—to try to avoid talking about unemployment. But we are not as smart and cute in the political sense as the former Premier was in avoiding the issue. He was smart and cute at trying to avoid the issue. The issue, of course, is that, whether he likes it or not, the former Premier was judged harshly because he tried to do so very little in relation to bringing down the unemployment rate.

The Premier and this Government have set a difficult target, which we are aiming for at the end of five years. It is a five-year target. Although economists and cowardly National Party Governments might like to talk only about job growth, the reality is that the people want to hear what the unemployment rate is. The Premier talked about the unemployment rate. I am satisfied with that. Unlike the suggestion in the Leader of the Opposition's question, there was no allusion to the Premier's statement. There is no criticism by me. I am happy to work in a Government which is setting out to bring down the unemployment rate and to bring up the employment rate.

International Garden Festival

Mr SULLIVAN: I refer to the Premier's support during the State election campaign for the International Garden Festival, and I ask: what stage have negotiations reached in regard to Queensland hosting this event?

Mr BEATTIE: A matter will be taken to Cabinet very shortly in terms of that issue. However, there are a number of matters that I need to draw to the attention of the House. Yesterday, I wrote to the Auditor-General. In that letter, which I table for the information of the House, I said—

> "For some time the State has been progressing a bid to host an International Garden Festival on the site of the former Roma Street Railyards. I am concerned that appropriate controls were not exercised during the initial stages of the bid with the result that the Government is now potentially exposed to significant fee claims from consultants.
>
> Whilst no payments have been made to date, the Department of Public Works is now moving to settle claims and finalise all arrangements with consultants. To ensure that this process is conducted in an appropriate manner, I would like the Queensland Audit Office to overview the process of finalising contracts and to review the basis upon which any contractual commitments were entered into."

I table that letter and draw to the attention of the House the fact that we have inherited a situation in which consultants have made claims of up to $1m. Indeed, the claims to date are $694,000. We expect another set of claims to the tune of $280,000, bringing the total claims for consultants' fees to $974,000. That is almost $1m of taxpayers' money being spent on consultants' fees. Some consultants were charging $350 an hour. I am concerned that these were not funded appropriately. We have heard of people with green thumbs, but I did not know that we had some people with green-lined pockets. That is exactly what was going on here.

Mr Elder: They won't come up smelling like roses here.

Mr BEATTIE: There were no roses here.

I am concerned about the way the former Government behaved—whether it be in relation to approving consultancies or lack of approval and how it handled business. The former Government behaved in the way Christopher Skase behaved. The people of this State should be rightly concerned, as I

am, about consultancies that went unchecked and unauthorised. I have asked the Auditor-General to examine the matter.

Leading Schools

Mr QUINN: I refer the Minister for Education to his apology for misleading the House on 6 August in which the Minister claimed that that morning he had tabled an incorrect list of Leading Schools in good faith believing it to be accurate. I now table a comprehensive document dated 3 July—more than a month before the House was misled—listing grants given to Leading Schools and non-Leading Schools. I ask: is it true that the Minister supplied similar documents to other Labor members and that the Minister was still offering this information to the media until at least 4 August? Is it not a fact that this documentation shows clearly that Calamvale Special School was not a Phase 2 Leading School? How does he explain the fact that that information was so very different from the information that he presented to this House in his ministerial statement just two days later?

Mr WELLS: Inadvertently I did mislead the House. I ate humble pie. I made an apology on the same day. The list that I read I read in good faith. I corrected the error as soon as I possibly could. I apologised for the error. I even thanked the honourable member for Merrimac for drawing my attention to the error. Ministers are required not to mislead the House intentionally; they are not required to be infallible.

Having said that, I point out that the point that I made was entirely valid. The other day I went to a special school. It was a Phase 2 Leading School. It was Darling Point Special School. There were two children using a computer. They were using it to the great advantage of their education. On another day, I went to another special school. That was not a Phase 2 Leading School. That was Aspley Special School. I did not see any such thing there. Now at Aspley Special School, they are getting the equity money that the Beattie Labor Government distributed in order to remedy the inequities established in the system by the former Government's Leading Schools program.

Mr Speaker, do you know what those schools are spending that money on? Perhaps honourable members can guess. They are spending it on computer technology. I understand that they are spending more than half of that money on computer technology to assist the kids at that particular special school. As I said to the Parliament, very truly, the hard edge of the Leading Schools program was that at one special school a little special child would get a computer and at another special school a little special child would not.

Premier's Overseas Trip

Mr PURCELL: I refer to the Premier's recent overseas trip to Hong Kong and Japan to promote Queensland. I ask: was the trip successful?

Mr BEATTIE: I am delighted to respond to this question. The member for Bulimba has always had a keen interest in overseas matters and international trade, which is a little more than can be said of some members opposite. During the time that I was Leader of the Opposition, I gave bipartisan commitment to trade issues. The member for Burnett would be aware of that. There has not been a——

Mr Borbidge: You did not.

Mr BEATTIE: Mr Speaker, I ask for your protection. The Leader of the Opposition has consistently interjected while I have sought to make this statement. We will teach him good manners if it takes us three years.

In the time that I was Leader of the Opposition, I gave bipartisan support on trade matters.

Mr BORBIDGE: I rise to a point of order. On a number of occasions when the Premier was Leader of the Opposition, he got his shadow Ministers to attack Ministers who were travelling overseas on trade missions. He would not do it himself because he did not have the guts.

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

Mr BEATTIE: During the time that I was Leader of the Opposition, I took a bipartisan approach to trade. The member for Burnett knows that. The behaviour of the Leader of the Opposition in relation to my overseas trip was nothing short of disgraceful. The Leader of the Opposition is doing a great disservice to this State. Every time he whinges and every time he is negative he destroys the reputation of this State. Perhaps it is about time that the Opposition had a look at itself.

For example, the honourable member for Gregory has been a positive person in relation to these issues. He would be supportive of what I did in Japan to encourage Japanese companies to import more beef. What else did I do in Japan? I was there to encourage as much as I could the importation of fresh

produce. Some members opposite, such as the honourable member to whom I have just referred and the honourable member for Burnett, know the importance of trade. They know how committed I am to those issues, as I was in Opposition.

The former Premier and now Leader of the Opposition is prepared to debase any issue he can just to get publicity. I hope that representatives of the tourism industry—and the Leader of the Opposition represents the Gold Coast—and the primary producers and the miners in this State have a quiet word to him and point out that he is destroying jobs. While I was working for Queensland, the Leader of the Opposition was undermining the State. That is what was going on. It is about time we got back to the bipartisan commitment that I had when I was Leader of the Opposition, as the member for Burnett would know.

Leading Schools

Dr WATSON: I refer the Minister for Education to a clipping from the Southsider newspaper of 9 July 1998 headed "MP welcomes school changes" which accurately identified Calamvale Special School as one of the four non-Leading Schools in the electorate of Archerfield. I ask: is it not a fact that when the Minister and member for Archerfield visited Calamvale Special School in early July, they both knew that Calamvale was not a Phase 2 Leading School? Is it not a fact that they presented a cheque to the school on the basis that it was not a Phase 2 Leading School? How does the Minister reconcile those facts with his claims in this House that Calamvale was a Phase 2 Leading School and his subsequent pathetic excuse that he was given the wrong information by his staff?

Mr WELLS: I understand, though I have not been formally notified, that this matter has been referred to the Members' Ethics and Parliamentary Privileges Committee. This kind of detailed questioning is quite appropriate for that committee. If the member wants to deal with the matter here——

Dr WATSON: Mr Speaker, my understanding is that the matters referred to you, which you then referred to the Members' Ethics and Parliamentary Privileges Committee, were the Minister's statements on Phase 1 Leading Schools. All my questions are directed at Phase 2.

Mr SPEAKER: Order! I am not in a position to recollect everything in the letter that was referred to the Members' Ethics and Parliamentary Privileges Committee. I call the Minister.

Mr WELLS: Before I went to that school, I was briefed by my staff that I was going to a Phase 2 Leading School and that the presentation of the cheque was a formality. They would have got the same cheque whether they were a Leading School or were not a Leading School. The reason for that was simply that the equity established by the Beattie Labor Government created a different circumstance from what the honourable member is thinking about. The honourable member has a mind-set that is based on the time when members opposite were setting up extraordinary inequities in the education system. They were entrenching those inequities with their Leading Schools program.

The honourable member is sitting in front of and near to people whose constituents and whose constituents' children suffered very badly from the inequities established by the Leading Schools program. Just out of striking range from the honourable member is the honourable member for Crows Nest. I am advised that Crows Nest State School, Oakey State School, Oakey State High School, Lowood State School and Toogoolawah State School were all schools that were not Phase 2 Leading Schools but which will be getting benefits as a result of the distribution of funds on an equitable basis—which the Labor Government is doing—that they would never have received under a Liberal Minister. Crows Nest State School is spending that money on upgrading its classroom computers, grounds and facilities and spelling materials. Oakey State School is spending that money on cabling for information technology. Oakey State High School is spending that money on linking the Internet to the resource centre, upgrading its security, a piano, furniture and environmental improvements. Lowood State School is spending that money on computer materials. Toogoolawah State School is spending that money on additional staff so that teachers can spend more time with the students, additional teacher aides for classroom support, and diagnostic materials and resources for literacy and numeracy with an emphasis on numeracy.

The members of the former Government—and particularly the members of the Liberal sector of it—dudded their colleagues, their colleagues' constituents and their constituents' children.

Goods and Services Tax

Ms BOYLE: I draw the Treasurer's attention to claims made by the Opposition Leader that if the Federal coalition's tax

package is adopted Queensland will have "a whole bundle of money" and the State Government could, therefore, slash car registration fees by up to 40%. I ask the Treasurer whether these claims have any substance in light of the coalition's plan to introduce a 10% tax on goods and services.

Mr Johnson: Give us the truth.

Mr HAMILL: I take the interjection by the honourable member for Gregory. Yes, I will give him truth. However, in relation to this matter the member does not want to hear the truth. Yes, if the Howard Government is there to introduce a GST, we will get a big bundle of money. However, it will not be as big a bundle of money as we would have had if it had not introduced the GST. That is the whole point and that was the whole point of my ministerial statement this morning: that we stand to lose and lose substantially as a result of the impact of the GST on State finances because we will be subsidising the removal of financial institutions duty from Victoria and other States.

Mr Borbidge: No, you're wrong.

Mr HAMILL: I say to the Leader of the Opposition that, yes, that is correct. We will also be subsidising the removal of the bed tax in New South Wales.

Mr BORBIDGE: I rise to a point of order. The statement made by the Treasurer is factually incorrect. He knows it. He knows that there have been public comments made to the contrary.

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

Mr HAMILL: Thank you, Mr Speaker. We would be subsidising other States for taxes that we have never had in this State.

Let us have a little closer look at the position of the Leader of the Opposition in relation to the GST. When the Leader of the Opposition sat on this side as Premier, he said that he was cool on the GST. Now that he is sitting in Opposition, he has become hot and sweaty on the GST. Perhaps the different perspective has caused him to change his mind a little. But then again, the Opposition Leader has difficulty establishing his position on issues such as the GST, just as he has difficulty establishing his position in relation to the whole question of State taxes because—and this is important; all honourable members should hear this—this is the same Leader of the Opposition who said that we will get this big bundle of money and that this Government should use it to reduce motor vehicle registration by 40%. In other words, he is saying that we should take out around $220m of State revenue. This is the same Leader of the Opposition who, when asked by a journalist whether, if he were still in Government, he would cut motor vehicle registration answered, "No, I could not commit to that."

Well may we ask: what does the Leader of the Opposition stand for? Frankly, on the issue of the GST he stands for nothing. It is his credibility that is in tatters over this whole issue.

Leading Schools

Mr HORAN: I ask the Minister for Education: why did he tell this House of seeing a student in a wheelchair at a school on a student-free day? Why did he tell this House that Calamvale Special School was a Phase 2 Leading School when he knew that it was not? Why cannot the Minister identify the second special school he claims to have visited? Why did he table a fictitious list of Leading Schools which he knew to be false? Amidst his confusion, why should we now believe anything he says in this Chamber?

Mr WELLS: I did not.

An Opposition member: Did what?

Mr WELLS: I did not, in fact, do any of those things.

Goods and Services Tax

Mr MUSGROVE: I ask the Minister for State Development: can he outline what would be the effect on Queensland's small business of new taxes on their sales of goods and services?

Mr ELDER: Members opposite must realise that the last thing the small-business community wants in the name of tax reform is a new tax. This Government has been vigorously opposing the introduction of a goods and services tax, not least because of the negative impact that it is going to have on small business.

The GST poses a particular problem for Queensland because it has a higher proportion of small businesses than has any other State. We are a small-business State. The major cost component of this new tax for small business is compliance costs. There are 3,300 registered tax agents in Queensland. After the introduction of the coalition's GST, there will be in this State 178,000 unpaid tax collectors for Canberra. In addition to having to collect the tax, the minimum cost per small business will be $6,500 for new computers for manually implementing new accounting systems so that they comply with the new GST.

I recognise that some of those supporters opposite of the GST—in fact, most of those supporters of the GST—might want to shoot the messenger, that being me, in terms of those compliance costs. Let me tell them that they are not my figures. The figure of $6,500 in compliance costs per small business is that of the National Tax Accountants Association. It is independent. Further, this association goes on to say that every small business owner would have to spend 228.5 hours in the first year to set up the required accounting systems and taxation records to comply with the GST for not one extra dollar generated in income. What is worse is that they cop a heavy fine if there is any late lodgement of the GST or whether there is any unintentional mistake in complying. There are significant input and output invoicing costs and exemption processes. Yet if they make one mistake, there are significant compliance penalties—hefty fines. So they cop it in the neck three ways.

As the Treasurer said, the member for Surfers Paradise has been somewhat cool towards a GST. As the Treasurer also outlined, the member for Surfers Paradise is certainly now hot and sweaty, because the coalition are all supporters of the GST. I am white hot, as my members are white hot, against the GST because of the impact it has on small business.

Dr Watson: That is all the members over there—every one?

Mr ELDER: I have some advice for the member's Federal colleagues, and he should give it to them: they should lay off small business.

Time expired.

Heiner Documents

Mr FELDMAN: I ask the member for Bundamba——

Mr Mackenroth: You can't ask a member.

Mr FELDMAN: I ask the Minister for Tourism, Sport and Racing: in relation to the Heiner Cabinet documents tabled in Parliament by the Premier on 30 July 1998, did the then Governor of Queensland, Sir Walter Campbell, dissent from the opinion of the Executive Council or suggest any recommendations to Cabinet decisions No. 101 of 12 February 1990, No. 118 of 19 February 1990 and No. 162 of 5 March 1990? Did the Governor preside over the Executive Council when it looked at those written Cabinet submissions and approve of those Cabinet decisions?

Mr GIBBS: The question asked by the member deals with issues of confidentiality. With all due respect, I suggest that he bring himself up to date with parliamentary procedure and requirements. When he does, he will realise how very much out of order he is. I know that he is on a steep learning curve and I know that it is difficult. If I can help him in any way I will, but he should go and do a little reading first.

Legislative Assembly Crest

Mrs ATTWOOD: I ask the Leader of the House: has his attention been drawn to an advertisement which appeared in the Tablelands Advertiser on 5 August 1998 for the Tablelands branch of Pauline Hanson's One Nation Party and which featured the Legislative Assembly crest? Can the Leader of the House inform me whether this is a breach of parliamentary privilege?

Mr MACKENROTH: In answer to the member's question—yes, my attention has been drawn to a recent advertisement in the Tablelands Advertiser for Pauline Hanson's One Nation Party. It featured quite prominently the Legislative Assembly crest. I believe that the use of the crest of this Parliament by a political party in any of its ads constitutes a very serious breach of parliamentary privilege.

At first I thought, "Well, maybe it's just an innocent mistake by a new, fledgling party", but then I recalled the debate during which Mr Speaker was elected, when the member for Tablelands informed everybody that he had been studying parliamentary procedure for 20 years. Having studied it for 20 years, I am sure that he would have been aware in the very first instance that the Legislative Assembly crest is for use by members of the Legislative Assembly only. Even Ministers have a Government crest; they do not use the Legislative Assembly crest. Only members of this Parliament use that crest.

When this advertisement was drawn to my attention, I actually looked at a few copies of the paper. Lo and behold, I found "The Member's Report by the Honourable Shaun Nelson". Members of the Parliament, and particularly people who have studied Parliament for 20 years, would know that all members are referred to as "honourable" when inside this Chamber, although at times one might question whether we all are. Only when one becomes a member of the Cabinet and a member of the Executive Council is one

permitted to use the title "Honourable", and then only during the time of service. After three years the Governor may bestow the title upon such a person for use for the rest of his or her life.

I suggest that Mr Nelson go back to the notes he used to study the Parliament, check them up a little and learn some of the very basic rules. I believe that the use of the Legislative Assembly crest by a political party is a matter that should be referred to the Members' Ethics and Parliamentary Privileges Committee.

Heiner Documents

Dr PRENZLER: I ask the Minister for Education: does he recall receiving a letter from a former Premier of Queensland, the Honourable Wayne Goss, dated 8 December 1989, when the member was Attorney-General of Queensland, and a further letter dated 11 March 1991 from then Premier Goss in which the then Premier instructed all Ministers and statutory authorities that no documents were to be destroyed as they were public records? Does the Minister recall what he learnt from the then Premier's advice in view of his part in a collective Cabinet decision to destroy the Heiner documents on 5 March 1990?

Mr WELLS: I do not recall the particular correspondence to which the honourable member refers. I cannot even give the honourable member an indication of the number of pieces of correspondence that I received during the six years that I was Attorney-General. People in the One Nation Party would probably be able to count the correspondence that I have received on the fingers of both hands, and if they were counting in thousands they would probably get there if they were prepared to take their shoes off. I do not know how anybody could possibly answer a question like that about a piece of correspondence received a long time ago, but I will give some consideration to the question that the honourable member is asking and get back to him one way or the other.

I will say that I am rather surprised that the honourable member did not ask me a question about education. Quite a few interesting things are happening in the honourable member's electorate in relation to education and, indeed, in a number of other One Nation electorates. There were considerable improvements in the One Nation electorate of Ipswich West as a result of the advent of the Beattie Labor Government.

Opposition members interjected.

Mr WELLS: Ipswich West is a very good example of a One Nation electorate which benefited as a result of the——

Dr PRENZLER: Mr Speaker, I rise to a point of order. Would the Honourable Minister answer the question, please?

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

Mr WELLS: I do not have in front of me the figures for Lockyer, though a number of issues have been dealt with in the Lockyer electorate regarding the amalgamation of schools. I do have here some figures in relation to the electorate of Ipswich West. If the honourable member wants to stop me from telling the House about these——

Dr PRENZLER: Mr Speaker, I rise to a point of order. I ask the Minister to answer the question, please.

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

Mr WELLS: Leichhardt got a number of things it otherwise would not have received. These include a shadeport, a school bell, learning aids, a photocopier, technology, sports equipment, computer software and remedial teacher aide time. Karalee receives reading materials, maths structured materials, maths in-service programs, technology inservice, computer software, an equipment storage system and equipment replacement. Let me be quite clear: this is what I understand it will be able to purchase with the money it has been given as a result of the cancellation of the Leading Schools program.

Call Centres

Mr MICKEL: I ask the Deputy Premier and Minister for State Development and Trade: what is the Government's strategy to attract call centres to this State and what success has the Government had in attracting these centres?

Mr ELDER: I thank the member for his question. We as a Government have been concerned not just about building traditional areas of the Queensland economy in which we have advantages—that is mining, agriculture and tourism—but also finding innovative ways of value adding to raw materials. We also have to use the information infrastructure that we have and that we can develop to actually attract new industries. I have been working with the Minister for Communication and Information to do just that. We build on the information infrastructure that is available to us and we attract industries such as call centres to this State because they are significant in

terms of their employment generation and they are easily located in regional Queensland.

We have already attracted one company—Stellar Communications. It has announced that it will be setting up a call centre in south-east Queensland. That represents 400 jobs and $75m. Importantly, though, they are well-paid, well-skilled jobs. The fact of the matter is that those jobs can be located in regional Queensland.

Stellar Communications is a joint venture between Telstra and the US based Excell group. It runs large call centres in the US and in Europe. It was looking for a base from which to build an Australian market and to serve the growing Asia-Pacific basin market. We have identified other companies looking at doing the same and we have set a strategy in place to see what we can do to make sure that we attract that interest to Queensland and generate those jobs in Queensland.

The strategy operates at two levels. The first is attracting the call centres based on their being able to service the Australian market. The second is talking to them and suggesting that the best way they can deal with the Asia-Pacific region is to service it from Queensland—look at it as a regional hub as well as being positioned for growth within the Australian market.

A very strategic advantage that we have in Queensland is that we have a strong multi-lingual work force and we have good communication infrastructure in place already. We have the necessary positives within the economy, both within our work force and with our infrastructure, to drive it and we have competitive operating costs. We now have to attract the companies. We hope that the partnership we have formed with Telstra will do just that, through actually funding marketing material to attract the call centres.

As I said, there are thousands of jobs—highly paid jobs—in call centres. We can attract them and ensure that they are placed within regional Queensland. We are in the process of doing that. Telstra actually now has a senior manager appointed in Queensland to do that. The Leader of the Opposition will knock it, he will whinge and he will attempt to drag down this opportunity. Unlike him, this Government is about getting on and generating jobs and getting a positive outcome for the Queensland economy.

Misleading of House by Minister for Education

Mr HEGARTY: I refer the Minister for Education to his ministerial statement of 6 August 1998 in which he claimed that a story that he had told about two special schools and their circumstances had been described to him in moving detail by a member of staff at the Calamvale Special School. I table also a copy of the Minister's speech to the Queensland Teachers Union State Council in July, as reported in the QTU journal of 23 July, in which he claimed to have actually visited both schools and seen the circumstances described for himself, and I ask: which story is true and which story is false? Was the Minister speaking from personal experience or was he relying on hearsay? This morning the Minister has already admitted to misleading the House. Did he also mislead the Teachers Union? Does the Minister stand by his television interview on the ABC Stateline program of 6 November 1996 in which he stated that "a Minister who misleads the Parliament should resign"?

Mr WELLS: I have answered three questions so far from the Opposition about this matter. Mr Speaker, do you notice that not a single one of those questions addressed the substantive issue? The truth of the matter is that the hard edge of the Leading Schools program was going to be that one little special school kid was going to get a computer and another one was not. Members opposite have done everything to avoid the main argument here, because they know that they cannot win it. Their logic is: if we cannot get the ball, why not play the man? I have said to the House previously that I made a mistake. I am not infallible; I have made many mistakes. This is one that members opposite got to hear about. I apologised to the House for it. I can do no more than that.

I did not intentionally mislead the House. However, what members opposite did intentionally was to skew the education system in the most dramatic way. They skewed it so that where one went to school determined the life chances that one had to a much greater extent than it did even under the Bjelke-Petersen Government. The honourable member is sitting not very far from somebody else who was dudded by the Leading Schools program. The honourable member for Warwick will know about this, because the Allora State School, the Killarney State School and the Texas State School are in his electorate. I understand that this is what they are intending to purchase with the money that they received from a Labor Minister that they would never have received from a Liberal Minister: Allora is going to spend the money on additional teacher aide time for Year 1, minor works and reading recovery. The honourable members opposite are chatting amongst themselves.

Mr Veivers interjected.

Mr Mackenroth interjected.

Mr WELLS: I am sorry. In reading the list quickly, I mispronounced the name of Allora. But the honourable members opposite were laughing about reading recovery. I would have thought that literacy and numeracy were pretty important. At Allora they were going to be unable to get this material. They are now going to be able to get it. They will have money for teaching Year 8 classroom music, grounds care, learning technology——

Time expired.

Greyhound Racing Initiatives

Mr REEVES: I ask the Minister for Tourism, Sport and Racing: can he advise the House of the initiatives taken by the Government to improve the viability of greyhound racing in Queensland?

Mr GIBBS: Can I ever! As a result of consultation that has taken place between my department and the major clubs throughout Queensland, today I am delighted to advise the House that Queensland's premier club—Albion Park—retains meetings on Monday and Thursday nights, Parklands stays with Wednesday meetings but moves from day to twilight meetings, Ipswich moves from meetings on Wednesday and Saturday nights to Tuesday night and Friday twilight meetings, and Beenleigh moves from Monday afternoon to Tuesday twilight meetings.

That is in contrast to the plans that the former board of the Greyhound Racing Authority had in mind for the industry. Its plan was to close the Beenleigh track or to have it transferred so that it would be forced to race at Parklands. Further, a letter that I have, which I table, indicates beyond any doubt that they had in mind closing down Toowoomba. What has happened? The shadow Minister for Racing is shaking his head. In his own city of Toowoomba——

Mr Healy interjected.

Mr GIBBS: I will say that the member did his best to prevent it. I know that. However, the board appointed under the former Government wanted to take that action. The shadow Minister sat on his hands for two and a half years while his own club was being undermined; he did absolutely nothing about the issue—absolutely nothing. The Toowoomba Greyhound Club has no members, is administered by the Greyhound Racing Authority and is more than $100,000 in the red. Despite fears going back some months, as I said, Toowoomba was going to be forced into closure. At no time since we have been in Government had my office received representation from the member before last week, when he went public at a meeting held up there and pretended that he was going to champion its cause. What blatant hypocrisy he has indulged himself in.

Mr Healy interjected.

Mr GIBBS: I suggest to the member for Toowoomba North that, quite simply, in greyhound parlance, out of his exercise he has proven to be the bunny. The reality is that the people in Toowoomba know that it is this Government that has saved the Toowoomba track from closure. It will now hold night race meetings and have full TAB coverage. Under a Labor Government, it will go from strength to strength. We have saved the wonderful traditional track at Beenleigh. Under this Government over the next three years it will go from strength to strength, as will the industry.

Naltrexone Trial

Miss SIMPSON: I refer the Minister for Health to her plans to scrap the coalition's Naltrexone trial and the Premier's backflip on the issue, which is reported in today's Courier-Mail, and I ask: will she confirm for this House that the coalition's Naltrexone trial will definitely go ahead under the Labor Government? Will she also commit her Government to implementing all of the other initiatives in the coalition's $26m illicit drugs strategy, including a Statewide detoxification service for mothers and babies at the Mater Hospital, a social youth detoxification unit at the Mater Hospital, increased youth drug workers across Queensland and increased funding for police?

Mrs EDMOND: I guess more than anything else this shows the difference between members opposite and the Labor Government. Whereas they relied on big headlines and gung-ho statements without any information, real analysis and regard for the safety of the people involved, I am not prepared to do that. What you are talking about here, Madam, is a dangerous treatment process that has been questioned by leading experts around the world, including the College of Anaesthetists, and you are asking me to implement it without question. What the former Minister should have done first was to refer the matter to the ethics committee for an assessment and for protocols to be introduced.

Let us have a look at the member's statements about funding. In December last

year we read three-inch headlines in the newspaper stating that there was $20m for new drug initiatives. What was there? There was actually $1.6m for new drug initiatives. All of the rest was already committed. That was in December. That was the Premier's statement. Only $1.6m was new money for non-allocated programs. That money was to be spread across 20 new programs—$1.6m spread thinly across 20 programs!

But in May the former Premier went one better. In May he announced that there was going to be $26m, with $11m in new money, over four years. That is a huge increase to $2.7m, but now it had to be spread over 45 programs. Members opposite believe in the magic pudding: the more you divide it, the more there will be. But it just does not work that way.

There are a few other problems associated with this program. Firstly, the previous Government said that the trial was going to be held at the ICU at the Royal Brisbane Hospital. However, the ICU simply cannot cope with it and it was never, ever, ever asked. Yes, one person at the Royal Brisbane Hospital who wanted to run the trial was asked, but the ICU department was not consulted and it simply cannot cope with it. We have had to make arrangements for that to be held somewhere other than the Royal Brisbane Hospital, and that will happen.

As I said back in early June and as I said again in July when these issues first came to me, the delay is also because there was not enough money in the budget. The $265,000 that the shadow Minister refers to is to be spent over a number of years and it was not in the budget; it was in the election promises, among the thousands of other unfunded commitments. I have three typed pages of unfunded election commitments given by the Opposition's previous Health Minister. This was just one of many. That money was to be spent over a number of years; it was not in this year's budget, but it now will be. It will be in the Budget because we are putting it in the Budget. I have asked the Treasurer for the extra money needed and it will be in the Budget.

Time expired.

Impact of Goods and Services Tax on Racing Industry

Dr CLARK: I ask the Minister for Tourism, Sport and Racing: can he advise the House the impact that a 10% goods and services tax will have on the racing industry and, in particular, on the Queensland TAB?

Mr GIBBS: I appreciate the question from the honourable member because I know that this is an issue in which she takes a great deal of interest in north Queensland. The reality is that, according to a preliminary study from Queensland Treasury already in my hands and from reading the package from the Federal Government, its plans for a GST could cost Queensland punters up to $25m to subsidise the impact of a GST on wagering. The tax reform package proposes that the GST would apply to operators' margins, that is, 10% of TAB Queensland's wagering revenue. It also states that "there may need to be corresponding reductions in State gambling taxes to neutralise the effect on the punter".

So here we have a very cute exercise that the shadow Minister should be pursuing, but I have not heard a peep out of the Opposition spokesperson on Racing. He postures around this State about his concerns. The only thing that he has performed under this portfolio so far has been to tip a few winners in his electorate—I understand that he has had a little lucky streak—but he says nothing else.

Under the plan for a GST, $25m will disappear off the top of the Queensland TAB profits. That can have only one disastrous effect. It simply means that future funding for the racing industry schemes such as the Queensland Super QRIS, schemes such as the upgrading of various tracks throughout Queensland whatever form the TAB takes in the future—schemes that we are interested in—improving safety factors for riders throughout this State and centres for trainers to get breeding up and going even better and stronger in this State will all be affected by that loss of $25m in revenue from the Queensland TAB.

But, of course, it is a double whammy because it is not only the loss of $25m from the profitability of the Queensland TAB because we know that under a GST everything that affects the Queensland racing industry will be subject to a further 10% tax. That 10% will apply to feed for the animals in the three codes of racing; it will apply to riders who want to buy a new harness or saddle for their racing animals; it will apply to horseshoes and training fees; it will apply to everything across-the-board relative to our State's fourth-largest industry.

As I said, here we are a week and a half after the release of the package from the Federal Government and I have not heard one word of support for the Queensland racing

industry from the Opposition Racing spokesperson. I can assure him that this Government will be out there in the next couple of weeks really laying out to the Queensland racing industry what a disastrous effect this GST is going to have. Because he supports the 10% GST, perhaps he can explain to the average punters in Queensland, the investors in the TAB, where the extra $25m is going to come from and why Queensland punters will be hit in the pocket by receiving less returns on their wagering.

Time expired.

City/Valley Bypass

Mr JOHNSON: I refer the Honourable the Premier to the Lord Mayor's proposed City/Valley bypass from Kelvin Grove Road to Sandgate Road, cutting right through his electorate, and I ask: does he support this project; and will his Government be contributing funds to it from its next Budget or will all funds have to be found from city council sources and, if so, does this mean that residents of Brisbane can look forward to a toll road through the Premier's electorate?

Mr BEATTIE: I thank the honourable member for his question. As I indicated earlier in response to a trade matter, he often raises matters of significance in this House and generally has a very positive attitude, and I am delighted to take a question from him at any time. When it comes to issues such as unemployment, we need to have a bipartisan approach and I think he is the sort of person who can give that bipartisan approach. I welcome this question and, as I said, I welcome any other questions from him. I know that when he was the Minister for Transport——

Mr Johnson interjected.

Mr BEATTIE: I am about to come to that. He should not get excited. When people are built like us, they have to take it easy because anything could happen.

Mr Bredhauer: Built for comfort, not for speed.

Mr BEATTIE: The member should be careful when he is built like he is. Mr Speaker, I take offence to that. There is nothing wrong with being built for comfort. In terms of the question raised by the honourable member——

Dr Watson interjected.

Mr BEATTIE: I would not get into this if I were the member opposite.

In terms of the question raised by the honourable member for Gregory, I know that, when he was Minister for Transport, he had detailed discussions with the Brisbane City Council about this and he would be fully aware of the details. This is a Brisbane City Council proposal; it is a Brisbane City Council road. There are sensitive issues involved in this road, and over a long period I have been involved in discussions with my local community. From the Government point of view—and the Lord Mayor is aware of this—this is regarded totally as a Brisbane City Council project.

It is not a State Government project, although as the member would be aware, as I think this happened initially in his time, the Brisbane City Council approached the State Government for funding, and it has approached this Government as well. That is a matter that we will have to consider. I have had discussions with the Minister in relation to it. He has fully briefed me as the local member. I am aware of the concerns of the local community——

Opposition members interjected.

Mr BEATTIE: I am surprised that some members here are not interested in the future of civilisation as we know it.

Coming back to my point, I say that this is a Brisbane City Council proposal; it is a Brisbane City Council road. The Brisbane City Council has involved itself in detailed consultation with the local community. We will continue our dialogue with it as was the case when the member opposite was, in fact, the Minister.

Child Immunisation

Mrs LAVARCH: I direct the attention of the Minister for Health to the latest campaign to promote child immunisation, and I ask: what has the new Labor Government done to boost child immunisation and protect Queensland children from preventable disease?

Mrs EDMOND: I thank the member for the question. As a devoted mother, she obviously has a keen interest in immunisation. However, I have to say that, when I came to this portfolio, one of the things I found was an enormous amount of dithering by the previous Minister who could not make up his mind on anything, and this was just one more issue. The Brisbane City Council was about to withdraw its services to immunisation of children in this State because of a petty squabble with the previous Minister. We had already seen Townsville and Thuringowa withdraw services, so it was no empty threat.

Because I place an enormous importance on the vaccination of all our children and getting their immunisations up to date, protecting them for life and trying to avoid them getting sick instead of trying to patch them up, I worked out a package—and I noted the comments by Greg Hallam from the Local Government Association when he welcomed this move—with councils across Queensland to provide $1m over four years to help them implement it. But it is not just a subsidy; it is an improvement to the scheme. It is a package of reforms that will allow them to provide the service cheaper, better and more efficiently to the people most needing it. It means that people on low incomes in country areas for whom the previous Minister should have been standing up will still have access to free immunisation services rather than having to rely on doctors who often do not bulk-bill and he knows that that is an issue out in country areas. That is why this has been particularly welcomed by rural areas.

As I said, it is not just a grant; it is a partnership proposing to improve those efficiencies and increase the number of children in this State who are vaccinated. We will continue to provide, as was started under the previous Labor Government, an excellent service of providing to the councils free of charge vaccinations in ideal conditions just when they are needed, but we will take it one step further.

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

MATTERS OF PUBLIC INTEREST

Coalition Budget, GST Black Holes

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (11.30 a.m.): I fear that Budget day will be a black day for Queenslanders. I say this because it is patently obvious that the Treasurer, the honourable member for Ipswich, is softening us up for increased taxes and charges. He is softening us up with his black hole strategy. It is a simple strategy. He keeps saying that there are black holes in the Budget and he keeps refusing to rule out any higher taxes or charges. That way, when he brings down a Budget full of pain he can blame the black holes.

Well, I do not buy it and I do not think that the people of Queensland should have to buy it, either. The fact is that the black holes are nothing but Hamill hallucinations. First we had the black hole in the coalition Budget—a Hamill hallucination! Then we had the black hole in the GST package—another Hamill hallucination!

Mr Hamill: That was more alliteration.

Dr WATSON: It is alliteration but it comes from us, not from the Treasurer. These black holes are merely an excuse to hit Queenslanders with higher taxes and charges and to cover up the fact that Labor needs to find an extra $1.5 billion to fund its election promises.

Allow me to present the facts about these so-called black holes. The first supposed black hole was $725m. I notice that this so-called black hole was mentioned in the Australian Financial Review today.

Mr Hamill: I didn't read it.

Dr WATSON: The Treasurer did not read it? He should. On 16 July the Treasurer claimed that in the coalition's May Budget there was a funding shortfall of $725m on eight State Government projects. The only shortfall was one of comprehension on the part of the Treasurer. He cannot read the Budget papers and he cannot add up.

Let me deal in detail with that alleged $725m shortfall. First of all there was Briztram, which had already been canned by Labor at the time when the Treasurer attacked it. That gave the Treasurer a $32m surplus to begin with. Our Budget also made provision for $67m to cover the full capital cost of the South Bank redevelopment over the next couple of years. Some $28m of that will be recouped through land sales, as previously announced. That constitutes money in the bank as well. In other words, on these two projects alone, which Labor scrapped, the present Government is $60m in front, not behind.

Then we have the matter of the supposed $120m shortfall in funding for the Pacific Highway upgrade. Our Budget papers show clearly that the total provision, past and present, was $750m. It was increased from $630m in 1997-98 to accommodate the recommended enhancements approved by State Cabinet earlier this year. Even the new Minister for Transport's own press release listed the project at $750m, so clearly the alleged shortfall is a huge Hamill hallucination.

Another project listed as unfunded by the Treasurer was the Cultural Heritage Trails project. The fact is that this project was to be funded mainly through $50m from the Commonwealth's Federation Fund. Yesterday, the Premier had the audacity to re-announce it with increased funding. Some black hole!

Full provision had also been made for the $320m Queensland Cultural Centre project, again listed by the Treasurer as unfunded. Our Budget papers show an allocation of $10m for

planning in 1998-99, with the balance of $310m set aside in the out years, which are covered by Treasury's forward planning estimates. The previous Treasurer, the member for Caloundra, had announced the project as a 10-year project, allowing on average $30m per year as shown in the Forward Estimates.

Also named on the black hole list was the Roma Street redevelopment. The net cost of the Roma Street redevelopment has been covered by a notional Treasury carryover of $70m since the project was first announced by the Goss Government during the 1995 election. That $70m will more than bridge the difference between the construction cost and the future revenue from the International Garden Festival. Another inclusion on the list of so-called unfunded projects was the "Heart of the City" at Surfers Paradise.

Mr Hamill: Don't forget the Magistrates Court.

Dr WATSON: Don't worry, I will get to that. The "Heart of the City" project was a comparatively modest and very long-term commitment of $21m and no funding was required until after the next State election in 2001. That was clearly identified in the coalition's costings delivered before the last election.

Mr Gibbs: I don't think you're going to make it, son!

Dr WATSON: I do not know what the Minister is talking about. The Treasurer is clearly clutching at straws if he wants to pretend that it will have any real impact on the Budget process. We have also provided funding of $1.2m for planning the new Magistrates Court complex in Brisbane. This project has absolutely no implications for the forthcoming State Budget.

Mr Hamill: You plan it but you don't build it.

Dr WATSON: We provided the $1.2m. In our election costings we said that it was not going to take place until June 2001. That $1.2m was included in our Budget and does not affect in the forthcoming Budget. We have it in black and white that there is no black hole in the coalition Budget.

Let us now turn to the other black hole, the supposed $350m black hole caused by the GST. The Treasurer and the Premier claim that, if a GST is introduced, Queensland will lose its low-tax status. The only way Queensland could possibly lose its low-tax status is if the Premier and the Treasurer fail to pass on to Queenslanders the benefits of the new tax reform package. The Prime Minister has stated clearly that Queensland's unique position will be taken into account. Last week on radio the Treasurer said that he wants a guarantee that Queensland will not be disadvantaged. He has a guarantee in black and white from the Prime Minister. I quote from a letter to Mr Beattie from John Howard dated 13 August—

> "The GST revenue will be distributed in accordance with horizontal fiscal equalisation principles. The Commonwealth Grants Commission will continue to determine the formula. In calculating the formula, the Grants Commission will have to reflect the capacities and needs of each State and Territory as well as the fact"—

and this is the important part—

> "... that not all States and Territories currently levy the whole range of taxes to be eliminated."

The Prime Minister has stated unequivocally that the Grants Commission will be required to take into account the fact that Queensland does not levy some taxes which other States do levy.

Mr Hamill: Is that the same guarantee that we get full money back for the school subsidy?

Dr WATSON: I will tell the Treasurer one thing: it is far better than the l-a-w tax guarantee that Labor gave during the 1993 Federal election. Labor changed its guarantee soon after the election. This should put to bed once and for all the ridiculous assertion that Queenslanders will have to pay for the removal of the New South Wales bed tax.

Queensland will benefit from the GST because the GST is a growth tax and we are a growth State—or at least we were before Labor got back in. It is clear that there are no black holes. The only holes are in the Treasurer's credibility. I say again that Budget day will be a black day because that will be the day when Labor raises taxes and charges. Queenslanders will then have the right to see red.

I wish to continue with the subject of comprehension shortfalls. I want to refer to the Premier because this time the comprehension shortfall applies to him. I quote from an article by John Lehmann in the Courier-Mail of Saturday, 15 August headlined "Asian trade and tirades threaten crisis". The article reads—

> "After running hard during the election on his ambitious goal of cutting unemployment to 5% in three to five

> years, Mr Beattie said his 'heart sank' when visiting polling stations on the Saturday morning of the election."

The Premier restated this today. The article continues—

> " 'I got a pager message that Japan was in recession while I was at the Wilston State School,' he recalled. 'I thought, that's a smack in the head we don't need. It will make it much harder to achieve the jobs target—I'd be dishonest if I didn't say that.' "

Does the Premier seriously expect us to believe that the Japanese recession caught him unawares? Does the Premier seriously expect us to believe that he was the only Australian political leader who did not see the Japanese recession coming? The coalition saw it coming. Queensland business saw it coming. In fact, any child at Wilston State School with a Year 2 reading level could have seen it coming.

Japan's gross domestic product had been on a downward spiral since the fourth quarter of 1996. It dipped below zero in the last quarter of 1997. The BIS Shrapnel Economic Outlook dated March 1998 said that export volume growth for Asia for 1998-99, previously forecast at around 9% in September last year, will be cut back to around 5%. We recognise Japan as our biggest customer. It takes 27% of our exports. A recession in Japan has a direct effect on Queensland jobs. We took this into account in our Budget. We did not make immoral promises to vulnerable Queenslanders. We told the truth.

If the Premier did not know that Japan was heading for recession, he desperately needs help in economics. If he did know that Japan was heading for a recession but nevertheless made the jobs promise, he should immediately apologise to all the unemployed people in Queensland who were sadly misled by him.

Brisbane Airport Parallel Runway

Mr FENLON (Greenslopes—ALP) (11.40 a.m.): I rise to speak about a matter that is of continuing concern to the residents not only of my electorate but of many electorates on the southern and eastern side of Brisbane. I refer to the matter of the Brisbane Airport Corporation's master plan.

Mr Purcell: Hear, hear!

Mr FENLON: Many honourable members, such as the member for Bulimba, who has just acknowledged the importance of this matter, and the suburbs which they represent are certainly going to be impacted upon.

Mr Roberts: And the people of Nudgee.

Mr FENLON: I take that interjection.

The draft report was released earlier this year to a somewhat enraptured media. I can clearly recall the front page of the Courier-Mail on the day that report was released. It carried an artist's impression of what the new runway configuration would be. I can remember with great glee seeing a very stylised set of inner-city buildings—the high-rise buildings of inner-city Brisbane—but the southern suburbs seemed to be depicted as rolling green pastures—land where one could imagine cows and sheep grazing serenely. That is not the case. The suburbs over which the flight paths are intended are some of the most intensively populated areas of Brisbane.

It is no coincidence that the electorate which I represent—Greenslopes—is the smallest electorate in this State. It is an electorate which consists of 14 square kilometres. Therefore, it is an area which has some of the most densely populated parts of this city and this State. Yet, as I said, there was that artist's depiction on the front page of the Courier-Mail of rolling green pastures. That did cause some glee. The other part of that artist's impression showed the runway having dual take-offs and landings at the same time from aircraft over the bay. So they are not even landing over the rolling green pastures of Greenslopes.

That was the start, and it went downhill from there, because what has been revealed in the weeks and months since the release of that report has been appalling. The BAC has not treated seriously my constituents or the constituents in the other southern suburbs of Brisbane. It has not treated them as intelligent human beings. The so-called consultation meetings that I have attended have been a farce. I have seen constituents shaking their heads in disbelief at the way in which they have been treated throughout the consultation process.

Mr Purcell: They wouldn't attend some of the meetings. That is what happens when you have community groups together. They wouldn't attend.

Mr FENLON: The member for Bulimba is quite correct. The BAC has shown complete arrogance from the beginning of this process by not treating seriously those constituents and their concerns. The plot is still unfolding, and it is my intention to alert this House to the smoke and mirrors and the bells and whistles

that the Brisbane Airport Corporation has deployed in order to promote its proposal and, indeed, to stifle public debate.

In April this year, the Brisbane Airport Corporation released its recommendation for a parallel runway. Since then we have been treated to an unparalleled exercise in arrogance by a corporation whose conception of adequate community consultation involves the systemic removal of anything that might provide us with the real clues as to its intention. Indeed, the motif that I believe is most pertinent here is that of a detective story. Contrary to all principles of transparency and due process, we have been left to discover the grubby details of what the BAC has planned over our suburbs. Let me outline the most important points on which we can charge the BAC not simply with culpable negligence but, indeed, outright deceit—deceit in terms of deceiving the citizens throughout those south side suburbs which are going to be deleteriously affected by this particular proposal.

The BAC has consistently refused to release draft flight plans that would enable local residents to assess the impact of the parallel runway. The reason it cites for this is its inability to predict with accuracy the exact flight paths for another two to three years. What arrant rubbish! In spite of this, it has been able to supply us with noise impact maps, which I will come to in a moment. The BAC stated on page 62 of the master plan that—

> "... aircraft flight paths in the immediate vicinity of the airport have been constructed in consultation with Airservices Australia based on standard arrival and departure details."

Such a declaration is surely at diametrical odds with the proposition that flight paths cannot be predicted. Am I being a little pedantic?

Recently, Mr Kevin Rudd, president of the South-side Community Association and Labor candidate for Griffith, lodged an FOI inquiry with the Federal Department of Transport. What he obtained was very interesting. First of all, there was a letter dated 4 April 1998 from the aviation division of the Federal Department of Transport containing a recommendation that the BAC release flight paths. As yet it has failed to comply with that simple directive. Are we being unreasonable? The member for Bulimba and I and our constituents are impacted upon directly by this. We live in those electorates. We hear and feel the impact of those aircraft. Are we being unreasonable to ask that very fundamental question: what are the flight paths? As yet, the BAC has failed to comply with this directive.

The current Federal member, Mr Graeme McDougall, in a show of impotent bravado, promised that he would obtain the flight paths on more than one occasion, but as yet he has produced nothing and continues to be culpably inactive. Mr McDougall has indeed created a very fine impersonation of Inspector Clouseau wandering through our suburbs, ignoring what really is going on and pretending that he cannot make a decision on this. When something is so obviously and glaringly wrong, anyone who has any desire to properly represent his or her suburbs must stand up and say simply, "This is wrong." The Federal member to whom I refer has failed dismally in that very first simple and basic test.

The second unfortunate revelation arising from the FOI inquiry is the explicit advice that Australian noise exposure forecasts—ANEFs—are of no use in predicting noise impact for runway development. In effect, the assessment they provide serves to underestimate the magnitude of the impact, yet the Brisbane Airport Corporation continues to insist that they serve the purpose. As an interesting adjunct to this, it is worth noting that, in a private briefing to representatives of the business community, the BAC suggested that double glazing, just like in Holland, may be necessary to counter the noise levels which will follow from the proposed runway. That is perhaps fine for business and fine in Holland, where the company is based, but I ask members to ponder the logistics of double glazing a Queenslander.

The final point that I wish to stress is the BAC's failure to adequately canvass options other than the parallel runway. In over 240 pages of master plan documentation, a total of three are deemed sufficient to summarily dismiss other runway options. This is all we ask. The BAC continues to dazzle us with its heroic statements that, by 2006, the current airport will not be able to cope with the volume of increased air traffic and that it will provide us with the only means to forge ahead. If the assumptions on which this statement is based can be established——

Time expired.

Interruption.

DISTINGUISHED VISITOR

Mr A. Haermeyer

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! Before calling the member for Tablelands, I would like to recognise in the

gallery the presence of Andre Haermeyer, MLA, the member for Yan Yean in Victoria.

Honourable members: Hear, hear!

Mr DEPUTY SPEAKER: Order! The member for Tablelands.

Mr Schwarten: The "honourable".

MATTERS OF PUBLIC INTEREST

Premier's Overseas Trip

Mr NELSON (Tablelands—ONP) (11.50 a.m.): I will address that issue later with the people outside.

At a time when Australia needs to be seen as strong and united, standing hard against the tide of economic collapse in Asia, our Premier jetted off to stamp out the bushfires that had been fanned by his tactics during the election campaign. He has seen and now feels the effects of his consistently fraudulent attacks on One Nation. He and his ilk will be responsible for any damage done to Queensland through the line of deceit that was used to attain his current office. While the Premier may be seeing and feeling the negative effects of that damage on our great State—to which he himself so overwhelmingly contributed—his job is secure; his pay packet is secure; his family is secure; and his future is secure—at least for the next three years. The title of Graham Richardson's book, Whatever It Takes, may perhaps best describe Labor's attitude in its pursuit of power. Inflaming Asia by using the slur of racism in an attempt to defeat One Nation shows clearly that the Labor Party's only concern is power—regardless of the price that may be paid by Queenslanders.

It would be remiss of me not to mention the other factors surrounding this all-expenses-paid junket through the Orient. Let us start with what a country such as Indonesia, which was left out of our Premier's tour, would think of what is happening here. What would Indonesians think of relatively unlimited immigration, the breakdown of social structure, the annihilation of culture, unemployment that continues to be unaddressed, globalisation and the takeover of Indonesia's industries?

Mr Mickel interjected.

Mr NELSON: I remind honourable members that they should interject only from their correct seat.

I suggest that most Indonesians would be outraged and strongly opposed to such occurrences in their country. Yet, when Australians speak out about what is happening to them in their country, there are those whose political motivations cause them to portray these genuine concerns as racism and Australia's shame.

Mr Reeves: What about the indigenous people?

Mr NELSON: I am getting to that.

Perhaps if the Asian press had access to the truth or if the ALP stopped its dishonest smear campaign, there would have been no need for this flagrant waste of taxpayers' money. Using the tag of "racist" to try to negate the rise of One Nation is a disgraceful tactic. We are a party that represents the real concerns of our constituents. I know that some members may not wish to believe this but—and honourable members should listen well—the people of Tablelands do not want Australia to continue with its current level of immigration. They do not want political correctness to take away one of the prime fundamentals of Australian culture: the ability to say things as one sees them and as they are. Tablelanders do not want this country sold down the drain for a pittance. Again, honourable members may find this hard to believe, but there are some people—around 438,000 in Queensland alone—who think globalisation is an absolute disaster.

I am not a racist. In this so-called democracy, it is a travesty that I have to stand up here and say that. What happened to the fundamental belief in innocent until proven guilty? Every day people approach me to offer their support. The second thing they say is: I am not a racist; I have many friends who are Aboriginal. What sort of society do we live in when a simple offer of support has to be qualified by a statement establishing one's credentials? We are in a politically correct nightmare. There are many people in north Queensland who were brought up like Australians. They were taught to speak their mind and to not bow down to tyranny. They are the types who launched attack after attack at Quinn's Post and Shaggy Ridge or who worked farms through drought after drought. Now, in the ever-wonderful nineties, we have eroded the right to freedom of speech by simplistic attacks and a series of labels that are used to negate the message delivered. All this from a party that bridles at being called "socialist"!

The Premier's trip to the north left out the most important part: north Queensland, an area in much more need of his expertise than Asia, an area where the public interest might have better been served. What do I say to the fourth generation Australian of Chinese descent who comes to me and says, "I am

Australian; I'm not Chinese. How can I embrace a culture that is completely foreign to me, and why would I want to?" What do I say to the Aboriginal who asks me, "Why does white man wish to bury us with money? Do they think to pay us off and never address the real problem? When will I be an Australian like you?" What do I say to the immigrant from the UK who tells me of the "destruction of British culture at the hands of multiculturalism"? What do I say when hundreds of Tablelanders ring me and ask how much it cost to hose down the inferno in Asia that the ALP caused and then fed? Should I say, "Don't worry; you only had to pay with your culture, freedoms, credibility as a nation and the hard-earned taxpayers' dollars you contributed—a small price to pay to help the people of Asia calm the false concerns raised by the treacherous acts of the ALP"?

Job Network

Mrs LAVARCH (Kurwongbah—ALP) (11.55 a.m.): Mr Deputy Speaker, before I deal with my matter of public importance I must say that this is the first time that I have had the opportunity to congratulate you on your election to the position of Chairman of Committees. I ask that you pass on to the Speaker my congratulations on his election to high office. I also congratulate the Speaker and you, Mr Deputy Speaker, on the excellent way in which you conducted the proceedings of the House during the previous sittings. I take this opportunity to thank the people of Kurwongbah for their support in the recent State election. It is with great pride and honour that I take my place in this Assembly as their representative. I will strive to meet their expectations and serve my local community to the best of my ability.

In serving my local community, I know that the most pressing issue is unemployment. When I was elected during the by-election in May last year, unemployment was the most pressing issue. Today it still is. I put together a range of strategies because I believed that, locally, I could take some small measures to address unemployment in my area. I am proud to say that I have produced a "Buy in Kurwongbah" guide. That local business directory was distributed to all households in my electorate asking locals to support local business in an effort to create local jobs.

I am honoured and proud to be a member of the Beattie Labor Government, which is obsessed about jobs. Job creation programs and strategies have been put in place by our leader, Mr Beattie, for this Government. However, that is only one side of the equation, which leads me to my matter of public importance. It is well and good and wonderful to create jobs, but under the Howard Government's Job Network scheme, people are being denied access to job vacancies. The inequality of the Federal Government's new Job Network is that it is not for all job seekers.

On 30 April this year, the Federal Government ended a 50-year tradition of providing a free employment service to all Australians. The Job Network scheme, which was introduced on 1 May, has privatised employment services and effectively placed a bounty on the head of every unemployed person with the aim of private firms making a profit out of the unemployed. In those 50 years up to 30 April, the CES—which has now been abolished—provided a universal scheme for job access. When I moved to Brisbane to attend university, I used the CES, which was able to place me in employment even though I was a full-time student.

However, the changed circumstances mean that not all people are able to access the services of the new scheme. It is not profitable for these private agencies to deal with people who are not registered as unemployed, because they do not get paid by the Government to place them in employment. Otherwise known as the ineligibles, this group, which I believe comprises over 400,000 people across Australia, mostly includes women whose husbands are in paid employment, full-time students or those seeking to upgrade or change their employment. Since the system has come into place, people have contacted my office in total and utter frustration because they cannot access the jobs market. I know that many other members have shared that same experience.

I want to outline some of the inequities that have been brought to my attention. Recently, I received a plea from one man to do all that I could to assist him to access the jobs market. He lost his job of 30 years and, because of his age, he decided to take the first job that came along, which was a low-paid job. He thought that he would be able to then access the Job Network to gain a job that was more suitable to his skills and, of course, a higher paid job reflecting his high level of skills. He told me that he also took that low-paid job because he was too proud to take social security. He had never received unemployment benefits in his life. When he went to seek help he was deemed ineligible by Centrelink because he has a job. Through a local employment agency, he found a job on its books that would have suited his skills. The

agency registered him but he heard nothing further back about the job. He can now only glean that, because he was ineligible and because that agency would not be paid for placing him, he was effectively shut out of the system.

I have heard numerous examples from married women who, in good faith, have accessed the computers through the local Strathpine Centrelink or through the Internet at home to keep up to date with what jobs are available. They find out which agency those jobs are with, they then contact the agency—and in some cases that means driving or travelling to other parts of Brisbane to register—and then they hear nothing back. About two weeks ago, one woman told me that, finally, someone from Employment National—and she did not name which office—was honest enough to tell her that, because her husband worked she was ineligible and that because she did not have a social security number she would never get a placement, and that she was really wasting her time. She then asked, "How on earth am I going to get a job?" This officer said, "To be honest, all you can do is check the job vacancies in the newspaper or go door to door."

We have had the recently publicised example of a young woman in my electorate who got the double whammy. The double whammy is that, because she is under the age of 25, she is now caught up in the arrangements relating to the Common Youth Allowance. That Common Youth Allowance is now means tested on her parents' income. Even though she lives away from home and is presently unemployed, because of her parents' income she is deemed ineligible. So her double whammy is that she not only no longer receives benefits but also she is ineligible to access that jobs market.

A black hole has been created for a huge section of our community who are trying to access jobs. As a further example, I refer to an article in yesterday's Courier-Mail headed "Rules relaxed to aid Job Network". The article states that the Federal Minister for Employment, Dr Kemp—

> "... this week will announce major changes to the Job Network aimed at shoring up financially ailing job agencies."

That is one part of the equation. However, the other part is the expected announcement by the Minister of a special payment to help these agencies find work for the estimated 400,000 job seekers who do not attract a fee for job placement because they are not on social security benefits.

The Courier-Mail editorial also addressed the faults of the Job Network system and called for them to be fixed. I call on the Federal Minister for Employment to urgently scrap the whole scheme and go back to the universal scheme we had under the CES. I feel that there have been inequities and unfairness across-the-board and that too many people have been denied access to the jobs market.

Atkinson Dam Pipeline

Mr COOPER (Crows Nest—NPA) (12.05 p.m.): I rise to bring to the attention of the House the need for a secure water supply in the Lockyer Valley/Brisbane Valley, which is the salad bowl of south-east Queensland. At the moment, Atkinson Dam is dry and the need for a pipeline from Wivenhoe Dam to Atkinson Dam is absolutely essential if we are going to look after the horticultural industry and industry generally—the irrigators of that area. A lot of detailed work has been done on a scoping study for that pipeline that has been given to Minister Welford and, along with the producers and the irrigators of the area, I will be following that up.

Believe it or not, obviously the drought in the Brisbane Valley has worsened. For quite some time the Esk Shire has been declared drought stricken. Since April 1998, Atkinson Dam has been dry. There is a very great need for a pipeline not just for now but for the future because supply is no longer guaranteed; it is very insecure. It is not only the irrigators but also most of the people of south-east Queensland who receive a benefit from the produce and the production from the Esk Valley, the Brisbane Valley and the Lockyer Valley.

As I have said, Atkinson Dam is no longer a reliable source of irrigation water supply. In the past eight years it has supplied a full allocation only in 1993 and 1996. That is due in part to a recent policy to encourage more water use by irrigators. There is also no piped water, raw or otherwise, that can go to Coominya Village. The Australian Food Corporation abattoirs are in the area. They have no provision of any safe water supply for any proposed expansion.

After listening to the previous speaker, the member for Kurwongbah, and the Premier on the issue of jobs, jobs, jobs, I say that here is an opportunity because not only will this pipeline create jobs, jobs, jobs but also it will

mean a far better and more efficient water supply—far more efficient water usage from water irrigators that will not only guarantee the safety of those producers in the area but will also guarantee future supplies of fruit and vegetables.

As I said, this area is the salad bowl of south-east Queensland. As an indication of its importance to Queensland's horticultural industry, over the past 10 years the value of production has doubled at an expansion rate of around 11%, exports have grown from $12m to $85m—a sevenfold increase in 10 years—it is a significant regional business employer with the ability to generate more employment than any other farm sector in the State, and there has been outstanding employment generation. The industry is a most efficient user of water resources, using less than 10% of the State's irrigation water but producing 40% of the value of irrigated farm produce. They are just a few indications of the area's importance to Queensland industry.

In relation to the study for a water pipeline from Wivenhoe Dam to Atkinson Dam, pipelines are nothing new and this pipeline should not be regarded as any sort of impediment or major hurdle. The costs of this pipeline can be recouped. In the first instance, it will need Queensland Government assistance. Nevertheless, over the years we have seen plenty of that sort of assistance and the costs being paid back over time.

The proposal is to construct the pipeline from Wivenhoe Dam to Atkinson Dam for a secure water supply to the 150 irrigators in the area and for a secure water supply to the Australian Food Corporation abattoir to enable it to expand. That would lead to even more business opportunities. The proponents are certainly prepared to make a contribution to the capital cost, operation and maintenance. That is something that has been absolutely recognised by them. The scoping study was initiated under the previous Minister, the member for Warrego, and has now been prepared and presented to the new Minister. I intend to work closely with the new Minister, because this is absolutely essential to a vitally important segment of Queensland and also to produce.

The scoping study report quantifies that the cost of the pipeline can be recouped as community benefit in one year of operation. The report also identifies that the project utilises water from Wivenhoe Dam that is currently excess to requirements and is just 3% of yield in a maximum use period. It is expected that this excess capacity would exist until 2023, allowing for planned population growth, and this project would bring forward the construction of new storage by just four years. This time frame could be improved with the implementation of better water management.

I make some comment about the reference group. I give great credit to Greg Banff, chairman of the ABC Landcare Group. That group is responsible for this very detailed, in-depth, accurate and factual scoping study. The Atkinson Buaraba Catchment Landcare Group is a subcatchment-based group working in cooperation with the Lockyer Catchment Coordinating Committee. This report encompasses the whole Lockyer Valley and Brisbane Valley.

The land-holders are unable to spend money maintaining riparian management practice of erosion and particularly weed control. The surface and underground supplies are in annual deficit of planned supply, and this results in quality depletion. The community is absolutely dependent upon water for irrigation. The supplementary supply from Wivenhoe to Atkinson Dam, which is then distributed through the reticulation system, would restore lower Lockyer Creek to its natural state, and thus the underground system, and would decrease blue-green algae blooms in Atkinson Dam. It would also lead to far more stable bed and banks that would improve the Brisbane City water supply, particularly following flood events. The irrigators would be encouraged to also improve irrigation systems to more water efficient types, which could incorporate better chemical and nutrient management.

The sum results in safer water quality and food quality for the whole community and national and export markets. These benefits would not occur, though, if this project relies upon irrigators for user pays and should be based upon community benefit.

I will give some examples of other support and some details of the proposal, because benefits would accrue not just to that area, as I said, but right across south-east Queensland. There will certainly be a direct impact on job numbers, from the construction of the pipeline right through to the extra people employed by the irrigators, plus a three to five multiplier effect on job creation from primary production. That would provide a very big economic stimulus for the Lockyer Valley. The system would also supply an environmental flow into Lockyer Creek lower section, relieving water treatment expenses for Brisbane water supply

at Mount Crosby by returning the creek to a more stable, sustainable and natural environment and reducing turbidity in flood flows. It would also enable the Australian Food Corporation abattoir to access the water supply, which would provide absolute security for future development expansion. There is a big development at Coominya. There is a meat patty plant there also. It is extremely efficient; it is modern technology.

They are ready now to expand, and expansion will, of course, hinge very much on secure water supply—not to mention the secure water supply for Coominya Village, which currently does not have a water supply of its own. This proposal would enable the Esk Shire Council to put a water treatment plant in the vicinity.

Rural value-adding businesses could be established and supplied along the entire pipeline route. There would be no environmental or social impact concerns as with proposed additional large water storage schemes. This pipeline, of course, could be expanded to a second stage to deliver water for irrigation to the upper Buaraba Creek and to the Lake Clarendon irrigation scheme. All water is delivered within the Brisbane River catchment.

There is much more that I want to add in relation to this proposal. It is not pie in the sky. It is very soundly based and it is the sort of thing that I intend to take up again with the Minister involved and with the irrigators in that area as the producers. This is the sort of thing we have to take into account now, and not just because there is currently a drought in that area. If Atkinson Dam did fill by natural means even now, the problem would still exist. The need for expansion of irrigation, to be able to feed the people of this city as well as other areas of the entire south-east corner, is absolutely vital. I commend the scheme to members of this House.

Prince Charles Hospital

Mr SULLIVAN (Chermside—ALP) (12.26 p.m.): The Prince Charles Hospital is a world-class, world-renowned cardio-thoracic hospital. Its reputation is that of not only the leading cardio-thoracic hospital in Queensland but also one of the leading hospitals in Australia. It is also well regarded around the world.

In the mid 1990s, the then Goss Labor Government started a major, 10-year rebuilding program for Queensland's hospitals, and a two-year planning process was put in place, at the end of which it was determined that the Prince Charles Hospital would have a dual role. It would maintain a role as a specialist cardio-thoracic hospital but would be developed as a community hospital to serve the residents and patients of Brisbane's northern suburbs. This made a lot of sense because, as the northern suburbs of Brisbane have one of the highest populations of over 60s and a great demand for medical services, the Prince Charles Hospital, with its vacant land and ready access, stood out as an excellent place to develop a community hospital—to put the beds and the services where the people were. This gave great hope to people on the north side of Brisbane.

I am sad to report today that an act of betrayal and a callous disregard for people has in fact seen this situation change. The people of the northern Brisbane suburbs have been dudded by the previous Health Minister and the former coalition Government. In the next few minutes I will outline part of the planning processes that occurred in the early 1990s and I will inform the House of what is actually occurring at the hospital now. People can then judge for themselves how they have been betrayed by the former Health Minister, Mr Mike Horan, and his leader, the Honourable Rob Borbidge.

I refer to documentation which is produced largely by the Health Department or from Health Ministers' offices. In recent weeks I asked the Health Department for information on this matter and I was told that there was no such planning available, that no such material existed. That has raised the question of why material which I had and which came out of Ministers' offices and from the Health Department as little as two or three years ago is now supposedly not available or not able to be produced by public servants. I will be raising a question later as to whether the former Health Minister determined that certain material was to be destroyed or simply not to be accessed.

I refer to the Metropolitan Hospital Services Plan, Queensland Health, December 1994, subtitled "A Plan for the coordinated development of hospital services in the metropolitan area". I will be reading extensively from this and two or three other documents. The introduction on page 2 of that plan states—

> "This Plan provides the framework for a major upgrading and redevelopment of hospital services in the Brisbane metropolitan area over the next decade."

It goes on—

> "The State Government has committed $1.5 billion over 10 years to rebuild and enhance hospital and health services across Queensland."

It continues—

> "... a plan was needed to coordinate and guide future hospital development in Brisbane."

It goes on—

> "This plan uses the most sophisticated modelling of its kind presently in use in Australia and is based on the most up to date planning information and methodologies available. It takes into account a range of factors including population growth, admission patterns, trends in length of stay, patient flows, demographic changes and technological advances."

The document continues—

> "The Ten Year Plan recognises that Queensland will not need any additional beds between now and the year 2001. This is because, while the population is expanding, the average length of stay in hospital is reducing, so that more people are being treated more rapidly in the same number of beds.
>
> However, a better distribution of beds is required to cater for the rapidly growing population centres north and south of the city. Health services must be established and built up in these population growth areas to provide people with access to necessary services close to where they live.
>
> The implementation of this plan involves moving beds away from central city locations to areas of population growth. This means an expansion of services at The Prince Charles, Caboolture, Logan, Queen Elizabeth II and Redland Hospitals."

Those are excellent health planning principles. They make a lot of sense for the rapidly growing areas to the north and south of Brisbane, which are not only the fastest growing regional areas in Australia but in all other OECD countries. Page 3 of the plan states—

> "However, while the major metropolitan teaching hospitals will have their bed numbers reduced to take account of changes in the provision of services, their role will not be reduced.
>
> Rather, hospitals such as Royal Brisbane and Princess Alexandra will have their roles enhanced as centres of excellence and the State's major tertiary teaching and referral hospitals. Over the remainder of this decade, both the Royal Brisbane and Princess Alexandra Hospitals, along with the Royal Women's and Royal Children's, and the Mater public hospitals complex, will undergo major redevelopment to improve the physical fabric of the hospital system and to upgrade services and conditions for both staff and patients."

This plan was not a matter of stripping away services from some hospitals and leaving them bare; it was about moving beds close to where the population needed them while retaining the tertiary and teaching aspects of the major hospitals intact and enhancing them. Page 23 of the Hospital Services Plan mentions the implications for other regional hospitals. It states—

> "Together, the Royal Brisbane Hospital and The Prince Charles Hospital will form the nucleus of acute hospitals for the Region. To support the transfer of non-tertiary services to The Prince Charles Hospital and support its future role in providing non-tertiary services to its local catchment population, approximately 108 non-tertiary beds will be transferred from the Royal Brisbane Hospital to The Prince Charles Hospital. Details of the services which should be provided at The Prince Charles Hospital are provided as part of the profile for that hospital."

The key point is that it is the non-tertiary services that are being referred to. The plan was that the basic community-based services for the hospital would be transferred. Pages 24 and 25 of that plan detail what the future role of the hospital should be and state—

> "In the future, The Prince Charles Hospital will have a dual role. It will be developed principally as a hospital to serve the Brisbane North community, especially those areas of most rapid and substantial growth which are in the northern part of the Region. The Hospital will continue to provide a supra-regional tertiary service in cardiology and cardiac surgery.
>
> Tertiary paediatric cardiology and cardiac surgery services will be retained at The Prince Charles Hospital."

Page 25 of the plan states—

> "The Prince Charles Hospital will predominantly develop a range of secondary level services in conjunction with home, residential and ambulatory

> services to enhance continuity of care and convenience of access. The hospital will have a core of tertiary cardiac services, as outlined above."

It then spells out in more detail what those services will be.

This was a plan that was not just for the Prince Charles Hospital but for health services right across the State. I will table that plan with other documentation. I will table also a letter from the then Minister for Health and a document called Improving Our Health—Ten Year Health Services Plan For Queensland 1994-2003 in which those principles are again explained. I will also table a media release from the then Minister for Health, Mr Ken Hayward, dated 15 January 1995, which explains how the Logan, Caboolture, Redlands and Prince Charles Hospitals are set to expand under a new State Government metropolitan hospital plan. It mentions that this is the result of almost two years' work by Queensland Health and is a long-term strategy that demonstrates the Goss Government's commitment to health services. In that document the then Minister gave a warning that has proved prophetic. He stated—

> "I don't believe, for one moment, that what we are proposing will be easy, or that it will be accepted unanimously by the range of groups which have a vested interest in how public health services are delivered, but I am certain that these proposals represent the best future for patient services in the metropolitan area."

The previous Minister for Health changed those plans and the Prince Charles Hospital will now not have any community facilities as planned. He has stripped away these resources from the people of north Brisbane and betrayed them. He did that because he did a deal with the AMA that he would retain as many services at the Royal Brisbane Hospital as possible if it kept quiet and did not rock the boat. Through that deal with the AMA he has betrayed the patients of north Brisbane. He has spent half a billion dollars at the RBH, some of which was unnecessary and should have been spent at the Prince Charles Hospital. He has not provided the best service planning for the people of north Brisbane, who will judge not only the then Minister for Health, Mr Horan, but also his leader, Mr Borbidge, for betraying them and for disregarding their health care for their own callous reasons.

Youth Suicide

Mr LAMING (Mooloolah—LP) (12.25 p.m.): When we reflect on the fact that in 1995 in Queensland 396 males died by suicide compared with 317 deaths due to motor vehicle accidents, that brings to mind the seriousness of suicide, particularly youth suicide. I am advised that over the past 30 years the suicide rates for young people have increased threefold, rising from six deaths in 1964 to 18 deaths per 100,000 people in the nineties. That is a trebling in the number of suicide deaths.

I was appalled when I was advised that Queensland's youth suicide rate is 20% higher than the national average and that last year in Queensland the rate for males aged 15 to 24 years was a staggering 28.8 deaths per 100,000 and for females 5.7 deaths per 100,000. Equally sobering is the estimate that suicide attempts are potentially 50 to 80 times the rate of actual deaths by suicide. Fortunately, a number of organisations and individuals are addressing the problem.

Earlier this month I had the opportunity to attend the launch of the video presentation package of Sludge Crossing prepared by Youth Action, which is based at Mooloolaba on the Sunshine Coast. This package was developed with the aim of being used in classroom settings as a health promotion tool. I believe there is a need to make the school curriculum more inclusive of activities that enhance protective factors and foster a positive image for our youth. Activities and programs such as the Sludge Crossing video education package contribute to that.

Sludge Crossing is recommended viewing for all members of the House. The characters of Ruthey, Smiley and Stench are very graphically portrayed by local actors. The video addresses three key strategies: valuing young people in their diversity, promoting the seeking of help, and promoting mental health. I have purchased and provided to the Parliamentary Library a copy of this package. I recommend that members take the opportunity this week to view it and to recommend it to relevant organisations and schools in their electorates.

I particularly call on the Ministers for Health, Education and Families to give consideration to using Sludge Crossing as an education tool within their departments. I take this opportunity to compliment Matt Lupi of Youth Action, Mooloolaba, for his work in the area of suicide prevention, and Jean-Claude Boulenaz, who will also be addressing the problem of youth suicide in both Gympie and the Sunshine Coast health district.

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS BILL

Second Reading

Resumed from 30 July (see p. 1515).

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (12.29 p.m.): The Opposition will be supporting the Native Title (Queensland) State Provisions Bill 1998 and I hope that it will have a reasonably speedy passage through this House. It faithfully reflects points one and two of the coalition's 10-point plan to resolve the complications to land management generated for the State and for the country by the bare majority decision of the High Court in the Wik case and by the original and deeply flawed Native Title Act, and it does so in a fair and equitable manner.

The Opposition particularly welcomes this Bill from this Labor Government because it reflects a total abrogation by this Labor Government of Federal Labor Party policy on both of these two quite important, if largely procedural, aspects of the native title issue. It is a good thing to see that at least in Queensland Labor has seen some of the light. The result, however, is somewhat puzzling. I refer to the vehemence of the Labor Party in Canberra where on both of these points there was very vigorous and repeated opposition in both Houses of the Federal Parliament across two calendar years.

The delay caused to the introduction of this Bill at the hands of Labor has been extraordinary—absolutely extraordinary! The Premier has made much of the fact that he has moved quickly. The fact is that he has moved just as quickly as Labor in Canberra would allow. It is interesting to now be in a position to form the logical conclusion that that effort of the Labor Party in Canberra was simply and quite deliberately to delay a resolution of these matters. For 1997 and half of 1998: vehement opposition; in the second half of 1998: a total backflip. The whole thing was a time-consuming con.

Validation is a bedrock issue in resolving the many problems for land administrators and those who hold title. We should have been dealing with it many months ago—

Mr Beattie: Why didn't you do it earlier?

Mr BORBIDGE:—because what the Wik decision did in finding that native title might coexist on pastoral leases and indeed on any non-exclusive tenure in this country was to throw into doubt all dealings in such land during what has been called the intermediate period.

I take the interjection, "Why didn't you do it earlier?" Because the Premier's colleagues in Canberra would not pass the appropriate legislation! That is the answer; that is the truth. During the course of this debate I look forward to exposing some more of the blatant hypocrisy of the member for Brisbane Central.

The intermediate period is the period between the enactment of the Native Title Act in January 1994 and the Wik decision of December 1996. Any title granted, regranted or dealt with in any substantive way during this period could have been invalid as a result of the Wik decision. Any title could have been invalid but for the remedy in this Bill, because dealings in that period did not take into account native title as determined by the High Court in respect of Wik. Of course, that is a nonsensical situation because native title was simply not known to exist on such tenures at that time.

The Queensland Government, whether it was the Queensland Government of the former member for Logan or whether it was my Government, could not have known during this period what the High Court would uphold to be the common law in relation to native title. The decision of the court indicating the potential for native title to exist on such tenures was in the future. It came after the dealings. Governments simply could not take into account something which had not occurred and had not been determined.

What we did in Queensland during this period, lacking a crystal ball, was to simply adhere quite properly and quite thoroughly to the legislation of the day, which was the Native Title Act 1993. That is what the Government of the former member for Logan did during the intermediate period when it made the great bulk of grants that were made during the intermediate period. It is what my Government also did. Both Governments operated on the basis that a pastoral lease had extinguished native title and that there was, therefore, no native title constraint in dealing with such tenures. So those decisions deserve to be protected for very obvious reasons. Of course, there is a clear precedent for the method of resolving the problem as proposed by the Commonwealth Native Title Amendment Bill and as proposed by this complementary legislation.

When the Native Title Act was being developed in 1993, legislators faced a very similar problem. Then the complication was as a result of the interaction of the Racial Discrimination Act, which was enacted in 1975, and the Mabo decision of 1992. Dealings between those dates could have been discriminatory because they did not take into account common law native title as determined by the High Court in Mabo. The same situation applied in that intermediate

period as applied more recently. In other words, Governments could simply not have known from 1975 until the enactment of the Native Title Act that dealings in land in that period could have been discriminatory for not taking into account native title because they were unaware of the existence of common law native title. It was not known until it was declared by the High Court. The response of the then Keating Government was precisely in the terms of what has been proposed by the current Prime Minister and what is reflected faithfully in this Bill. That comprised a commonsensical validation of dealings during the period. That process in 1993 received bipartisan support in Canberra.

However, I must say that it is sad; it is disappointing to report that the justice of replicating that unqualified validation of dealings in the very similar circumstances that apply now was and is not recognised by the Labor Party in Canberra. In fact, we saw in the Senate last December and a few months ago in April repeated attempts by the Australian Labor Party to quite significantly dilute and vary the validation regime as we see it in this Bill. What Labor wanted to achieve via amendments was a regime whereby there would be a significant qualification on the ability of the States to validate grants during this period, most particularly the grant or even regrant of mining leases during the intermediate period.

Under the validation provisions favoured by Federal Labor, Governments would have to advertise their intent to validate such grants. They would have to ensure that any native title claimants, even representative bodies whether or not there was a claim, were made aware of the Government's intention to validate. This would open up the validation quite explicitly in the Labor amendments to challenge before the Federal Court. Dependent upon the outcome there, validated leases could become subject to a full-blown retrospectively applied right to negotiate. That was what Federal Labor wanted last year. That is what Federal Labor wants today. Thankfully, that particular set of amendments did not hold sway with the Senate. That was good news for Queensland, which was the State which might well have been the catalyst for that particular effort from Federal Labor.

I think that I could say very safely without fear of contradiction from the Left, which is the faction that seized control of the native title debate in Canberra from the moderates, that it had Queensland under both the Government of the former member for Logan and under the coalition square in its sights with the approach to validation that it championed. The Left sought to suggest that the Queensland Government of the day whether of Goss or of Borbidge should have engaged the right to negotiate process in particular and the future Act provisions of the Native Title Act in general in their dealings in pastoral land during this period even though there was to the Government's knowledge—to anybody's knowledge—no native title involved. They held up as an example of why this approach should have been adopted here the behaviour of the Western Australian Government which did engage the right to negotiate and did engage the future Act regime.

Of course, the Left simply did not understand the very simple difference between Western Australia and Queensland, which explained that apparent difference. There was none. Western Australian pastoral leases have and always have had reservations in relation to the ability of Aboriginal people to exercise access to leases for certain traditional activities. The National Native Title Tribunal ultimately determined that these were native title rights and that they could be claimed. It was that circumstance which obligated the Western Australian Government to engage the future Acts provisions which included the right to negotiate.

The simple fact is that, as the former Goss Government initially determined and built its native title response on, there are no such reservations on any pastoral leases here in Queensland. Western Australia abided by the Native Title Act; Queensland abided by the Native Title Act; and the Left in Canberra was and still is today barking up the wrong tree.

There is one other area of this validation regime with which I should also deal before going on to the confirmation regime which relates to point 2 of the 10-point plan and it concerns the reliability of the member for Brisbane Central on these issues. I refer particularly to the repeated claims of the Premier that he has achieved protection from Labor's right to negotiate for mining leases on renewal.

Honourable members will recall that in January the then Leader of the Opposition, the current Premier, went to Hobart for the Federal Labor conference to make representations to the Federal Labor Party to drop its policy for a right to negotiate on mining lease renewals. It must be said that this is just one aspect of the way in which Labor sought to quite dramatically extend application of the right to negotiate. When the Premier came back the Courier-Mail was only too pleased, as

it always is, to put the Labor Party in the best possible light on the native title issue—the most politically correct light—and it did up a nice little puff piece on the front page which suggested that the Premier, the then Opposition Leader, had had a major victory on this point.

Mr Beattie: You don't like it.

Mr BORBIDGE: The Premier should listen and he might learn something, because he does not understand native title. He does not have a clue. Time and time again he has contradicted himself.

The Premier went to Hobart and he apparently convinced his Federal counterparts to reconsider the application of the right to negotiate on renewals. We are all invited to read between the lines and form the view that he had pulled it off. Of course, that was rubbish.

What did the Premier achieve? All he achieved, insofar as it was an achievement at all, was to gain an undertaking that certain individuals in the Labor Party who comprised its working party on native title would visit Queensland to discuss the issue with stakeholders. One would have hoped that that would have happened whether or not the Premier went to Hobart because that is the obligation of those people in the Federal Parliament. Those people delayed a resolution of this particular issue for a period of years. Labor's group could hardly have ignored the State which, along with Western Australia, has the greatest interest in these matters. However, we never know.

When that meeting occurred the Premier was not even present. That is how important he thought it was. He was electioneering in Taiwan with Mr Rudd. He took the issue so seriously that he was not even here for the discussions where he appeared as some sort of champion for Queensland. He went down to Hobart and he rolled over like a branch office leader of the Labor Party.

I think the member for Brisbane Central, the current Premier, knew why it was not worth being here because, despite the job the Courier-Mail tried to do for him, he knew he had been rolled, and rolled comprehensively, in Hobart. The fact is that there was no compromise from the Premier's Federal colleagues. It is one of the greatest cons of the entire native title debate. There was no compromise from Federal Labor. The amendments that Federal Labor moved on this issue in April this year after the Premier's efforts were essentially the same amendments that the party moved in November last year. There was simply no movement of the sort claimed by the Premier both publicly and in this House, and that can be very readily demonstrated.

I table the text of the amendments moved in the Senate by the Australian Labor Party in November last year during the first debate on the Native Title Amendment Bill, and I table the amendments moved by Labor in the same place in April. They are clearly and essentially the same and they have never been resiled from by Federal Labor. Indeed, in April, Senator Bolkus said that Labor remained committed to the amendments it had moved in December. Where was the great victory for Queensland claimed by the Premier and the Courier-Mail?

With those texts I have also tabled the comments of Federal Labor's shadow Attorney-General, Senator Nick Bolkus, on both occasions. Senator Bolkus led the debate on the Bill for the Labor Party in the Senate. These documents make it crystal clear that the claim by the Premier to have avoided a right to negotiate on mining lease renewals in Labor policy is simply not the truth. The right to negotiate on mining lease renewals is allowed for and championed under Federal Labor in stark contradiction to the empty promises made by the current Premier as reported and championed by the Courier-Mail.

But what is even more extraordinary and highly relevant to this debate is that this bid to trap mining lease renewals into the right to negotiate process is also to apply, under Federal Labor, to mining leases renewed during the intermediate period. That is the policy of Federal Labor. That is the policy of Mr Beazley. That is the policy of the alternative Prime Minister. That is the policy of the alternative Government in Canberra. I have also tabled the evidence of that straight from the mouth of Senator Bolkus.

I do not doubt that that is aimed straight at the heart of Queensland's Ernest Henry project. Federal Labor is prepared to provide a project exemption for Chevron but conspires to visit upon Ernest Henry a retrospective right to negotiate. That is the impact of the Bolkus amendments. That is the impact of Labor's policy in the Senate in regard to native title.

As I say, we welcome the absolute rejection of the Federal Labor position that the Premier has adopted in relation to the validation regime before us in this Bill and we will therefore support it. But I must raise our concern about how long it will last or whether it will ever actually come into force before Federal Labor gets its way and the Premier

gets fresh riding instructions from Canberra. We know that the native title working group has someone from Mr Beazley's staff riding roughshod in this matter to make sure that the branch office Premier toes the Canberra line. There is no doubt that this is a branch office Government on issues of native title. This is a branch office Premier on issues of native title. It is just a matter of time before further riding instructions come through from Canberra.

There is no doubt that the timetable the Premier has set himself for his overall response to the Wik matter is quite political. There is the potential for a Federal election to be held some time in October—indeed that now seems likely. If that is correct, there will potentially be—some would say it is even likely—a Federal Labor Government in office by the end of October. That could, of course, change the native title landscape completely and dramatically from a policy of resolution back to a policy of uncertainty as proposed by Mr Beazley and Senator Bolkus. We could see Labor's full madhatter's-tea-party approach to native title come into play—the Bolkus and the Melham version. The Premier now apparently supports the 10-point plan, or at least significant elements of it. He has said that he is prepared to reflect it in State legislation.

In January, however, he supported what had emerged from the Senate in December last year, which was a very different set of outcomes, because at that time Senator Harradine and Labor were as one and they combined to defeat most of the Commonwealth's proposed approach. So there are two positions in a few months. Who knows where the Premier will stand by the end of October, particularly if there is a change of Government Federally and rather than resolution we once again have Labor's uncertainty. We could well see a third position.

The confirmation regime—the second major aspect of this Bill—is also welcomed by the coalition. It is the terms of this Bill, as in the validation regime, which faithfully reflect the base requirements, the commonsense, the justice and the equity of the amended 10-point plan. Again, I recognise the Premier's courage in totally abandoning Labor policy, even though it is very apparent that he does not understand, with respect, just exactly what it is that he is doing with this legislation in relation to confirmation. He has publicly said on a number of occasions that he is extinguishing—by this legislation—native title on grazing homestead perpetual leases. Of course, if the Premier knew anything about native title he would know that he is doing nothing of the sort. Native title was extinguished on grazing homestead perpetual leases at the time of the grant of those leases which, in most cases, was decades ago. The Premier's statement suggesting he would extinguish native title on those leases with this Bill is not only wrong but quite irresponsible.

There are significant constraints on the ability of Legislatures to extinguish native title. What the Premier needs to come to grips with is really quite a simple concept which goes back to one of the most fundamental aspects of the findings in Mabo, and it is this: native title has been extinguished totally by a grant of exclusive possession. Native title has been extinguished on lesser tenures to the extent of the inconsistency between the rights granted the statutory title holder and the rights granted to the common law native title holder. That is the benchmark for the existence of native title on other than vacant Crown land that has never been alienated. It is the common law as determined in Mabo and as reinforced in Wik.

The total extinguishment of native title on grazing homestead perpetual leases has occurred as a result of extinguishing grants in the past, not via this Bill. And for the Premier to claim that it has this effect, that it has this impact, just demonstrates his abysmal lack of knowledge and his ignorance in regard to the key issue confronting this State today. I would have thought that someone who was so obsessed by jobs, jobs, jobs would have at least taken the time to properly understand the import and the consequences of what he has been saying. I repeat: the total extinguishment of native title on grazing homestead perpetual leases has occurred as a result of extinguishing grants in the past, not via this Bill. Where the member for Brisbane Central, the Honourable the Premier, has gone wrong, I suspect, is on the basis of the entreaties that have been made by representatives of the national indigenous working group and the ambulance-chasing Labor Lawyers who flock around that group, who would ignore the Mabo and the Wik findings insofar as they relate to extinguishment. Those people in fact reject just about any concept of extinguishment.

Mr Beattie interjected.

Mr BORBIDGE: What they support—and it is on the public record, and the member for Brisbane Central can confirm his appalling ignorance in respect of this matter—is the concept of suppression of native title by inconsistent grant, right up to and including exclusive possession grants. I say to the Premier: read what your Federal Labor colleagues said in the Senate debate. But, of

course, that is the loopy end of town. The fact is that the challenge that bona fide legislators faced in dealing with this issue was to come up with a determination on exclusive and non-exclusive tenures which would give some certainty——

Mr Beattie: This is the greatest support speech I've ever heard.

Mr BORBIDGE: The Premier has not listened to this speech. He has been talking to the "Minister for Equity" and having a little gossip over there. That department was created as a sop to the Left. The Premier has not been listening. He does not know what he is talking about in respect of the issue of native title.

As I was saying, the fact is that the challenge that bona fide legislators faced in dealing with this issue was to come up with a determination on exclusive and non-exclusive tenures which would give some certainty to the holders of title in this country—whether the title they held was common law native title or some other statutory title. Legislators had to determine which statutory tenures were exclusive and which were non-exclusive, and which had totally extinguished native title and which may have extinguished native title only to the extent of the inconsistency, leaving room for claims for coexisting native title.

Ms Spence interjected.

Mr BORBIDGE: I remember that, when she was a frontbencher in the Opposition, the Minister who interjects advocated an apology tax. She got up in this Parliament and said, "We should have an apology tax. We should all dig into our pockets to compensate Aboriginal Australians." That is on the public record.

Ms Spence interjected.

Mr BORBIDGE: Mr Deputy Speaker, I know that you are new to the chair, but it is a rule of this place that Ministers must not interject from other than their correct seat.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The Minister will not interject from other than her usual seat.

Mr BORBIDGE: I remember that the member advocated an apology tax. She said, "We should all be paying." That is what she said, and now she is the "Minister for Equity". Heaven help us!

What the Commonwealth set out to do, and what the member for Brisbane Central endorses with this Bill, was to generate, as a schedule to legislation, a list of tenures, State by State, which are coexisting tenures and those which are exclusive tenures. There are conventional methods, relating to conventional standards, readily available to determine these questions. They were used. The Commonwealth proposed a schedule. This legislation reflects it. This legislation includes, as an exclusive tenure, very appropriately, grazing homestead perpetual leases. So the Premier really has to clear his muddled mind on this issue. If he is going to persist with his view that he is extinguishing, with this legislation, native title on grazing homestead perpetual leases, then he really has to reconsider his whole position on this legislation. He has to rewrite its terms, and he has to rewrite his second-reading speech, which he has roundly contradicted in some of his public comments. But I do understand his confusion, or his misunderstanding, because he has had the Left breathing down his neck on this issue.

In the Senate, Federal Labor vehemently opposed the confirmation regime. The fact is that there are many people in the Federal Labor Party—and doubtless there are some sitting opposite right now, particularly those members of the silent Left—who believe that no tenure has the capacity to extinguish native title. That proposal has been advanced by the Left in Labor. That is a view that is very much alive on the Left of the Labor Party: that no tenure has the capacity to extinguish native title. The view on the Left of the Labor Party is that native title has not been extinguished, it has merely been suppressed for the term of the grant. It then revives, and it becomes claimable.

Mr Beattie: I've already done this part of the speech. Did you re-do the page?

Mr BORBIDGE: Is it not interesting that the Premier has a glass jaw? He is so precious during question time. And when we get into a debate and we start to point out his inadequacies and how he simply does not know what he is talking about—when he decides to walk away from what the Left of the Labor Party is still advocating today in Queensland and in Canberra—he does not want to hear about it. The Premier is the man with the glass jaw. The view on the Left of the Labor Party is that native title has not been extinguished; it has merely been suppressed for the term of the grant; it then revives and becomes claimable.

Ms Spence interjected.

Mr BORBIDGE: I am relieved to say that that particular element of Labor Party native title nonsense did not ultimately hold sway in the Senate, despite the best efforts of the

loopy Left, of which the Honourable Minister who is interjecting is a member. And that is just as well, because it really would have added greatly to uncertainty. What we would have had if Labor had its way was a case-by-case, property-by-property delineation of native title, and that was and is a recipe for endless litigation.

Interruption.

DISTINGUISHED VISITOR

Mr L. Villafuerte

Mr DEPUTY SPEAKER: Order! Before adjourning for lunch, I would like the House to acknowledge the presence in the gallery of Mr Luis R. Villafuerte, the Governor of the Province of Camarines Sur, Philippines. He is also the National Chairman of the League of Governors of the Philippines.

Honourable members: Hear, hear!

Sitting suspended from 1 p.m. to 2.30 p.m.

NATIVE TITLE (QUEENSLAND) STATE PROVISIONS BILL

Second Reading

Mr BORBIDGE: Before the luncheon adjournment, I was making the observation that, if Labor had had its way in the Senate, we would have had a case by case, property by property delineation of native title. That, of course, was and is a recipe for endless litigation. No recipe could be more certain to hamstring reconciliation in this country for decades. Labor wanted that to happen because it was convinced that if it were able to force this issue to the courts for case by case, property by property litigation, its dream would be realised. Exclusive tenures would be held not to extinguish. Native title would be merely suppressed. It would revive. It would then be claimed—case by case, property by property.

That scenario is somewhat ironic when one considers that members opposite regard us as the scaremongers on this topic. Who promotes the view that exclusive tenures do not extinguish? Who promotes the view that there is only suppression of native title and that it should revive at the conclusion of grants? That is not just at the conclusion of non-exclusive grants but at the conclusion of exclusive grants. Who wants property by property court cases, years of doubt, years of litigation, years—decades—of uncertainty? Who holds to that? Who subscribed to and supported that strategy in the Federal Parliament? The Labor Party! It was not the National Party. It was not the Liberal Party. It was the Labor Party—in concert with the Greens and the Democrats. That is who promotes it: the likes of the honourable member who sits opposite. It was on that very basis that the Labor Party in the Senate fought against the confirmation provisions and sought, instead, to spread throughout the Native Title Act references to the suppression—rather than the extinguishment—of native title, whatever the tenure. That is what they did and that is what they argued for. That is what they supported in the Senate.

Few things could be more counterproductive in dealing with this set of problems. It is just that sort of nonsense that has injected race into this entire debate. As far as the States are concerned, the simple fact is that the problems that we are seeking to deal with have nothing to do with race, they have to do with land management. Only the cappuccino drinkers and perhaps the chardonnay set in Sydney, Melbourne and Canberra seek to make this a debate about race. It is the overrepresentation of that particular species in the nation's newspapers and in the television newsrooms—with a very few notable exceptions—that has poured the petrol on the flames in this debate. At the end of the day, it is they who were the irresponsible ones. To the States this is, overwhelmingly, an issue of simply developing a system of land administration that is fair and workable for all of those title holders involved—black and/or white—and for administrators. That requirement is well demonstrated by the aspects of the native title issue that we are dealing with here.

The first concerns validation: the simple requirement that is upon Governments to provide valid title to land; the ability of recipients of grants to know that, when they have a grant, it gives them the rights the Government explicitly undertakes that it provides. If the grant is invalid, then it will be open to challenge. Government will be open to challenge. Title holders will be open to challenge. That is simply not on. To say that we need validation of intermediate Acts is not to seek to deny Aborigines their rights. They will, of course, have rights to compensation in relation to any extinguishment or impairment of their title that occurs as a result of dealings during the intermediate period. Similarly, the confirmation provisions are required simply to provide as much certainty to all players as possible by accurately reflecting the common law as developed in Mabo and Wik. As a result of this Bill, would-be native title holders will know where they have a chance of achieving

coexisting title. Land-holders will know with a considerable degree of certainty whether their tenure will be subject to claim or not.

I conclude by commending the Government on this occasion for faithfully reflecting the first two points of the 10-point plan and by issuing a warning in relation to the remainder of its native title program, which is as yet unsighted but which, I understand, is being overseen by a staff member of the Leader of the Federal Opposition. The Premier has already signalled that the remainder of his Government's response to dealing with the shortcomings of the original Native Title Act and the impacts of the Wik decision may not so closely reflect what has emerged from the Commonwealth Parliament. Indeed, there have been some pretty unambiguous signals that on the central issue—on the right to negotiate—the Premier intends to make use of the option that the Commonwealth Bill provides whereby he can retain the full-blown right to negotiate, or something very close to it.

I appreciate that the Premier is being driven on this issue by his political fear of the Left. Most honourable members will have a clear recollection of the problem that the former member for Logan experienced from the Left after the Left felt that it had been effectively ignored by his administration. After that experience, the Left said that it would never again allow itself to be treated in the manner in which it was treated in those days. Of course, that makes the current circumstances quite piquant, because quite early in his term the Premier has to confront an issue on which the Left has some very strong views. It wants retention of the Century-style right to negotiate procedures concerning mining on pastoral land. I would just say this to the Premier: if he decides to go down that route or anything that even approximates it, he will be doing this State a great disservice.

In Western Australia, Premier Court has already developed a full State provisions Bill to reflect the 10-point plan as it has emerged from the Senate. He will be adopting the 43A regime, instead of the right to negotiate. If Western Australia does that and we go down the right to negotiate route in Queensland, we can kiss the mining industry goodbye. It will go to an environment that it can accept and that it knows will welcome it. The mining industry will simply pack up and take new projects to the other side of the country. Labor could kiss goodbye its 5% unemployment target and kiss goodbye any hope of reconciliation in this State for a very long time to come because it will have earned the undying enmity of regional and rural Queensland. The only reasonable resolution is a reflection of the amended 10-point plan to the maximum extent possible.

In conclusion, I note that the Western Australian Government has its legislation open for public comment. It is planning to introduce that legislation and have it passed through the Western Australian Parliament by the end of October. I also serve notice that in the next sitting week of Parliament I will be introducing a private member's Bill that reflects as much as possible in the Queensland context the amended 10-point plan so that all land-holders in this State—whether they be black, white or whatever—will have the opportunity to obtain the security of land tenure that the amended 10-point plan now makes possible and which Labor in the Senate denied the State of Queensland for close on two years while it continued to push an absolutely damaged philosophical argument in terms of usurping from the States the proper responsibilities in regard to land and resource management.

I take the comment that was made earlier by the Premier that this should have been fixed long ago. It should have been fixed long ago. The reason why it was not fixed long ago is that the mates of the Premier, the Federal Labor Party in the Senate, did not allow it to be fixed to the particular detriment of the States of Queensland and Western Australia. Now we have a situation in which the amended 10-point plan is before the Senate. Today, we see this first legislation which validates or deals with two of the 10 points of that amended 10-point plan in respect of validation, which we strongly support.

However, I place on record that I find it quite incredulous that we have a Government and a Premier that will allow a staff member of the Federal Leader of the Opposition to be sitting in on the working group here in the State of Queensland to make sure that Queensland toes the line. I find it quite amazing that the Premier seems intent to go down the right to negotiate route, to go down a route that we have seen in respect of the Century project—hold up a project of immense national and international significance for a prolonged period of time despite the fact that there was a written agreement signed off by the State, signed off by the company and signed off by the Aboriginal claimants. We also know that in the past few days we have had Mr Lavarch, consultant to the Government—I do not know how much he is being paid—and the famous Mr Ross Rolfe running around the gulf attending to the requirements now being imposed in respect of certain matters in the

north-west minerals province by Mr Murrandoo Yanner and the Carpentaria Land Council.

I think that it will be a great tragedy for Queensland and for Australia if this Government, after enacting this validating legislation today, runs away from its responsibilities when it now has within the grasp of its hand something that was denied to the previous coalition Government by virtue of Labor in the Senate—the means to fix this problem once and for all. I wonder how much of this is a delaying tactic so that if Federal Labor wins the forthcoming Federal election we will see the sorts of amendments proposed by Senator Bolkus that I tabled in this place today that are anti-jobs, anti-mining, anti-pastoralists, anti-Queensland and anti-investment. If we see those sorts of amendments passed by a Federal Labor Government, that will mean tragically that the Wik impasse would then continue in Queensland because Federal Labor would then set about implementing the policies that the Senate on the most recent occasion has rejected in regard to native title.

I say to honourable members opposite to not underestimate the angst in the community on this particular issue and to not underestimate the damage that the failure to resolve native title has done to the reconciliation process in this country. I say to the Premier that if at the end of the day he panders to the Beazleys and the Bolkuses of this world and we end up with legislation in this State—in the next raft of native title legislation—that does not to the maximum extent possible reflect the amended 10-point plan, then this Premier and his Government will go down in the history of this State as the Government that had the opportunity to fix the problem but a Government that decided that philosophical objectives and the assessments and the ideologies of the Left were more important than title, security of title and jobs, jobs, jobs in the State of Queensland.

I ask those honourable members opposite: do they really want to put in place the next time around, in the next raft of amendments, the sort of nonsense that the Century project had to go through, which was delayed for years? When we finally got an agreement, what happened then? We found that, despite that, there was still litigation in respect of that project and, despite that signed agreement and the $90m compensation package by the Government and by the company—$60m from the company, $30m from the previous Government in respect of infrastructure—we have a situation today where Mr Yanner can take legal action in respect of a bridge, where Mr Yanner can threaten action in respect of the powerlines and the involvement of NORQEB and a situation in which we are now starting to experience the downside of what the Labor members have supported and what their Senate colleagues supported by virtue of having to dispatch Mr Rolfe and Mr Michael Lavarch as a consultant to try to talk to Mr Yanner in the Carpentaria minerals province to try to resolve this matter.

As I said at the outset, the Opposition supports these amendments because, contrary to the previously stated position of the Labor Party, they at least validate and honour two of the key points of the amended 10-point plan. However, if Queensland is to end this absolute native title madness that has besieged this State for a period of too many years, there are eight more points of the 10-point plan that need to be introduced in this place and taken advantage of by the current Government. I say to the Government that it has the solution within its grasp. It has what the Senate denied to my Government. I say to the Government: do not mess up that opportunity. If it does, the people of Queensland will never forgive it.

I am aware that there is growing unrest, particularly from the miners, in respect of the activities of the working group. I am particularly aware that there is increasing unhappiness about the involvement of Federal Labor in what should be a State-based land management system. I am particularly concerned about the extent to which the Premier seems to be taking orders from the Federal Leader of the Opposition, Mr Beazley. We do not want a branch office Premier, we do not want a branch office Government; we want a Queensland Government and we want a Government that will get on with the job of making sure that the benefits that have been achieved by so many people who have worked for so long can now be passed on to land title holders in Queensland regardless of their race and we see the amended 10-point plan introduced in Queensland to the maximum extent possible.

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (2.48 p.m.): This is a Bill that provides a workable solution to a contentious issue for Queenslanders. It confirms that past acts of Government are secure. It provides certainty for all Queenslanders.

This legislation has come about through consultation, not confrontation. It has involved representatives from Aboriginal and Torres Strait Islander organisations as well as representatives from mining, pastoral and fishing organisations. These groups have worked together to ensure an equitable State process that accommodates both native title and industry interests. With consultation, compromise is essential. To achieve this workable solution, all parties have had to compromise—indigenous communities, pastoralists, the mining industry and the Government. I want to acknowledge to this House that at times this process has been difficult for the participants, especially indigenous representatives.

This Government is committed to reconciliation and to improving equity and fairness for indigenous Queenslanders. This does not mean we are going to be able to meet every aspiration of indigenous Queenslanders. We are realistic enough to acknowledge that we will not always measure up. What indigenous people know they will get from this Government, and this is in stark contrast to the former Government, is a place at the discussion table and an honest consideration of their position.

Before I describe what it is that this Bill sets out to achieve, it will probably serve us all well to consider the historical context in which this Bill has been drafted. Following the Wik decision of the High Court in 1996, Australians witnessed the most hysterical, most cranked up push over land title ever seen. While it is true that only a limited number of people were trying to seize this advantage, its impact on the Australian land mass, in particular the Queensland land mass, would have been extraordinary. In the face of that extreme pressure and deliberate creation of an atmosphere of uncertainty and doubt, the Commonwealth Government proposed the 10-point plan to try, in its terms, to solve this "problem".

In a sad page in Queensland's history books, we witnessed the former Queensland Premier's shameful, hysterical, shallow one-point plan, designed to mislead and frighten Queenslanders to advance his own political agenda. Time and time again this desperate former Premier tried to inflame the native title debate as he saw electoral victory slipping away from him, but it did not work. The Queensland people had stopped listening to him long ago and I believe they have stopped listening to him today. Again today, as Opposition Leader, the member for Surfers Paradise brings out his Left/Right rhetoric, his hysterical scaremongering, to confuse the issue. Still no-one is listening. He could not even get his own team in the Parliament here to listen to him today.

The former Premier misrepresents the Labor Party on this issue and he misrepresents me on this issue. Again today he stated a number of times that I have suggested the idea of an apology tax. I challenge the member for Surfers Paradise to show me in Hansard where I have ever mentioned the idea of an apology tax. If he cannot do so, he should discontinue mentioning the subject in this Chamber.

The former Premier misrepresents the Labor Party in assuming that only the Left of the Labor Party cares about the issue of native title. I think that this misrepresents my colleagues who might be in other factions in the party. I can assure honourable members that native title is an issue that goes to the heart of Labor Party members all over Australia. It is not just an issue of concern to the Left.

Mr Schwarten: It is not just Labor people; it is any decent people—anybody with any conscience.

Ms SPENCE: My colleague is quite right. Most decent Australians care about the issue of native title and care about justice for indigenous people as well as other Australians. It falls to this Government now to restore a period of calm and consideration so that all players can consider what is best for the future.

So what is it that the Bill seeks to achieve? There are two principal achievements that will come about from the passing of this Bill before the House today. Firstly, in responding to the Commonwealth Act, this Bill provides for the validation of "intermediate period acts". These may have been acts by the State that could have been invalid because of native title. These are acts that took place after the date of commencement of the Commonwealth Native Title Act on 1 January 1994 but preceding the High Court's decision on Wik in December 1996. Let me make it clear that these were acts that were carried out on the understanding that native title had been extinguished through the granting of a pastoral lease.

The second objective of this Bill is to confirm the partial extinguishing effect on those "non-exclusive possession acts" and the total extinguishing effect on those "exclusive possession acts". This Bill also amends or omits from the Native Title (Queensland) Act certain provisions that are now rendered

redundant or superfluous through the previous changes. As the Premier has said, all of the changes will commence once the changes to the Commonwealth Act have been proclaimed on 30 September 1998.

The Labor Government recognises the fundamental cultural importance of maintaining the association between Aboriginal and Torres Strait Islander people and their traditional lands. We respect the common law recognition of native title reflected in the Wik and Mabo decisions of the High Court. Compensation will be allowed for in the provisions of this Bill to native title holders where native title has been extinguished or partly extinguished.

The Premier has already outlined to the House the two-stage process which the Government has used in the amendments to the Native Title Act. Stage 1, which is represented by this Bill today, aims to re-establish certainty in the minds of Queenslanders so that the people can quickly understand and see the clarity of the land dealing environment within which the Government operates. This Bill validates all of those acts so that miners, pastoralists and other land users will know that the leases and permits that they currently hold, which were issued by the Queensland Government between the commencement of the Native Title Act in 1994 and the Wik decision in 1996, are valid. The rights that they assumed that they possessed under those leases and permits are, in fact, absolutely confirmed.

Stage 2 of this process in which we are engaged is to establish workable mechanisms that are easily understood and straightforward in their operation so that we can deal with future activities that might affect native title. For the Commonwealth this has been a drawn-out and contentious process over 18 months. The fact of the matter is that the Commonwealth, after all of that time, was unable to develop an acceptable regime. Their response to that failure was to dump the entire problem onto the State. The Queensland Government will rise to that challenge.

The Queensland Government will in fact design a workable system, but to do that we will need a partnership based on goodwill. That will require the assistance and respect of all stakeholders who are directly involved in these issues. At this point I acknowledge the substantial effort and contribution of the Queensland Indigenous Working Group. I acknowledge the presence of the members of that group here in the gallery today. They have been working with my colleagues in the Premier's Department to resolve some of these extremely complex and painful issues. The skills of those people in the Indigenous Working Group are highly valued by the Queensland Government. Without an effective partnership based on a framework of goodwill, the results seen so far could not have been achieved. It is my hope that as we move into Stage 2 we can at all times maintain this goodwill and a singular objective of resolving the outstanding issues that the Commonwealth has left with us.

I will briefly outline some of the commitments that have been given to date by the Queensland Government and the context in which those commitments are given. Firstly, I am mindful of the provision of the Constitution of Australia, in particular section 51, subsection 31, which provides for the acquisition of property by Governments on "just terms". The constitutional guarantee of "just terms" has a number of important implications for dealing with native title holders. It is important that the principle of "just terms" is achieved by acting reasonably.

So what is the proposal that has been put forward by my colleague the Premier in endeavouring to arrive at these just terms? Currently there are not clear guidelines on how to value land that is subject to native title or how to value native title for the purposes of compensation for their loss, impairment, diminution, or partial or total extinguishment. There are only very limited precedents in common law. The Australian Property Institute advises that it is currently working on guidance notes for its members.

I want to describe the quid pro quo that the second stage of the negotiations will lead to. Decision in the Mabo case is a central event in Australia's history. The dispossession of the Aborigines, as Justices Deane and Gaudron said in their Mabo judgment, left "a national legacy of unutterable shame". We need to recognise this shame and accept the terrible wrongs of our past. The Premier is committed to assisting indigenous people, and today I will outline some ways that we intend to do this which complement this legislation.

In central Queensland, the Government intends to examine ways of providing infrastructure that will assist Aboriginal people living in isolated communities. These sorts of infrastructure projects will include water, housing or sewage treatment works. Members of the House can rest assured that we acknowledge that there has been considerable pain for indigenous people in relation to native title processes, and to pursue equity and

fairness some adjustments will have to be made. So the Queensland Government is responding to the basic proposition that, under the Constitution of the country, when people lose property rights they are entitled to be compensated on "just terms". The Premier has previously indicated that he is most concerned about trying to be fair to indigenous Australians.

It might assist members of the House to gain an awareness of the appalling deficiencies in infrastructure that indigenous Australians have to endure. There have been decades of neglect by Queensland Governments, which has resulted in many indigenous communities being left with severely malfunctioning water supplies and sewage disposal systems. For example, there was a major reaction in Brisbane recently when swimming pools were found to have cryptosporidium, and those pools were immediately closed to the public. In some communities in northern Queensland, the entire drinking water supply systems are infected with cryptosporidium. Through my portfolio we are moving rapidly to try to address some of those problems, to try to reverse the years of neglect which have resulted in this totally unacceptable situation.

So how will this Government overcome the legacy of non-delivery and partial delivery of services as experienced by many indigenous Queenslanders in the past? Let me make it clear that there are two essential and positive differences in today's Queensland Government that have been missing in the past. What had been an Office of Aboriginal and Torres Strait Islander Affairs is soon to be gazetted as the Department of Aboriginal and Torres Strait Islander Policy and Development. That is a very significant change. It is no longer a small office in a large department with a much greater focus on areas other than specific indigenous affairs. It is now a department with all of the specific focus and with all of the benefits of commitment and team building that can be derived from a departmental structure in its own right. I believe this will mobilise and invigorate the officers in the new department who have already demonstrated a high level of commitment and dedication to achieve positive outcomes for indigenous Queenslanders.

The second means of ensuring that services are delivered, that promises are fulfilled and that the social and economic wellbeing of Aboriginal and Torres Strait Islander populations is improved is to develop a high-level vigorous process of interdepartmental coordination. This process is vital and supports our pre-election commitment to establish a separate office that will facilitate a whole-of-Government commitment to Aboriginal and Torres Strait Islander affairs policy.

In the near future, I will be establishing high-level processes that I intend to chair to ensure that this level of coordination can be achieved in a way that will lead to the highest quality outcomes in the fastest feasible times. I intend to ensure that indigenous communities in Queensland can see some real services arriving under the auspice of the Queensland State Government. Coexistence is common in our land tenure system. I support the Bill.

Mr HORAN (Toowoomba South—NPA) (Deputy Leader of the Opposition) (3.02 p.m.): As the Opposition Leader has made clear, we will support this Bill in that it implements the first two points of the Prime Minister's 10-point plan, and it does so quite unambiguously. With this Bill we are 20% of the way towards a workable post Wik land management system in this State. That is obviously not before time.

It is now almost a year and nine months since the High Court handed down its decision in the Wik case which overturned the reach of native title as determined in Mabo and extended its application to pastoral leases and to a whole range of non-exclusive tenures in this State. Without this legislation doubt would continue to linger about the validity of grants in the so-called intermediate period and there would also be continued uncertainty about where native title might exist. Therefore, dealing with the validation and the confirmation issues is a very important first step in resolving the uncertainty brought about by another bare majority decision of the High Court.

This prompt attention to at least two of the baseline issues now that the final shape of the 10-point plan has finally been approved by the Senate is welcome. However, I wish to say a few words about the timing of this Bill, because I note that the Premier has suggested the fact that we now have this Bill represents some indication that this Government is prepared to act to resolve these issues whereas the coalition Government was not. That is a nonsense.

Some of the history of the issue outlined by the Opposition Leader shows how absolutely gratuitous that suggestion is, because the member for Surfers Paradise was able to show the extent of the tactics employed by the ALP to delay the resolution of these matters and to keep the whole thing

tied up in the Senate for month after month. He was able to show the extent to which we had from the Federal Labor Party what can only now be seen as a very deliberate effort to sabotage a workable response to the problems generated by Wik.

From November last year until just a few weeks ago, we had Labor in the Senate arguing the toss at every single turn. There was hardly an element of the 10-point plan, with the exception perhaps of the voluntary agreement structure, in respect of which Labor did not comprehensively seek to delay this plan for month after month. Yet when it comes right down to it, as this Bill demonstrates, Labor now accepts the plan that it fought against for so long in the Senate. That acquiescence now speak volumes about the motivation of the Labor Party. We have had plenty of wasted time as a result of that situation.

If the coalition had not run into that obviously insincere opposition from the Labor Party, all of these matters would have been dealt with long ago. The 10-point plan was in its final form by May 1997. Legislation reflecting it could have been through by September last year at the very latest. But in fact it was in July this year—just a few weeks ago—that at least Senator Harradine finally saw the light. The Labor Party never saw the light. It resisted the 10-point plan right to the end. It resisted unqualified validation and it resisted the confirmation provisions. It is simply not correct for the Premier to say that it was the coalition which caused the delay in the resolution of these matters. If Labor in the Senate had adopted the attitude last year that he and the members opposite are adopting now in this legislation, we could have had a resolution of these issues a long time ago—virtually 12 months ago.

Given that record, I wish to pick up on one point in particular that the Opposition Leader touched on in relation to the ultimate fate of this Bill. It concerns the validation regime, the confirmation regime and many other very important matters in the 10-point plan that are not yet before the House. I refer to the view that is abroad in large sections of the Labor Party that native title, almost regardless of tenure, is not extinguished but is simply suppressed by inconsistent grant so that it can revive and be claimed. That issue was pressed constantly by Labor in the Senate and is one of the absolute core issues of this entire debate—something Federal Labor recognised. A great deal hangs off it.

This is an issue which serves to show just how comprehensively the Left of the Labor Party took over this debate, particularly in the Senate. Whenever Senator Bolkus, who led that debate for Labor, talked about suppression rather than extinguishment, he was directly contradicting his own leader, Mr Beazley. All we have to do to establish that is look at what Mr Beazley said in the House of Representatives on 25 September last year in his second-reading speech on the Native Title Amendment Bill. In respect of the impact of extinguishment in relation to pastoral leases he stated—

> "Both the 1993 Act and the Wik decision affirm that their rights extinguish native title to the extent of any inconsistency. We will support any amendments that give greater certainty and clarity to that reality."

That statement flows from the conventional view that grants of exclusive possession have extinguished all native title and that grants of non-exclusive tenures extinguish native title to the extent of the inconsistency.

When we consider the long-term viability of this Bill and whether it will survive and remain meaningful, we see that Senator Bolkus' contradiction in the Senate was not the first contradiction of the Federal parliamentary Leader of the Labor Party by the Left on this centrally important point. In October last year, after Mr Beazley's speech in the House, we had the minority on the Joint Parliamentary Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund pressing that same issue. Senator Bolkus was deputy chair of that committee. Another Labor Left Winger, Mr Daryl Melham, Labor's Aboriginal Affairs spokesman, was also on that committee. The minority of which they were a part signed off on statements such as the following—

> "... the question whether native title is permanently extinguished or merely suppressed is not yet conclusively determined by the High Court ... The Government must not assume that the common law provides for more than the suppression of native title during the term of an inconsistent grant."

Compare that with the sentiments of Mr Beazley. They are an absolutely direct contradiction. Interestingly, that statement was the minority's reasoning in relation to its rejection of the confirmation of extinguishment provisions of the 10-point plan which, along with validation, is the topic of the Bill now before this House. In another reference to the

same issue, the minority said—and I repeat that among this minority were Senator Bolkus and Mr Melham—

> "It is not only feasible but likely that native title will be found by the courts to be capable of revival after the expiry of an inconsistent interest, particularly non-exclusive interests like a pastoral lease."

So that again was a direct contradiction of the Federal Opposition Leader and apparently the Premier in the context of extinguishment by that committee. That contradiction continued from the Labor Party in the Senate and became the Labor Party's position. Never mind what the leader thought; Bolkus and the Left simply took over.

There is so much confirmation of the rolling of the Federal Opposition Leader on the record that I will not attempt to subject the House to all of the relevant comments by Senator Bolkus across the three debates: the one last year, the debate in April and the debate in July. But I will give one unambiguous example from each of those debates to establish that it is the express view and the consistent view of the Federal Labor Party that suppression and not extinguishment is what has occurred in relation to native title whether the grant concerned is non-exclusive or even exclusive.

The first is from December last year when Senator Bolkus signalled some 359 amendments to the 10-point plan, mainly straight off the indigenous working party's wish list, as were the sentiments in the minority report. In relation to the confirmation of extinguishment provisions he said—

> "The ongoing concern that we have is that what is provided for here is a regime of permanent extinguishment, when the common law makes it clear that that particular aspect has not been determined. Permanent extinguishment is just unjustifiable in terms of the common law. We are adopting a position in this respect where our amendments are designed to remove the whole section dealing with extinguishment and to remove the definition of extinguishment which makes extinguishment permanent."

Obviously, that was quite a nonsensical contribution from Senator Bolkus. Extinguishment is extinguishment. If something is extinguished, it is dead, extinguished, full stop. Mr Beazley recognised that but Senator Bolkus, with apparent impunity, simply contradicted him.

Senator Bolkus did it again in April during the second consideration by the Senate of the Native Title Amendment Bill in relation to the confirmation provisions. He said—

> "It was clear to all of us on this side of the debate that these provisions do in fact over reach the common law and in themselves are legislative extinguishment of native title. The government, for instance, says that people have assumed that such interests as freehold, all types of leases, public works, et cetera, extinguish native title. But I think it is fair to say that the Wik decision left this assumption in a very unclear situation."

So in April again we had a reaffirmation of the view abroad in the Labor Party—the official view abroad in the Labor Party—despite Mr Beazley's disagreement that there could be no assumption that grants such as freehold had extinguished native title.

I give Senator Bolkus the benefit of the doubt in relation to freehold. It has to be said that under great pressure in December Labor ultimately did cave in on the freehold point after a fight, so that the Native Title Amendment Bill could state quite categorically that freehold at least has extinguished native title. So we give him the benefit of a Freudian slip right there. But, nonetheless, the gist of his comments is very clear.

Senator Bolkus was still arguing for suppression in April this year. He did so yet again just a few weeks ago when he pushed for an amendment which would have had the effect of leaving it to the courts for case by case consideration as to whether extinguishment really meant extinguishment or whether it merely meant suppression right up to and including on exclusive tenures. That was during the final Senate consideration of the confirmation issue on 6 July.

The issue is simply this: here we have the Queensland Labor Government agreeing without compromise to the validation and the confirmation provisions of the 10-point plan. As the Opposition Leader has said—and I heartily agree with him—that is a good thing and it is a commonsense result in the best interests of Queenslanders. Mabo-based common law native title is respected in the 10-point plan and again in this Bill. Wik-based common law native title is also respected in the 10-point plan and again in this Bill. So no reasonable person could argue against the plan. But in Canberra we have a Federal Labor Party which disagrees with the plan and disagrees with this legislation quite comprehensively. Strangely, it has been all but silent on the predicament now

facing this Government: does it satisfy the Labor Party in Canberra, or does it do what it knows is right by the people of Queensland—all the people of Queensland?

Senator Margaret Reynolds gave the Premier a bit of a bake in the Upper House in Canberra during the debate on the Native Title Amendment Bill. Senator Woodley of the Democrats was very critical of what this Government might do, as were the Greens, and outside the parliamentary sphere so was Father Frank Brennan. But Federal Labor has ducked the issue. Senator Bolkus has ducked it now both inside and outside the Chamber. Suddenly Mr Daryl Melham has been silent. Mr Beazley has been silent if not silenced, yet the fact remains that here we have a Labor Party acting against what its Federal colleagues want. We have a Queensland Labor Government implementing legislation which its colleagues in Canberra ostensibly and passionately oppose. It just has to come to mind that the silence is planned.

We need an assurance from the Premier—and it is a simple assurance. I should say that we do not expect the impossible. If Federal Labor were to win the next election, then doubtless we would have considerable pressure at that level to see the full Federal Labor native title package put in place. That pressure might well be unstoppable, but at least the Premier could today give this House and this State an assurance that he would not under those circumstances lobby for the Federal Labor position to be adopted. He should tell us quite clearly here and now what his intention would be so that all Queenslanders know where they stand. Would he stick with the validation principles in this Bill, for example? Would he stick with the confirmation regime? The latter is perhaps most to the point.

I doubt that the validation regime could be altered once set in train but, in relation to the confirmation regime, there are potentially considerable loopholes that a Commonwealth Labor Government could exploit to change the intent of the Bill that is now before this House. For example, the Federal Government will be able to remove certain categories of tenures from the Schedule which confirms extinguishment without reference to Parliament but will not be able to add to it without reference to the Federal Parliament. That was an amendment pushed by both the Labor Party and Senator Harradine.

This means, for example, that the grazing homestead perpetual leases to which the Premier has referred in recent days could be taken off the Schedule by the Commonwealth. Since we have already had indications from the Premier that he believes native title does exist on that particular form of tenure and he is extinguishing it by this State legislation, then a Federal Labor Government could give him a ready out. In fact, it would probably act unilaterally. This would mean that the Premier could simply say to the 3,000 holders of grazing homestead perpetual leases that Canberra had decided to remove their tenure from the Schedule confirming extinguishment and there was nothing that he could do about it.

Of course, there is something that he could do about it. He could signal to this House here and now during this debate that that simply would not be on. So I seek a double assurance from the Premier during this debate. The first is that he does not seek to have grazing homestead perpetual leases or, for that matter, any tenure now on the Schedule removed if Labor wins federally. The second is that, if there is a move down the track from a Federal Labor Government to remove GHPLs or any other tenure on the Schedule, he will absolutely resist it and resist it very strongly indeed. That is what we need: a Premier who will stand up for Queensland and ensure that the intent of this Bill is always absolutely adhered to.

Mr NUTTALL (Sandgate—ALP) (3.20 p.m.): Today we are debating the Native Title (Queensland) State Provisions Bill and it is not an issue of Left versus Right within the Labor Party. This is an issue of fairness and equity. This is an issue which is about what is just, right and proper for the people of Australia. Opposition speakers, by continuing to stand up in this Parliament and say that this matter is driven by the Left of the Labor Party, demonstrate an ignorance of what this issue is all about. That is a sad reflection on their view of the world.

The Native Title (Queensland) State Provisions Bill implements the first part of the Premier's native title response, and there will be more to follow. The Scrutiny of Legislation Committee has noted that the Bill is the first stage of a much larger package.

On coming to Government, the Premier quickly released his native title strategy to the people of Queensland. This included the establishment of a working party comprised of senior representatives of the indigenous people and the mining and primary producer communities. This is the first time that all these groups have been included. This inclusive approach reflects the different attitude taken

by this Government from that of the former coalition Government, which was bent on litigation and sorting things out through the courts.

The key points of the strategy are the achievement of a number of objectives set out by the Premier and include the following: optimum understanding by all parties about relevant issues, options and their consequences; applying the Commonwealth amendments to the State legislation; to educate all parties including departments, departmental officers, and clients of departments on the application of native title procedures to State business; to establish a fair and equitable process that encourages mutual agreement and balances the consideration of legitimate indigenous interests, including adequate consultation to establish a framework in relation to proposals for mining and private development; and to mediate claims and undertake broader negotiations in order to halt ambit claims, remove overlapping claims and consolidate related claims which are currently in place.

In my view, the next three points are the most vital points. They are: to undertake strategic negotiations to resolve or avoid litigation arising out of misunderstanding or lack of consultation; to have a policy shift away from reliance on Commonwealth legislation and winning test cases towards an agreement-based solution to individual native title issues; and to obtain the most beneficial financial assistance from the Commonwealth for native title compensation.

This is a complex issue and, despite the best intentions to legislate, it will not be resolved regardless of what legislation we put in place. At the end of the day, despite the best intentions of Parliaments, the only way that we will resolve the question of native title is to have people sit down around a table, negotiate through the issues and come to an agreement. That is the only way in which we will be able to achieve certainty of title for those people. We need to take a step back and move away from reliance on the courts to solve the problems that we face in this country because the only people who benefit are those who represent the various parties in our courts.

The Bill before the House provides that the State validates those intermediate period acts which may have been invalid. This is necessary to achieve certainty. Jobs will flow from certainty with respect to these land tenures and development will follow. It is important to get the State moving again and this Bill, by providing certainty, will achieve that objective. State development assists all parties, particularly remote indigenous communities which are desperately looking to improve themselves after the long period of neglect by successive conservative Governments in the 1960s, the 1970s, the 1980s and in the past two and a half years.

The Bill provides for the confirmation of the extinguishing effect of previous exclusive and non-exclusive possession acts on native title. Exclusive tenures are those which are defined in the Commonwealth Schedule. The Scrutiny of Legislation Committee recognised that it is not universally conceded by legal commentators that all the categories of grants and other activities listed in the Schedule actually have the effect at common law under the legal principles in the Mabo and Wik decisions of extinguishing native title. Unfortunately, the nature of native title law has been an area of uncertainty. It is the purpose of this Bill to remove uncertainty for all parties. However, the Bill provides that where native title is extinguished by acts of the State, compensation will be paid on just terms.

The Bill omits provisions from the Queensland Native Title Act which, because of the Commonwealth amendments, are no longer relevant. It is important to note that the Bill does not implement any regime of alternative State provisions. This will be done by further legislation at a later date. The working group is working on the policy options and is consulting with stakeholders. It is the Premier's desire to incorporate native title into the State's system of land management in a seamless way which minimises cost and maximises certainty for all parties. The whole community is desirous of a genuine outcome in relation to Wik. This requires tolerance and understanding. It requires us all to be sensible and to put the interests of this State first and not to play politics on such an important issue. This is a challenge to Government and to all the participants in the process. This is a challenge for all of us to ensure that it succeeds.

Mrs LAVARCH (Kurwongbah—ALP) (3.28 p.m.): I rise to support the Native Title (Queensland) State Provisions Bill. In doing so, I feel that I am in a very unique position in parliamentary and political history in Australia. My husband, Michael Lavarch, was a member of the Federal Parliament at the time the High Court handed down its historic decision in Mabo (No. 2). He was Commonwealth Attorney-General at the time when the Native Title Act 1993 was passed. At that time I was a practising solicitor and can recall some very

interesting and thought-provoking discussions. Now I am a member of this Parliament at a time when we are introducing and considering changes to the native title legislation as a result of the Federal Government's response to another landmark High Court decision.

As I am sure members would be aware, my husband, Michael, is no longer in Federal Parliament. He has now returned to legal practice. That practice involves consulting on native title. He is also on the Premier's working party. Our roles are reversed, but the discussions are still interesting and thought provoking. I take this opportunity to thank him for his assistance in developing my understanding of the Bill that is presently before the House. I want to start my contribution to today's debate by borrowing from one of his recent observations. Comparing the 1993 Act to the recent Federal amendments, he had this to say—

> "In 1993 a mining industry leader compared reading the Federal Native Title Act to reading porridge. By this he meant that the principles underpinning the law were obscure and imprecise—even a little mushie and grey. If that was fair comment, then reading the Howard Government's Native Title Act is like reading the instructions of a manic Meccano model set which has been poorly translated from Japanese into English. It is complicated and highly prescriptive and so help you God if you miss fitting piece 24 KAA into slot 253 (i) (b) because you will never be able to assemble it."

The old native title regime could be criticised for not adequately answering questions raised by the incorporation of native title into the legal, policy and administrative landscape of Australia. The new native title regime can be criticised for being overly prescriptive. Like all black letter law regimes, in time it might suffer from the pursuit of loopholes or the harsh impact of unintended consequences. To say that the Federal Parliament has passed a Native Title Amendment Act is really a misnomer. Rather, some of the concepts in the previous law have been kept, but a completely new legislative framework has been instigated. This framework requires the Queensland Parliament to enact a new legislative scheme. The Bill before the House is the first part of this scheme.

In my contribution here today, I wish to place the Bill into its proper context by, firstly, briefly recapping the existing native title regime; secondly, outlining the approach of the new Howard Government regime; and, thirdly, focusing on the role to be now played by Queensland in implementing the new native title law. I have recapped the existing native title regime under the heading of the Keating Government law.

Until the Mabo decision in June 1992, Australian Governments and, indeed, the entire non-indigenous population had acted as if there was no such thing as native title. To the extent it was thought about at all, it was thought that native title did not survive the assertion of sovereignty by the British Crown upon settlement. Mabo, of course, changed this. The High Court held that native title exists in accordance with Aboriginal customary law and is recognised by the common law where connection with the land has been maintained by the indigenous people involved and the title has not been extinguished by actions of Government.

The starting point for a legislative response to Mabo was to effectively draw a line in the sand between the past, when we did not know about native title, and the present and the future, when native title needed to be accommodated. In terms of the past, the Keating Government's Native Title Act provided a legislative guarantee that all acts taken by Governments from Botany Bay onwards were valid. If actions taken, like issuing of interests in land such as leases, could be invalid because of native title, then the actions and the titles would be validated.

The law then sets out a regime to recognise and deal with native title in the context of there being no certainty of where native title continues, what the nature of particular native title rights is or who holds those rights. It does this in three ways: firstly, by establishing a claims system for the determination of native title; secondly, by creating a national native title tribunal to administer the claims process; and thirdly, by providing a future act regime which protected native title while permitting ongoing use and development of land.

The Keating legislation selected the date 1 January 1994 as the line in the sand. All acts taken prior to that date were guaranteed validity by the law. From that point onward all future acts would have to take into account the possible existence of native title. The future act regime did this by imposing a benchmark which equated native title to freehold title for the purposes of procedural matters. This did not mean that native title was the same as freehold title but, rather, that freehold was

used as the test to determine whether an action could be taken over native title land. If a Government could do an act over freehold land, then that was a permissible future act over native title land. If the act could not be taken over freehold land, then that same act could not be taken over native title land. If an act was not permissible but a Government wanted it to happen, then the native title would first have to be acquired by the Government. This might happen voluntarily or by powers of compulsion.

In addition to the freehold benchmark, the law prescribed that, in some circumstances, native title holders and claimants were entitled to negotiation rights when certain actions were proposed. These negotiation rights arose primarily in two circumstances: when there was a proposal to grant a mining interest over native title; or when native title was to be compulsorily acquired for a private purpose, such as allowing a tourism or private industrial development to proceed.

I turn now to the Howard Government's native title law. It was inevitable that the Native Title Act would require amendment based on the practical experience of the law and its operation. Other amendments were required by a series of judicial determinations which took native title into directions which it would be fair to say were not fully anticipated or intended by the Commonwealth and State Parliaments. For instance, both the Federal Court and the High Court interpreted the provisions dealing with the registration of native title claims—and hence access to the procedural rights, such as the right to negotiate—in a way which allowed a far greater number of claims to be registered than was first anticipated.

Most significantly, our appreciation of the potential for native title to coexist with statutory interests in land was greatly expanded by the Wik decision. As the Alert Digest No. 6 of 1998, which I tabled this morning, points out, the prevailing legal view inside and outside the Government was that a valid pastoral lease created a set of rights that were at common law inconsistent with the continuing existence of native title. I should dwell on this point for a moment, as it is the reason for this Bill.

At common law, native title can be extinguished by a Government demonstrating a clear and plain intention to extinguish the title. As Governments acted in ignorance of native title until the Mabo decision, this intention will not be found in express words but is implied by Government acting in ways which are inconsistent with native title surviving. The test of inconsistency involves examining the set of rights granted by the Government to a parcel of land to determine whether these rights are inconsistent with native title rights. As we do not know what native title consists of until it is determined, the test of inconsistency is not easily applied. However, if the statutory rights granted comprise exclusive possession of land, then it would be immaterial as to what the native title rights might be. Exclusive possession is inconsistent with any other set of rights.

The reasoning in the Mabo decision led the Commonwealth and State Governments to believe that freehold title granted exclusive possession and hence extinguished native title. The same conclusion was reached about the effect of exclusive leases. Up until the Wik decision, the prevailing view was that a pastoral lease granted exclusive possession at least where the leases did not expressly reserve rights to traditional Aboriginal owners. Leases in Western Australia and South Australia have such reservations. Queensland pastoral leases do not. This view was adopted by the Native Title Tribunal and the Federal Court in the Waanyi and Wik decisions. The High Court in Wik did not alter the Mabo reasoning about extinguishment of native title by grants of exclusive possession, but by a majority it concluded that a Queensland pastoral lease does not grant exclusive possession.

The consequence of the decision was that native title could potentially coexist with the statutory rights of lessees. In turn, this meant that the future act regime of the Native Title Act applied potentially to acts granted by Governments over pastoral lease land. The general practice of the Queensland Government was to not apply the future act regime of the Native Title Act to dealings over existing or former pastoral leases. This means that a range of land titles might be invalid because native title holders have been denied the protections of the Native Title Act. That is why the Bill commences by creating an additional category of acts to the past and future division created by the old law. Intermediate period acts are the ones which occurred from the passage of the original Native Title Act in January 1994 to the handing down of the Wik decision in December 1996. Acts taken in this period over freehold or leasehold land will be validated. They may have been invalid because the Government assumed wrongly that pastoral leases had extinguished native title and then issued titles such as a mining lease without following the procedures in the Native Title Act.

The Bill then goes on to limit the capacity for there to be further coexistence of native title and statutory interests in land by confirming that certain statutory interests extinguish native title. These interests include freehold, commercial leases, exclusive agriculture leases, community purpose leases and scheduled interests. A scheduled interest is one that has been identified by the States and Territories and accepted by the Commonwealth as granting exclusive possession in the land to the interest holder. A vast array of land titles have been scheduled including broadacre leases for pastoral purposes such as grazing homestead perpetual leases.

The net effect of the confirmation of extinguishment is to limit the area of Queensland that may be subject to native title claim and the application of procedural rights afforded native title claimants. It is possible that the legislation may, in fact, put into place the extinguishment rather than confirm common law extinguishment. In that case, a native title holder will be entitled to compensation for the loss of their native title rights. The adequacy of compensation for the loss of native title rights was a point that the Scrutiny of Legislation Committee examined. It is a fundamental principle of legislation that it should result in the compulsory acquisition of property rights only if fair compensation is paid. Compensation for the loss of native title is yet to be explored by either Australian Parliaments or the courts.

The Commonwealth legislation requires that "just terms" compensation be paid as section 51(XXXI) of the Constitution imposes the requirement on the Commonwealth when exercising its powers of acquisition. There is no similar constitutional restraint on Queensland, although the State's acquisition laws require compensation to be paid. The Federal Native Title Act allows the States to validate past and intermediate period acts or confirm the extinguishment of native title only if just terms compensation is paid. That means that the Bill before the House requires that native title holders be paid compensation if their rights are impaired. Although that meets the requirements of the Legislative Standards Act, which governs the work of the Scrutiny of Legislation Committee, it does not tell us what "just terms" actually means. Whatever it means, the Premier's second-reading speech points out that the Federal Government will meet 75% of the cost.

I turn now to the role of the States. An enduring tension within the native title regime is the fact that the Commonwealth has developed law that has significant implications for land management but it is the States which are land managers and not the Commonwealth. There has been criticism that the Native Title Act processes have not been properly integrated into the land systems of the States and this has caused frustration, delay and cost for all stakeholders. The existing law allowed the States to take on the role of the Native Title Tribunal and administer a State-based future act regime and the right-to-negotiate process. Only South Australia took up this option with the balance of the States not accepting the challenge for a variety of reasons ranging from views about "unworkability" of the laws to complaints about the Commonwealth not picking up sufficient of the cost of a State system. Of course, political reality was that there was little incentive for the States to implement their own regime. No matter what the State did, criticism would be levelled from one quarter or another.

The Howard Government law shifts the incentive for the States and makes it inevitable that there will be State-based alternatives to the Federal law. It does that by allowing the right to negotiate to be replaced on pastoral lease land by an alternative process. Given the importance of the resource sector to the States, I imagine that this opportunity will be taken up in some States. The areas requiring or inviting a State response include the validation of intermediate period acts, confirmation of extinguishment by particular titles, the alternative regime to the right to negotiate for mines on pastoral lease land and the replacement of the right to negotiate for exploration and small mining. The Native Title Act sets out the criteria the State regimes must meet. For instance, if an intermediate period act consists of a mining title, then the State must notify the relevant Aboriginal representative body within six months of the act being validated. More importantly, the alternative State regime must be approved by not only the Commonwealth Government but also the Senate. That is because the Commonwealth approval will be in the form of a disallowable statutory instrument. That all means that there will be considerable political, community and sectorial pressure on the States in determining the new regimes. It is conceivable that there will be different regimes emerging around the country. It will also mean that the Senate will attempt to strike down regimes that do not incorporate the spirit of provisions like section 43A—the alternative to the right to negotiate for mines on pastoral leases.

It is my observation that the native title debate still has a long way to run. The future challenges will encompass the inevitable constitutional and legal challenge to the legislation as well as the development of State-based regimes. The extent to which indigenous land use agreements are used and whether regionalism will be embraced by all stakeholders is another area to be canvassed. The question of what is fair compensation for the extinguishment or impairment of native title is still to be determined. The interplay of native title and other laws, such as cultural heritage and environmental laws, is another aspect that is yet to be understood.

The Howard Government's Native Title Act was a long time coming. It provides a new framework of reference to deal with native title at a legal and institutional level; however, it is left to the States to implement it. In his second-reading speech, the Premier outlined his strategy, dealing quickly with the challenge. I congratulate him on adopting an inclusive, consultative approach. I support the Bill.

Mrs LIZ CUNNINGHAM (Gladstone—IND) (3.46 p.m.): This Bill is one of the most challenging before our community today. I think the time that the Federal Government took to work through the issues and the amount of antagonism, disagreement and consultation that occurred to come to some formulated result indicates how difficult it is to balance the care, responsibility and connection of Aboriginal Australians to the land with the rights of second and third generation Australians who have had family farms. I find it very difficult to balance the two to ensure that there is justice and equity for all those interested groups.

I do not intend to speak for very long on the Bill; however, I have a couple of questions for the Premier. I believe that the Indigenous Working Group circulated some questions and information to most parliamentary members. There are a couple of issues arising from that document that I wanted to canvass with the Premier. A couple of groups approached me wanting the debate on this Bill to be adjourned. I ask this question with some trepidation, because I think the Leader of the Opposition may call up the hosts to run over my body if the Bill were delayed. However, given the amount of time spent on and the complexity of the Federal Bill, some concern was expressed that this Bill was introduced to the House so soon after the Federal legislation. Some groups wanted some additional time to properly understand the implications of the Federal Bill and to consider what is being called up on a State level and what additional work is being done by the Queensland Government to fully or more capably represent their concerns. I wonder on what basis was the Bill brought forward at this time as opposed to allowing a little longer for discussion.

I thank the Premier for the briefing that he was able to organise on this proposal, because I received clarification on quite a number of the issues that Mr Pearson raised with me. However, there are a couple of issues that I want to canvass. One of the challenges of this issue is the fact that, over time, Federal decisions were made and High Courts reviewed those decisions and altered them. The Government then acted on the basis of the High Court's decision in 1992, which subsequently was changed substantially in 1996. The decisions post 1992 and pre 1996 were made in good faith. Leases were issued in good faith on the basis of the decision that had been handed down. Unless legislation like this is passed to give certainty and comfort to those who have leases, another significant part of the community is left in a very uncertain position.

I support and thank the Premier for the Bill, which retrospectively gives certainty to the leases that have been issued in that interim period. Mr Pearson was concerned that the Bill would not only extinguish native title on some leases but also that it would extinguish native title on grazing homestead perpetual leases. He wanted those excluded from the Queensland schedule although they were clearly included in the Commonwealth schedule. When I asked for some clarification about that—and again I thank the advisers for their forthrightness—it was explained to me that, in relation to the GHFLs and the GHPLs often the decision was made by applicants for one or the other tenure not on the basis of what that tenure provided for them in the area of land use or certainty but on financial grounds. That significantly affected their decision quite some time ago as to the type of lease that they were going to accept from the Government. As those advisers explained it to me, I am quite comfortable with the fact that the GHPLs will be included.

One of the reasons for the request for the homestead perpetual leases to be excluded is that some leaseholders are still keen to negotiate native title access to communities in their region. I put to the advisers whether, if the grazing homestead perpetual leases are included in the schedule of this Bill, that will preclude leaseholders and the indigenous community continuing with their negotiations. It does not. It has an impediment, and that is

that the arrangements attach only to the property for the current leaseholder and one subsequent leaseholder and that it would have to be renegotiated after that. However, there is really no impediment to leaseholders negotiating with local community and Aboriginal groups to allow access to their properties for traditional and cultural purposes.

The other issue that Mr Pearson raised was that this Bill should be deferred until the Commonwealth Government and the Queensland Government clarified and placed beyond doubt the compensation and cost-sharing arrangements. In seeking clarification from the Premier's advisers about that, I was advised that whether or not the Bill is passed will not alter the negotiations at all. Certainly, the people of this State would be looking to the Commonwealth for a significant proportion of the compensation that will be payable.

Mr Borbidge: 75/25.

Mrs LIZ CUNNINGHAM: That is right. However, Mr Pearson argued that if this Bill is passed those levels may be renegotiated and our bargaining position would be weaker. I am advised that it will not alter. So that particular argument for deferring the Bill——

Mr Borbidge: It was signed off by COAG.

Mrs LIZ CUNNINGHAM: I thank the Leader of the Opposition. Last week ANTaR met with me seeking a deferment of this Bill's passage through the House. Again, primarily that was because of the grazing homestead perpetual leases and the exclusion of those leases from the Schedule in our Bill. On the basis of the advice that I received today from the Premier's staff, those negotiations can continue. They are not in any way impeded by the passing of the Bill, and I will be supporting it.

Mr FENLON (Greenslopes—ALP) (3.53 p.m.): As legislators considering this Bill, when we look at the history which has brought us here, we find ourselves in a truly a bizarre situation. Indeed, in many ways it is a very sad history. Today, its most bizarre attribute is brought to us by the existence of that surreal dictum, that fabulous fiction called terra nullius. Indeed, that Latin dictum indicated that Australia was not occupied before settlement of the English some hundreds of years ago. That dictum continued with us until very recent times. That is part of the very bizarre situation we find ourselves in, because it took so many hundreds of years for our own generation to turn over that dictum.

Today, we meet here as legislators faced with the very difficult task of basically putting Humpty Dumpty back together again. Humpty Dumpty fell off the wall in the sense that from the very outset the process of recognising native title in this country was a disaster created by this dictum of terra nullius. Since the overturning of that dictum in very recent years, throughout this country legislators have been left with the very important job of putting together a way of moving forward, not looking backwards. We are all very pleased that we have left behind terra nullius and that we are moving forward. As legislators in this Parliament and in all other Parliaments of Australia, that is our job: to move forward and to put in place a process that deals with the existence of native title in a proper way, that deals with fundamental principles as Australians and with fundamental ways of recognising the realities that native title exists and that those very fine people of Aboriginal and Islander descent have myriad relationships with the land.

As legislators, it is exactly that question of those people's relationships with the land with which we have to deal. In terms of those relationships, we have a true galaxy of permutations and combinations ranging from very clear, definable multigenerational relationships that are very close, as was originally recognised in the Mabo decision as it related to the Torres Strait islands, through to very distant and extremely remote relationships that exist in some of the inner-city areas in some of the larger cities in Australia. That is the galaxy with which we have to deal as legislators. In terms of defining those relationships and defining various rights in this country, we have to find a way to establish them not for today, not for tomorrow, but for perpetuity. We are looking to establish those relationships for generations in the indefinite future.

In dealing with that fundamental question, in this country we have two diametrically opposed approaches to it. One approach that we have seen, especially from members of the conservative side of politics, has been brought about because they have a very strange belief—an unbelievable belief—that they can come along as legislators and draw a line through that set of permutations and combinations, through that galaxy, and say, "From now on, looking into the future, these are the relationships that will exist. These are the best ways of regulating these relationships." What an absurdity! That shows the falsity and the shallowness of the conservative side of politics in this country in its approach to this problem.

It is indeed a shallowness not only because it is completely bereft of intellectual depth in acknowledging and analysing the problem but also it is dishonest, because it is derived from a fundamental bias. So far in this debate we have heard various assertions from honourable members opposite about the factions in the Labor Party and the various biases that are carrying this issue. The real bias throughout this issue is landed interest.

We in this Parliament do not have to look very far to find that landed interest. We simply have to look to the pecuniary interests register declarations of members opposite. Pecuniary interests declarations of not only present members opposite but also throughout their whole heritage, over generations, show that they are indeed the landed interests. They are the Australian domestic equivalent of the landed aristocracy, and they are biased. They are protecting their own interests in this.

Mr Borbidge: Why don't you list your home for a bit of coexistence? Put your money where your mouth is.

Mr FENLON: I rest my case. That remark just shows the shallowness of the Opposition's approach and shows its bias. We only have to go to the pecuniary interests register to see exactly what coalition members stand for. We do not have to look any further than that. That is the interest. It is very clear that that is where they are coming from and that that is their bias. That is why those on the conservative side of politics have defined those native title interests in their favour—in the favour of those landed interests throughout this State. They are indeed the interests that those on the conservative side of politics represent. That is a biased and shallow intellectual approach to this issue.

The only way to resolve this issue is to define over the long term just what those interests are—parcel by parcel, block by block, site by site throughout this country. It will not be done overnight, and nor has it been done overnight in those countries which have gone through similar experiences, albeit not so bizarre experiences in the sense that they had a much earlier recognition in their history of the existence of native title and they have indeed moved from that point in a far more amicable way, to go about the process of defining just what those interests are—again, block by block, site by site. That is what we have to do here. It is a process that has to be forged upon goodwill and upon a willingness in the longer term to put together agreements and understandings about every place, every site. We cannot simply define en masse the entire set of relationships at this point in history.

We have come to the point of having to deal with this particular parcel of land tenure in this Bill simply because we have inherited those circumstances. We are the legislators who have had to find a way through what is really a transitionary period. It is a transitionary period from the initial recognition of those native title rights through to a process that we can settle on, that we can get on with as a country—not just to recognise rights but to get on in a broader sense with the very important task of reconciliation, which we all have before us.

I know that reconciliation will mean a lot of different things to different people in this House, but reconciliation is a very long-term process which is about simply recognising individual rights and native title rights in myriad ways. Again, it will not happen overnight. We will not be drawing the lines on the map or writing the provisions in the statute book of this State to define them overnight. It will take time.

This legislation is about finding a baseline. It is "ground zero". It is about finding a baseline from which we as legislators can move into the future to establish processes whereby we can move into a new phase of reconciliation and of recognition. It will not be smooth all the way. Indeed, even the ultimate destiny of this Bill may not be smooth. As we all know, any law passed in this domain is still subject to possible challenge in the High Court. Maybe the entire legislation will be subject to challenge. Maybe none of it will be. Maybe a part of it will be. We do not know. We as legislators certainly do not know ultimately, although we may have views. Indeed, my learned colleagues from the legal profession might know more about it than I do, and each of them might have a different view, but at the end of the day so be it. Nevertheless, this legislation represents a valiant attempt to establish a baseline from which we can move into the future in a positive way and simply recognises that those people have to be given their land in whatever way is suitable according to the circumstances of that block, that instance or that site.

This piece of legislation is before us at this point in history for another very important reason, that is, that the Federal Government has failed. The Federal Government—again a conservative Government—which has floundered through its own shallowness and self-interest, has ultimately abrogated responsibility for dealing with this issue. It has

floundered, leaving us to fill the gaps. We as a State Legislature must get on with establishing our own base and with filling the hole that the Federal Government was neither capable nor willing to fill. It was not prepared to get on with it.

It is now for us to act properly and to get on with the job of starting to regularise these relationships. Indeed, I congratulate the Premier on his approach to attempting to establish a sound footing in this respect. He has done so by bringing together all of the groups, for the first time ever, to join the Government in developing a process that everyone can live with.

We have already heard from the honourable member for Sandgate today. He is a proponent of this approach, and I agree with him that it is the only way to bring people together, to bring the various interests together. I do not care how long we have to lock the parties up in a room together, but that is what we have to do. We have to bring those parties together and force them to find a solution, and I do not think we will have to force too hard. Developments with the Cape York Land Council and agreements that have already been forged or that are in the process of formulation in the north already indicate the goodwill on all sides that is possible, and I congratulate those people on moving in that direction.

The success of those groups in that respect is counterpoised only by the obvious antagonism and antipathy shown by the conservative side of politics towards them. The member for Surfers Paradise and his colleagues—the people I mentioned before, who figure well in the pecuniary interests register—hated that agreement. They hate the sight of those parties coming together and reaching agreement. They cannot stand it, because it is diametrically opposed to their position, which is, "Let's get down and draw the line on the map now and see what we can greedily get away with. Let's hope then it won't get challenged in the High Court." That has been their approach.

There are two very distinct approaches to this issue in Australian politics today and I am very proud to be on this side of the House in this debate, in supporting this Bill before the House, because in doing so I can proudly say that I am part of that approach which seeks a conciliatory outcome into the future—an approach that is founded very firmly on a belief in reconciliation in this country. Ultimately, true reconciliation in this country can be founded only upon a very peaceful approach to establishing clear land rights and entitlements for the indigenous peoples of this country.

We do not have to look very far to really understand what those connections to the land are. If we look at the papers associated with the two famous cases—the Mabo decision and the Wik decision—we see that those court cases are well peppered with references to and documentation about the very significant anthropological connections of native people with the land. That is something that many of us coming from Anglo-Saxon/Celtic backgrounds have huge trouble appreciating. We can only talk to people and read literature to try to appreciate what those connections are. Throughout the culture of those peoples there are clear references and connections in a very spiritual way to the land. Those are things that we must respect and they must form the basis of the future relationships that are established not just between people and the land but between people and people in this country. I support the Bill.

Ms STRUTHERS (Archerfield—ALP) (4.11 p.m.): In speaking to the Native Title (Queensland) State Provisions Bill, I acknowledge that a number of stakeholders have direct cultural, spiritual, emotional and economic interests in the issue of native title. I acknowledge that the native title issue has been a political football that has been kicked around in Canberra and the States and which has now been passed off again to the States for a further move. I acknowledge also that the Premier and our Government are eager to put an end to the politicking and uncertainty regarding native title.

These are complex issues and a balance has to be struck. It is critical that we give due recognition to the indigenous people of this great country for their occupancy and their spiritual and cultural relationship with the land. Those connections cannot simply be compensated by money. It is also critical that our Government acts in a way that generates economic security for the mining, pastoral and fishing sectors in Queensland. Getting the balance right among those interests is very difficult.

During the past month representations have been made to me by a number of individuals and groups, including members of the Queensland Indigenous Working Group, who are concerned about provisions within this Bill. I wish to acknowledge publicly the longstanding commitment that these people have had in seeking justice for indigenous people in this country.

My aim in rising to my feet in this debate is to publicly acknowledge the important concerns that many indigenous people, church groups and others have in relation to this Bill. However, in acknowledging those concerns I am very aware that in the juggling of interests that has occurred in the formulation of this Bill not all of those concerns are able to be met. However, they do deserve public acknowledgment. They need to be put on the record and they need further consideration where possible.

I wish to read out an extract from a letter sent to me from the Social Action Office, Conference of Leaders of Religious Institutes, Queensland. It encapsulates three concerns and states—

> "As you know this legislation validates land grants made by successive Queensland Governments between 1 January, 1994 and 23 December, 1996. It effectively extinguishes native title on this land. In my opinion such blanket extinguishment should not be supported and the Government should be seeking to uphold the principles of negotiation and co-existence wherever possible.
>
> At a recent meeting of Rural Landholders for Co-existence held in Charters Towers some graziers who hold Grazing Homestead Perpetual Leases stated their desire that this legislation not extinguish native title on their land and that they be given the option to negotiate co-existence with native title holders. This good spirit should be supported by the Government.
>
> The Queensland Indigenous Working Group ... is asking that this legislation not be rushed and that adequate time is allocated for thorough discussion of amendments."

As I said, those concerns deserve to be on the public record and it is important that they be raised.

I wish also to quote from a letter that I received from the Queensland Indigenous Working Group that raises a further question about the potential for the Bill to breach section 10 of the Racial Discrimination Act. It states—

> "Unlike the validation provisions, there is no express exclusion of the Racial Discrimination Act from the confirmation provisions of the Queensland Bill. There is a real risk that in the inevitable legal challenges, the courts will strike down the offending parts of the Queensland Bill's confirmation provisions."

A further issue of concern is compensation. Many groups have raised this issue with me, and I am not confident that John Howard and Peter Costello will provide an adequate share of compensation in their offer to the States. In July 1998 the Commonwealth made us a non-specific offer to reimburse to the States 75% of native title compensation costs. Given the mean-spirited savage expenditure cuts that the Howard Government has made in key areas—labour market programs, child care, education and others—I am concerned that the Howard Government will be similarly mean spirited with our indigenous brothers and sisters. We need to build a spirit of cooperation rather than being mean spirited. It is incumbent on us to fight hard for fair and adequate compensation. It is incumbent on us to make sure that we remain balanced and fair as we move to implement this Bill and the ongoing package of native title initiatives.

All Queenslanders and indigenous people in particular deserve and will benefit from reconciliation. A fair native title regime is central to reconciliation. There are many challenges ahead, but I am pleased that the Premier has put in place a consultative strategy whereby all stakeholders will negotiate further legislation and policy initiatives.

Dr PRENZLER (Lockyer—ONP) (4.17 p.m.): From day one the policy of Pauline Hanson's One Nation has been to provide certainty in regard to land rights for hardworking Queenslanders. The main drive behind this policy has been to ensure equity for all Queenslanders, and not to undertake expensive token gestures in a vain attempt to appeal to heart-on-the-sleeve consciences—consciences that in many cases have been manipulated by distortions of truth and hysterical journalistic reporting.

The only direction for Queensland is forward. We must provide certainty for investors, certainty for employers and certainty for the public. We are relieved to witness that the One Nation presence in this Parliament has forced a radical rethink of this insane legislation. This will provide some members of the community with certainty in their businesses and homes. However, we will continue to fight for the abolition of many of the ridiculous compensation offers and fight for the reintroduction of the sunset clauses into this Bill—a Bill that should never have been tabled in 1993 and a Bill that the Government

was told would come back to haunt it. And it has.

Former Premier Goss introduced the second-reading debate on the Native Title (Queensland) Bill 1993 with the following comments—

> "Today is an important day for the future of all Queenslanders."

He went on to say—

> "Queensland can start to clear away some of the uncertainty and concerns that have been generated in this community."

Former Premier Goss was wrong. The reality is that five years later we are in this House once again debating the native title legislation. Uncertainty has not been reduced. Mr Beattie now says that the people of Queensland want certainty and that he and his Labor Government will achieve that certainty. When we examine the track record, we have cause to doubt that statement.

Pauline Hanson's One Nation believes that we should be one people belonging to one nation. For many years our democratically elected Parliaments have directed Government instrumentalities to develop policies which have led to discriminatory practices. The present Bill is one we believe to be discriminatory. When were the people of Queensland consulted about this legislation and its imminent impacts on Queenslanders' way of life? The Honourable Rob Borbidge said in his speech on the subject in 1993—

> "We are also seeing the Government of Queensland and the Government of the Commonwealth committing taxpayers to a variety of forms of compensation—by definition—not clearly delineated, which will place literally billions of dollars into the hands of a tiny percentage of our population as compensation for white settlement—in line with Labor policy, not in line with the High Court."

This Keating legislation is recognised throughout the world to be complex, poorly drafted and difficult to understand. Queenslanders are facing this dilemma here and Pauline Hanson's One Nation believes amendments to this Bill will be engaged in ad infinitum. It should be remembered that this infinitum costs the Queenslander taxpayers indirectly their jobs, job security and essential services as the legal eagles are the only ones to benefit from this nonsense legislation. But now we have certainty—or so Mr Beattie says.

Let us be up front about this legislation: it should be scrapped. At the very least, if Pauline Hanson's One Nation had an opportunity to amend this Bill, its consideration would be deferred until the electors of Australia were given an opportunity to express their opinion by way of a referendum. We support the object of the Bill to validate intermediate period acts which took place after the date of commencement of the Commonwealth Native Title Act 1993 on 1 January 1994 and before the High Court decision on Wik on 23 December 1996 in accordance with the provisions of the Native Title Amendment Act 1997. Let it not be overlooked, however, that we support the complete reversal of this insane Bill, a Bill that does not unite a country but rather divides it based on race. I would like to share with honourable members a quote—

> "We are prepared to be called racists in the interests of Queensland and this nation. Aboriginal Australians deserve the very best that we can do for them, in the same way as every Australian, the very best that can be done for them."

No, Pauline Hanson's One Nation did not make the statement. If we had, we would be called racist. These comments again came from the former Premier, Mr Borbidge, in a debate on this Bill in 1993.

Pauline Hanson's One Nation deplores the intent of this amendment to create certainty for pastoralists and miners. We are not prepared, however, to see the livelihoods—in fact, the whole way of life—of real Queensland families put under threat. Some of these families are the fourth and fifth generations to have worked their properties. The empathy these families have with their land must be recognised. Native title claims on these properties must be extinguished absolutely.

One Nation does not accept the premise that this would invoke the liability for compensation. Our research has indicated that, by the year 2004, the Indigenous Land Fund will have received some $1,289m from the annual allocation of funds plus interest accrued. The fund is already in a position to purchase in a single year all the pastoral properties on Cape York, which are currently valued at some $50m. The young Australians who cherish the dream of one day owning a farm will have to compete with the unique buying power which their parents' taxes have given to Australian Aborigines to add to the 15% of the Australian land area which they have already received. The corporation already has a financial power to destroy the Australian livestock industry in less than half the time it took to create it. It is reported that production

from the 32 Northern Territory pastoral leases now under Aboriginal ownership as a result of the Aboriginal land purchases has plummeted. Cattle on the properties have either died or disappeared.

We are not criticising the expenditure of funds on those people most in need in our community. We are criticising the idiotic, dangerous and totally unworkable legislation we are faced with here today and, may I add, that we are trying to fix using a bandaid approach. I quote the following passage—

> "It is high time that this Government abandoned its Aboriginal cringe and determine that, in future, all Government services will be provided to the people of Queensland on the basis of need not colour."

Once again an inflammatory Pauline Hanson One Nation comment? It is not! This comment was made yet again by the Nationals back in 1993.

We must congratulate Mr Beattie on this, his small, first step to providing certainty and eliminating discriminatory practices based on an unfounded ideology that Australia has to continually look backwards and apologise for its existence. There are a few things that we agree on, but the target of 5% unemployment can only be achieved by providing certainty in our business, industry and personal life. This legislation has come back to haunt Mr Beattie. It is this legislation that will assist in undermining his noble efforts.

The Labor Party dreamed up this mess and now it is facing the consequences. It is the unfortunate Queenslanders who will suffer from Labor's incompetence. This particular Bill addresses only those issues relating to validation of the intermediate acts, which One Nation supports. The Premier is on notice, however, that One Nation will not support any legislation that we believe is discriminatory and divisive. Apart from that, we support these amendments.

Hon. J. FOURAS (Ashgrove—ALP) (4.25 p.m.): I am pleased to rise to speak to this Bill. For a long time now I have been an unequivocally passionate supporter of Aboriginal reconciliation, and that of course fundamentally includes land rights. I understand that, if we are going to live in a society of social harmony and social cohesion, we need to work out how to get on together. It is sad that Aboriginal reconciliation has become such a political issue. I do not think it should be a matter of politics at all; it should be a matter of the heart and the soul. I think it should be about the sort of society that we want to see and the values we pass on to our children and our children's children. It is very, very important that we understand that we have to live together.

Too often the corporatists' agenda, particularly in the past decade or so where self-interest reigns supreme, does not allow for the making of the sorts of decisions that we need to take in the interests of having a good society, of behaving for the common good, of respecting human dignity and of having a fair go. That is because it is all about self-interest. Unfortunately, in order to be able to acquire these values I am talking about, a degree of disinterest is required.

I also share the concerns of the member for Archerfield. Those concerns have been expressed to me by many members of the community I represent. Before the election I was fortunate to attend a dinner at Ashgrove at which Noel Pearson was the guest speaker. Six hundred people came along to show that they supported reconciliation and the values about which I spoke earlier. I looked up this issue on the Internet the other day to see how people out there are viewing it. There was an article from a Peter Seidel and James Fitzgerald talking about the current Bill, the validation and confirmation Bill before the Parliament. Early on they talk about that fact that it validates grants between January 1994 and December 1996, but the issue I want to address is that of confirmation. That article states—

> "The 'confirmation' provisions will cause the permanent extinguishment of native title over vast areas of Queensland. The Queensland Government intends to adopt in full the NTA's imprecisely drafted Schedule of extinguishing interests, which includes non-exclusive land tenures where native title may otherwise have survived, like grazing homestead perpetual leases."

It goes on to talk about these grazing homestead perpetual leases. It says—

> "In Queensland, for example, grazing homestead perpetual leases are a common form of land tenure covering a large area of central and southern Queensland. They vary in size from a few hundred hectares to over 200,000 hectares each. Their conditions are in many respects comparable to the pastoral leases which the High Court found could accommodate coexisting native title in Wik."

Again that is a view that has been expressed by many people. I repeat—

> "Their conditions are in many respects comparable to the pastoral leases which the High Court found could accommodate coexisting native title in Wik."

I think that this legislation would extinguish native title before the courts have any opportunity at all to consider this. There has been no test case on whether these grazing homestead perpetual leases have extinguished native title. The other day around this Parliament I ran into David Byrne—David would be known for his work with the Northern Land Council—and he assured me that he knows of a number of grazing homestead perpetual lease land holders who want to negotiate. This legislation might not allow them that right to negotiate. In fact, native title would be extinguished straight away. They actually want to coexist with the Aboriginal people. That is the first point.

The second letter I received was from Noel Pearson—and I mentioned Noel earlier—someone whom I respect. I respect his integrity and his judgment. He sent this letter to members of Parliament. It was headed "Does the Queensland Parliament understand the law it proposes to pass?" It is really typical of his approach to the issue. It really challenges us, and I think we should be challenged. In the first part of his letter Mr Pearson speaks about validation and expresses his concern that the Racial Discrimination Act may be tested during validation and may lead to another situation in which we have to go before the courts. We still have some very big fundamental questions to answer before we come to grips with native title. Pearson speaks about errors in the Schedule of extinguishment and says—

> "The Queensland Bill will 'confirm' extinguishment by adopting the Commonwealth Acts Schedule of Extinguishing Tenures. The Commonwealth Government has conceded that there may be kinds of tenure included in the Schedule which do not extinguish native title at common law. For this reason, the NTAA and the Queensland Bill make provision for the payment of compensation where native title is actually extinguished by the wrongful inclusion of tenures in the Schedule. A good example of the kind of tenure which should not have been included in the Schedule is a Grazing Homestead Perpetual Lease."

It should be clearly understood that for many Aborigines the issue is not a matter of fair and just compensation. I have no doubt that the courts would give fair and just compensation. The issue for the Aboriginal people is land rights. If we go through a process which extinguishes land rights, without these matters being tested in the courts, we have reason to be concerned. Pearson concludes his letter by saying—

> "Compensation: 'Act in Haste, Repent at Leisure.' "

He is very cynical of the proposition that Howard and Costello will pay 75% of the compensation. It is not a firm offer. It is a negotiated status situation. I know that when it comes to the crunch the Feds, as they always do, will try to minimise the amount of money they pay.

Let us get back to the principles that should be included in this legislation. I would like to take members to the speech delivered by the Federal Attorney-General when the Native Title Amendment Act was debated in the Federal Parliament. The Liberal Attorney-General said—

> "The approach of the previous Government raised expectations of certainty which the act proved unable to deliver."

There is no doubt about that. Everybody believed that pastoral leases extinguished native title. Under Wik it was proved that that was not the case. The Attorney-General went on to say this—

> "... in particular in relation to the circumstances where it can reasonably be said that native title does not exist. To do so we have chosen to confirm explicitly in the Native Title Act the extinguishment of native title by certain grants or activities by governments."

That is relevant to my argument about grazing homestead perpetual leases. The Attorney-General continues—

> "As I have already made plain, this Government respects, and will continue to respect, the Mabo and Wik decisions and the native title rights of indigenous Australians."

I am not a lawyer. I would like to be convinced that what we are doing here is with the proper knowledge of whether extinguishment occurs. As the Federal Attorney-General said, it is of interest to all Australians to be clear and certain about whether extinguishment has already occurred.

Why do we not allow this to be tested? That is the problem. Today I received a legal opinion furnished by Mr W. Sofronoff, QC. The opinion was given to Mr James Fitzgerald, a lawyer who works with the Queensland Indigenous Working Group. The opinion was delivered at 11.27 a.m. today. Mr Sofronoff is an eminent QC. I will go through his opinion, but the last line reads as follows—

> "For these reasons, I am of the opinion that the grant of a Grazing Homestead Perpetual Lease does not extinguish Native Title."

We go back to the fundamentals of this legislation. One of the fundamentals is where it can reasonably be said that native title does not exist. We respect Mabo and we respect Wik and we respect the law of the land. What are we doing here?

Members on this side of the House have previously praised Mr Sofronoff for his work. The previous Government had three goes at the High Court and lost on all three occasions. Their record is three-zip. In any country when a soccer team is defeated three-nil it has had a hiding. I am questioning what we are doing here today because we do not want to have a four-zip result.

I will take the House through some of the arguments that Mr Sofronoff raises to make his case that in his opinion the grant of a grazing homestead perpetual lease does not extinguish native title. I would like the Premier to tell us whether it really means that we will have to go to compensation. If that is the case, are we not being a bit hasty? The letter from the Social Justice Committee of the churches seems to suggest that. Mr Sofronoff gives a history of this matter in his opinion. He says—

> "Such a lease is a relatively new creation, having been introduced by an amendment made in 1975 to the Land Act 1962. Prior to 1975, the Land Act provided for two forms of grazing selection: grazing homesteads and grazing farms. These tenures were limited to areas not exceeding 45,000 acres."

The situation was changed in 1975 to permit the holders of grazing selections to convert their properties to grazing homestead perpetual leases. The significant change was that the size had to be limited to living areas. It was no longer limited to 45,000 acres. The question of how to make a living out of such an area has to be taken into account.

Many people have expressed views similar to those of Mr Sofronoff. People are saying that there are many similarities in the arguments used to defeat Wik in regard to pastoral leases. Mr Sofronoff said this—

> "A Grazing Homestead Perpetual Lease is a tenure of a kind that is entirely unknown to the common law."

It is a Queensland peculiarity. He continues—

> "One of the fundamental features of a lease is that it constitutes a grant of an interest in land for a term of years. Yet the Grazing Lease is said to be a lease 'in perpetuity'. Such leases are part of the unique Australian system of rural land management which was considered by the High Court in Wik."

That is relevant. It is part of the system of rural land management. We gave the leases so that the land could be managed. In the early days the Aborigines could still be part of that process. Sofronoff continues—

> "Consequently, even more so than in the case of a pastoral lease which was considered in the Wik case, it is important to bear in mind that this tenure creates an interest in land limited to the incidents prescribed by the Land Act."

That is what we are talking about. The Act is about land management. He continues—

> "... and it would be a mistake to import into such a tenure any features of a common law lease by reference to the use of the word 'lease' in the name of the tenure itself. In addition, even more so than in the case of a pastoral lease, a 'perpetual lease' cannot be taken to confer a right of exclusive possession simply because it is described as a 'lease'."

If this eminent QC is correct, this legislation has problems. Mr Sofronoff continued—

> "The Wik case established that 'leases', granted under the Queensland Land Act were not to be regarded as though the word 'lease' bore its common law meaning."

Mr Sofronoff speaks of other considerations in coming to his opinion that the grant of a grazing homestead perpetual lease does not extinguish native title. He talks about other issues that would be considered by a court looking at this matter. He says—

> "Other considerations which caused the majority in the Wik case to decide that the grant of a pastoral lease did not necessarily extinguish Native Title included the denial to a lessee of the power to destroy trees. That restriction

also applies to the holder of a Grazing Lease. In addition, it was relevant that pastoral leases reserved the right of any person duly authorised by the Crown:

> '... at all times to go upon the said land, or any part thereof, for any purpose whatsoever, or to make any survey, inspection, or examination of the same.' "

Again, we are talking about land management. It appears to me that the similarities are very strong—in fact, stronger than pastoral leases. I am very concerned that we are removing from our indigenous people a fundamental right to land. Although there is going to be compensation, the Feds have given us no guarantees about paying that compensation. I have not spoken to the Premier about this issue, but I have advised him that I was given this opinion by Mr Sofronoff. I hope that the Premier understands the reality of this, because many leases exceed 100,000 hectares.

Mr Johnson: Did he listen to you?

Mr FOURAS: I did not give it to him personally; I asked somebody else to give it to him. I believe that it is important for all members in this Chamber to think in terms of the Socratic concept of disinterest. We cannot always allow the sort of thing that Mr Borbidge did prior to the election campaign, that is, to promise pastoralists that this is an opportunity for them—now that Wik has determined that pastoral leases do not extinguish native title—to freehold their pastoral leases. That is all that the kafuffle was about. The one-point extinguishment plan was an attempt to get pastoralists something that they did not deserve—to give them something that they did not own. I do not trust John Howard and Mr Costello to find that compensation money. Who trusts them? Nobody trusts them. And when it comes to the GST, they will not be trusted.

I am making this statement in good faith, out of the deepest sincerity and deepest feelings about the views I hold on Aboriginal reconciliation and land rights. I hope that the Premier and his advisers have been listening to this. I would like some response to it. I am happy to table for all to see the opinion from Mr W. Sofronoff, QC—the opinion given to the Queensland Indigenous Working Group about grazing homestead perpetual leases, which says unequivocally that he is of the opinion that the grant of a grazing homestead perpetual lease does not extinguish native title. I hope that the record of the Premier's advisers is a bit better than that of the previous Government's advisers, because their record was abysmal. I rest my case.

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (4.42 p.m.): As the Minister for Mines and Energy——

Mr Johnson: Tell us about the camel race.

Mr McGRADY: All I will say about the camel race is that there was more cooperation on that day than there appears to be in the Chamber today, although I must say that the Premier did say some nice things about the honourable member.

As the Minister for Mines and Energy, and as the Minister with some responsibility for Regional Development, I believe it is appropriate that I participate in this debate. This is certainly an important piece of legislation for Queensland, and it is significant that it was the first piece of legislation introduced into this Parliament by the Beattie Labor Government. I congratulate the Premier and, indeed, the whole of the Government on recognising and acting on a matter that is far reaching and has the potential to impact on many thousands of people as well as on the general welfare of this State. This legislation will send signals that Queensland is again open for business. It will help to bring further development, and it will certainly help to provide the certainty needed to ensure projects such as the Ernest Henry mine in Cloncurry can go ahead and, in doing so, it will provide jobs for thousands of people and help to revitalise whole communities.

In this State today there is a backlog of over 300 applications for mining leases and 800 applications for exploration permits. This state of affairs has developed since the previous Government put a freeze on grants of mining tenures following the Wik decision in December 1996. Without going into the rights or wrongs of the situation, it is a situation which, in my opinion, has to be fixed.

The Commonwealth has passed on the responsibility to develop a workable solution based on its recent amendments to the Native Title Act. The Queensland Government has moved quickly and effectively in response to this situation. We have grasped the opportunity to ensure the certainty of past grants and to establish fair and sustainable processes for future grants of mining tenures. Firstly, we have acted to remove uncertainty as soon as possible by introducing the native title Bill 1998 to validate intermediate period acts and confirm the extinguishment of native title

by acts which have conferred exclusive possession on the grantee. Security of tenure is naturally critical to industry. The Queensland amendments will restore the confidence of tenure holders and allow dealings in those tenures, such as renewals and assignments, also to proceed with certainty. Secondly, we have instigated a consultative process to ensure that the procedures for the future management of mining tenures in Queensland meet the needs of all key stakeholders. This is an important component of our response to this matter.

The Government's Native Title Task Force first met on 22 July to develop a State scheme for the future management of mining tenures. Subcommittees comprising an indigenous working party, representatives of key Government departments and particular industry sectors are currently exploring the options available under the Native Title Amendment Act 1998. Under the amended Native Title Act 1993, the State can integrate native title into the administration of mining tenures through Commonwealth-approved exemptions from the right to negotiate or alternatives to the right to negotiate. Some examples include—

> under section 43, there are alternative right to negotiate provisions which provide some flexibility to the State for grants on unallocated State land and unused reserve land;
>
> under section 43A, the substitution of equivalent land holder rights for the right to negotiate procedure, for grants of mining tenures over non-exclusive land tenures such as pastoral leases; and
>
> under sections 26A, B and C, schemes to exclude exploration, opal and other gem mining and alluvial gold and tin mining from the right to negotiate.

The Native Title Amendment Act 1998 sets the conditions to be met by the State to obtain the approval of the Commonwealth. The Queensland Government believes the package of amendments for future grants of mining tenures is the minimum level we should be trying to achieve. There is need for interpretation, flexibility of approach and further definition of process. For example, not all exploration is likely to qualify for exclusion under section 26A. Not all small mining operations, including some opal, sapphire, gold and tin mining, would qualify for exclusion under sections 26B and C. The involvement of key stakeholders in this consultative process is therefore necessary to enable all parties to achieve optimum understanding of relevant issues, options and their consequences. The aim is to ensure a fair outcome that takes the interests of all parties into account and which will have their full support. I believe this is a constructive approach which should be welcomed with enthusiasm by the mining industry and, indeed, the indigenous working party. All parties are open to innovation, and all parties involved have a common interest in establishing processes which are as straightforward and as cost effective as possible.

The benefits of an agreed position will be ownership by all participants, sustainable processes, the development of a good working relationship among senior representatives of the key stakeholders and the resolution of issues by negotiation instead of litigation. In this regard, I believe that Queensland is leading the way for smooth approval processes for mining and petroleum tenures. This Government's strategic direction on native title is to shift the policy focus away from reliance on legislation and litigation towards an agreement-based solution to native title issues.

The task force is, therefore, also considering the potential benefits of indigenous land use agreements. The Commonwealth amendments enable parties to reach agreements about land use and other issues. Although indigenous land use agreements do not replace the need to consider alternative procedures to the right to negotiate, they are likely to become an important tool in establishing processes and in resolving land use matters. The process of consultation, establishing the new direction, preparing submissions to the Commonwealth, amending State legislation and obtaining the approval of the Commonwealth will take a few months. The Government makes no apology for that. The time frame is a consequence of the Commonwealth legislation and this Government's commitment to work through a consultative process with integrity and thoroughness. Once the Commonwealth has approved the alternative procedures, my department can start clearing the backlog of tenure applications that has amassed. We are making that a priority and additional resources will be allocated to make sure it happens as quickly as possible. That will ensure that the Queensland mining industry is up and running at full speed once again.

In this Parliament today, we heard an outburst from the former Premier and now Leader of the Opposition. I believe that, coming from a person who once occupied the highest political position in this State, that

outburst was quite disgraceful. He launched a personal attack on the present Premier. In January of this year I, together with many hundreds of other people, attended the ALP's national conference in Hobart. Without doubt, the person who stole the show, if one likes to use that expression, was the now Premier of Queensland—not only on native title issues but also right across-the-board. He was the person who stood out. He was the person who to a great extent held that conference in the palm of his hands. The contribution that Peter Beattie made to that conference in relation to native title made me feel proud, firstly, of belonging to the Australian Labor Party and, secondly, of being part of his team. Despite all the comments made by the present Leader of the Opposition, I table a press release from the Queensland Mining Council, which stated that the council welcomed further Labor discussions. When listening to the Leader of the Opposition today, anybody would have thought that the present Premier of Queensland had made no impact at all.

I understand that people in Queensland have fixed views and feel very strongly about native title. I represent an area of this State that has many Aboriginal people. At the last State election, the communities at Doomadgee and Mornington Island, together with those such as Dajarra, gave me an overwhelming vote of confidence. In those communities, I received in excess of 90% of the vote. The people who live in those communities understand native title and they understand how native title works. They certainly understand my position in regard to that issue.

Our Government has made it perfectly clear that we believe in jobs for the people of Queensland. I believe in providing jobs for the people in north-west Queensland, in particular for those Aboriginal people who live in areas of almost total unemployment. I believe that a result of this Act to validate those leases going through this Parliament will be to add certainty to some of those projects. It will assist indigenous people in those areas to secure employment and to secure some of the prosperity that some of those mines will provide. I understand the views of people who have major concerns about this legislation. However, I believe with all the passion that I have that this legislation will go a long way to restoring certainty to this State, providing work for all Queenslanders and in particular those Aboriginal people who otherwise would continue to live with little, if any, prospect of securing employment. I call upon all members of the Parliament to support this legislation.

Mr ELLIOTT (Cunningham—NPA) (4.54 p.m.): I have pleasure in rising to support this debate on the Native Title (Queensland) State Provisions Bill. I believe the legislation is well and truly overdue. We all know the reason for that. It is certainly not the fault of the Queensland Government. I am pleased to see that, once it had the opportunity to do so, this Government acted fairly quickly to introduce the Bill. Above all else, what is needed is certainty. Uncertainty has been an absolute, abject disaster for Queensland, particularly for the mining sector and for investment in the pastoral and farming industries. We all need to understand the level of uncertainty that has been caused, particularly in the many industries that involve banks and financial institutions. I know of one case in which a financial institution that was backing a project foreclosed on the project because of native title problems as a result of the uncertainty resulting from the Government's difficulties in getting the legislation through in Canberra. As I said, this legislation is long overdue.

All of us need to understand the historical context of the native title process. I am happy to go on the record and say that I had no problem with the Mabo decision. I view the Mabo circumstances very differently from all the other aspects of native title over the rest of the State that some people try to rope in. The Mabo circumstances were clear cut. People were in continuous possession of the land. They lived on the land in a manner akin to the manner in which many people in this Chamber live on their land. They utilised it. They grew vegetables. They fished in the sea surrounding Murray Island. Very definitely, in my opinion, all those activities contributed to the reasonableness of the Mabo decision.

However, to extrapolate a decision from the Mabo decision to say that the same thing applies all around the State in respect of the Aboriginal communities that were moving over a large area of land to where game was and using fire regimes to flush out game is quite different. Although some circumstances are different from others, we need to consider the problems that have been created for us. Coming in here and continually looking backwards rather than forwards will do us no good. We will never get anywhere as a nation until we start to be positive, start looking forward and stop examining our navels and whingeing about what our ancestors did. We have to get on with the whole process of Government, of understanding what land is all about and trying to ensure that we have sustainable agriculture and that mining industries are allowed to operate only where

they will restore the land and provide a decent environmental program following their mining programs. If we do all those things and if native title is sorted out, it should not be a problem in respect of those industries.

However, native title has caused us immense trouble and dissatisfaction. It has brought about tremendous problems for the financial institutions that were trying to ensure that projects that were trying to get up and run were able to obtain a realistic tenure to the land in order to ensure that banks would be prepared to lend money for the projects.

While I am on this subject, I would also like to touch on some potential problems relating to the Boobora Lagoon at Goondiwindi. The ski club has been using the Boobora Lagoon for yonks. A group has decided that no-one should use this lagoon for waterskiing because it has some sort of cultural significance to the local Aboriginal population. Many of the local Aboriginal population do not agree with that. In fact, it seems to have caused quite a fair amount of division within the indigenous community. I think that we are allowing a situation to go over the top. We have to look at it in a balanced way and ensure that the interests of all parties are accommodated.

There is a limited amount of recreational activities for young people in the Goondiwindi area. If we keep taking away things that keep young people off the streets and ensure that they are not breaching the law and doing stupid things, we are only going to exacerbate the problems of juvenile crime. It will also heighten racial tensions. We in this Chamber all know that there have been occasions at Goondiwindi—and there have been more serious incidents at Moree—when there has been some racial disharmony. Quite frankly, we can do without that. We also do not need to do anything that will exacerbate racial tension. We have to work towards assimilation and getting everyone to work together as a community.

Personally, I have a lot to do with some of the Aboriginal people who operate out of Toowoomba and around my area. At various times, a fellow who works for a contractor does some work for me. Without doubt he is the best person I have ever had the pleasure to have work with me. He is not only highly competent but also he has a wonderful attitude. He will come from Toowoomba and turn up before one is out of bed. He works hard, has a wonderful work ethic and a wonderful attitude. No-one can ever say to me that the Aboriginal population are not capable of working. The majority of the people who come and do chipping in our area are Aboriginals. If anyone suggests to me that these people are not capable of working, I would like to put that person in the field with them and let them walk up and down the rows at 4 o'clock or 5 o'clock in the morning through to about 2 o'clock—sometimes it is until 11 o'clock, depending on how hot it is—and see how that person goes. Those people are capable of working, that is for sure.

It is essential that we look at the various problems that we have around Goondiwindi. There is a potential problem up and down the river also. There is the suggestion of a claim over the whole of that area. I do not think that it is a reasonable claim. Once again, we have to have a balance.

I want to go on record as saying that I think it is high time that we brought this legislation into the House. Quite frankly, the Senate has been totally unreasonable in respect of it. We have to get on with the job. Above all else, we have to have certainty in this State so that the mining industries, the pastoral industries and other industries will want to invest money here. We will not get the financial institutions to back such investment unless the money that they are lending is for projects that are secure and are not going to be interfered with in respect of tenure and native title problems.

There are a couple of other areas close to Goondiwindi in which the same problems could occur. Graincorp from New South Wales is looking at an area, but there have been some worries about potential native title problems. We must also look at that matter. In the main, I support the Bill. As the Leader of the Opposition said, the Opposition is pleased to see the Bill introduced because, quite frankly, it has been a long time coming and it is long overdue. I support the Bill.

Mr MITCHELL (Charters Towers—NPA) (5.04 p.m.): Previously, the Opposition Leader made the point that there is a significant contradiction between this legislation and the position of the Federal Labor Party on the issue of lease renewals during the intermediate period. I want to expand on that and point out some of the very significant issues that lie down the track for Queensland if we see the Federal Labor Party back in control of the native title agenda in the short to medium term.

As has been mentioned earlier, this legislation validates in an unqualified way dealings in land in the so-called intermediate period between the enactment of the Native

Title Act 1994 to the Wik decision in December 1996. As the Opposition Leader and the Deputy Opposition Leader have indicated already, that was not and is not the case with the policy position of the Federal Labor Party. It wants a highly qualified validation regime that could leave mining projects in particular based on grants or regrants during this period subject, potentially, to a full-blown and retrospective right to negotiate.

I want to get the detail of that position well and truly on the record, because the facts reflect very badly on the Premier and, indeed, on the fate of the mining industry in this State under Federal Labor policy. I will do that by quoting directly the Labor Party in the Senate, particularly Senator Bolkus. On 4 December last year, in relation to Labor's problem with the validation regime as put forward by the coalition, Senator Bolkus stated—

> "The effect of the validation provisions is that native title holders have lost their right to non-discriminatory treatment and the right to negotiate where this applies during the intermediate period."

Clearly, and quite explicitly, Labor wanted the right to negotiate to apply to mines which resulted from dealings in this intermediate period. In order to overturn the fact that no such right to negotiate was provided in the coalition plan and to ensure that it did apply in relation to the dealings in that intermediate period under Labor, on 4 December Senator Bolkus signalled the following amendment—

> "The Government wanting to validate the act must publish a notice in the gazette and must give notice to the relevant representative bodies within four months of the commencement of this section, and the notice has to include sufficiently detailed information about the act or the grant.
>
> Native title claimant groups can apply to the Federal Court on two limited grounds: the act was not genuinely an intermediate period act as defined; or proper procedures were not followed."

The amendment that Senator Bolkus moved subsequently, and which is detailed on pages 10,366 to 10,368 of the Senate Hansard on 4 December, required that—

> "The notice must specify a period of at least 90 days after its publication in the Government Gazette within which proceedings may be taken in the Federal Court by a representative body or a member of a native title claim group."

In summary, in December 1997, during the first consideration by the Senate in Committee of the provisions of the Native Title Amendment Bill, Labor wanted a validation regime that was qualified in such a way that mining leases granted in that period or renewed in that period ought to be subject to notification procedures that would open them up to potential court action.

We need to go forward to page 2,235 of the Senate Hansard of 7 April 1998 to show that it is also Labor's intention that the mining lease renewals in this period should be subject, dependent upon the outcome of a challenge in the Federal Court, to a full-blown retrospective right to negotiate. Senator Bolkus stated—

> "It has been pointed out to me that I might have said that mining lease renewal provisions do not cover the intermediate period. I did mean to say—I hope I did say—that our mining lease renewal provisions do cover the intermediate period as well. With respect to those renewal provisions, we have worked diligently at them to try to ensure that any renewal with a greater impact is a renewal which attracts the rights to negotiate and also attracts a right to compensation."

So there is the sequence. That lays out the way the Federal Labor Party wanted to handle these issues.

In December of 1997, Labor wanted a qualified validation regime so that mining leases granted or renewed during the intermediate period could be subject to a court challenge and subsequently, depending on the outcome of such a court action, be subject to a retrospectively applied right to negotiate.

It would therefore be worth while and instructive in relation to the potential fate of the issues we are dealing with today under a future Federal Labor Government to show just how the application of the right to negotiate for mining lease renewals developed. That is also detailed comprehensively on page 10,370 of the Senate Hansard, where Senator Bolkus outlines the reasons why Labor would overturn the position of the Commonwealth, which was to enable lease renewals without use of the future act provisions, and replace it with a regime that did—up to and including application of the right to negotiate.

Senator Bolkus said that the Commonwealth position was a "damaging infringement" on native title interests. That is curious, because of course not even Paul Keating's original Native Title Act called for a right to negotiate in relation to mining lease

renewals. That has been subsequently dreamed up, I believe, by the loony Left. I will quote part of what Senator Bolkus said on 4 December, which was before the Premier made his claim about achieving a turnaround in Labor policy, and I will quote what he said in April, which was after the Premier made that claim. On 4 December Senator Bolkus said—

> "The mine may be substantially increased in size. It may entail the retention of a substantially larger work force and the construction of mining towns and infrastructure. There are consequential environmental and social impacts—such as liquor outlets, people visiting and desecrating sacred sites and the wholesale change in the way of life of native title holders. This is all due to the pressures created by growing work forces. As I say, mining operations grow in size and also in impact and there needs to be some check, some capacity for indigenous Australians to have their rights heard in respect of the renewals on mining leases. They need a right to negotiate on these activities."

What did Senator Bolkus say in April, after the Premier said that he had succeeded in changing the mind of Federal Labor on this topic? He said—

> "The government's position goes too far. Section 26(2)(e) and 26D(1) remove the right to negotiate from mining tenement renewals. This means that under the government's provisions mining leases can be extended or renewed without the application of the right to negotiate."

Clearly in April, several months after Mr Beattie claimed he had changed the minds of his Federal colleagues on this point, Labor still wanted to ensure that the right to negotiation could be brought in in relation to renewals. Senator Bolkus went on to make it clear that Labor also opposed the Government's plan to ensure that the right to negotiate could not apply to mining grants in the intermediate period. He did just that at page 2,234 of the Senate Hansard on 7 April, when he stated—

> "The other criticism we have of the government's position is that their amendments extend to intermediate period acts, so the right to negotiate will not apply to the renewal of mining leases which were invalidly granted during the failure of the state and territory governments to comply with the Native Title Act."

Again at page 2,234 he stated—

> "We maintain that our alternative is a fairer balance. We maintain consistency with the concerns that we raised previously in the Senate."

Consistency with what the ALP had put forward in December 1997, before the Premier made his claim about overturning the Labor policy, and what it put forward in April, after the Premier had made that claim here and elsewhere, was precisely what the Labor amendments sought to achieve. For those who wish to actually read those amendments, they are detailed at page 2,236 of the Senate Hansard of 7 April.

It still requires a gazettal and notification of any bid to validate mining grants or re-grants during that period and maintains the potential for the right to negotiate to apply. As I have indicated, these facts, as well as giving the lie to the Premier's claim, do point to a particularly dangerous future for the mining industry in Queensland under the Federal Labor scheme.

A project which would be particularly vulnerable under the Labor scheme as outlined would be the Ernest Henry project. In fact, I have no doubt that the policy of the Federal Labor Left is explicitly aimed at Ernest Henry. There could not be a more irresponsible or inappropriate target, because Ernest Henry is in every sense a model project and always has been. It was brought in by Mount Isa Mines ahead of time and under budget. It had a few teething problems. It reached its production targets well ahead of time. It was developed with a very keen eye to advancing the interests of the local Aborigines. The Minister for Mines and Energy mentioned this earlier in his speech.

The Borbidge Government provided seed money for an Aboriginal corporation in Cloncurry to assist in negotiations with the company, and the result is a fantastic outcome for local Aborigines. They won the contract to transport concentrates from the mine, near Cloncurry, to Mount Isa. Also, many other Aborigines are employed on site in a variety of roles. None of that stopped the hired guns of the native title industry trying to bring that project down.

Charlie "Mr 15 Per Cent" Perkins in fact threatened Mount Isa Mines with a land claim unless it came across with a $120m payment that could only be described as a ransom. To its credit, Mount Isa Mines refused to play the game of enriching Charlie Perkins and a few of his mates. The result was a land claim. Subsequently there was also a challenge in the Federal Court to the validity of the mining

leases granted under both the Goss and the Borbidge Governments. There were some grants and there were some reissues of grants for Ernest Henry during the intermediate period, and what "Mr 15 Per Cent" and company seek to achieve via their Federal Court action is precisely what the Federal Labor Party wants to achieve for projects such as Ernest Henry, that is, a declaration that the leases are invalid and that the right to negotiate should apply.

I believe that that is just crazy, because at one level the suggestion that a lease that was to be validated ought be subject to some filter via the Federal Court—to ensure it is valid, at least valid in the eyes of the court—might seem appropriate to some. But the fact is, as the Opposition Leader outlined in his speech on the Bill earlier this morning: Labor's agenda is loaded. Labor believes that leases granted or renewed during this period are indeed invalid because Governments allegedly failed to take native title into account.

As the Opposition Leader has amply demonstrated, that whole proposition is a nonsense. Both the Goss Government and the Borbidge Government worked properly with the Native Title Act of the day. Wayne Goss could not have known in 1994 and 1995 what the High Court was going to find in Wik. In fact, the developing body of case law at the time was issuing and reissuing a range of leases in relation to the Ernest Henry project, clearly indicating that the premise of extinguishment on the underlying tenures of the project was more certain than ever. What was happening in the courts confirmed the premise of the Native Title Act that a pastoral lease extinguished native title.

Honourable members should make no mistake. The position that has been adopted by Federal Labor on these issues is in no small part revenge by the Left against the legacy of Wayne Goss, who in his time was regarded by the revisionists as far too Right Wing. To get at the decisions made in that era, Federal Labor is prepared to do grave damage to the mining industry in this State, and that is a massive mistake. The Premier says that he will bring unemployment down to 5% in Queensland in five years. Pigs may fly, if this sort of policy is put in place by the Labor Government.

There were some 850 mining tenures granted in the intermediate period in Queensland. If Federal Labor had its way, many of them would inevitably be subject to legal challenge. One could just imagine the time frame that would be involved in that exercise. If Federal Labor had its way, many would become subject to a retrospective right to negotiate.

Labor wants to rely on the courts because it has this loopy view that Wayne Goss in Queensland did the wrong thing. The simple fact is that Parliament remains supreme. Parliaments make laws, too—not just the High Court or the Labor lawyers. It is crucial to the future of this State that this legislation is not only debated promptly but also put into effect promptly. It will be very interesting to hear from the Premier when he intends to see this Bill proclaimed once it is—hopefully shortly—passed in this House. If he delays, the signals that he sends will be very clear. He will be seen to be waiting to see whether Nick Bolkus, Daryl Melham and Mike McGaw, from Kim Beazley's office, who has been in town riding shotgun for the development of his Wik response, might want him to overturn the legislation to reflect more closely the agenda of the loopy Left, which would come into practice if a Labor Federal Government came into power.

I join the Opposition Leader in congratulating the Premier on at least giving the clear impression so far—at this stage, anyway—that he is prepared to dump the Federal Labor policy and go his own way with respect to a Wik response. The Bill is a good start. As I said before, it rejects some of the loony ideas from the loony Labor Left. What the Premier must do is prove to us that he is determined to maintain that position. He has to make it as difficult as possible for the Federal Labor Government to overturn his legislation, which it would plan to do if it was in power, by ensuring that it is enacted as soon as possible, and that means before the Federal election. We need that commitment from him today. However, at this stage I support the Premier's legislation. Hopefully, it will be passed today.

Mr JOHNSON (Gregory—NPA) (5.20 p.m.): Today I join other Opposition members in speaking to the Native Title (Queensland) State Provisions Bill. As other coalition speakers in this debate have indicated, this legislation is good, but only in so far as it goes and only in so far as it sticks. We are dealing with matters that few reasonable people, apart from those who have reasonably been described as the "Loopy Left", would have any problem with.

Validation is essentially procedural, given the clear precedent in 1993, and confirmation, as has been said, is simply an affirmation of the common law as it stands. But there remains great danger here. It is very apparent that the commitment to the confirmation

regime in particular by this Government is skin deep at best.

This afternoon it disturbed me when the member for Greenslopes spoke about what members on this side of the House want in relation to native title. We are talking about vision and reconciliation. I would have thought that as we progress towards the 21st century we all want reconciliation. We all realise that we live in a multicultural society. Going back thousands of years, the Aboriginals have been the customary holders of this country. Europeans and people from other ethnic groups now coexist in our society.

This afternoon it alarmed me to hear the member for Greenslopes speaking about the "landed gentry" on this side of the Chamber. Yes, there are members on this side of the Chamber and on his side of the Chamber who are very successful in their own right. They should not be slandered, crucified or persecuted in any way, shape or form because of their successful business acumen. That the member for Greenslopes said what he said this afternoon is disturbing. What a member lists as his or her pecuniary interests is no business for any other member. I say to each and every member that, as we head towards the 21st century, we should be about peaceful coexistence. We have coexisted since 1788. Why can we not continue in that same vein? As I said a while ago, it is apparent that some people will want to cause chaos just for political gain.

Mr Palaszczuk interjected.

Mr JOHNSON: Hang on a second. The most important point is that we are now living and working together. Let us continue in that vein.

We know that there has been an attempt by the Government as recently as in the past few days to back away from the inclusion of grazing homestead perpetual leases on the schedule of grants which are held to be grants of exclusive possession, and on which native title has been extinguished. The proposition that has been put around town by the Government is that extinguishment on grazing homestead perpetual leases might become voluntary.

There are 2,967 GHPLs in Queensland. They cover 21,920,000 hectares—about 12% of the landmass of this State. Their inclusion on the schedule is a must. They must stay on the schedule. Any suggestion that anything more than a handful of those leaseholders might voluntarily approach the Government and seek that those tenures not be on the schedule is ridiculous and very irresponsible—if it has happened at all. I say that because what those people have done is put at risk the statutory protection that this Bill provides for thousands of other Queenslanders.

As the member for Ashgrove said this afternoon in this House, a lot of grazing homestead perpetual leases surround towns in Queensland in the central west, which I represent, towns in the north west, which the member for Mount Isa and the Honourable Minister for Mines and Energy represents, and other rural jurisdictions represented by my colleagues the member for Charters Towers, the member for Warrego and other members of this House who also have pastoral leases and preferential pastoral holdings in their electorates. If those leases are jeopardised in any way, shape or form, so are the businesses that operate in those towns.

In recent years, both the wool industry and the beef industry have been on their knees. The problem has been compounded further by ongoing droughts and low commodity prices. The towns that service those industries are about 95% reliant on those industries. We do not want to see land-holders being unable to obtain finance because of their tenure. After all, it is all about the productivity of not only the man on the land but also the businesspeople who live and work within those towns.

As the member for Mount Isa said—and as the Opposition Leader has pointed out—Mike McGaw from Kim Beazley's office is hard at work as usual telling us in this State how the Federal Labor Opposition wants to see the Labor Government in this State put together its agenda. The Premier is in charge of this State. He should not be told what to do by people down south. He is the Premier. He should do what is best for the people in this State, not what he thinks his Labor apparatchiks in the south want. The Premier has his agenda, and I think his agenda should be in the best interests of everybody in this State. He has acknowledged that and I hope that he continues to do so.

Mr McGrady interjected.

Mr JOHNSON: This afternoon the Minister for Mines and Energy spoke very passionately about job creation in his electorate of Mount Isa. For example, one of the things that got through the Senate with the help of the Labor Party and Senator Harradine is the ability for Governments to remove tenures from the schedule without reference to the Federal Parliament. At the stroke of a pen, the Federal Minister can take GHPLs off the schedule. A tenure cannot be added to that schedule

without reference to the Federal Parliament, but one can be taken off. That option is in the Commonwealth Bill, thanks to the cooperation of the Labor Party, the Democrats, the Greens and Senator Harradine in the Senate. I wonder what might have been said to certain people in relation to that issue over the past few weeks to buy a bit of temporary silence.

I suggest to pastoral groups that there is absolutely no cause to relax as a result of this Bill, as welcome as it is, because it might well prove not to be worth the paper on which it is printed. The same situation exists in relation to a great variety of tenures that are also now on the schedule and which are just as vulnerable depending on what happens in Canberra in the near future.

If this Government is capable of prevaricating on GHPLs, then it is very capable of prevaricating on a range of other tenures as well. There are 2,639 grazing homestead freehold leases on the schedule covering 14.3 million hectares. There are 247 special lease purchase freehold properties on the schedule covering over 140,000 hectares. There are 1,323 perpetual lease selections, 34 purchase leases and 1,218 agricultural farms covering over 1.1 million hectares. There are 4,663 special leases and 192 term leases. In total there are over 13,000 separate holdings on that schedule in the pastoral arena. I would suggest to all of those people that they should watch the Government like a hawk, but they should not have to. As the Opposition Leader has made perfectly clear, the fact is that the issue of extinguishment of native title on GHPLs is not something that is determined on a personal whim; it is a function of common law, and under common law a grant of exclusive possession extinguishes native title.

I talked a while ago about the future of rural businesses and about everybody else who lives in rural and regional Queensland. It is absolutely paramount that those people are protected. We know that the Premier is somewhat confused on this very point. We know that the Left of the Labor Party wishes it were not so and we know that the national indigenous working group has been hard at work, trying to exploit the lack of understanding—at least at a political level—in the Government.

The prevarication, the confusion, is anything but reassuring because that is really one of the most fundamental issues concerning native title. Any backing away from the schedule would have a very significant impact. Pastoralists in this State have already accepted a very great deal in relation to the diminution of their exclusivity over the past six years. Honourable members opposite have often attempted to portray those of us on this side of the House as the devils in the piece for having argued that pastoral leases extinguish native title, but the fact is that that was the view of former Prime Minister Paul Keating. It was also the view of a former Premier of this State, Wayne Goss. In fact, some of the commitments by the former member for Logan on this issue are right up there with the views expressed by the Opposition Leader and other members on this side of the House.

I have heard it said by members on the Government side of the House that it is the big multinational companies that own these pastoral leases. Yes, a lot of multinational companies certainly do own such pastoral leases. However, those members should consider some of the companies that do own them within the confines of Australia. They should consider the AMP Society, National Mutual and Provincial Insurance. Those companies are managing the real superannuation future of many Queenslanders and many Australians. That is something that probably indirectly or directly affects many people in this House, their families or somebody else in this State in some way, shape or form. I do not believe that that those companies are out there trying to take advantage of this situation. They want this extinguishment not only so that they can progress as a pastoral company and be productive and benefit from what they are doing but also so that they can maintain a peaceful coexistence with the native people—the indigenous people. As I have said, they have been doing that since 1788, so let us continue to do it.

I also remind the members on the other side of the House that Paul Keating favoured the one-point plan and Wayne Goss favoured the one-point plan. Keating not only favoured it; he argued in the courts in Waanyi and in Wik for the one-point plan. The immediate past Chief Justice—the hero of Mabo—Sir Gerard Brennan, believed in the one-point plan and said so in the Wik decision. So we are far from alone.

I would issue one more much broader warning to Queensland pastoralists about the way in which this Government is dealing with native title. The Opposition Leader has already pointed out how churned up the Premier is on the issue of GHPLs after those silly comments suggesting that this legislation extinguishes native title on that tenure. Obviously it does not. But the Premier said something else very silly when he was making that mistake and

that was that, in return for extinguishing native title on GHPLs, he would consider a range of special compensation measures. The fact is that he does not have to do that. The 10-point plan itself makes it perfectly clear that, if there is any impairment or reduction of native title, compensation is payable.

Why was the Premier saying that he would have to make special arrangements? An obvious explanation is that he does not know what he is talking about in relation to this very issue. Another is that this part of the set-up is for the next phase of his legislation, because that is where the big issues, such as the right to negotiate, are going to be dealt with. I think honourable members will find that the right to negotiate is covered very adequately in the Prime Minister's 10-point plan. Plenty of evidence is mounting that the Premier is going to go for the full-blown right to negotiate or something so close to it that it does not matter.

The Premier is setting the tone by talking now about the need for special compensation measures. I say to members of this House that they have to be observant here; they have to understand fully and precisely what these measures are about. The Premier is trying to make out that what is now in place is somehow a set of concessions from Aborigines that are going to have to be made up for in the second part of the package. If he does that, he will go the way that the Left in Canberra has pushed this whole set of issues in the Labor Party, and he will be creating a huge monster. We know that monster is there and we are trying to put that monster down. The Premier will be making native title an issue in the Federal election campaign. He will be packing up Queensland. As the member for Charters Towers said, he will send the mining industry packing across to Richard Court in Western Australia.

I can assure honourable members that Richard Court will not embarrass the mining industry—or any other industry, for that matter; he will embrace it. He is certainly one Premier in this nation who has brought the native title issue to the fore and dealt with it accordingly. I come back to what the member for Mount Isa had to say this afternoon in relation to the north-west minerals province. We can talk about job creation and the 5% unemployment target in the next five years. I hope that the Government achieves that 5% target. However, if we are going to let issues such as native title interfere with the operations of the mining industry, I can assure members of the Government that they will not achieve that 5% target.

If the mining industry is not functional in the north-west minerals province, organisations such as Queensland Rail will not be operational in that part of Australia and there will be no creation of jobs in places such as Townsville. That is going to have a snowballing effect right across all industries in the north and west of the State, not just the pastoral industry. I say to honourable members that every bullock that is shipped out of the west or the north of this State and is killed here on the eastern seaboard creates jobs for three men every day. That is a huge employment factor to take into consideration.

I can see the member for Fitzroy at the back of the Chamber looking up. He, too, knows full well the importance of the mining industry as well as the pastoral industry in his electorate. I say to members of the Government: please work in cooperation with these two great industries—the pastoral industry and the mining industry—for that coexistence, for that extinguishment of native title, so that this State can progress into the 21st century in that cooperative vein. I say again that the Government will be crippling infrastructure development in this State if it does not do just that.

The Opposition Leader alluded to that today. A new major threat to the Century project is already emerging. NORQEB cannot get power to the site because Murrandoo Yanner is using the Keating Native Title Act to stop it. A 24 or 25-year-old lout is trying to hold back the progress of major mining companies in this State, and I do not believe that anybody in this Chamber would condone that type of behaviour. We know precisely what Rob Borbidge's Government went through when he tried to address the issue of Century Zinc and we know what the former Labor Government tried to do in addressing that very issue, too. If we are going to have that cooperation among the mining industry, the pastoral industry and the Aboriginal members of our community, we have got to have a more responsible approach to what we are trying to achieve as one people in this State and in this nation, rather than identifying with 1% or 2% of people who are dictating an agenda.

We have Michael Lavarch and Ross Rolfe running around in the north, ignoring the Burke Shire and the companies and preferring to sit in the sun outside the Carpentaria Land Council building in Burketown waiting for an audience with a minor north-west Queensland lout or hood, or whatever we might call him, to decide the fate of the north-west minerals province. I know full well that the Premier does not support the behaviour of Murrandoo

Yanner. I know that the Minister for Mines and Energy certainly does not support his behaviour. I know that my colleagues in the Opposition want to make absolutely certain that the mining industry, the pastoral industry and every other industry is able to work in peaceful coexistence with Aboriginal people throughout the length and breadth of this State.

Mr SEENEY (Callide—NPA) (5.41 p.m.): I also welcome the Native Title (Queensland) State Provisions Bill in that it is a faithful reflection of the first two points of the 10-point plan and will therefore deliver certainty in relation to those tenures dealt with during the intermediate period and confirm the extinguishment principles set down in Mabo and Wik. But the fact is that this is just the first part of the legislation from this Government in relation to the response to the Wik decision. My concern is: where do we go from here?

I suspect it is too much to expect that we will see anything like this degree of support for the 10-point plan when we get into some of the more contentious areas. That is of great concern to me and to the people I represent, because there is obviously a very significant push being made from the Left of the Labor Party—the loopy Left—for many of the policies espoused in the Senate to come to fruition in this State. That would be a real disaster for Queensland.

I note that some Government speakers have tried to suggest that this issue is not a contest between the Left and the Right within the Labor Party. All I can suggest to those people is that they look to the record of the Senate. The positions pushed by Senator Bolkus in the Upper House in Canberra were extreme. Labor in Canberra pushed suppression across-the-board rather than extinguishment. Labor wanted a highly qualified validation regime which would leave many hundreds of Queensland mining titles issued in the intermediate period subject to legal challenge. Labor wanted a retrospective right to negotiate.

Labor did not want a schedule of extinguishing tenures because it believes in suppression, not extinguishment. Labor in Canberra wanted a full-blown right to negotiate to apply not only to mining on pastoral land but to many mining lease renewals, and even on mining exploration activity. Labor in Canberra wants to keep a right to negotiate on infrastructure projects built by third parties, which is a commonplace practice nowadays.

Other speakers have highlighted that this is an issue in Queensland today, with yet another threat developing in relation to the Century project. This could be one of the very far-reaching impacts of the Labor model if it comes into play. The Australian Labor Party has given the Chevron project a reprieve from that sort of burden, but what about every other project in Queensland? Labor in Canberra wanted to put very real constraints on what activities pastoralists could engage in without reference to native title. Labor in Canberra wants to keep a right to negotiate in place on the inter-tidal zone. In short, Labor in Canberra wants to maximise native title at the cost of existing landholders and industries.

I agree with the Leader of the Opposition. I suspect that this Government's timetable for dealing with the more substantive issues is designed to carry this whole episode beyond the Federal election in the hope that Kim Beazley wins and the more extreme version of native title can be implemented. The fact is that there is no real excuse for delay. As Richard Court has shown, legislation can be prepared quite quickly. His legislation is now ready to go and that Bill will form the basis of an alternative to the Government's approach that will be introduced to the House by the Opposition Leader in the Budget session.

Labor should be on notice that if it does try to push ahead with the more extreme version of Federal Labor there will be a very major effort on the part of the coalition to ensure that a more workable and just regime ultimately prevails in this State.

Mr HOBBS (Warrego—NPA) (5.46 p.m.): It is a pleasure to speak on the Native Title (Queensland) State Provisions Bill. I have been involved with native title legislation for a very long time.

Mr Palaszczuk interjected.

Mr HOBBS: I am sure that the member for Inala recognises the important role that land titles play in Queensland and Australia. As the former Minister for Natural Resources, I had an extremely difficult time because, for the first time in Australia's recent history, we had to face a situation whereby the tenures we were issuing were coming under close scrutiny. There was a possibility that a tenure which was issued could have been invalid. Tenure is important and I had to make sure that the t's were crossed and the i's were dotted. I had to freeze a lot of categories of tenures. That action did not go down well with a lot of Queenslanders. I was not pleased with it myself. It was one of the harder decisions I had to make. What I did was acknowledged and supported by the Federal Attorney-General and the Prime Minister of Australia.

That was the turning point. This occurred in January and people had to be brought back from the beaches. They recognised that we had a serious problem. Some States, including Western Australia, have a different system from that which operates in Queensland. In Western Australia, native title is, in many instances, part of the existing land tenure. In Queensland we believed very strongly that native title had been extinguished by the original issuance of pastoral leases and perpetual leases. Since then the High Court has determined that some pastoral leases had not extinguished native title.

The Federal Government has put together a 10-point plan which has been approved by the Senate. Today in this legislation we are looking at only two of those 10 points. We have a long way to go. We need to ensure that we understand fully the issues facing us.

The uncertainty is still there. The legislation has been approved by the Senate, but as yet we do not have a State legislative plan that deals with all the issues that are important to us. Over the years the relationship between black and white and black and black has become more strained. I suggest to honourable members that the relationship between Aboriginal peoples themselves has become worse because of uncertainty and because of white carpetbaggers who were trying to get land for these people. The land was just not available. Representatives of many of these groups came to see me. I just shook my head. It was manna from heaven for some of these people. It was a shame. All they were doing was giving hope to these people that perhaps some time down the track they would receive some land.

The Queensland system of various tenures is interesting. History reveals that it was quite clear that we had in Queensland a system which we believed very strongly extinguished native title. The legislation before the House still has not accepted what the Senate has put in place for us. Native title has been extinguished. But as the member for Callide said, the Labor attitude is that native title has been suppressed. That is not the case at all. Native title has been extinguished. So all the Premier is doing is dragging out the issue even further. I do not believe that is reasonable. All he is doing is continuing the uncertainty—uncertainty that we do not want. We do not want uncertainty for anybody. As I said, this makes it even worse for Aboriginal groups themselves.

Let me tell honourable members about what happened in my electorate. I refer to the gas pipeline from Jackson to Moonie. The most responsible group of Aboriginal people I have ever met were the Gunggari people of Mitchell. They had a great working relationship with the local authorities, other people and myself. They even invited me to open the Yumba. We have a great relationship, and it is still good. However, eventually those people were incited by a few outsiders. They were camping beside the road and blocking the pipeline. The issue was always in the news. It was outrageous, quite frankly. I believe that the elders were manipulated—perhaps pushed to one side by other people. Some people had good intentions of trying to help. But then, of course, there were the white carpetbaggers who were picking up their few pieces of silver. That very responsible group ended up standing in front of bulldozers and trying to block the pipeline from going through. That was very irresponsible.

The legislation before the House deals with a few aspects on which I would not mind expanding. Most provisions of the Native Title Act were to have commenced by 30 September 1998. Mr Beattie, the Premier, has released a Native Title Strategy for dealing with these issues. Native title is a very difficult issue. It would have been better if more issues in the 10-point plan could have been dealt with. Only two of those 10 points have been implemented. The Government set up the indigenous working group to try to get through the rest of those points.

How long does this issue have to drag on? It has been debated long and hard in the Federal arena. I do not know whether there is much more that anyone could really drag out of this. How far can they go? We have had all sorts of delays, political issues have arisen, and other matters have been taken to the Aboriginal Land Tribunals. All the issues have been raised. Will there be anything further that that group can put together? I accept that the Premier got the group going, but perhaps the time frame could be tightened up to try to speed up the whole process. We need to be able to move along a bit faster. The right to negotiate is an issue about which members could speak for probably three days. But how much more do we need to talk about this to realise that we do not need to go over these issues again?

The other points that need to be made in relation to native title vary. The experience in the Northern Territory provides living examples of what not to do in many instances. The member for Crows Nest is in the Chamber. He and I went to Darwin to consider native title issues when this matter first arose. We found

that the Northern Territory had already experienced many of the things that we are now experiencing. One has only to consider what happened with the stock routes system and the upsets that occurred in many sectors, particularly in relation to land tenures. A land tenure is the most important document to people who own land. In a sense it is their bank account. But if that land tenure is not secure, then it is not worth having. So we must ensure that any land tenure documentation is valid. What occurred in the Northern Territory provided a very interesting example of how people thought that they had secure tenures, but they did not. They had to go through a whole new process to determine who could or could not use some of the land. In fact, the Aboriginal people as well as the pastoralists in the Northern Territory were quite blatantly disadvantaged.

This legislation before the House refers to intermediate period acts. I know that we do have to validate these things because, in good faith, Governments do issue permits and documents, and we really do need to be able to ensure that they are correct. Category B intermediate period acts extinguish native title to the extent of any inconsistency between the act and the continued existence of native title. If that act is only partly inconsistent with the continuation of native title, then the act will only extinguish native title to that extent. Members should understand that this legislation is the right thing and the best thing to do under the circumstances.

A category B intermediate period act is the grant of a lease that is not a category A intermediate period act. This refers to mining leases, a lease granted under legislation that grants such estates or leases only to or for the benefit of Aboriginal people or Torres Strait Islander people, or a lease granted to a person to hold on trust for the benefit of Aboriginal or Torres Strait Islanders. Those are some examples that demonstrate that what we are doing tonight is the right thing to do. Other examples of a category B intermediate period act include the grant, between 1 January 1994 and 23 December 1996, over former pastoral lease land of a non-exclusive pastoral lease. A non-exclusive pastoral lease is a pastoral lease which neither confers a right of exclusive possession over the land or waters the subject of the lease or is a scheduled interest for the purpose of the Native Title Act. One of the most important issues, which I do not believe we have resolved in this legislation before the House tonight, is that of water.

Debate, on motion of Mr Hobbs, adjourned.

MEMBERS FOR KEDRON, BUNDAMBA, IPSWICH, CHATSWORTH AND MURRUMBA

Mr FELDMAN (Caboolture—ONP) (Leader of the One Nation Party) (6 p.m.): I move—

> "That the Honourable Members for Kedron, Bundamba, Ipswich, Chatsworth and Murrumba be collectively charged with admonition, contempt of the House, and have committed criminal offences and "official misconduct" on or before 5 March 1990, and they have collectively fled from justice, without any conviction or judgment recorded against them, and they be expelled from Parliament forthwith."

In support of this motion I point out that I believe, and One Nation believes, that these Ministers have breached the code of conduct of the Legislative Assembly. They have had every opportunity to express regret to the House during the debate on the motion of confidence in the Government of 30 July 1998 when the allegations were raised by One Nation members. The five Ministers' standards of integrity and trust are not befitting of their continuing electoral representation in this House.

The honourable members—Messrs Mackenroth, Gibbs, Hamill, Braddy and Wells—have committed criminal offences whilst exercising their duties as——

Mr MACKENROTH: I rise to a point of order. That is untrue and I ask for it be withdrawn.

Mr SPEAKER: Order! The member will withdraw that statement.

Mr FELDMAN: I withdraw that statement.

Mr WELLS: Mr Speaker, the remark about me was untrue and offensive and I ask that it be withdrawn.

Mr SPEAKER: Order! The member will withdraw that statement.

Mr FELDMAN: Okay, furthermore——

Mr SPEAKER: Order! Did the honourable member for Caboolture withdraw?

Mr FELDMAN: I did withdraw that, Mr Speaker. It was withdrawn. Furthermore, the five of the flawed 18 Goss Ministers misled the Governor, His Excellency, the Honourable Sir Walter Campbell, AC, QC, during the 46th Parliament of Queensland.

Mr MACKENROTH: I rise to a point of order. That is untrue and I ask that it be withdrawn.

Mr SPEAKER: Order! The member asks for that to be withdrawn.

Mr FELDMAN: It is true.

Mr SPEAKER: Order! The member asked——

Mr MACKENROTH: It is untrue and in accordance with the Standing Orders, I ask for it to be withdrawn.

Mr SPEAKER: Order! The member requests that that statement be withdrawn.

Mr MACKENROTH: I find that statement offensive and in accordance with the Standing Orders, I ask that it be withdrawn.

Mr SPEAKER: Order! I have asked the honourable member to withdraw that statement.

Mr FELDMAN: It is withdrawn.

A Government member: Well, say it.

Mr FELDMAN: It is withdrawn. My point is that, of those five honourable members, Hamill, Braddy and Wells have achieved qualifications at universities, and the member for Ipswich, the Honourable Mr Hamill, holds a masters degree from as far away as Oxford University in England. I extend my point to say that none of these Ministers can plead ignorance to any of these matters. None of these Ministers——

Mr MACKENROTH: To say that I plead ignorance, I find offensive. I ask for it to be withdrawn. I do not have a university degree, either.

Mr SPEAKER: Order! The member has asked for that statement to be withdrawn.

Mr FELDMAN: I will withdraw that statement. I am speaking about the shredding of the Heiner documents as outlined in the Cabinet papers tabled in Parliament on 30 July 1998. Alongside them, the occupational qualification of the Goss Cabinet consisted of five qualified lawyers, including Premier Goss, who signed the Cabinet minutes for those three meetings. The very core of this debate today is about the conduct of those five Ministers. Our claims have significant bearing on the expected conduct of every member of the Legislative Assembly by placing and expecting the fundamental electoral requirement that, if elected as a member, that person will uphold the Westminster traditions of integrity and trust in their conduct and in the exercising of their Crown duties. That trust was bestowed upon those five. Today we must adjudicate on the five's behaviour and their conduct in a manner that is befitting of this place, without doing any more damage to the Legislative Assembly's public image.

Mr MACKENROTH: I rise to a point of order. I find that offensive. I ask for it to be withdrawn.

Mr SPEAKER: Order! The member asks for that statement to be withdrawn.

Mr FELDMAN: Which statement was that? I will withdraw that. One Nation members will endeavour to protect the reputation of this House at all costs. We seek the sustainment of public confidence entrusted in parliamentarians by the electors of Queensland. Under the normal rules for a democracy, a person charged with an offence as in this motion is not permitted to vote for oneself. The Standing Orders for this debate have to be changed. It is not right to expect——

Mr MACKENROTH: I rise to a point of order. That is untrue. We have not been charged with an offence. I ask for it to be withdrawn.

Mr SPEAKER: Order! The member asks for that statement to be withdrawn.

Mr FELDMAN: I will withdraw that statement. Their conduct is a reflection on all parliamentarians. That is a very important factor in the context of this debate. The five members must understand that they cannot go on blaming somebody else for what occurred during the Cabinet debate. The five members must understand that they cannot go on blaming somebody else for their behaviour and for their official misconduct during the course of their Crown duties.

Mr MACKENROTH: I rise to a point of order. Mr Speaker, I ask you to ask the member to stop continually repeating that accusation, which is untrue.

Mr SPEAKER: Order! The member has asked for that statement to be withdrawn.

Mr FELDMAN: I will withdraw that statement.

For nine years this Heiner issue has dragged on and on and on. It is time that it came to a stop. The time has come to deal with this matter on its merits. The Premier cannot expect members of Parliament who have been elected with 67% of the primary vote across Queensland to listen to the member for Brisbane Central's continuous insistence that those members have done nothing wrong. I will put into perspective what the Premier actually told the House on 30 July 1998. I emphasise that the Premier is the Premier on the basis of public support of not less than 4 out of 10 electors. If the electors had known on 13 June what was going on, they may not have voted the way that they

did. In short, there would not have been a Beattie Government, and probably the 13 former Ministers of the Crown, other officers and these five might be facing the courts. The Beattie Government attained office under false pretences. However, let us not lose sight of what our Premier said in support of the five Ministers. These persons, by their own presence in Cabinet, and, if not, legally still collectively responsible, were part of the collective Cabinet decision No. 101 on 12 February 1990, Cabinet Decision No. 118 on 19 February 1990 and Cabinet Decision No. 162 on 5 March 1990 to order that—

> "... the material gathered by Mr. N. J. Heiner during his investigation into certain matters at the John Oxley Youth Centre, be handed to the State Archivist for destruction under the terms of Section 65 of the Libraries and Archives Act 1988."

The Cabinet minutes are very clear in what they say and in what they mean. Firstly, before the Heiner inquiry was shut down—and we all must remember the reason why the inquiry was shut down. On 30 July the Premier said—

> "Let us go back. On 5 March 1990, Cabinet was informed that representations had been received from a solicitor representing certain staff at the centre."

I do not want any member of this House to get this statement of facts out of context as to what really happened. Firstly, Cabinet had been informed on 12 February 1990 that there was future legal action that could result from Heiner's part in the John Oxley Youth Centre investigation. Secondly, it is obvious that Cabinet already knew about the Government being put on notice by Mr Coyne's solicitors; otherwise Cabinet would not have extended the then current Government policy of legal indemnification for and to Mr Heiner. There is no doubt at all—none at all. The policy according to Cabinet submission No. 100—

> "... provides for Crown employees to be indemnified from costs associated with legal claims arising out of the due performance of their duties."

I remind the Premier that he stated to this House that Cabinet was informed of the legal claims on 5 March 1990. According to the Cabinet documents, the real facts are that the date is 12 February 1990. The Premier knew the truth, but elected to lie as the Cabinet was aware that the Crown was in receipt of legal notice 21 days before the Premier informed the House.

Mr BEATTIE: I rise to a point of order. That comment is untrue. It is offensive. It is unparliamentary. I seek it to be withdrawn.

Mr SPEAKER: Order! The Premier asks that that statement be withdrawn.

Mr FELDMAN: I will withdraw that statement.

Mr Speaker, I am sure that you agree that stability in Government has to be earnt on reputation and credibility. Does the Premier expect to think that Queenslanders will believe his plausible statements, rhetoric and theories. What he said is a conspiracy theory going backwards; yes, backwards. One Nation members want Queensland to go forward, not backwards. Queenslanders demand honesty; we will see they get it.

It was nine years ago when Daniel Alderton cried silently for help. It was years ago when the Government child-care system knew Daniel was an asthmatic. Could that have been the cause of his death? Why did the Government pay for his funeral? It was nine years ago when a boy of the impressionable age of 10 years was handcuffed overnight to a grate near the swimming pool at the John Oxley Youth Centre.

Ms BLIGH: I rise to a point of order. That is untrue. I ask for it to be withdrawn. Daniel Alderton was not the child who was handcuffed to the fence. The continued use of his name in this House is, I believe, absolutely unwarranted.

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

Mr FELDMAN: I withdraw that statement.

Was the boy's name Daniel Alderton? Staff members who handcuffed the boy there say it was. Other staff members who did not handcuff him say that it was not Daniel. Let me ask the five members tonight——

Time expired.

Mr SPEAKER: Before calling the member for Whitsunday, I remind members that although what you say in this House during its sittings is privileged, that does not mean that you are in no way accountable for your statements. Parliamentary privilege protects your statements only from review by any court or tribunal outside of Parliament. But the Parliament itself can still hold you accountable for your statements. In this regard, I remind members that Standing Order 120 provides that all imputations of improper motives and all personal reflections upon other members are deemed highly disorderly.

Members are also reminded that to deliberately mislead the House is a contempt of Parliament and the Parliament can punish such contempts. To make a false statement not knowing it is false is not a contempt but it is likely to be reckless, reprehensible and brings no credit to you or the Parliament. I ask all members to take care in the manner in which they exercise their freedom of speech. I call the honourable member for Whitsunday.

Mr BLACK (Whitsunday—ONP) (6.11 p.m.): I have pleasure in seconding this motion to restrict the five ALP members representing the electorates of Bundamba, Ipswich, Chatsworth, Kedron and Murrumba from voting for their own survival. This debate leads me to the point of disgust and bewilderment. I am horrified to think that, with the audacity of these five members imposed upon us, they would even consider compromising the applied status of the other 84 members of this Chamber by voting on this motion.

If we compare the voting status of other areas of society to the Standing Orders in this place, then we have a real problem. The problem is that, if a person faces a court to defend himself from allegations, that person is not entitled to sit in judgment to determine whether the same person is guilty or not guilty of an offence. In this place under the Beattie Government rules, everybody is assured of a vote.

In most cases, especially with matters personally involving one or more Cabinet Ministers during a submission before Cabinet, it is expected of the personally affected Ministers to uphold the traditions of the Westminster system by declaring their conflicts of interest and abstaining from voting. In private enterprise and within public companies, it is an obligation of all directors by law to declare their conflict of interest and to abstain from voting on an issue personally affecting them. But not in this place, according to the Beattie Government! The upholding of integrity and trust does not count. It is a very similar policy to the agenda held by most unions throughout the State.

Basically, the ALP and union patterns of deception have four characteristics that prevent people within organisations from voicing their concerns. Today, the member for Caboolture has stated that One Nation is interested only in maintaining the integrity of the Legislative Assembly and Queenslanders' demand for honesty and trust in Governments. The four characteristics of deception are the form of attack that the Beattie Government will adopt to beat this motion. The first is denial, including misrepresentation of the facts; secondly, by delay in answering pointed questions to unearth the deceit; thirdly, the brunt of the attack is to divide and conquer followed with a summary of discrediting a person for exercising the right to ask proper questions about the conduct of the fatal five members.

The critical success factors include those in responsible positions in Government having knowledge of the deception, going along with it and ignoring it. It is the Government's claim for nine years that the Heiner inquiry was not properly constituted and that there was no legal protection for Mr Heiner or the witnesses who were giving evidence. On 30 July 1998, the Premier told us that the National Party Government got it wrong. He said—

> "That is a fact. There is no argument about it. None of the people briefing the One Nation members will argue about that. That is fact one."

I have to say to Mr Premier that he has it wrong. That is a fact. There is no argument about it. Just to prove it, which one must do or be accused of deceptive conduct, I now seek leave to table a signed statement by Mrs Beryce Nelson, a former Minister for Family Services, who established the Heiner inquiry in October 1989 and set out the terms of reference for that inquiry. Mrs Nelson has signed this statement before a former Police Commissioner of Queensland, Mr Noel Newnham. It is dated 15 May 1998. This statement reveals the real truth about why the Heiner inquiry was established.

Before I continue, I must ask whether the Premier is going to attack the integrity of these two well-respected citizens who have done a lot and continue to do a lot for the communities within Queensland. Mrs Nelson says that she became aware of very serious problems at the John Oxley Youth Centre which, incidentally, is the same place that Daniel Alderton was housed under State Government care. The former Minister for Family Services says that she is very concerned in a number of ways about the manner in which these problems surfaced. They included information from staff members and constituents and reports in the press, including reports alleging regular cases of children absconding from the centre and committing illegal acts whilst away from the centre. However, over and above that were numerous disciplinary reports indicating that some staff were not doing a reasonable job and that they were not being held accountable

for their work. Mrs Nelson states that it was the last straw for her when she became aware of a case where one staff member at John Oxley Youth Centre——

Leave granted.

Time expired.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (6.16 p.m.): In his contribution, the Leader of One Nation made reference to a child who had died of asthma. I am advised that that child died two years after leaving John Oxley. The record shows that that child was not the one who was handcuffed. The Courier-Mail report was wrong. Channel 7 had the decency to admit that it was wrong, yet the member comes into this Chamber and reuses that incorrect information. The parents of that child have gone through the grief of media exposure which was incorrect, they have gone through the grief of the death of a child, and now they go through the grief of an abuse by the media and an abuse by the member of parliamentary privilege. Why should parents go through the grief again because the member wanted to play politics?

The member has to understand that when he comes into this place he has a responsibility. When he comes into this place and uses parliamentary privilege in that way, real damage is done to real people. One Nation said that it was going to lift the standard of Parliament. All it has done is put the debate in this Parliament in the gutter.

This motion is a disgrace. It is an affront to the Parliament. I have to ask: how long is this going to go on? How long is the member going to play politics for his own political advantage? This is nothing more than a political vendetta.

I was not in the Cabinet that made this decision. I have come to this matter with clean hands. I have come to this matter from a position of having no set view. I have gone through every one of the documents and, in good faith, I tabled them in this Parliament. The member has abused that good faith and misrepresented what I have said. No facts substantiate his case. He then put a question on notice saying that I had not put all the material before the House.

Mr FELDMAN: I rise to a point of order. The Premier just said that he has tabled all those documents from the Cabinet minutes.

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

Mr BEATTIE: As I was about to say, a question put on notice states that I had not tabled all the matters. One Nation wanted a list of the attendees of the Cabinet meeting. Of course, the Cabinet members are well known to all of Queensland, except to the Leader of One Nation. The only thing that I did not table was the menu for the ministerial lunch that day. If the member wants me to find that, I will try to find out what they ate that day. Let us be very clear about what is going on here: this is a political vendetta.

My Government has founded the only properly established independent inquiry into child abuse in institutions. My Government is the only Government to have done it. That inquiry will go back and look at what happened at John Oxley. It will get to child abuse. It will be concerned with the children, not with the political games that are being played by the member for Caboolture and others.

We know that there are people manipulating One Nation on this issue. We understand that Kevin Lindeberg, who happens to be in the gallery during this debate, has written One Nation's speeches on this matter. In a democracy he is entitled to do that, but there are also people behind the scenes who never wanted that inquiry and who are manipulating One Nation. It is being manipulated by the abusers and the people who did not want an inquiry into child abuse in institutions. There is only one party standing in the way of a full inquiry into child abuse and it is One Nation.

Mr FELDMAN: Mr Speaker, I rise to a point of order. I find that statement offensive. One Nation has done its best to highlight these things and I ask the member to withdraw the statement.

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

Mr BEATTIE: Mr Speaker, I am talking about One Nation the party, not the individuals, and I make no apology for it. There will be some legal action, all right. Today the honourable member for Caboolture has gone around the gallery and distributed a letter that he wrote to the Independent member for Nicklin. Not only is this letter defamatory; he has distributed it outside the bounds of the privileges of this House. Every one of the Ministers he has named in this letter will be able to sue him because he has distributed this letter, no doubt—in fact, certainly—without the knowledge of the member for Nicklin. He has distributed this letter widely to the media here and he has done it in a way that will enable everyone named in it to sue him. Enough is enough. This matter has been investigated more than has ever been required and One Nation's motion is unacceptable.

Time expired.

Mr SPRINGBORG (Warwick—NPA) (6.21 p.m.): I move the following amendment—

> "Omit all words after 'That' and insert—
>
> 'Given the information tabled in this Parliament on 30 July by the Premier, and any other information which may come to light, the Parliament calls on the Government to recommission Messrs A J H Morris, QC, Barrister at Law and Edward J C Howard, Barrister at Law to complete their Investigation into Allegations by Mr Kevin Lindeberg and report to the Parliament.' "

Documents tabled by the Premier on 30 July established that Cabinet was aware that documents it ordered be destroyed had been sought for potential legal action. The question as to whether Cabinet committed an offence or offences by that decision then comes down to whether the documents had the protection of the law if they were simply demanded for a potential legal action, as they had been repeatedly, or whether they gained the protection of the law only when an action was actually commenced. At the time of the destruction, no such action had commenced.

Many honourable members will be aware that there are conflicting views on this central point of culpability. Crown law advice to the then Government maintained that the documents gained the protection of the law only if an action had commenced. Messrs Morris and Howard in their report to the previous coalition Government maintained, quoting some formidable authorities, that the documents gained such protection in the face of merely the potential for legal action.

The background to this matter does not have to be dealt with here. The simple fact is that Cabinet ordered the destruction of certain documents and we know now that Cabinet was aware that they had been requested in relation to potential legal proceedings. That is the issue, and the fact that the Cabinet examined the matter three times in a month is, I believe, very significant.

The fate of these documents was considered on 12 February 1990, on 19 February 1990 and again on 5 March 1990. Cabinet knew that it was dealing with an issue of great sensitivity. By 19 February Cabinet was explicitly aware that the Heiner documents were being sought—indeed, were being demanded—by solicitors on behalf of certain staff members. Notwithstanding this, the first option under consideration continued to be the destruction of the material. On 5 March, at its third consideration of the issue, Cabinet ordered that the documents be handed to the State Archivist for destruction under the terms of the Libraries and Archives Act.

Maybe the course adopted by the Cabinet of the day is to its credit. Perhaps the multiple consideration of the issue showed simply that it realised the sensitivity of what it was dealing with and wanted to be sure that the matter was dealt with properly and legally. That may be the explanation, but there is, of course, the contrary explanation as well. Is it that Cabinet knew it was embarking on a thoroughly questionable action, a potentially illegal action, and was reluctant to take the final step until it could hide behind the Crown Solicitor and the State Archivist, as it certainly did in the text of the decision on 5 March? This issue has been running now for over eight years. It has not gone away. It is unlikely that it will go away.

Mr Foley: You want it to run for another eight years, by your amendment.

Mr SPRINGBORG: No, I do not, with respect to the Honourable the Attorney-General. It is unlikely that this issue will go away until there is a clear resolution. The best way to achieve that, in my view, is for Messrs Howard and Morris to be again engaged to study the Cabinet documents. That was the missing link in relation to their first examination of the matter, which concluded that some officers of the Department of Family Services may well have engaged in illegal activity in relation to the fate of the Heiner documents. Now that the material is available, they should have the chance to finish their report and perhaps resolve this matter once and for all.

Mr BEANLAND (Indooroopilly—LP) (6.26 p.m.): I rise to second the amendment moved by the member for Warwick. I do so because I believe that the course of action set out in the amendment is the only sensible one in relation to this matter, which has now, as the member for Warwick has indicated, been going for something in excess of eight and a half years. Without putting that into days, we should keep in mind that this matter is ongoing as a culmination of eight and a half years of anger in the community.

What we present is, I believe, the only sensible course of action and the only valid option to settle this long running matter. Until this is resolved once and for all, a cloud will hang over the Government in some respect. It is not good enough to say that the matter has been investigated ad infinitum and that nothing untoward has been found so far in relation to the role of the Cabinet. The simple

fact is that, until the Premier was forced to table certain Cabinet documents on 30 July, no proper resolution was even remotely possible. Until it was known with some precision what Cabinet knew and when it knew it, there could be no confidence in simple denials of culpability from members of that Cabinet. There could be no way of knowing whether the actions of the Cabinet were appropriate or inappropriate.

Mr Foley: Why don't you send it over to Connolly/Ryan?

Mr BEANLAND: Of course, I am pleased to hear that members of the Government favour sending it across to Messrs Morris and Howard.

Mr Elder interjected.

Mr BEANLAND: That is what the Minister interjected just then. The member for Capalaba will get his chance to contribute to this debate shortly. If he is not going to say that this matter should be referred to those people then he should not bother interjecting, because that is the sensible course of action. He is being silly now, as he has been all along with the whole debate. This whole matter would not be being dealt with now if the Premier had taken the course of action some time ago of tabling those documents. He was asked to provide those documents to Messrs Howard and Morris. Labor members are just being silly, as they have been all along with this issue. If they have nothing to hide, they should table the whole lot and get the matter out of the way. But they will not do so for some reasons best known to their good selves.

So the matter will continue and Labor will continue to be hassled about the whole issue. They will be bedevilled by it day by day. It will come back to bite the Government from time to time, just as it is causing it disturbance this evening, all because it will not get the matter resolved sensibly.

Let us resolve the matter sensibly. Let us send it back to Messrs Morris and Howard, who investigated these allegations in the first instance. Their investigation was set up by the former Government. They indicated that they needed certain documents to enable them to finalise that particular investigation. Those documents have now been tabled. I understand that there might be some additional documents around as well. Let us get the matter dealt with once and for all.

As the member for Warwick said, there may well be reasonable explanations. No-one is saying that there are not. However, the point is that previously the Government has not assisted in getting this matter out of the way and off the decks totally. With the actions we have seen so far, unless there is support for the amendment from the Opposition the matter will not be resolved finally.

However, what we do know without a shadow of a doubt is that the Cabinet was aware from its very first consideration of this matter on 12 February 1990 that the materials gathered by Mr Heiner contained material that was potentially defamatory. We know that on the first occasion the Cabinet was told by the then Minister for Family Services in her submission that one of the benefits of destroying the documents would be a reduction in the risk of legal action. We also know that around the Cabinet table at that time there were a number of lawyers who would have had legal knowledge about how to handle these matters. The import of what they were considering was the destruction of documents that could well have been required for legal action. By 19 February and 5 March, when the decision was finally taken, Cabinet was explicitly aware that those documents had not only been required but demanded.

As the member for Warwick accurately suggested, the question comes down to the issue of the conflicting advice of the Crown Solicitor and Messrs Morris and Howard. Is the Government culpable under the Criminal Code for destroying documents that were being demanded for a potential legal action, or is it culpable only if an action had actually commenced? That is one of the serious questions that has to be and can be addressed now that the matters have all come forward. The sensible thing to do is to go forward and to resolve these issues once and for all.

Time expired.

Hon. J. P. ELDER (Capalaba—ALP) (Deputy Premier and Minister for State Development and Minister for Trade) (6.31 p.m.): At various times all of us in politics have been confronted by conspiracy theories that explain the wickedness of the world. The Internet has proved to be a very potent tool for spreading some of these theories—for example, that Aboriginal land rights is a plot masterminded by Prince Philip, that the same group who want to dispose of the Federal member for Oxley previously got rid of Princess Diana, and that the logo for Tennis Australia is part of a plot to brainwash the entire population. The Internet is where those theories should stay. Some of them seem to be finding their way into this House. However,

in this House we should have some standard of proof of allegations.

In this affair, which occurred almost a decade ago but which still in the minds of those at the back of the Chamber seems to be a pressing issue apparently confronting us today, one would have to say at the end of the day, "Too late. It's not an issue confronting Queensland in this day and age." Why, while pursuing it, have they not gone back to the basics? Why have they not examined closely the actions and motives of those who set up what was indisputably a flawed inquiry? Which Government set up the Heiner inquiry? Who was the Premier at the time? Who was in Cabinet at the time when the decision was taken to establish the Heiner inquiry? Which of those members are still in Parliament today? Why was the inquiry not set up properly? Why was the necessary protection not extended to the witnesses?

Mr Borbidge: Who's into conspiracy theories now?

Mr ELDER: There are other conspiracy theories.

Were the actions of this Cabinet just a mistake? Was it set up to fail? That is another theory. Most importantly, why is this motion aimed exclusively at those who were part of the move to clean up the flawed inquiry? The simple fact is that at least some of the people who made that original mistake in setting up the Heiner inquiry—those who did not have the technical competence to set up the inquiry with the necessary protection for those witnesses—are still in Parliament today. The honourable member for Crows Nest was the Premier at the time of the Heiner inquiry. My understanding is that also present in that Cabinet were the member for Beaudesert, the member for Western Downs, the member for Keppel and, of course, let us not forget the member for Surfers Paradise, who was an up-and-coming member of that same Cabinet which set up the flawed Heiner inquiry.

In the first session of this Parliament the Premier tabled the Cabinet advice on this matter. It is increasingly obvious to all observers—except those who think that Elvis is still alive—that the reason the Goss Government undertook the action that it did was that it was legally necessary to do so. The reason it was legally necessary to do so was that the previous Cabinet, which contained the members for Crows Nest, Surfers Paradise, Keppel, Western Downs and Beaudesert, was not up to the task. It could not set up the inquiry correctly.

Mr Mackenroth: We were trying to help them.

Mr ELDER: Exactly; we were trying to help them.

It is becoming more and more obvious from the way in which this matter is being pursued by those at the back of this Chamber that it is more an exercise in getting Labor than in getting to the truth. What other reason could there be for the failure of those pursuing this matter not to demand the advice to the Cabinet of those who actually set up the inquiry in the first place? My question to those at the back of the Chamber is simply this: why are they pursuing this matter selectively? Why is their righteous indignation not directed towards those who sit in front them in this place?

Several of those who sit at the back of this place have told us that they intend to lift the standards. If they want to start lifting the standards, they should start debating the issues that are of real importance to Queenslanders. They are not going to clean up the mess. I can assure them that people in Capalaba speak of little else besides the Heiner inquiry! If they think that throwing mud selectively will lift the standards in this place, they should at least say so publicly. If they intend to pursue this matter, they should at least have the courage to be even-handed in their statements.

Time expired.

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (6.36 p.m.): This motion accuses five members of this Parliament of criminal offences. Those criminal offences are not specified. No particulars are given of the offences which are alleged. Let me remind the honourable members who bring this accusation, the most serious accusation that one can make—an accusation of criminal conduct—that criminal conduct is not determined in a Parliament, it is determined in a court of law.

Ever since Magna Carta we have had the right to trial by jury. These people who come in here and pretend to have some adherence to the rule of law and to the institution of the Parliament accuse five people of committing criminal offences without any particularisation, without a shred of evidence and without any charge ever having been brought in a court of law. This is a monstrous way to proceed in a Parliament. This is an affront to justice and an affront to the institutions of the democracy.

Let us look at this motion. It is in four parts. Firstly, it asserts that certain members be collectively charged with admonition. Admonition is a penalty; it is not a charge. It goes on to say that they should be charged with contempt of the House. Unbeknown to them there is a provision under the Constitution Act to authorise the Attorney-General to prosecute a person for contempt, but in order to do that one needs to provide particulars and to say what is the subject of the alleged contempt. If this were to authorise the Attorney-General to go down to the Supreme Court to launch a prosecution, how long would the Supreme Court tolerate it? What am I to say to the Supreme Court—"They are guilty of contempt. I don't know what. I don't know when. I don't know how. It wasn't in the motion"? It would not last 30 seconds in the Supreme Court.

Let us turn to the second part—that certain members have committed criminal offences and official misconduct on or before 5 March 1990. We have dealt with criminal offences. Official misconduct is a term that is expressed in the Criminal Justice Act. Let me tell honourable members: this Parliament does not hear disciplinary appeals under the Criminal Justice Act. That is done through a Misconduct Tribunal. This is not a court of law. It is not a Misconduct Tribunal. If they do want to bring a matter before a Misconduct Tribunal, they have to have a charge, an allegation or a particular. People cannot simply wander down to the Caboolture Magistrates Court and say, "Your Worship, I have got a bad feeling about these five people. I think they have committed criminal offences", because the magistrate might ask them, "What are they?" and they will say, "Well, it will become apparent by the end of the case, Your Worship." Yet that is exactly what the member opposite is asking this Parliament to do.

The third element is that certain members have fled from justice without conviction or judgment. Let me tell honourable members that they are here; they have not fled. They have never been charged. The Director of Public Prosecutions says that they should not be charged, that nobody should be charged.

The final matter is more serious: that they be expelled from Parliament forthwith. These people—the people from One Nation—who are supposed to represent the will of the people say that this Parliament should put itself above the will of the electorate. They say that this Parliament should expel these members who have been duly elected. It is an utter disgrace; it is bizarre; it is an affront to justice. What is the contribution from Her Majesty's loyal Opposition? Another inquiry! They want another inquiry—after it has been to the CJC, after it has been to the PCJC, after it has been to the two barristers, after it has been to the Director of Public Prosecutions and after it has been to Connolly/Ryan. This is a joke.

Mr BEANLAND: I rise to a point of order. We are not proposing another one; we want to continue the one that was there because Labor stopped it.

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

Mr FOLEY: The politically inspired Connolly/Ryan inquiry that the former Minister set up attempted to deal with this matter.

Time expired.

Mr BEANLAND: I rise to a point of order. Again I find the words of the member for Yeronga offensive, and I ask for them to be withdrawn.

Mr SPEAKER: Order! The Minister will withdraw those words.

Mr FOLEY: In deference to your ruling, Mr Speaker, I so do.

Mr KNUTH (Burdekin—ONP) (6.41 p.m.): The Constitution Act of 1867 deals with the powers and privileges of Parliament, in particular section 41.

Mr Lucas: We have not been legal since we went off the gold standard, you know.

Mr KNUTH: That is true.

The Premier tabled some of the Cabinet documents on 30 July 1998. The Premier did not table all of the documents related to the Heiner issue, despite telling the House on the same night at 2.41 a.m.—

> "I go one step further and I table all these relevant Cabinet documents, because when they are examined the people of Queensland can see the precise advice on which Cabinet acted."

Let me ask the Premier again: what happened to the attendance register of those three Cabinet meetings on 12 February, 19 February and 5 March 1990? It is fair and truthful to say that the member for Brisbane Central misled the House on 30 July 1998. Did he have them all? The Premier did not table all of those documents. If the Premier had been listening he would have observed the content of the amended motion moved by the member for Caboolture that night. He said—

> "... authorising the release of all relevant Cabinet papers and documents pertaining to such destruction (the privilege

documents); and tabling those documents immediately with the Speaker of Parliament."

I seek leave to table a secret, highly protected CJC report dated 11 November 1996, the same day as that known as Remembrance Day in Queensland and across Australia.

Leave granted.

Mr KNUTH: This report was prepared under direction from the Director of the Official Misconduct Division of the CJC, Mr Mark Le Grand, by Mr Michael Barnes, the Chief Officer of the Complaints Section at the CJC. The subject matter of this report refers to the summing up by the CJC of the report by Messrs Morris and Howard into allegations by Mr Kevin Lindeberg. The report was requested following a letter dated 6 November 1996 from the Director-General of the Department of Family Services, who notes that the Morris and Howard report found official misconduct against departmental officers. The CJC in its own words says—

> "The report also contains an analysis of information previously considered by the Commission but comes to different conclusions to those of the Commission."

We all know from the statements made in this House that the CJC cannot be relied upon to be impartial. During the Premier's address to Parliament on 30 July 1998, he referred to the recent Senate committee of inquiry conclusions, and then had the audacity to plausibly say—

> "That is clearly not a party political person from our side of the fence. It is clear that an independent Senate chairman reached that conclusion."

One Nation will not tolerate lies in this Chamber.

Mr SPEAKER: Order! Those words are unparliamentary and I ask the honourable member to withdraw them.

Mr KNUTH: I withdraw those words. The so-called independent Senate chairman that the Premier was talking about is none other than Senator Robert Ray. Senator Ray is a renowned hatchet and numbers man for the ALP. Now let us not forget what the Premier has said, and I will put it in the truthful context of what he should have said—

> "Clearly it is a person from our political side of the fence, and he cannot be judged as an Independent, as he has represented the ALP for many terms in the Senate, and he would be biased in his conclusions as the Privileges Committee did not view the evidence submitted, except for the chairperson."

The secret CJC report then says—

> "If the conclusions of Messrs Morris and Howard are correct"——

Time expired.

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (6.46 p.m.): The motion before us tonight makes a series of very serious allegations—serious allegations against five of my colleagues, serious allegations that do not bring forward one shred of evidence against these colleagues. It is time, as the Deputy Premier said, to call a spade a spade. This has not been debated on the facts; this is nothing more than a complicated, convoluted conspiracy theory—a totally mad conspiracy theory. Far be it for me to ruin their grand conspiracy theory with some facts, but I feel I am bound to put them on the record here tonight.

Fact No. 1 is that the Heiner inquiry was falsely established by a former National Party Government. This is a fact about which there is no dispute. Nobody here tonight has disputed this, yet in the nine years that this saga has gone on and on we have never had any serious questioning of the way in which this inquiry was set up and why it was set up in such a false and flawed fashion.

Fact No. 2. is that Mr Heiner himself sought the end of his inquiry in a letter in which he said, "In view of the confusion which exists and my doubt as to the validity of my actions so far, I am not prepared to continue any further with my inquiry."

Fact No. 3 is that there is no motive for the charges that are being made against the former Goss Cabinet. What possible motive could the early Goss Cabinet have had for protecting either activities at the John Oxley Youth Centre when it was not in Government or a decision of the previous Cabinet? What possible motive could the Goss Cabinet have had for protecting the former National Party Government? None!

Fact No. 4 is that much of the material that has been brought forward by the architects of this conspiracy is simply wrong. During the confidence motion when this matter was raised, speakers from One Nation referred throughout to the Heiner material being required for trial or for a hearing before the courts on no fewer than nine occasions. Every time they said it, it was wrong. There was not any legal action on foot at the time of the

Cabinet decision, there was never any legal action taken and there is no legal action on foot about this matter as we speak. When the member for Caboolture relied on this information on three occasions in his speech, the member for Tablelands on three occasions, the member for Ipswich West once and the member for Lockyer twice, they were wrong, wrong, wrong and wrong again.

But that has not detracted them from continuing this madness. It seems to me that, if one is going to have a conspiracy theory, one ought to do it properly. If one is going to have a conspiracy theory, one really should have a totally mad one. One should have one that is gloriously mad, one that is grandly, gloriously, barking mad—and this one bears all the hallmarks of that. Not only have members opposite come in here and made repugnant and malicious personal slurs on five Ministers, they have made false and disgraceful attacks on current and former officers of my department. We do not mind so much. We have broad shoulders. We take a lot of flak and we will take a lot more. But who else has been dragged into this barking mad conspiracy? Who else is being accused of communism, paedophilia and criminal activity? None other than the Crown law office, the Audit Office, the Office of the Information Commissioner, the Director of Public Prosecutions, the Queensland Police Service, the Criminal Justice Commission and the Federal Senate! I am disappointed here tonight. I had hoped to hear the full extent of this conspiracy.

I was hoping that we would hear tonight of the involvement of the United Nations in this matter; that we would hear tonight about the involvement of the Vatican, the Pope and the entire Catholic Church around the world; that we would know tonight at last the truth about the involvement of the ABC in this; about how Bananas in Pyjamas have figured in this, and the role of the Wiggles in this matter. But no! What we have had tonight is further nonsense about documents and documents and documents.

While we are on the subject of documents, there is a lot of curiosity from One Nation members about the attendance register from Cabinet. I am going to let the One Nation members into a secret. Just so that they never know who is there and who makes these dastardly decisions, at the end of every Labor Cabinet meeting right throughout the Goss years—and we have restored the tradition—the Premier eats the attendance register. I say to the One Nation members: you will never get it. You can take us to the International Court of Justice and the attendance register will remain in the bowels of former Labor Premiers. It is part of the austerity drive; we do not get lunch.

Dr PRENZLER (Lockyer—ONP) (6.52 p.m.): It is pretty hard to follow that, is it not? These Ministers' integrity is at stake in delivering honest Government in accordance with principles firmly established within the Westminster system and specifically adverted to in the Queensland Cabinet Handbook. In Item 10 of that handbook under the heading "Minister's Code of Ethics" a number of the paragraphs necessitate attention to the legal and conventional rights and obligations attaching to the five Ministers of the Cabinet responsible for the Heiner inquiry now known as Shreddergate.

Paragraphs of particular application are noted beneath the introductory provisions. Given the wide discretionary powers of Ministers, high standards are required of them in the execution of their public duties. Therefore, Ministers will—

> "Accept that it is a matter of discretion for the Premier as to whether a Minister should stand down if the Minister in question is the subject of an official investigation into a matter of serious impropriety or alleged behaviour of a serious nature. The exercise of the Premier's discretion will be informed by the nature of the investigation in question. Ministers accept that they should stand down if they are charged with such an offence, and should resign if convicted."

And further—

> "Act in conformity with the principles of responsible Government and Cabinet conventions laid down in this Handbook. In particular, Ministers acknowledge that the collective decisions of Cabinet are binding on them individually and that if a Minister is unable to publicly support a Cabinet decision, the proper course is to resign from the Cabinet. Ministers note the understanding that Cabinet proceedings are confidential and that details of a submission should not be announced before its consideration by Cabinet, unless with the consent of the Premier."

And further—

> "Be aware of the constitutional responsibilities to act in the public interest and not to disclose confidential information or Government information likely to injure the public interest."

And further—

> "Accept that they and their departmental public servants are bound by the caretaker convention in particular, that during the period after the dissolution of the Legislative Assembly, Ministers should not, except in cases of urgency, make any new significant appointments, enter into new contracts or undertakings that would bind an incoming Government, or embark on any new policy initiatives that would bind an incoming Government. Ministers note that breach of this convention justifies an incoming Government reviewing such appointments, contracts or initiatives."

How can Mr Beattie's non-majority and the conditional support of the member for Nicklin provide stable Government, which the Governor must determine is available, when five members who are Ministers are under a cloud in terms of a Government appointed inquiry? As asserted by Crown law, the inquiry was apparently shelved in the public interest, notwithstanding the fact that the report in toto was undertaken in that very same public interest. The conclusions of that inquiry relating to obscene child abuse ultimately went to the root of decent behaviour in a civilised society. The inquiry's conclusions surely ought to be in the hands of those who are proven to be dedicated to the care and protection of the whole electorate, including, of course, our children.

I call on all members of this House to support this motion as this issue involving the expulsion of the five Ministers is the root of maintaining the integrity of this House. Apart from calling upon the members of this House to support this motion, I also call upon them to put aside their party affiliations for they must surely be here in this House to firstly represent the people of this great State. The people of this great State deserve to see this House acting as an example of honesty and integrity and not simply a place in which to use numbers to protect one's mates.

Mr LUCAS (Lytton—ALP) (6.58 p.m.): The debate tonight plumbs new depths of parliamentary conduct. The great irony is that it is the conduct of the One Nation members. What a police officer the member for Caboolture would have been if he could have charged and convicted people of criminal offences and imposed admonitions, fines or sentences in Parliament. One Nation members ask us to believe this conspiracy theory. The people in my electorate do not talk about conspiracy theories; the people in my electorate talk about jobs, police, hospitals and housing.

If we did not have a conspiracy theory about Heiner, we would have allegations about Communists in schools, according to the member for Caboolture. We would have allegations about the Vietnam War. What is going to be next? Will we hear that the currency in Australia is illegal since we went off the gold standard? Is it going to be that all Federal polls have been illegal since we adopted proportional representation? I have some advice for the members of One Nation: if their leader wants to go on with silly tricks and silly tactics and loony tune conspiracy theories about Heiner, and if they follow him like lemmings over the cliff, we will be very happy.

Time expired.

Question—That Mr Springborg's amendment be agreed to—put; and the House divided—

AYES, 44—Beanland, Black, Borbidge, Connor, Cooper, E. A. Cunningham, Dalgleish, Davidson, Elliott, Feldman, Gamin, Goss, Grice, Healy, Hobbs, Horan, Johnson, Kingston, Knuth, Laming, Lester, Lingard, Littleproud, Malone, Mitchell, Nelson, Paff, Pratt, Prenzler, Quinn, Rappolt, Rowell, Santoro, Seeney, Sheldon, Simpson, Slack, Springborg, Stephan, Turner, Veivers, Watson. Tellers: Baumann, Hegarty

NOES, 44—Attwood, Barton, Beattie, Bligh, Boyle, Braddy, Bredhauer, Briskey, Clark, J. I. Cunningham, D'Arcy, Edmond, Elder, Fenlon, Foley, Fouras, Gibbs, Hamill, Hayward, Lavarch, Lucas, McGrady, Mackenroth, Mickel, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Reeves, Reynolds, Roberts, Robertson, Rose, Schwarten, Spence, Struthers, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Purcell

The numbers being equal, Mr Speaker cast his vote with the Noes.

Resolved in the **negative**.

Question—That Mr Feldman's motion be agreed to—put; and the House divided—

AYES, 11—Black, Dalgleish, Feldman, Kingston, Nelson, Paff, Prenzler, Rappolt, Turner. Tellers: Knuth, Pratt

NOES, 77—Attwood, Barton, Baumann, Beanland, Beattie, Bligh, Borbidge, Boyle, Braddy, Bredhauer, Briskey, Clark, Connor, Cooper, E. A. Cunningham, J. I. Cunningham, D'Arcy, Davidson, Edmond, Elder, Elliott, Fenlon, Foley, Fouras, Gamin, Gibbs, Goss, Grice, Hamill, Hayward, Healy, Hobbs, Horan, Johnson, Laming, Lavarch, Lester, Lingard, Littleproud, Lucas, Mackenroth, Malone, McGrady, Mickel, Mitchell, Mulherin, Musgrove, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Purcell, Quinn, Reeves, Reynolds, Roberts, Robertson, Rose, Rowell, Santoro, Schwarten, Seeney, Sheldon, Simpson, Slack, Spence, Springborg, Stephan, Struthers,

Veivers, Watson, Welford, Wellington, Wells, Wilson. Tellers: Sullivan, Hegarty

Resolved in the **negative**.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Leader of the House) (7.10 p.m.): I move—

"That the House do now adjourn."

Olympic Business Opportunities Project

Mr ROBERTSON (Sunnybank—ALP) (7.10 p.m.): In 1993 the Labor Government established the Olympic Business Opportunities Project to identify and develop opportunities for local business to participate in the biggest sporting and corporate event in Australia's history. With the Paralympics, the Games will cover a period from 2 September to 1 November in the year 2000. This will include 27 days of competition. While Sydney and New South Wales will be the principal beneficiaries, Queensland business, with the assistance of the project team, has been competing and winning contracts to provide a variety of services and infrastructure for the world's biggest event.

The main amphitheatre in the Homebush precinct is covered by a sail-style roof constructed by the Queensland company Shade Structures Pacific. VAE Rail in Mackay won a contract to provide rail turnouts for the Olympic rail loop. Gunns Timber, in conjunction with the Maryborough company Hyne & Co., provided timber panelling for the auditorium at the showgrounds venue. Gadsden Signs, specialising in both architectural and corporate signage, has been awarded two Olympic-related contracts for the supply and installation of directional statutory and overlay signage. Bligh Lobb Sports Architecture has secured numerous lucrative contracts in relation to the design of various venues and precincts. It was one of the first Queensland companies to win Olympic-related business in the early construction and design stages of the Games. As members can see, not only has Queensland business benefited already from the Games, regional business has won contracts that deliver important benefits to people living in regional Queensland.

When the project team was set up, the initial target was $50m. To date, Queensland business has benefited to the extent of $46m worth of business. Queensland companies can increase their opportunity of gaining Olympic business by registering with the Olympic Business Information Service.

Companies registering will be provided with regular updates of current contracts. Olympic coordinating bodies also use the information service database to source firms that may be able to supply goods and services. The Department of State Development last week organised a forum to assist Queensland companies wanting to tender for food supply and food services to the Olympic Games. I attended on behalf of the Deputy Premier and addressed that forum. The forum was also addressed by Mr Hugh Taylor and Mr Allan Whitehouse of the Olympic Catering Services Program. They made it clear that they wished to deal with a single point of contact who will provide "end to end service". The option of working with a number of smaller suppliers is considered less favourable than dealing with just one.

For the world-class athletes to perform at their best, there will be a need to satisfy a diverse range of ethnic, religious and dietary requirements. This in turn provides many niche opportunities for specialist producers to become involved. Few food service providers in the world could singly tender for supply to the 2000 Olympics. An estimate of 11 million meals, 100 tonnes of meat, 82 tonnes of seafood, 31 tonnes of poultry, 330 tonnes of fruit and vegetables, 21 tonnes of cheese and 19 tonnes of eggs gives some outline to the dimension of the task. There are 38 precincts and 100 Olympic, Paralympic, training and operations venues. The sheer magnitude of the Games therefore means that, if small or medium-sized businesses are to compete successfully for Olympic tenders, they have to start thinking of their traditional competitors as their potential partners. This is an opportunity that is too good to miss, but it requires a new way of doing business.

Queensland business has to consider a collective approach, a coordination that will provide it with the mass to allow it to tender effectively for the business as master caterers, individual contractors at specific venues or subcontractor specialists. There are, as I have said, many specialist opportunities because of the diverse ethnic and religious backgrounds and the special dietary demands of the competitors. There is no point in a Queensland business putting in a bid to win 100% of a contract and failing to convince SOCOG that it has the critical mass or the technical ability and know-how to deliver when, as a consortium, it would be able to win the contract and share the benefits. The Olympic Business Opportunities Project Team will be assisting

Queensland business in the food industry to match their goods and services to the opportunities flowing out of this section of the Games.

Queensland is well placed both climatically and geographically. We have the natural resources. We have the expertise. We have the technology. We have the raw product. We need to bring those resources and assets together in a collaborative approach that will maximise the chances of Queensland firms against keen competition from other States. This event presents Queensland with an opportunity to showcase our excellent cuisine and world-class produce at the world's largest sporting and corporate event. Bringing Queensland business together for the Sydney Olympics is what the Olympic Business Opportunities Project Team is all about.

Time expired.

City/Valley Bypass

Mr SANTORO (Clayfield—LP) (7.15 p.m.): Tonight I wish to briefly raise an issue that is of great concern to a significant section of my constituency, the issue of the City/Valley bypass. As the Premier stated this morning, this project is a Brisbane City Council-driven project and seeks to address the inadequacies in the existing inner-city road network which cause unnecessary heavy traffic movements through the city and the Valley and major residential and commercial developments in the inner city which, in turn, will create additional traffic demands and congestion in the inner north-eastern suburbs.

The major developments which have the potential to significantly increase traffic demands include the developments associated with the Gateway/ports strategy, the Airport Master Plan and possibly the super stadium and other related developments at Hamilton.

At the same time, it is anticipated that any bypass would remove the flow of traffic carrying dangerous goods through the Valley and the inner city, thus eliminating the potential for very major and nasty accidents as a result of the carriage of dangerous and toxic goods.

Everyone that I have talked to about this issue, including, and particularly, my constituents, believe that something has to be done to resolve the serious traffic issues I have just mentioned. However, my constituents cannot and will not forget for one single moment that, from their point of view, the inalienable truth of the bypass project is that it ends up in my electorate roughly at the mouth of Breakfast Creek and that the traffic from the bypass will then spill almost in its totality into Kingsford Smith Drive.

Mr Speaker, you need not be an Einstein to appreciate the consequences of this proposed project in my electorate, including a necessity to resume some residential and commercial properties; the possible divergence of much of the extra traffic off the bypass network into the residential areas of Albion, Hamilton and Ascot; and the overloading and congestion of Kingsford Smith Drive, with the extra traffic and the consequent loss of residential amenity and the decrease in real estate values.

My constituents and I believe that the process of consultation and community involvement in relation to this project needs to be got right. There are many within the community that I represent, including members of the northern regional action groups, hardworking local councillor Graham Clay and individual residents who believe that the consultation process to date has not been 100% all that serious.

In fact, I remember being contacted by a significant number of greatly surprised residents several months ago, after the Brisbane City Council, without any warning whatsoever, announced its decision to proceed with the City/Valley bypass construction. It then asked local residents and other interested parties to comment on its proposals via consultants that it engaged, these being Connell Wagner.

The project is now at the stage where the preferred route has been determined and the draft impact assessment study report summarises benefits and impacts of the bypass proposal. The plan is now on display in various locations until 13 September. I listened very carefully to the Premier this morning who basically said that the project was a Brisbane City Council project and that, in the main, inquiries should be directed to the Brisbane City Council. The Premier also this morning skirted around the issue of funding and did not provide an answer in relation to what role his Government would play in terms of funding the proposal.

It needs to be put clearly on the record that the State Government has a very influential role to play in relation to this issue and project. It is a major infrastructure project and approval, it would seem to me, will be needed from the Department of Local Government and Planning for the final impact

assessment study. Of course, the State Government also retains several other statutory approvals. There are, I have been advised, at least three Transport portfolio approvals required covering the impacts of the bypass on the State-controlled roads and public transport operations in railways. Of course, this project is going nowhere unless one or two funding options come into operation, these being that the Brisbane City Council introduces a toll to cover the cost of constructing the bypass or greatly increases the rates, or the State Government kicks in a considerable amount of the cost of the project, which is estimated to be up to $200m.

It is a matter of historical record that the Goss Labor Government committed approximately $35m to the Brisbane City Council proposed scheme when it was in Government; so, in the past, the Labor Party in this place has expressed support for the project, including financial support. I am tonight calling on the Transport Minister and the Government to ensure that the interests of long established residential and business communities in my electorate are well and truly taken care of during the consultation and eventually, if it comes to pass, the construction phase of this project. It will not be good from my point of view or that of local councillor Graham Clay or, indeed, the residents who are affected by this project to have the Premier and the Government pass any blame and responsibility straight back to the Brisbane City Council. As I have just indicated, the State Government can and will be very influential in terms of what occurs, including, if necessary, whatever work needs to be done in relation to Kingsford Smith Drive. The Government should rest assured that I will do my utmost to effectively protect the residential amenity and land-holding interests in my area as I have done in several other parts of my electorate that have been affected by Government decisions, particularly the decisions of Labor Governments which, in the past, have demonstrated themselves not to be as consultative as they often claim to be. I wish to thank councillor Graham Clay, local residents and the various action groups for the sterling job that they have so far done and undertaken in order to protect the interests of the local community.

State Focus Reconciliation Conference

Mr MULHERIN (Mackay—ALP) (7.20 p.m.): Last weekend I had the privilege, along with my parliamentary colleagues the Minister for Aboriginal and Torres Strait Islander Policy, Judy Spence; the member for Townsville, Mike Reynolds; the member for Mirani, Ted Malone; and the member for Whitsunday, Harry Black to attend Australia's first State Focus Reconciliation Conference held in Mackay. The conference, which was hosted by the Mackay City Council, had as its theme "Working Together" and brought together Queenslanders who are working towards reconciliation across Government, business, industry, tourism and the wider community to share ideas and to look to the future.

In common with many Australians of my generation, I was taught a version of history at school that neglected to include the struggles and achievements of Australia's indigenous people. It was a history that failed to mention that Australia is home to the oldest living culture in the world. It also failed to tell the true story of how the first Australians were dispossessed of their land at the barrel of a gun, by poisons in bags of flour and by introduced disease and starvation. It did not say anything about the way that successive Governments completed this dispossession by forcibly removing Aboriginal people to isolated reserves and by deliberately and wilfully stealing children from their parents in an attempt to destroy indigenous cultures. It said nothing about the great achievements of Aboriginal people in the economic development of the nation, in the arts and in sport and in this country's defence in overseas wars. It was, as the anthropologist W. E. H. Stenner remarked in 1969, "the time of the great Australian silence".

But thankfully, things have well and truly changed and there is now far greater opportunity for everyone, young and old, to be better informed about our shared past. It was a great credit to the Mackay City Council and the organisers of this conference that some of the people most responsible for this change were persuaded to share their knowledge with us in Mackay last weekend. One of these was Professor Henry Reynolds. Henry, more than any other historian, has removed the collective blinkers from our eyes about the often tragic history of Aboriginal/European contact in Australia. He gave us an insight into how Aboriginal people creatively and courageously resisted the invasion of their country and provided the shocking figure that upwards of 20,000 people died in the defence of their land as a result of the use of European guns. He detailed how the now disproved racial ideas held by many Europeans helped them justify what Aborigines term "the killing times". Henry outlined the major contributions of Aboriginal

people in assisting white settlement and building our nation. We learned that just as the sugar industry could not have developed without the labour of the South Sea Islanders so, too, the cattle industry depended on the efforts of Aboriginal stockmen and women and the sea industries depended on Torres Strait Islander men and women.

Another speaker, Dr Ros Kidd, opened the lid on the secretive and all-powerful ways in which successive Governments controlled all aspects of Aboriginal people's lives, including freedom of movement, place of residence, employment, savings, marriage and adoption. She pointed out that politicians were wrong to talk about the Aboriginal problem; it was the Government from all shades of politics that was the real problem. Her book, The Way We Civilise, should be required reading for all members of this Chamber and public servants so that we do not repeat the congenital failure described in her book.

I believe that it is vital that we pay far greater attention to the indigenous voices in our community than we do now so that we can learn from the past and look to the future. It is for this reason that the contributions over the weekend of the many indigenous speakers were so important. Reconciliation is not about guilt or blame; it is simply acknowledging and taking responsibility for the past and working together for the future. Reconciliation is about listening to other people's perspectives on the past, then asking ourselves a simple question: how would I feel if this was done to me? As Dr Ros Kidd says at the end of her book—

> "Ignorant of our historical heritage, we remain vulnerable to manipulation by those who have most to gain from truncated and distorted debate...if we are to give real substance to the rhetoric of reconciliation on the eve of the new millennium, then we must retrieve, explore, understand and accommodate the whole spectrum of experiences of all Australians."

The conference concluded with a commitment from delegates which stated—

> "We, who have shared this conference experience together recognise this as the beginning of the reconciliation process and commit our time and energy to achieving the vision of the Council for Aboriginal Reconciliation...a united Australia which represents this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all."

Finally, I would like to thank the Mayor of Mackay City, Councillor Julie Boyd and her council and all the speakers who shared their knowledge with the Mackay community and which will take the Mackay community one step further on the path to reconciliation.

Toowoomba Greyhound Racing Club

Mr HEALY (Toowoomba North—NPA) (7.25 p.m.): This morning during question time, the Minister for Tourism, Sport and Racing made certain statements in relation to the greyhound racing industry in Toowoomba. I feel that it is appropriate to set the record straight on a number of matters. Yesterday, the Minister also issued a media release titled "Gibbs guarantees Toowoomba Greyhound Club survival". In the release and this morning the Minister announced new race dates for greyhound racing in south-east Queensland, the result of which is that the Toowoomba Greyhound Racing Club will revert from its current Friday twilight timeslot to Wednesday night.

According to the media release—

> "The recently resigned Greyhound Racing Authority Board appointed by the Borbidge Government had originally planned to close the Toowoomba club."

That statement is simply untrue. The Minister claims to have the proof, and I know what he refers to: it is the letter from the previous chairman of the board that he tabled today. There is no formal recommendation from the board to close the club. That letter merely reflected the KPMG strategic plan recommendation, which states—

> "This configuration set out above in table form reflects the fact that in conjunction with the KPMG Strategic Planning exercise recently completed as presented to you, the Board is seeking to maximise the return to stakeholders of the race programming calendar.
>
> The Industry cannot avoid the need for a decision."

I suggest that the Minister has a look at the minutes of the special board meeting of 11 August, which contains a clear recommendation that Friday twilight greyhound racing at Toowoomba continue. I am advised that the board at no stage made any formal recommendation to close the Toowoomba club.

This morning, the Minister also seemed to suggest that when he was the Racing Minister the member for Crows Nest knew that the

board was trying to close Toowoomba and that he did everything that he could to stop it. I have spoken to the member for Crows Nest, who informs me that at no stage did the board discuss with him the possible closure of the Toowoomba club. Why would the board want to close the club when it had just advanced to its account the sum of $27,000 to keep it going?

Following the change of Government, as a responsible body should, on 24 July 1998 the board raised the Toowoomba club's continuing liquidity problems with the current Minister in that letter from the then board chairman requesting a meeting with him to discuss the issue. There was no response to that request. Again, I reiterate that I am advised that there was no formal recommendation by the board to close the club.

At a meeting at the Toowoomba showground on 18 August, attended by some 70 licensees and interested people involved in the Toowoomba greyhound racing industry, it was unanimously resolved to reject any suggestion of racing on a Wednesday night. It was also resolved that a deputation be elected from the meeting to meet with the Minister as a matter of urgency to explain the reasons why, and there are some very good reasons why.

On 18 August, I wrote to the Minister seeking his consideration of a meeting with that deputation. To date, no reply has been forthcoming. I reject totally the statement in both the media release and in the Minister's contribution this morning that both my colleague the member for Toowoomba South and I ignored Toowoomba greyhound racing while the board conspired to close the club. The GRA did not conspire to close the club.

The facts are that the recommendation to close the club was contained in the KPMG strategic plan, as was a recommendation that the Beenleigh club race at the Parklands complex on the Gold Coast and the Beenleigh complex close. Of course, that all coincided with Sky Channel's decision to allocate another four meetings that it intended to cover. I am advised that the board rejected the KPMG recommendations and sought further discussions with the Minister to canvass a range of issues in relation to future race dates for clubs in south-east Queensland.

The really frustrating thing for the people involved in the industry of Toowoomba is, firstly, a story that appeared on 6 August in the Toowoomba Chronicle, which states—

> "A spokesman for Racing Minister Bob Gibbs has squashed rumours regarding the Toowoomba Greyhound Racing Club losing its Friday night time slot."

That relates to its twilight meeting. The report continues by quoting the spokesman stating—

> " 'There are definitely no plans in place to close the Toowoomba Greyhound Club down or move it to a Wednesday time slot,' the spokesperson said.
>
> 'We are here to preserve race clubs, not close them down and we are hoping SKY Channel will soon be broadcasting out of Toowoomba on Friday night.' "

How ironic that the new dates announced by the Minister this morning coincide almost exactly with those contained in a letter to the authority's CEO dated 22 July from a meeting of secretary managers of Beenleigh, Ipswich, Albion Park and Parklands clubs, which I table. In other words, these clubs have decided what is best for Toowoomba. Again, I urge the Minister, as a matter of urgency, to consider seeing the deputation from Toowoomba and at least hear its case.

Motion agreed to.

The House adjourned at 7.30 p.m.