

## TUESDAY, 11 MARCH 2003

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

### ASSENT TO BILLS

(Sgd) Peter Arnison  
GOVERNOR

Message No. 1/03

The Governor acquaints the Legislative Assembly that Bills intituled:

"A Bill for an Act to amend certain local government legislation"

"A Bill for an Act to amend the *Queensland Building Services Authority Act 1991*, and for other purposes"

"A Bill for an Act to amend the *Weapons Act 1990* and for other purposes"

"A Bill for an Act to amend the criminal law, and for other purposes"

"A Bill for an Act to amend various Acts as a consequence of the Commonwealth enacting the *Financial Services Reform Act 2002* (Cwlth), and for other purposes"

"A Bill for an Act to amend the *Body Corporate and Community Management Act 1997*, and certain other Acts",

having been passed by the Legislative Assembly, and having been presented for the Royal Assent, were assented to by the Governor, in the name of Her Majesty, on the Fourth day of March, 2003.

The Governor now transmits the Bills to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Government House, Brisbane

11 March 2003

### PRIVILEGE

#### Queensland Thoroughbred Racing Board

**Hon. M. ROSE** (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (9.33 a.m.): I rise on a matter of privilege. The Crime and Misconduct Commission has totally vindicated the selection process used to establish the Queensland Thoroughbred Racing Board. The total clearance came after exhaustive investigation by the CMC of a host of poisonous and conspiratorial claims from the members for Toowoomba South and Warrego and certain vested interest participants in the thoroughbred racing industry. This whole sordid saga demonstrates the depths to which these people will stoop to protect their privileges and derail reforms that make racing a modern and vibrant industry.

The CMC findings remove once and for all ill-founded doubts over the legitimacy of the QTRB. The CMC did, however, express some concern relating to conflicts of interest on the part of industry appointed selection panel members. I agree with their comments but, unfortunately, governments are constrained by the quaint national rules of the Australian Racing Board in having to include industry representatives in any major decision-making process. Many of the false, grubby and continuing attacks by the member for Warrego, the member for Toowoomba South and others focused on their belief that Bob Bentley was not on the reserves list. The CMC's view of this was—

Mr Bentley was always one of these three, whether they be called reserves...or anything else.

The CMC summed up the background to its investigation by saying—

...concerns and allegations have been raised with the CMC, usually not in the sense of the provision of direct evidence but as inferences and suspicions about possible explanations attaching to events relating to the industry and persons involved in it.

Judges warn jurors every day of the danger of accepting uncorroborated allegations as evidence and yet former Supreme Court judge Bill Carter stood up at a public meeting and declared the selection process corrupt, even though he had none of the facts at his disposal. It was hardly the judicious conduct one would expect from such an eminent figure. The member for Toowoomba South, the 'beaten favourite' as some wags have so indelicately dubbed him, referred this matter to the CMC. He and his Racing predecessor, the member for Warrego, should hang their heads in shame and embarrassment. Their juvenile actions backfired badly. If they had a shred of honour, they would apologise publicly for their actions and the damage they have done to the Queensland racing industry. I will not be holding my breath.

## PETITIONS

The following Honourable Members have lodged Paper Petitions for presentation—

### Ningi Bypass

**Mrs Carryn Sullivan** from 2483 petitioners informing that the people of Ningi and Bribie Island unanimously reject the proposal to upgrade Bribie Island Road to four lanes through Ningi Township and that urgent consideration be given to determining a suitable bypass route and funding be provided for acquiring the rights for a corridor and developing this as a bypass of Ningi Township.

### Pine Rivers Shire, Bus Services

**Mr Wilson** from 154 petitioners requesting the House to provide all assistance necessary to ensure there are adequate bus services in the Hills District of Pine Rivers Shire and adjoining suburbs of north-west Brisbane by ensuring adequate bus services on weekends and public holidays; at night on weekdays; and to increase the frequency of the existing bus services.

### Gold Coast Harbour Vision Project

**Mr Lawlor** from 149 petitioners requesting the House to advise the Gold Coast City Council that the House will not agree to the recommendations contained in the "Gold Coast Harbour Vision 2020 Project—Report No. 1" and is against any commercial development of the Broadwater (including Wavebreak Is) and the western foreshore and any further reclamation.

The following Honourable Members have sponsored E-Petitions which are now closed and presented—

### School Airconditioning Program

**Mr Hobbs** from 213 petitioners requesting the House to immediately provide funding for a School Air Conditioning Program (similar to the programs in North Queensland), for schools such as the St George State Primary School, who do not have air conditioning, and wish to participate in such a program.

### Mackay-Bucasia Road

**Ms Jarratt** from 27 petitioners requesting the House to upgrade the section of Mackay-Bucasia Road between Eimeo Road turnoff and Mackay-Habana Road turnoff to four lanes by June 2004.

## 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—

3 March 2003—

Government response from the Premier and Minister for Trade (Mr Beattie) to Public Accounts Committee Report No. 62 entitled Review of Audit Reports—Establishment of Public Sector Entities

4 March 2003—

Government response from the Minister for Transport and Minister for Main Roads (Mr Bredhauer) to Travelsafe Committee Report No. 38 entitled Public Transport in South East Queensland

6 March 2003—

Gas Retail Market Business Rules made by the Honourable Terry Mackenroth MP, Deputy Premier, Treasurer and Minister for Sport on 9 August 2002

10 March 2003—

Report on outcomes of the review of the Agricultural Standards Act 1994

### STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Police Powers and Responsibilities Act 2000—

Police Powers and Responsibilities Amendment Regulation (No. 2) 2003, No. 28

Health Act 1937—

Health (Drugs and Poisons) Amendment Regulation (No. 1) 2003, No. 29

Fisheries Act 1994—

Fisheries Amendment Regulation (No. 1) 2003, No. 30

Fisheries Act 1994—

Fisheries Management Plans Amendment Management Plan (No. 1) 2003, No. 31

Electrical Safety Act 2002—

Electrical Safety Amendment Regulation (No. 1) 2003, No. 32

Health Practitioners (Special Events Exemption) Act 1998—

Health Practitioners (Special Events Exemption) Amendment Regulation (No. 1) 2003, No. 33

Consumer Credit (Queensland) Amendment Act 2002—

Consumer Credit (Queensland) Amendment (Postponement) Regulation 2003, No. 34

Consumer Credit (Queensland) Act 1994—

Consumer Credit Amendment Regulation (No. 1) 2003, No. 35

Private Health Facilities Act 1999—

Private Health Facilities (Standards) Amendment Notice (No. 1) 2003, No. 36

## MINISTERIAL STATEMENT

### Bali Memorial Service

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): On 20 October last year St Matthew's Church at Holland Park held a requiem service for the victims of the Bali bomb attack. The Rev. John Milburn wrote to me on 19 February enclosing a memorial book signed by the congregation. I told him that I would be pleased to table the memorial book in parliament. I table the memorial book.

## MINISTERIAL STATEMENT

### Trade Mission to India, the United Arab Emirates and Singapore

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 a.m.): I table a supplementary report to the report I tabled last time parliament sat on my visit to the United Arab Emirates, India and Singapore.

## MINISTERIAL STATEMENT

### Australian Catholic University

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): At lunch time today I will open the Australian Catholic University's new campus at Banyo. The Australian Catholic University is to be congratulated on the move and on the innovative approach it takes to education which embodies our Smart State vision. Students at the university not only learn work related skills; they are also taught how to think. And in the knowledge based economy of the 21st century, being able to think critically and creatively will be vital to success. That is what our commitment to innovation is all about.

The university's relocation from Mitchelton to Banyo will enable it to offer courses in business and information systems, visual arts and design, the creative arts and social sciences in addition to teacher education and nursing. The new campus will also cater for more students, with the university expecting to increase enrolments from the current level of 2,600 to 5,000 by the end of this decade. The university also offers online education to students throughout Queensland, interstate and overseas, something we are keen to encourage under our export education program.

My government applauds the university for the smart approach it is taking to education. We have contributed \$6 million to the \$34.5 million redevelopment of the former Banyo seminary. Other funding has come from the federal government, the university, Catholic Bishops of Queensland and donations. The project has involved the renovation and refurbishment of the former seminary and the construction of new state-of-the art teaching, research and administration facilities. At the same time, the campus has retained many of the seminary's traditional features. It is a quiet reminder of how the traditions of the past are still firmly embedded in the Australian Catholic University's teachings today.

The university's success is not surprising. It consistently receives top marks from graduates for the quality of their learning experience in the *Good Universities Guide*. It also has a high rate of graduate employment. The Australian Catholic University is also to be commended for its significant commitment to meeting the educational needs of Aboriginal and Torres Strait Islanders. This includes a special support unit for more than 100 Aboriginal and Torres Strait Islander students in Queensland, out of about 250 indigenous students on Australian Catholic University national campuses across the country. A range of programs and activities helps all students expand their understanding of indigenous people and their culture. By moving the

Brisbane campus to Banyo, Australian Catholic University is strengthening its ties with the community and our Smart State vision.

Recently, Australian Catholic University National and the Brisbane Institute of TAFE signed a memorandum of understanding with a view to collaborating on joint diploma/degree qualifications. Students will be able to obtain dual qualifications—a diploma at TAFE and then a degree qualification at the university. As Premier, I cannot place enough emphasis on the importance of education for Queensland's future. As everyone knows, education is one of my government's key priorities. I want to congratulate the Australian Catholic University on its progressive approach to education and I wish it every success in the future. Mr Speaker, I should declare a conflict of interest: my wife, as you know, is a lecturer in nurse education and the assistant head of school at the school of nursing at that university.

**Mrs Edmond:** And a jolly fine woman.

**Mr BEATTIE:** Yes, and a very fine woman. She will be there at the opening, Mr Speaker.

## MINISTERIAL STATEMENT

### Queensland-Ireland Memorandum of Understanding

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.42 a.m.): Tonight I will have the honour of hosting a state dinner for the Irish President, Mary McAleese. President McAleese is making her second official visit to Queensland and her trip highlights the warmth of the ties between Queensland and Ireland. Her visit follows last year's signing of a memorandum of understanding between Ireland and Queensland, which is designed to promote even closer trade and cultural links—a memorandum she and I worked very closely on.

We are immensely proud that, apart from the province of Newfoundland and Labrador in Canada, Queensland is the only government in the world to have a general memorandum of understanding with Ireland. It makes sense for us to formalise our ties. Apart from our shared heritage, Queensland and Ireland have similar attitudes to private sector involvement in developing public infrastructure. We are both upgrading and expanding our transport, education and health infrastructure. We also share the same focus on smart economic development, particularly in the information and communication technology and biotechnology sectors. The MOU will facilitate cooperation in these sectors. It was signed on my behalf by the Director-General of State Development, Paul Fennelly, during the Irish leg of my trade mission to Europe last year.

Mr Speaker, as you would be aware, I was not able to take part in the ceremony because I had to return home early after the Bali bombings. But the trade mission continued and it is already delivering dividends for Queensland. If my government is re-elected at next year's election, I will be seeking to visit Ireland as part of our trade focus and to make up for that cancelled visit.

The commercial arm of our Department of Main Roads, RoadTek, is bidding for a contract for the sequencing of traffic lights for the Dublin Light Rail project where it crosses roads. So strong are RoadTek's capabilities in this area that it was able to bid for the contract on references alone, which were given by Queensland private sector delegates and their Irish business partners. The negotiations between RoadTek and Dublin Light Rail have all been done over the Internet and, if the bid is successful, virtually the whole contract will be delivered via the Internet. Now that is what I call the Smart State at work.

Also as a result of that trade mission, the Consortia of Pacific Infrastructure Alliance, made up of engineering company GHD, lawyers Clarke and Kann and quantity surveyors APD, has been invited to deliver a two-day workshop to a major construction firm in Dublin on the topic of contract methodology. And Transcore Australia, a world leader in toll equipment and systems, has been able to open some doors in Ireland. Since the trade mission, Transcore has had many meetings with key government representatives in the Republic of Ireland and has put in a number of bids on projects. We are hoping further links will be established during next month's visit by Chris Giblin, the Director of the Dublin City Council, to the Asia-Pacific Cities Summit in Brisbane. And there will be more than a little friendly rivalry when we welcome the Irish team during this year's Rugby World Cup.

I look forward to strengthening existing ties and creating new ones with our Irish friends. Together, Queensland and Ireland can show the world how much can be achieved when two smart operators work together.

### MINISTERIAL STATEMENT

#### Acland and Rolleston Coal Mines

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.45 a.m.): The export coal industry in Queensland continues to grow. Last Wednesday, along with Natural Resources and Mines Minister, Stephen Robertson, I officially opened New Hope Corporation's New Acland mine near Oakey. Apart from being a great local jobs generator, especially in a region hit hard by drought and dairy industry changes, it is another solid boost for Queensland. Acland Mine is also a world leader. New Hope's thermal coal, with its higher hydrogen, lower nitrogen and average sulphur levels, produces the lowest greenhouse gases of any coal in the world. About 96 people will be permanently employed at New Acland when it reaches full production in July this year. The mine will also benefit Queensland as a whole, with more than half of its annual production being exported to Asian markets.

I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

The New Acland mine, which is located about 15 kilometres north of Oakey, will produce about two million tonnes of thermal coal each year.

Of that amount, 800,000 tonnes of coal will be sold locally, with Swanbank Power Station taking 750,000 tonnes a year and the Tarong Power Station using up to 50,000 tonnes of coal a year.

Importantly, two thirds of the coal bought by Swanbank will be transported by rail.

My Government is continuing its efforts to upgrade rail infrastructure on the Toowoomba Range for freight and passenger services.

That magnificent rail line was opened in 1867—but Robert Ballard and his fellow engineers would never have imagined such heavy trains using it.

My government is allocating \$20.2 million to be spent rerailing and track strengthening between Rosewood and Helidon—this is due to be completed in June this year.

### MINISTERIAL STATEMENT

#### Business Confidence

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.47 a.m.): Queensland continues to lead Australia in economic growth and business confidence. Two recent surveys have shown that business conditions in Queensland remain very good, despite problems such as the drought and the threat of war against Iraq. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

The Pulse Business Index for the December quarter is down only 2.35 points from its record high of 62.70 in the previous quarter.

And the February Yellow Pages survey shows that business confidence in Queensland strengthened over the three months to January.

In Queensland the net balance of small and medium businesses remain positive about their business prospects in the Yellow Pages survey rose 4 points to 59% compared to the national rise of 3 points to only 55.

The Pulse survey from Commerce Queensland shows trading conditions remained at satisfactory levels. Total sales and revenue performed strongly during the period.

The Pulse survey of general business conditions has only reached these levels once before in the period after 1994—and that was in December 1999.

### MINISTERIAL STATEMENT

#### Medical Oncology Service, Gladstone

**Hon. W. M. EDMOND** (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (9.48 a.m.): It is with great pleasure that I am able to announce to members here today that cancer patients in Gladstone will again have access to specialist treatment close to home. Last September, the visiting oncologist, Dr Maree Colossimo, withdrew her services suddenly and without warning. As members would be aware, there is a national shortage of doctors and specialists and finding a replacement has proven very difficult.

Thanks to the joint efforts of Queensland Health and the Mater Hospital Gladstone, the medical oncology service is being re-established. Dr Paul Mainwaring, who is also an Associate Professor and the Head of Medical Oncology at the Mater Brisbane, is expected to begin fortnightly private visits to both Gladstone and Rockhampton in the middle of this month. Dr

Mainwaring is a respected and highly qualified specialist doctor and has already received his first referral for a Gladstone patient.

This is a great outcome for Gladstone and the result of the collaborative approach being taken by Queensland Health and the Mater Hospital, which is located on the same site as the Gladstone Hospital, is to provide the region with the best health care possible. We have been able to resolve what has been an upsetting situation for cancer patients in Gladstone.

The new medical oncology service will be conducted at the Mater Hospital Gladstone and public patients will be bulk-billed. Dr Mainwaring will also work closely with the public hospital doctors to ensure there is support for his patients when he is not in town by providing teaching and valuable online access to medical protocols. I believe he is in Gladstone this week to meet colleagues and clients. I think this is indeed a good outcome for Gladstone.

### **MINISTERIAL STATEMENT**

#### **Burnett River/Paradise Dam**

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for State Development) (9.49 a.m.): In the company of the Minister for Local Government, Nita Cunningham, and the member for Burnett, Trevor Strong, I was recently in Bundaberg to review the development of the Burnett River Dam. And I wish to inform the House that I and my colleagues were extremely pleased with the progress being made on the \$200 million-plus Burnett River Dam project. I can confirm that the project is currently on track for a construction start date of November 2003.

Predevelopment activities are well in train. The registration of interest process for the construction of the dam recently has attracted quality national and international candidates. Negotiations with local land-holders are also progressing well, with the majority of the required properties having reached agreement to settle, and we are soon to see the achievement of a number of major milestones.

The first cab off the rank was the Isis Highway upgrade that started in the last couple of weeks. The region had welcomed the fast-tracking of the highway upgrade, which would improve approximately 4 kilometres of narrow, winding road located in Isis Shire. Despite being only a small part of the overall Burnett River Dam project, the \$1.8 million road upgrade is significant as it signals the start of a major program of works over the coming year.

The Isis Highway project is one of several roads linking to the Burnett River Dam that will be upgraded this year, including intersections on the Isis Highway and Booyal Road and the upgrade of the Chowey Creek Bridge. The roadworks provide a tangible demonstration of the Queensland government's commitment to the Burnett water infrastructure projects and to delivering the local socioeconomic benefits associated with the projects.

The year ahead will also see the construction of the dam access road, further onsite detailed geotechnical investigations, which I understand have started, and the commencement of construction of the Burnett River Dam. It is expected that in the order of \$25 million of works will be undertaken in the region in 2003, as the project gears up to the commencement of construction of the dam planned for the end of the year. Aside from the immediate benefits associated with the construction projects, the longer term results of the water projects' construction is expected to provide economic growth estimates of \$800 million and the creation of more than 7,000 jobs. The Burnett water projects are an election commitment that this government is working to deliver for the Bundaberg and Burnett regions.

### **MINISTERIAL STATEMENT**

#### **Prostitution**

**Hon. T. McGRADY** (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (9.50 a.m.): In recent times there have been various calls for this government to adopt safe zones to allow prostitutes to work legally from our streets. This follows the recent tragic death of a prostitute who had been working the street in Fortitude Valley. The incident highlights to us all the inherent dangers associated with street prostitution.

The Prostitution Act was introduced in 1999 by the Beattie government with a view to cracking down on illegal street prostitution and providing a strictly regulated legal regime for small brothels in industrial areas. Our aim is to improve the health and safety of people involved in this

industry and to allow for the strict regulation of a legal industry. Within this context, we adopted what I still regard as the toughest laws in Australia for legalised prostitution. As my colleague the now Minister for State Development told this House when he introduced the bill—

In framing this bill, we have sought to balance the rights of people operating legally within a legal industry with the need to limit the opportunity for illegal activity.

Street soliciting is not a victimless offence, as is often claimed. Soliciting has an extremely negative impact on the community. Too often residents are woken through the night by the stopping of vehicles and a range of antisocial behaviour. Most complaints received by police and members of parliament regarding prostitution relate to street soliciting. A public attitude survey conducted in 1997 showed that over 90 per cent of the public are opposed to street soliciting.

Once again, the Beattie Labor government has listened to the views of the Queensland public and will do all that is possible to stamp out street prostitution. This is precisely why police have continued to clamp down on illegal prostitution, closing illegal brothels at a rate of about one per week during the past year and laying hundreds of charges against those who participate in this illegal prostitution industry.

We never promised to go soft on illegal prostitution. On the contrary, we will continue with our efforts to clamp down on the illegal prostitution industry. This government holds the view that the legalisation of street prostitution would not create fewer problems; we believe that it would create more. No government could ever guarantee the safety of prostitutes who work the streets. I dispute that so-called safe houses could achieve this, because prostitutes would still be putting themselves in a situation where their first point of contact with a client was on the streets where they could be afforded little or no protection.

Street prostitution is illegal and it will remain illegal under this government. I am somewhat surprised at the calls which have been made in recent times for changes to the legislation. They will not be acted upon by this government.

## MINISTERIAL STATEMENT

### Douglas Arterial; Tugun Bypass

**Hon. S. D. BREDHAUER** (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.54 a.m.): Yesterday I had the opportunity to make two major Queensland road announcements. For some time I have been negotiating with the federal government for additional funds for two important regional road projects. Late last week, in a breakthrough in our negotiations, an agreement was reached on a funding package that will see construction of both Townsville's Douglas Arterial and Tugun's bypass start later this year.

I joined federal Transport Minister and acting Prime Minister, John Anderson, the Minister for Tourism and Racing, and the member for Mudgeeraba on the Gold Coast yesterday morning to announce a federal funding contribution of \$120 million towards the full construction cost of the Tugun bypass. Yesterday's announcement is very good news for Queensland, but particularly for the people of the southern Gold Coast who have endured growing problems with traffic congestion in their local community. Not only will this announcement mean reduced congestion for people living and working at the southern end of the Gold Coast and in northern New South Wales, it also means that the Queensland government's plan to connect stage 1 of the bypass to the Gold Coast Highway via Boyd Street is no longer necessary.

Yesterday afternoon, I joined the federal member for Herbert, Peter Lindsay, the Minister for Emergency Services and the members for Mundingburra and Thuringowa in announcing that both governments had reached agreement on a funding package that will see construction of the Douglas Arterial start within a matter of weeks. The Commonwealth has agreed to provide an extra \$4 million, lifting funding from \$33.4 million to \$37.4 million. Federal funding will cover two-thirds of the cost of the construction of this road. The state has agreed to fund the remainder. For the first time, the communities of Thuringowa, Rasmussen and Kelso will have direct access to the new Townsville Hospital, the university and Lavarack Army Barracks, thanks to the agreement reached yesterday. A further major benefit will be the reduction in congestion at the intersection of Nathan and Ross River roads and across the Ross River Bridge.

A great deal of effort has gone into securing this agreement. I would like to commend all of the local members for their support and the work that they have done in helping me to lobby for these important regional outcomes. I should say that I welcome the additional funding

commitment from the federal government and thank the federal minister, John Anderson, for the spirit in which the negotiations were conducted.

## MINISTERIAL STATEMENT

### Drug Court Trial

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (9.56 a.m.): I am pleased to advise the House that a radical program introduced more than two years ago by the Beattie government to try to break the cycle of drug abuse and drug related crime has reached a major milestone. The drug court trial in south-east Queensland is celebrating its 50th graduation—that is, 50 people who, with the help of this intensive rehabilitation program, have been able to kick their drug habits.

This is a significant achievement with immeasurable social benefits. All of these people on the drug court rehabilitation program were committing crimes to pay for their addictions—addictions to hard drugs such as heroin, cocaine and amphetamines. After being caught and convicted, the drug court provided them with an opportunity to undertake rehabilitation programs of between 12 and 18 months and a chance to kick their habits. Their success is a great outcome for not only their families but also the entire community.

Research tells us that about three in every four crimes is drug related. Every successful rehabilitation means there are fewer crimes committed by drug-addicted offenders who are trying to support their habit, usually through various property crimes. During the two and a half years of the south-east Queensland trial, 272 people were placed on intensive drug rehabilitation orders. As I mentioned, 50 of these people have graduated, another 84 are still completing rehabilitation. So we expect the number of success stories to increase considerably as rehabilitation programs are completed over the next nine to 12 months.

Let no-one think that this program is a soft option for criminals, however. While 50 people have now graduated, a further 138 were unable to complete their rehabilitation orders or were removed from the program. This is a stark reminder to us all about the powerful addictive force of drugs such as heroin, cocaine and amphetamines.

The south-east Queensland drug court trial has now effectively ended and is being evaluated by the Australian Institute of Criminology. The institute's review and report to me will assist our government in determining the best way to proceed with the drug court program. As members are aware, we are continuing with a separate drug court trial in north Queensland. The Cairns and Townsville trial is using slightly different criteria to give us a point of comparison.

Our government is committed to the drug court program. There is no question that the drug court offers potentially great social benefits. What needs to be determined is the most cost-efficient and effective way to run drug courts in the future so they return maximum benefits not only in the south east but also in our regional cities throughout the state.

## MINISTERIAL STATEMENT

### Wet Tropics Regional Coastal Management Plan

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Environment) (9.59 a.m.): Queensland is the only state that has a coastal plan with legislative force. Falling under this plan, we are building a network of regional coastal plans to ensure that Queensland's beaches and coastline remain open to all Queenslanders for future generations. Today I am pleased to advise the House that the third draft regional plan is ready for release. This is the Wet Tropics regional plan. This follows the draft Curtis Coast and Cardwell-Hinchinbrook regional coastal management plans, which were released for public review late last year. The draft plan will be distributed in the Wet Tropics coastal region for wider community input before it is finalised. Environmental Protection Agency officers will be available to meet members of the community in regional council offices including Innisfail, Cairns, Mossman and the Yarrabah and Wujal Wujal communities during the review period to clarify issues and provide feedback. The environmental significance of the wet tropical coast region is outstanding. It is a region that includes the Wet Tropics and Great Barrier Reef world heritage areas and has the highest level of biodiversity in Australia. These outstanding features also bring major economic benefits from tourism.

I thank the Wet Tropics Regional Consultative Group for its hard work. The group represents the interests of council, port authorities, indigenous communities, industry, commercial and



recreational fishing, conservation groups and recreational groups. Its involvement will continue during the public review period and the development of the final plan. In keeping with this government's Smart State philosophy, the draft plan is accessible on the web site at [www.epa.qld.gov.au](http://www.epa.qld.gov.au). Public submissions will be accepted up until 16 May. The biodiversity of our Wet Tropics is not just of interest to botanists and zoologists; it is a magnet that draws people from the other side of the planet to foster our tourist industry. It is a laboratory in which future discoveries in biological sciences or medicine are going to be made and it is a showcase in which the beauty and the splendour of our natural heritage is displayed. This document is a plan to secure those benefits for all time.

### **MINISTERIAL STATEMENT**

#### **Business Opportunities, China**

**Hon. R. E. SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.02 a.m.): I hope the vocal cords hold up today, and I thank the member for Nicklin for his therapeutic honey this morning. We might be on to something there. It might be a good product in these sorts of situations.

I advise honourable members of the great inroads the Department of Public Works is making in China promoting Queensland as the Smart State. Today, 16 employees of the Zhongshan Construction Bureau will commence two weeks of intensive training in project management here in Brisbane with the Department of Public Works. The Construction Bureau is part of the administration of the City of Zhongshan, which has more than 1.3 million people. This is a great business arrangement for the Queensland government and an opportunity to penetrate the large Chinese market. It is a great way of exporting and capitalising on our Smart State knowledge. Expert project management training from the Department of Public Works business unit will be showing the Chinese delegation how things are done in the Smart State. Project management is an emerging discipline in China and this is the third group from the southern Chinese province to seek out the Queensland government's expertise in this field. The bureau will be paying full commercial rates for the training. The Smart State is exporting our intellectual property through this training, and in bringing this group to Queensland we are also delivering spin-off benefits for the wider community.

I am also excited to advise that at 1 p.m. this afternoon I will be signing a memorandum of understanding with the China International Contractors Association, known as CHINCA, on behalf of the Department of Public Works. CHINCA was founded in April 1988 as a nation-wide trade organisation in the People's Republic of China. It is a not-for-profit association established by the Ministry of Foreign Trade and Economic Cooperation. CHINCA is also a member of the China State Commission of the International Chamber of Commerce and is well recognised as the leading association for the building and construction industry in China. The memorandum of understanding will help identify project management training opportunities for CHINCA senior managers with the Queensland government to help build the construction industry in China. CHINCA representatives have already indicated that they are looking at the prospect of coming back to Queensland for training purposes with the Department of Public Works in June this year. They of course will be very welcome.

These two initiatives highlight the state government's success in establishing Queensland as the Smart State and are a great example of the tangible benefits the Smart State agenda is having for the Queensland economy.

### **MINISTERIAL STATEMENT**

#### **Commonwealth-State-Territory Disability Agreement**

**Hon. J. C. SPENCE** (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors) (10.05 a.m.): Today I join with my state and territory counterparts in calling on the Howard government to deliver on its commitment to Queenslanders and Australians with disabilities and their families. It has been nine months since negotiations began with the federal government for the third Commonwealth-State-Territory Disability Agreement, yet regrettably it would appear that we are no closer to finalising an agreement. Many in the House would be aware that negotiations for the third CSTDA have been prolonged and frustrating. The existing Commonwealth-State-

Territory Disability Agreement has been rolled over three times since it expired in June last year, with the latest extension ending on 28 February.

The minister responsible for these negotiations, Senator Amanda Vanstone, has not given the states or territories any indication of her intentions, leaving us in the dark and the fate of the third agreement in limbo. Our concerns have been expressed by Western Australia Minister for Disability Services, Sheila McHale, who, acting on behalf of state and territory ministers, wrote to Senator Vanstone yesterday calling on her to break the deadlock. Ms McHale points out that all states and territories have been in contact with Senator Vanstone and provided the best information possible about their forward commitments. To date, this funding commitment far exceeds the Commonwealth's contribution, and I table a copy of this letter.

The letter from Ms McHale is the latest in a stream of letters from government ministers, concerned groups and people calling for an end to negotiations and a positive resolution. In January this year the Paraplegic and Quadriplegic Association of Queensland wrote to Senator Vanstone calling on her to take on a leadership role and to demonstrate a national commitment to positive change. Because of the significance of this issue and the lengthy negotiation process, our Premier has written to the Prime Minister on this issue twice reaffirming Queensland's commitments and relaying our concerns. I seek leave to table a copy of the Premier's latest letter to the Prime Minister written in late February and have it incorporated into *Hansard*.

Leave granted.

21 FEB 2003

The Honourable John Howard MP  
Prime Minister of Australia  
Parliament House  
CANBERRA ACT 2600

Dear Mr Howard

Thank you for your letter of 12 December 2002 regarding negotiation of the Commonwealth/State/Territory Disability Agreement (CSTDA).

I understand that the Federal Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women, Senator the Honourable Amanda Vanstone, has written to the Queensland Minister for Disability Services, the Honourable Judy Spence, requesting formal acceptance of the extension of the current Agreement to 28 February 2003. I understand that Minister Spence will be responding directly to Senator Vanstone with regard to this matter, and indicating that I would be writing to you regarding our commitment to growth funds.

I continue to have concerns regarding your Government's current position on growth for this funding program. The current offer represents a 50% reduction in the growth rate of the existing agreement. Despite this, the Queensland Government is prepared to make a commitment to a substantial growth rate over the life of the agreement.

With a view to bringing these negotiations to completion, I am prepared to confirm that the Queensland Government will commit itself to increase spending on disability services by around 20% over the life of the CSTDA. This percentage will increase when the Government makes adjustments for enterprise bargaining outcomes and any additional resources that may flow from the outcomes of the Funding Reform Project, currently being undertaken by Disability Services Queensland. You will note that 20% is greater than the increases in funding currently offered by the Commonwealth Government.

In closing, I trust that Senator Vanstone will now re-enter negotiations with the States and Territories to finalise both the Multilateral and Bilateral Agreements and provide certainty into the future for Queenslanders with a disability, and their families. I further seek your assurance that these negotiations will be continued on principles of fairness and equity with regard to justifiable and sustainable funding arrangements, particularly given population growth in this State.

Thank you for the opportunity to raise these matters with you.

Yours sincerely

ORIGINAL SIGNED BY PREMIER  
PETER BEATTIE MP  
PREMIER AND MINISTER FOR TRADE

**Ms SPENCE:** I thank the Premier for his involvement and we look forward to the Prime Minister's response. There is a growing concern that the limited growth funds being offered by the Howard government—\$125 million nationally over the next five years—are at risk. For Queensland, the growth funding commitment equated to \$2.9 million this year and less than \$1 million in each of the following years of the agreement. Despite this figure being far too small to address Queensland's high level of unmet need and population growth, any moves by the Commonwealth to renege on this commitment would be unacceptable. We cannot wait any longer. It is time for Senator Vanstone to show some leadership and take the necessary steps to ease the anxiety being experienced by thousands of Australians with disabilities and their families. The sector is calling for it. My state and territory counterparts are calling for it. I call on the Howard

government to bring peace to the minds of thousands of Queenslanders with disabilities, their families and to the people working in the disability sector in this state and deliver a unified resolution.

## MINISTERIAL STATEMENT

### Illegal Fishing

**Hon. H. PALASZCZUK** (Inala—ALP) (Minister for Primary Industries and Rural Communities) (10.08 a.m.): Among the issues to be discussed at the Australia-Indonesia Ministerial Forum in Jakarta today will be fishing. As members would be aware, the recent spate of illegal fishing in northern Australian waters has been very worrying. Last year 111 illegal fishing vessels were apprehended. A number of these apprehensions have been in waters to Queensland's north and have involved officers of the state government's Queensland Boating and Fisheries Patrol. According to the federal government, that was the highest level of apprehensions since 1997. More than 100 of these vessels were Indonesian flagged.

In two cases this year custodial sentences have been applied to illegal Indonesian fishers, and I welcome that. In both cases the fishers involved possessed dolphins on board their vessels in Australian waters. I am concerned that, despite the apprehensions and penalties, Indonesian fishers will continue to fish illegally in Australian waters. I am concerned that these fishers will continue to fish in Australian waters with total disregard for our laws let alone our marine life, including dolphins.

The marine affairs and fisheries working group was established within the Australia-Indonesia Ministerial Forum in 2001. Last year, the Australian and Indonesian governments through this group agreed that cooperation to combat illegal, unreported and unregulated fishing was a priority. With respect, I would urge the federal government to use today's meeting to seek real progress in tackling illegal fishing. The recent escalation in illegal fishing in our waters demands greater action. We need to ensure Indonesian fishers are well aware that Australia takes its fisheries seriously.

I have previously spoken of the cooperative efforts under way between Indonesia and the Philippines. While I am pleased that the federal government and Indonesia have agreed that illegal fishing is a priority, it is clear that more needs to be done. I urge the federal ministers attending today's forum, particularly the agriculture minister, to ensure they return to Australia with a real commitment from the Indonesian authorities. This illegal activity jeopardises not only our fisheries but also Torres Strait Islanders, commercial fishers and others who depend on a sustainable fishery.

## MINISTERIAL STATEMENT

### Tree Clearing

**Hon. S. ROBERTSON** (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (10.11 a.m.): I rise today to inform honourable members about a new enforcement tool being used to protect Queensland's native vegetation from illegal clearing. Authorised Department of Natural Resources and Mines officers are now dealing with some less serious breaches of the Vegetation Management Act by way of infringement notice issued to offenders.

No-one should make the mistake of thinking the Beattie government is in any way softening its tough stance against illegal tree clearing or intends to be lenient on offenders. All allegations of clearing breaches will continue to be treated as extremely serious and thoroughly investigated before any decision is made whether to issue fines or launch prosecutions through the courts. Offenders charged with more serious breaches will still face court prosecution and a maximum fine of \$124,875. The new infringement notice system simply provides us with an additional enforcement tool and more flexibility to deal with clearing breaches and to punish offenders.

Under the new system, less serious tree clearing breaches can be dealt with by infringement notices, resulting in fines ranging from \$375 to \$1,500, depending on the offence. These fines will only apply to clearing undertaken without prior approval from my department or clearing that fails to meet permit approval and will depend on the amount of and type of vegetation cleared. Those committing less serious offences will have 28 days to decide whether to pay the fine or contest the matter in court. Land-holders fined under the new system may also be issued a remediation notice to compulsorily rehabilitate land unlawfully cleared.

The new infringement notice system gives us greater flexibility to deal with tree clearing breaches quicker and more effectively. Previously, all breaches of our tree clearing laws, whether considered serious or minor, have been dealt with by way of prosecution through the courts. Under the infringement notice system, we can deal with lesser offences quicker and ensure greater compliance and faster remediation of illegally cleared land. This announcement does not offend the provisions of the relevant bill on the *Notice Paper*. It is quite separate and not included in that bill. It also means that we will not clog up the court calendar with pending prosecutions that sometimes take 12 months or more to be heard. In many cases, land-holders will not be subjected to court appearances and the financial burden of additional court costs.

This new system is an important development which will streamline our vegetation management compliance system. Together with other proposed new enforcement measures, this initiative shows that the Beattie government is committed to cracking down on illegal tree clearing and protecting Queensland's native vegetation resources.

### SITTING HOURS; ORDER OF BUSINESS

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (10.14 a.m.): I advise honourable members that the House will continue to meet past 7.30 p.m. this day. The House can break at 7.00 p.m. and resume its sitting at 8.30 p.m. The order of business shall then be government business followed by a 30-minute adjournment debate.

### RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING BILL

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (10.14 a.m.), by leave, without notice: I move—

That the motion circulated in my name for the division and reconsolidation of the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 be agreed to.

Motion agreed to.

### SCRUTINY OF LEGISLATION COMMITTEE

#### Reports

**Mr PITT** (Mulgrave—ALP) (10.15 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 2 of 2003*.

I lay upon the table of the House the Scrutiny of Legislation Committee's report No. 27 on the Fair Trading Fees Amendment Regulation (No. 1) 2002, SL311 of 2002.

### PRIVATE MEMBERS' STATEMENTS

#### Racing Industry

**Mr HORAN** (Toowoomba South—NPA) (10.15 a.m.): Queensland Racing plans to cut approximately 40 per cent of country race meetings and to take TAB status away from country clubs and transfer this status to regional tracks. Members might ask why. There are a number of reasons.

The first reason is that the Sky Channel contract is up for renegotiation and is expected to deliver \$3 million less to racing in Queensland. Sky Channel has also stipulated a minimum of 15 meetings per year per venue in order to provide Sky coverage of TAB race meetings. The third reason is the need to boost prize money in metropolitan, regional and country venues to maintain the attractiveness and viability of Queensland Racing, because currently it has limited funds available for that prize money pool. Finally, the real reason is to overcome the financial neglect and abandonment of racing by this Queensland government, which simply turns its back on racing and says, 'It is not ours. We wash our hands of the whole business.'

This has meant that the most vulnerable in the great racing industry in Queensland—that is, country racing tracks—have been raided in order to take millions of dollars out of the industry in country Queensland because this government is not prepared to support what is Queensland's third biggest industry. Once again we see the attack on country racing by cancelling 40 per cent of the meetings and removing TAB status from country tracks.

Racing brings enormous funds to the coffers of the Queensland government—tens of millions of dollars each year—through the TAB. I call on this government to inject \$10 million into the racing industry to support racing at three levels—country, regional and metropolitan. Only then will we have a strong industry at all levels, providing jobs and business throughout Queensland and utilising some of the millions of dollars that racing brings into the coffers of this government.

### **International Women's Day**

**Dr LESLEY CLARK** (Barron River—ALP) (10.17 a.m.): In Cairns, International Women's Day is not a day but a week of events to support women and to celebrate their achievements, thanks to our hardworking local International Women's Day committee, headed by Councillor Deirdre Ford. This year congratulations go to ex-Ansett pilot turned personal trainer Marilyn Marsh-Booth, winner of the Cairns City Council International Women's Day Award, which was announced at a breakfast and mini expo of local women's organisations. Other events I attended during the week included the Cairns Businesswomen's Club lunch, a careers expo for girls and an International Women's Day dinner with guest speaker Geraldine Doogue, who was just inspirational.

In keeping with the Queensland IWD theme this year—Smart Women on the Move—the Department of State Development put on a breakfast workshop, one of 12 across the state, entitled Smart Women, Smart Communication, which I was pleased to open. The workshop included a segment on electronic communication, because ICT skills and knowledge are essential for every modern business owner and employee. The focus on IT for women in business was one outcome of the Smart Women, Smart State project I have undertaken for the Premier over the last year. Also arising out of my work was the announcement by the Premier of the Smart Women, Smart State Awards to recognise the outstanding achievements of Queensland women and girls in the fields of science, engineering and information technology.

It is hoped that the awards will also encourage more girls to participate in these fields because, as the Premier himself has said, 'These smart state disciplines hold the keys to the jobs in the 21st century and it would be tragic if they missed out.'

I was pleased to be able to join my parliamentary colleagues Wendy Edmond, Judy Spence and Lindy Nelson-Carr in Brisbane on Saturday to talk about these awards and participate in the excellent Women's Festival at Southbank organised by the Office of Women, which should be congratulated on this initiative.

### **Gillies Highway**

**Ms LEE LONG** (Tablelands—ONP) (10.19 a.m.): I rise to draw the attention of the House to a minor but telling incident relating to the opening of the combined ambulance station and health care centre at Millaa Millaa last week.

The centre was opened by the Minister for Emergency Services, and may I say a fine opening it was. However, it did—as these things go—suffer a small delay due to the delayed arrival of the minister. To his credit, the minister freely admitted to being at the centre of the delay and, as a local, well do I sympathise with him about the cause. As he advised the gathering, the steep and twisty drive up the Gillies Highway had left him, by the time he reached the top, feeling more than a little bilious. I think there are something like 180 bends in that road from the tableland to the coast in a 19-kilometre section—certainly more than enough to upset even the toughest of ministerial gullets.

While the member for Townsville was able to overcome his discomfort and conduct the opening with due decorum, I did wonder how he would have fared as a pregnant woman being rushed to the hospital in Cairns, or as an injured child, or one of our frail elderly, or one of our many other tablelanders now being expected to hike along this bilious track just to make it to a hospital.

It is for reasons such as these that the Atherton Tableland needs local access to a full 24-hour range of health and hospital services. It may not appear to be that far on a map from Atherton or Millaa Millaa to Cairns but, as the Emergency Services Minister discovered, even as robust a person as he appears to be, he can find the trip alone a bilious experience.

### **Lions Club of Queensland—Parliament**

**Mr BRISKEY** (Cleveland—ALP) (10.21 a.m.): I would like to take this opportunity to thank members for their overwhelming response to the establishment of a Lions Club of

Queensland—Parliament. As members would be aware, late last year a meeting was held to gauge members' interest in the formation of such a club. At that meeting, the National Chairman of Lions Australia, Mr Lindsay Marsden, took the opportunity to speak about the merits of a parliamentary branch of the world's largest service organisation.

Internationally, Lions has over 1.4 million members in 185 countries and geographic areas. I know you yourself, Mr Speaker, are a member of your local Lions club, as are many members of both sides of this House, including the Premier. The establishment of a Lions Club of Queensland—Parliament will enable those of us sitting in the chamber to make a collective contribution to the aims and objectives of the service organisation while still maintaining our Lions membership in our local communities.

These special concept Lions clubs are already in existence. In fact, the Australian Parliament Lions Club was a world's first. More recently, special concept Lions clubs have been formed by New South Wales and Victorian parliaments. Recognising how busy we are, it is proposed that our club would meet only five or six times per year whilst parliament is in session. Alternatively, it may be possible for members of parliament to visit Lions clubs' meetings in their electorates. As I mentioned earlier, members will be encouraged to maintain—

An incident having occurred in the gallery—

**Mr SPEAKER:** Order! Clear the gallery of those people.

Sitting suspended from 10.24 a.m. to 10.30 a.m.

**Mr SPEAKER:** Order! The time for private members' statements has expired.

## QUESTIONS WITHOUT NOTICE

### Police Resources

**Mr SPRINGBORG** (10.30 a.m.): My question without notice is directed to the Minister for Police. I refer him to comments he recently made in the *Gold Coast Sun* newspaper where he described police officers who raised issues regarding the lack of appropriate resourcing and effects on overtime and policing as the actions of liars and cowards, and he challenged them to come forward with information which proved their point. I refer the minister to a memorandum which was prepared by the Assistant Commissioner, Far Northern Region, which has been leaked to us by the Deputy Chief Executive of Operations. It says with regards to budget savings strategies—

A meeting was held earlier with my Chief Superintendent and Finance Manager to discuss means of achieving savings to reduce our predicted budget over-run of \$1.032 million. Possible savings totalling \$392,000 have been identified. Details are as follows—

One possible saving was the reduction of 10 per cent in sworn overtime allocations which will achieve savings of \$113,000. I would say to the minister: how does he justify such a reduction and its impact on community policing and safety, or is this just the action of a liar and a coward?

**Mr McGRADY:** For the last two years that I have been Minister for Police I have travelled right around this state promoting and in fact defending the individuals who work for the Queensland Police Service. The leader has made comments today that I spoke to that particular publication. They are their words—not necessarily mine. Let us make one thing perfectly clear—I have said it in this parliament and I have said it around the state on many occasions: when the Beattie government came into office we gave a commitment that we would increase the number of police officers by 300 per year until the year 2005. That promise was written in concrete and we have lived up to that commitment; in fact, this year we will be employing 307 police officers. As regards the budget, at a time of relatively low inflation hovering at around 2.5 per cent to three per cent, in the last two consecutive years we have increased the police budget by 6.7 per cent and 6.8 per cent. They are real increases in the budget for the Queensland Police Service. At the same time, members opposite would be aware of the number of police stations we have built, of the police beats we have developed and of shop fronts right around this state.

Let me make it perfectly clear—the Queensland Police Service has a budget just like the Department of Transport and every other portfolio in this government. I as the minister—and I try to get across this message to members opposite time and again—am not responsible for the day-to-day signing of overtime sheets. That is something for the management of the Queensland Police Service. And if they believe that a certain amount of overtime is warranted, they will approve it.

Let me conclude my remarks by saying, as I have said many times before, that I believe that the Queensland Police Service is one of the most professional police services in the whole of the Commonwealth and indeed is equal to any in the world. But I do have some problems with one or two individuals who continuously promote the political agenda of the Queensland Police Union, because the bottom line is that the Queensland Police Service has done extremely well out of this government. There is still a lot more to be done. We are certainly not complacent, but I believe the Queensland Police Service and the government together are doing a fine job.

### Police Resources

**Mr SPRINGBORG:** My next question is also to the Minister for Police. I refer to the same memorandum—and I table that memorandum—and to the concerns of the Assistant Commissioner, Far Northern Region, with regards to the reductions in possible overtime, sworn overtime and a range of other matters. I also refer the Police Minister to the second point with regards to budget savings—

Police liaison officer salaries—By holding the equivalent of three OPS level 3.4 positions vacant a full financial year savings of \$105,000 will be achieved.

How does the minister justify holding these positions vacant for a full year considering that police liaison officers are vitally important to the work which the police do with the Aboriginal and the indigenous population at large? What does the minister propose to do to solve this problem to ensure that there is sufficient overtime and sufficient resources for police to do their job and to ensure that these positions, which are still vacant, can be subsequently filled to provide that service?

**Mr McGRADY:** The position of police liaison officers is one which has the full support of this government, because police liaison officers right around the state are doing a fine job. Everywhere I go with the commissioner there are a number of requests that we get, no matter where we go. One of them is for more police liaison officers. As the leader rightfully says, they have an important role to play, because they do not have the powers of arrest but they certainly try to resolve issues before they are blown up and there is a need for arrests. I explained to him before—and, again, the leader obviously did not hear what I said, or chooses not to hear what I say—that in the last two years the budget to the Queensland Police Service has increased from 6.7 per cent to 6.8 per cent at a time when inflation has been at about three per cent. In anybody's language, that is a real increase. I repeat again that I do not decide who does the overtime. Let me say this: the original document to which the leader is referring was sent by the commissioner to the assistant commissioners right around the state. Somehow that document was leaked, and that is fine. But I had not seen the document before it went out and obviously the Leader of the Opposition and others have. The bottom line is that we will continue to provide a good Police Service in this state.

I mentioned before that it is my view that our Police Service is the most professional of any in this Commonwealth and is equal to any in the world. The reason I say that—and I have said this so many times before and I will repeat it again here today for *Hansard*—is that we have had a number of international events; the Goodwill games—

**A government member:** CHOGM.

**Mr McGRADY:** CHOGM was the most important one. We had 53 heads of state in this state at the same time, including the Queen of England and the former American President. At a time when the whole world was in chaos and at a time when commentators were saying that we would never ever be able to have an international conference with leaders of the world, here in Queensland we organised that. At the end of the day, there was one single arrest. To me, that is the work of a professional organisation supported by a good, caring, compassionate, sensible government. I rest my case.

### International Women's Day

**Ms LIDDY CLARK:** My question is directed to the Premier. Saturday was the celebration of the 74th International Women's Day. People around the state marked the day in a variety of ways. Could the Premier outline some of the advances that have given women and girls in Queensland cause to celebrate?

**Mr BEATTIE:** I am delighted to take the question from the member for Clayfield, who I notice has been getting quite a lot of press in recent times so I will resist saying anything about her

being a top sheila—I will resist making any of those comments—because everybody knows that she is.

I would be delighted to outline some of the extraordinary achievements of women in Queensland. It was my privilege to attend, along with a number of ministers and members, the UNIFEM breakfast at the Brisbane Convention Centre as part of the celebrations marking International Women's Day. Women in Queensland have come a long way since the days when they could not obtain a loan under their own steam, they had to resign from the Public Service once they married, and few of them had higher education qualifications.

The latest figures from our Office of Economic and Statistical Research show that more women than men are enrolled in part-time and full-time study at Queensland TAFEs and universities. School retention rates—an obsession of this government—in years 8 to 12 are higher for girls than they are for boys, and women also continue to make gains in the work force. For example, in this House there are 33 women. We have the highest proportion of women of any parliament in Australia. Only Sweden and Denmark have a higher proportion of women in their parliaments than we do. There are 27 women in the Labor caucus, and I am delighted to say that there are five women in my cabinet.

When we came to office there were 10 women presiding over our courts. Since June 1998 we have appointed 20 women to the bench. We now have seven female Supreme Court judges, five District Court judges and 18 female magistrates. In the public sector we are committed to promoting more women to our senior executive and senior officer levels. In my department 38 per cent of people working at those levels are women, exceeding our 35 per cent target. Before coming to government, I made a commitment to ensure that wherever possible at least 50 per cent of new appointments to government boards, councils and committees would be women. To date we have increased the proportion of women on government boards to 32.5 per cent. When I became Premier that was just 23.1 per cent.

**Mr Schwarten** interjected.

**Mr BEATTIE:** I take that interjection. I am proud that we have achieved this, but it is still not good enough. We have a way to go. Women make up 50 per cent of Queensland's population and I want our government boards to be as representative of the community as possible. We will continue to work hard to make this happen. We also want to ensure that women continue to make their mark in the Smart State, particularly in the biosciences and IT. To ensure this happens we are establishing awards recognising the achievements of women and girls in these fields where the new jobs of the 21st century will be.

The Smart Women Smart State Awards will champion women in science, engineering and technology and are designed to lift the participation rate of women in these fields. The awards will cover four categories: girls studying in schools, women studying at higher educational institutes, researchers and employees, business owners and directors. The winners will be announced during National Science Week in August. Women have also been generous with their time and experience, making an effort to share their knowledge with others, and many of our Labor women in this House want to encourage other women and organisations to become mentors.

### Police Resources

**Mr QUINN:** I ask the Minister for Police: can he confirm that at a recent monthly meeting of officers in charge of Gold Coast police stations and Gold Coast district management officers in charge were told that there were over 70 police officer vacancies across the Gold Coast? Can the minister confirm that most stations and squads are affected and that the police gazette has not advertised to fill many of these vacancies? Or are these claims by serving police officers simply more ramblings by cowards and liars?

**Mr McGRADY:** I cannot confirm that, because I obviously was not at the meeting. But let me say this: no matter where we go around the state there are requests for additional police. The Queensland Police Service, as the member would know, has a policy whereby it allocates numbers based on certain criteria. In relation to an article which appeared in a publication on the Gold Coast, had the authors checked with me I could have informed them. The *Gold Coast Bulletin* did, and I gave it information, which it ran. But the bottom line is that at present a report is being prepared, the details of which I should have fairly soon, about the difference between the Gold Coast and other parts of the state. I am sure that other places can make the same claims. But the Gold Coast is unique. The Gold Coast is a place where we have many major international activities, a massive influx of tourists, and many other issues. These may require additional police



officers or a deviation from the criteria currently used. I should have that report fairly soon. But can I make the point that this is all part of an ongoing process.

Let me also say something which this state has to face up to: there is a need for civilianisation of the Queensland Police Service. It has been identified that there are between 300 and 600 office based positions currently in the Queensland Police Service being run by police officers. These men and women have been trained to do police work. In my humble opinion, they are not trained to be sitting behind desks or doing work which civilians could do. This is all part of what we are trying to do.

I have recently asked the commissioner to identify the number of positions that could be civilianised in the Police Service. That report will be forthcoming. But off the top of my head, it is estimated that between 300 and 600 positions could be civilianised. If we start employing civilians to do that work, it would free up a minimum of between 300 and 600 people to do the work they have been trained to do. This is all part of the work which the commissioner, I and others are doing in the Queensland Police Service today.

### Country Racing

**Mr RODGERS:** I refer the Premier to the fact that last year he attended the Birdsville races and that as a lad he grew up in a regional town and knows how important these events are to regional communities. In addition, the government's support for regional events is unmatched in this state. I ask: would it be fair to say that the weekend's announcement regarding bushranging—'bushranging'; that is a good one—bush racing is a smart extension of a highly successful events program?

**Opposition members** interjected.

**Mr BEATTIE:** I will leave the bushranging to members opposite. I thank the honourable member for his question. Indeed, the honourable member for Burdekin is right; it is a fair comment. At the weekend, the Racing Minister, Merri Rose, and I announced that we will support country racing. Under the support program, the Queensland Events Corporation will extend its Regional Events Development Program to include local community based racing events. The \$200,000 Queensland Community Racing Scheme, QCRS, will provide up to \$5,000 in grant funding for communities to hold their annual race meetings. Race meetings perform a very important social function in many communities, especially in the bush. There is nothing like the annual bush cup meeting, and we want to make sure that it remains part of our smaller communities' calendars. In some places it is the key community gathering for the year. We want it to remain so and, if possible, make it even better and bigger. This will help those country communities that are not part of the professional racing industry but which are very keen to continue to hold annual race meetings, which they have been conducting for many, many years. The scheme is not about competing with professional racing events, but it is aimed at providing grant funding for a significant community event.

While Queensland racing has not finalised any decisions with regard to which clubs will be holding what meetings next year, I want to reassure people that there is a scheme in place to ensure that they do not lose their important social events. Registered race clubs will be able to apply to hold QCRS meetings from the beginning of the next race season, starting on 1 August 2003. We will make information kits and application forms available through Queensland Events and Queensland Racing later this month. I need to make this clear: the race meetings that may be supported under the scheme are not part of the professional racing industry. The government is helping to sponsor these events, as we do with other events through the Regional Events Development Program. This is not about prize money. As all honourable members should know, Queensland Racing is the industry's control body and it decides the racing calendar and how it distributes prize money. The Regional Events Strategy that we have been pursuing as a government, as the member for Burdekin indicates, has been a great success. Never before has any government put money directly into regional events, and we are.

**Opposition members** interjected.

**Mr SPEAKER:** Order!

**Mr BEATTIE:** If the member for Toowoomba South has a look at what is happening—

**Opposition members** interjected.

**Mr BEATTIE:** I am always delighted to get such a response.

**Mr SPEAKER:** Order! I am on my feet.

**Mr Johnson** interjected.

**Mr SPEAKER:** Order! The member for Gregory!

**Mr BEATTIE:** Thank you, Mr Speaker. You know what they say about empty vessels.

**Mr Horan** interjected.

**Mr SPEAKER:** Order! I warn the member for Toowoomba South.

**Mr BEATTIE:** We have put money into programs like the Toowoomba Carnival of Flowers and the Gospel Festival in Toowoomba—fantastic events that I know the member for Toowoomba North supports. It is a pity the member for Toowoomba South is in here opposing them. We stand committed to regional events. We will look after the bush, Mr Speaker—don't you worry about that.

### **Police Enterprise Bargaining Agreement**

**Mr SEENEY:** As the member for Burdekin said, the bushranger of bush racing. I direct a question to the Treasurer. I refer to the Police Minister's comments in answer to my question at the Estimates B committee where he stated that if the enterprise bargaining agreement was above the budgeted three per cent, he would 'expect to receive the additional amount from Treasury'. I also refer to a memo from the Police Commissioner, which I will table, dated 30 January 2003 where the commissioner says, 'The service is required to manage within its existing budget the cost impact associated with the enterprise bargaining outcome in excess of three per cent.' I ask the Treasurer: why has he not made the money available to the Police Service, as the Police Minister expected, to cover the wage increase? Or does the Treasurer expect the Police Service to reduce expenditure on equipment, resources and training?

**Mr MACKENROTH:** In answer to the member's question—the Minister for Police has the opportunity to put forward to the budget review committee, of which he is a member, an argument in relation to his budget and whether his department can meet the extra amount of money above three per cent. He has been made aware of that. In fact, he is putting forward a submission in relation to that and we will consider that decision.

The Minister for Police in his answer this morning highlighted the fact that, in the past two budgets, the Police budget increased by 6.7 per cent and 6.8 per cent, which is way above the rate of inflation. We have asked departments to look at their own costs and to look at what they can meet beyond the three per cent, which has been budgeted for. When departments come back to the budget review committee—and we will be meeting later next week to consider those submissions—we will consider it. In the first instance, the departments need to look within themselves to see what they can do in relation to meeting the commitments that they have.

### **Mountain Creek High School**

**Mr CUMMINS:** I direct a question to the Minister for Education. I understand that two Queensland public schools, one of which is in my electorate, Mountain Creek High School, have received world recognition. I ask the minister: could she please inform the members about this marvellous honour?

**Ms BLIGH:** I thank the honourable member for his question. Indeed he is correct: both Mountain Creek State High School on the Sunshine Coast in the member's electorate and Harristown State High School in Toowoomba have recently achieved international acclaim. They have been recognised for their excellent standards in a range of areas.

These two schools will join a very select group of 200 schools around the world. They are among the first Australian schools to gain accreditation with the European Council of International Schools. I would like to thank my colleague Matt Foley for visiting Mountain Creek and celebrating this achievement with them on my behalf last week.

This is a tremendous achievement for these schools. It follows more than two years of rigorous external evaluation by senior educators from Australia and overseas. The European Council of International Schools accreditation is a guarantee of quality and demonstrates that Mountain Creek State High School and Harristown State High School have academic and organisational standards comparable to the most highly acclaimed schools anywhere in the world.

As I said, these schools submitted themselves to an incredibly rigorous process of accreditation. They had to meet 130 international standards in curriculum, facilities, teaching and community involvement. They also had to prepare a 1,500 page report to the European council as well as undergoing an inspection by an international team of evaluators. This is no mean feat. At the same time as being involved in this process, obviously these schools were also delivering high-quality education programs on a daily basis to their students.

Today, I would like to take the opportunity to congratulate the principals of these schools, Mr Greg Peach from Mountain Creek State High School and Mr Phillip Cook from Harristown State High School, and all of their staff on their leadership and commitment to education that their involvement in this process shows. These two schools have joined a very elite club around the world. They are the only Queensland schools to receive this accreditation and they are among 13 nationally, three of which are in South Australia and eight in Victoria.

This is a great learning and development opportunity for the teachers of this school and it also demonstrates that Queensland government schools are as good as any schools anywhere in the world and, indeed, as good as the best schools in the world. I am very pleased to say that other schools are preparing to submit themselves to a similar accreditation process. I wish them well and I am very sure that they will receive the same success.

**Mr SPEAKER:** Order! Before calling the member for Gympie, I welcome to the public gallery teachers and students from Iona College in the electorate of Lytton.

### Gympie Police Station

**Miss ELISA ROBERTS:** I direct a question to the Minister for Police and Corrective Services. During the last sitting of parliament, I asked the minister to outline the progress of the establishment of the replacement Gympie police headquarters. The minister's reply was that I should read his press statements. However, I have confirmed that the minister has not made any press statements for seven months. Last week, I contacted the minister's office requesting an update and was advised that there is some debate regarding the site for this new station. I ask the minister: will he please provide an update as to the current progress of negotiations?

**Mr McGRADY:** I thank the member for the question. I recall signing an acknowledgment—I think that it was yesterday or the day before—and I have a full brief here on the situation of the Gympie police station. I know that the member is a new member of the parliament, but mostly members of parliament cooperate with the relevant minister. All the member for Gympie does is get in the media and bag the government and bag me. If that is the way she wants to operate, that is fine. However, it is interesting to note that in the *Gympie Times*—I think that it was yesterday, but it is certainly said in today's clips—the member referred to the Police Minister as Mr Matt Foley. I do not know whose mistake that was—

**Miss ELISA ROBERTS:** I rise to a point of order. That is rubbish. I have never said that. What paper is that supposed to be?

**Mr McGrady:** The *Gympie Times*.

**Mr SPEAKER:** That is not a point of order.

**Mr McGRADY:** When I send the formal reply to the member, I will also insert a copy of the paper. It is quite clear. Mr Matt Foley is referred to as the Police Minister.

This is a very serious issue. This government governs for the whole of Queensland. Work is taking place. We have had negotiations with the council. I think that we bought property next door for the police station to be built. I will respond to the member—

**An honourable member** interjected.

**Mr McGRADY:** Yes, we did receive a letter. We will respond in the very, very near future. As I said yesterday, I signed a letter acknowledging the member's letter.

**An honourable member:** She may have written to Matt Foley.

**Mr McGRADY:** The member may have written to Mr Foley. I am not quite sure.

**Mr SPEAKER:** Before calling the member for Logan, could I welcome to the public gallery students and teachers from the Newtown State School in the electorate of Toowoomba South.

### Parenting Classes

**Mr MICKEL:** I direct a question to the Minister for Health. I refer to a *Sunday Mail* article calling for the introduction of parenting classes. I ask: what is the Beattie government doing to provide parenting classes to help young families?

**Mrs EDMOND:** I thank the member for the question, because this is one of the issues that we have faced up to and it is one of the issues that we have been trying to address since I have been the Minister for Health. We know that many of the most distressing social and mental health problems are related to problems in the way families function. That is why Labor promised back in 1998 to make early intervention programs a priority to strengthen families and to prevent abuse and antisocial behaviour in the longer term. The article refers to a program that operates across seven health service districts. The Early Intervention for Safe and Healthy Families initiative is available from Cairns, Gold Coast, Sunshine Coast, Logan-Beaudesert, West Moreton, Rockhampton and Townsville districts. This initiative aims to get in early to identify women as early as practicable in the antenatal period who are experiencing risk factors such as a history of family violence, signs of maternal mood disorder or financial stress. These women are then offered a home visiting service to enhance the attachment between the mother and the infant during the first two years of the infant's life.

The expanded home visiting programs from pre-birth to three years and postnatal support to parents are also available through our expanded child health centres, and this model of centre operates from 30 locations across the state. They also provide support groups for parents and families, parenting programs and advice, and referral to a range of government and non-government services. And of course there is the Beattie government's free parenting courses. This initiative has been very well received by parents. From December 1998 to December 2002 over 162,000 families have accessed some type of parenting program through Queensland Health, including 1,604 group programs involving more than 12,884 families. I can assure the House that the Beattie Labor government is taking proactive steps through our public health system to give children and families the tools that they need to overcome their many challenges.

### Police Training Budget

**Mr JOHNSON:** My question is to the Minister for Police and Corrective Services. You thought you were getting one, Steve, didn't you, but it's coming, mate. Don't worry, it's coming. Minister, I refer to—

**An honourable member** interjected.

**Mr JOHNSON:** Don't talk about Freighttrain, because he's shutting a few of them down.

**Mr SPEAKER:** Order! The member will ask the question.

**Mr JOHNSON:** He provoked me, Mr Speaker.

**Mr SPEAKER:** I know, but the honourable member will still ask the question.

**Mr JOHNSON:** I refer to the slashing of the police training budget because of the financial mismanagement of this government, and I ask: can the minister confirm that there will be no detective training at all this financial year, firearm training has been almost halved and driver training has been significantly scaled back because of cost shifting back to regions? How can the minister expect members of the Police Service to continue to provide a professional level of service to the Queensland community when he is effectively reducing the training resources available to police officers?

**Mr McGRADY:** I thank the honourable member for the question. Again, I have to repeat what I have said on two previous occasions today. Each department has a budget. The Queensland Police Service has had a budget increase of 6.7 per cent and 6.8 per cent the last two years over and above the previous year. Does the shadow minister for police and corrective services expect the minister to determine who gets what training or who does not get what training or—

**Mr Johnson:** You're in charge of policy.

**Mr McGRADY:** That is right.

**Mr Horan** interjected.

**Mr SPEAKER:** Order! The question has been asked. We will hear the answer. I now warn the member for Toowoomba South under standing order 123.

**Mr McGRADY:** When people come into my office they see that on my desk there is a document, and that document is the Fitzgerald report. That guides me on everything I do as the Minister for Police. It is quite clear in the Fitzgerald report that the Minister for Police is responsible for policy. The Minister for Police does not or should not—

**Mr Johnson:** It's your policies.

**Mr SPEAKER:** Order! The member for Gregory has asked the question.

**Mr McGRADY:** The minister does not or should not involve himself or herself in the day-to-day running of the Police Service.

**Mr Johnson** interjected.

**Mr SPEAKER:** Order! The member for Gregory has already asked the question.

**Mr Johnson:** I've asked a question. I want an answer, too.

**Mr SPEAKER:** The member for Gregory will now cease interjecting. That is my final warning.

**Mr McGRADY:** It is all very well for members of the opposition to come into this place and make these sorts of statements, but the bottom line is that this government is spending almost a billion dollars a year on the Queensland Police Service. This government, as I have said many times before, has increased the amount of funds to the Queensland Police Service each year. It is not the government or indeed the minister's responsibility to determine what takes priority. If the member would like that to happen—that is, if he wants the minister to become involved on a day-to-day basis—I am more than happy to discuss it. But under the Fitzgerald report the minister has to be very careful. Of course, if I was to step across the line, who would be the first people to complain about political interference? The same people who are now calling upon me to interfere in the daily activities of the Queensland Police Service.

**Mr JOHNSON:** I rise to a point of order. I asked a straight-out question in relation to training in regional areas and we have not got an answer and time is up.

**Mr SPEAKER:** There is no point of order.

**Mr Johnson:** You shut me down this morning, Mr Speaker, but you will not make the minister—

### Film and Television Industry

**Ms STONE:** I refer the Minister for the Arts to the ongoing efforts to persuade the federal government to extend its film tax offsets to television series, and I ask: what benefits would these extended tax offsets provide for the industry in Queensland and what response has there been from the federal government?

**Mr FOLEY:** The benefits would be jobs. The response from the federal government has been dithering at large. This week we have seen the release of a very important report by Ausfilm, which I table, setting out the case for the extension of the 12.5 per cent refundable tax offset to large budgeted television series or to the bundling of non-theatrical films. The position is this: the 12.5 per cent tax rebate available to big production movies is great. We are seeing the fruits of it. *Peter Pan* is going very well on the Gold Coast, notwithstanding the wretched opposition of the National Party to the efforts made by the government to enable that production to proceed. But what is missing is the jobs that came through TV series such as *The Lost World* and *Beastmaster*. Those productions are not shooting anymore nor do we have TV series or telemovies shooting. Why not? Because the Commonwealth government simply fails to make the 12.5 per cent tax incentive available to big feature films available to TV series and telemovies.

This is something which we have written to the federal government about since 2001. It simply will not face up to the economic reality. Well, it cannot dodge from this report. It makes the point that Ausfilm is deeply concerned that Australia is losing production valued at several hundred million Australian dollars per annum as a result of the offset not being available for the production of television series and because bundling of telemovies and straight-to-video films is not permitted. This is a chance for the coalition to stand up for Queensland. We know that the former Leader of the Opposition had something against the Gold Coast because he strongly opposed this government's efforts to allow Warner Brothers Roadshow to extend its studios, enabling it to attract *Peter Pan*. But it is about time that this coalition stood up to its mates in Canberra and stood up for the Gold Coast and stood up for the TV and film industry. If members opposite go to the Gold Coast and speak to some of the workers in the film and TV industry, they will hear that the jobs that were there through those TV series productions are not there anymore.

We are very pleased that we have big blockbuster productions such as *Peter Pan* going on, but unfortunately the opposition and the coalition government federally are still in never-never land.

### Genetically Modified Canola

**Mr WELLINGTON:** My question is directed to the Premier. The Commonwealth Gene Technology Regulator is currently considering whether to approve two applications for the commercial release of genetically modified grain crops in Australia. One application is by Monsanto Australia Limited for the commercial release of Roundup Ready canola and another application is by Bayer CropScience Australia for the commercial release of InVigor canola. Over the past fortnight I have been trying to obtain a copy of the government's submission to the Gene Technology Regulator involving these two applications. Will the Premier ensure a copy is now released to the public?

**Mr BEATTIE:** I will deal with this issue in a broad sense, because the honourable member for Nambour raises a very important issue. Virtually no canola is grown in Queensland as it is unsuited to our climatic conditions. In favourable years Queensland has fewer than five growers. Canola is a winter grain crop grown widely across South Australia and New South Wales. Monsanto and Bayer CropScience have been trialling genetically modified canola in southern Australia since 1996 and have submitted applications to the Office of the Gene Technology Regulator in June 2000 for the commercial release of genetically modified varieties. A decision is expected in April or May 2003.

Genetically modified canola has been grown commercially in Canada since 1996. In that time there has never been any hint that the GM crop poses any risk to human health or to the environment or has affected Canada's export opportunities.

**Mrs Pratt** interjected.

**Mr BEATTIE:** Sh! It is the member for Nambour's question. The Queensland government has supported the Commonwealth Office of the—

**Mrs Pratt:** It is the member for Nicklin, by the way.

**Mr BEATTIE:** Please don't be rude.

**Mrs Pratt:** It is Nicklin. I am just helping you, Peter. It is Nicklin.

**Mr BEATTIE:** The member for Nicklin. Actually, I know that, and I said it is his question so please do not be rude to him.

The Queensland government has supported the Commonwealth's Office of the Gene Technology Regulator. The parliament passed legislation in 2001 supporting the Commonwealth legislation providing for this. That legislation stipulates penalties of up to five years in jail or \$1 million fines for people breaching the regulation. The Queensland government has also led the way by introducing a biotechnology code of ethics.

In reference to the issue of canola applications before the Office of the Gene Technology Regulator, I remind members that Queensland is a very minor canola grower. I am advised that in a normal season we have very few growers. The application, if approved by the Office of the Gene Technology Regulator, involves planting 5,000 hectares in 2003 in south-eastern Australia. The process of the Office of the Gene Technology Regulator needs to run its course in relation to every application. I believe that this process is transparent. There is the opportunity for community input.

However, Australian agricultural ministers will be meeting in Brisbane and are due to discuss issues relating to the area. Frankly, I think we have covered most of the issue. I do not know that there is any particular issue left to be addressed. Last month Warren Truss announced that his department had engaged a consultant to study quality management systems for segregating genetically modified agricultural products.

**Mr WELLINGTON:** Mr Speaker, I rise to a point of order. The question was: will the Premier release the government's submission in relation to the application?

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

**Mr BEATTIE:** We are happy to talk to the member about it.

**An opposition member** interjected.

**Mr BEATTIE:** Hang on. Sh! Just be sensible. We are trying to give him a sensible answer here. This is not a major issue for Queensland. This is grown in South Australia and in New South

Wales. We are not the major players in this. The regulator will make the recommendation based on what happens there.

I am quite happy for Henry or Paul to have a discussion with the member about our submission but, frankly, we are minor players in this. I will ask both Paul and Henry to arrange a meeting with the member for Nicklin. We are happy to brief him on it. We have nothing to hide in relation to this issue. We are just minor players in it. That is all I am trying to say.

### **Gatecrashers**

**Mrs LAVARCH:** I refer the Minister for Police and Corrective Services to concerns about teenage parties being gatecrashed. In particular, I refer to an incident at Bray Park on the weekend where a young woman and her father were assaulted at their home by gatecrashers, and I ask: what can police and parents do to avoid incidents such as this?

**Mr McGRADY:** I thank the honourable member for the question. I must say that I found the report of the weekend's incident in Bray Park highly disturbing. Everyone has the right to have a celebration in their own home, providing of course they obey the law of the state. This incident, where a young woman and her father were assaulted, is an absolute disgrace. Frankly, I hope the book is thrown at these perpetrators.

It is becoming increasingly important that police and parents work together to ensure parties are enjoyable and safe. People can limit the risk of things going horribly wrong by ensuring the circumstances surrounding the party are indeed controlled. Police, parents and community groups in several areas, including Mackay, Wynnum and of course Cleveland, have successfully established the Celebrate Safe program. I suggest that this is a good model for parents right across the state to adopt if planning a party for their young ones. The program involves parents notifying police and registering their party before the event actually takes place. Police then arrange extra patrols of the area to provide a visible police presence to discourage trouble. This also gives police early warning if things get out of control. Parents can also do their bit to prepare by ensuring there is adequate adult supervision and making sure the invitations are not widespread, through means such as the Internet or fliers.

It is excellent to see police and parents working together to allow for an enjoyable, safe party to be hosted. I encourage all parents to cooperate with police when hosting a party in order to get advice on the safest way to do it and help ensure a trouble-free, fun night can be had by everybody.

### **Counter-Terrorism Measures**

**Mr HORAN:** I refer to the Premier's recent \$4 million antiterrorism initiative, of which \$3.2 million has gone to his department and only \$800,000 has gone to the Queensland Police Service. If those who invaded the parliament this morning had been terrorists, would his crack team in the Executive Building have been equipped to handle them?

**Mr BEATTIE:** Last time parliament met, the Leader of the Opposition asked me a similar question. It was not half as smart, but it was a similar question. I gave a detailed answer. The answer has not changed. As I have explained, they are not there for operational issues. A significant amount of money is allocated to the Police Service for operational issues. The money spent for CHOGM—about \$24 million—was largely to train our Police Service. These are simply units—I have spelt this out to the House before; I will do it again—that are strategically ensuring that there is a whole-of-government response. The money for the Police Service and operational matters is separate and totally different.

We are in the lucky position in this state of having had CHOGM. That means that our Police Service is one of the best prepared in the world—not just in Australia but also in the world. We put significant amounts of money—

**An opposition member** interjected.

**Mr BEATTIE:** The member regards anybody who protests as a terrorist. We do not. We actually believe that people have a right in a democracy to express a protest voice, whether we agree with them or not. The last time I had a look, democracy meant that people have a right to express a view. I do not agree with anyone disrupting this parliament, regardless of their view, but I will fight to defend people's right to protest. That is why under my government—

**An opposition member** interjected.

**Mr BEATTIE:** Those opposite try to disrupt the whole process every day so we do not even get the chance to respond to their questions. I do not condone what happened here today, but I will fight for people's right to protest. In a democracy there has to be a balance between—

**Mr Hobbs** interjected.

**Mr BEATTIE:** Those opposite do not want to hear the answer. They just want to interject rudely every two minutes. If those opposite want an answer, I will give them one. The reality is that there has to be balance. This is the problem confronting not just Australia but also other democracies in the world. We have to fight terrorism. We have to be prepared, which is what these two units are about—strategic planning. We have to ensure that security operations are properly funded, and they have been. But we also must remember in a democracy that if we deny people's right to protest and deny them that safety valve, we destroy the very flower of democracy itself. I want to make it absolutely clear: while we will ensure that there is every response to deal with terrorism—

**Mr Hobbs** interjected.

**Mr SPEAKER:** Order! The member for Warrego will cease interjecting. That is my final warning.

**Mr BEATTIE:**—we will not have the street bans on protests we saw under the National Party; the jackboot days when it stamped out any protest. People have the right to protest. We just ask them to do it within the law.

### Tilapia

**Mr STRONG:** My question is directed to the Minister for Natural Resources and Minister for Mines. The minister will be aware that tilapia is a declared noxious fish found in many waters of our state, including the Burnett. I ask: can the minister inform the House what action the government-owned corporation SunWater is taking to help prevent the spread of this noxious pest?

**Mr ROBERTSON:** I thank the honourable member for the question and acknowledge his significant concern about this particular problem. Tilapia as a fish is native to Africa, south and central America and southern India, and was introduced illegally to Australia in the 1970s as an aquarium fish. In Queensland tilapia are found in many of our waterways and are declared noxious because they foul our rivers, affect water quality and compete for food and habitat with our native fish species.

Tilapia is present in two of SunWater's storages: at Tinaroo Falls Dam near Mareeba and Boondoomba Dam near Wondai in the Burnett region. SunWater is aware that the transfer of water from these dams could potentially result in the spread of tilapia to other catchments downstream and is taking steps to reduce the risk.

With respect to the Boondoomba Dam, in November SunWater began installing mesh screens across dam spillways to stop tilapia spreading to other parts of the Burnett catchment via the Tarong pipeline. The 500-micron screens are capable of handling 500 litres of water per second and capture tilapia eggs to stop the spread downstream. The mesh screens will not result in the reduction of water delivery, and monitoring to date shows that the screens are proving effective.

With respect to the Tinaroo Falls Dam, SunWater is also planning to install a series of mesh screens downstream to prevent tilapia entering the Mitchell River catchment. SunWater is currently involved in preliminary planning and expects to have design work finalised by the end of this year, allowing installation of the screens by early 2004. SunWater is working closely with Queensland Fisheries to address technical and operational issues and to ensure cost-effective design. It is also working closely with stakeholders like the Barron River Integrated Catchment Management Association and the Mitchell River Watershed Management Group to develop preventative measures in containing tilapia infestation in the Tinaroo Falls Dam area.

Infestation is the result of past human carelessness, primarily from anglers who use tilapia as live bait and from an ornamental garden pond situated on the banks of the Barron River. Tilapia have gained a stronghold in the dam, and eradication is considered a long-term project unlikely to provide protection in the foreseeable future. But current research by Queensland Fisheries includes potential solutions such as breeding and introducing either sterile or genetically modified tilapia.



The management of tilapia is recognised as a whole-of-community issue, and that is why SunWater is doing its bit and the measures being taken at Tinaroo Falls and Boondoomba dams represent a significant step forward in the fight against the spread of this noxious fish species to other water catchments in Queensland.

### Water Resources

**Mr FLYNN:** My question is to the Minister for State Development. The recent rains have brought visual relief and little more to most areas. Domestic dams are filled and the grass looks green, but time is running out for my Lockyer farmers and others. We do not have time to waste. We need our farmers. We need what they grow, and I want to support them and eat what they produce. Renewed water will take five years. Fresh water, the government claims, is too expensive. I ask: when is the government going to make serious decisions, however financially unpalatable, to ensure the survival of our rural sectors in the short as well as long term, without calling for report after report which appear to remain secret until tweaked to the government's satisfaction, hiding as it does behind the misguided practice of commercial in confidence? Public money is involved, which makes us all part of the process.

**Mr BARTON:** The question is a most interesting one because I am not sure what specifics the member is referring to. Let me talk about a couple of examples, one of which I have spoken about this morning, which is the Paradise Dam and the other weirs that are part of the Burnett water infrastructure that was committed to by this government at the last election which, as demonstrated by my ministerial statement this morning, are well under way. They are doing the geotechnical work on the site. They are doing the road upgrades that are needed. They are rebuilding the bridges that are needed to get the equipment in there. They have expressions of interest finalised, and people have come to us looking at putting a proposal about how we build that facility under an alliance which will see the major facility at Paradise under construction by the end of this year. There are, I think, three other new weirs and the raising of two others as part of that project, in regard to one of which an EIS is being completed, and that is the issue of raising the Walla Weir.

This government is concerned about water issues. Another issue which is near and dear to the member's heart, as it is to me, the member for Toowoomba South, the Premier and everybody on this side of the House, is that of grey water from the Brisbane metropolitan area to the Lockyer and potentially to the Darling Downs. We cannot just blindly go into these projects because these are huge nation building type efforts. Last year's draft figures indicated an amount of \$500 million or \$600 million for the Lockyer and I think in excess of \$800 million for the Darling Downs.

That study is a partnership between the south-east Queensland group of councils, SEQROC, this government—through my department primarily but as lead agency for a number of agencies in this government—and the private sector proponents, the Darling Downs Vision 2000 people and the people in the member's area in the Lockyer. They own that material, not this government alone. Those draft reports were available earlier this year for the parties to consider. There are a number of issues which are not finalised that are being checked. The parties—the private sector proponents from the member's electorate and other nearby areas and the member for Ipswich West who has an interest in it as well—are checking those figures, as are the people from Darling Downs Vision 2000, my department and the SEQROC group of councils. Before they can be made public, we have to have absolute validity of the figures that are being talked about and the proposals that are being considered, and then they have to go back out for public comment.

We do need a large amount of funding for that project if it is to come about. It has to be viable. The figures have to stack up, and they are still being worked through. I am sad that they are not available publicly yet; I wish they were. All of the owners are working those figures to make sure that they are valid.

**Mr SPEAKER:** Order! Before calling the member for Kallangur, could I welcome to the public gallery students and teaches from St Rita's Catholic Primary School in the electorate of Redlands.

### Computer Literacy

**Mr HAYWARD:** My question is directed to the Minister for Innovation and Information Economy. I understand that the minister recently opened the fourth round of two programs

designed to provide computer skills to Queenslanders and encourage people to consider a career in the information and communication technology sector. I ask: what are these grant programs and what benefits have they provided to Queensland communities so far?

**Mr LUCAS:** I am delighted to answer the question, and I thank the honourable member for it. This time I will have no truck with people who are not prepared to get computer literate in this modern age. Once upon a time people might have been able to get by without a car licence. Now it is very difficult to get a job without one. It is the same with computer literacy. If you are not able to use a computer, it is increasingly difficult to get a job in the big bad world or indeed operate as a member of the community. We want to encourage Queenslanders to take up careers in IT. We want to encourage Queenslanders, whether they are seniors or school students, to see the great benefits of it.

I was delighted to be in central Queensland last week, where I opened the fourth round of two very important programs. The first is the i-STAR program—industry, skills, training and role models—which is about encouraging people to take up careers in IT, particularly target groups such as women. It is very important that we encourage more women to take up careers in IT. The second program is the Community Skills Development Program, which country members will be particularly interested in because it is about community training to improve IT skills in communities of 10,000 people and below.

I launched the i-STAR program in Gladstone at the local state high school—a very impressive school, I might add. It is doing great things in IT. I walked into a number of classrooms where students showed me what they were doing. Some were doing programs such as desktop publishing and writing magazines. Others were doing music. In Rockhampton I visited the Rockhampton scouts, who are doing a statewide project in terms of web presences for scouts. Scouting is an international activity, and it gives an opportunity for people to find out what our great organisations are doing, no matter where they are in the world. There are 15,000 scouts in Queensland.

There have been other great successes. The member for Gregory will be pleased to know that in the past in his electorate the i-STAR participants have included the Longreach school of distance education, which ran Wired Women in the West, and the Charleville and District Community Support Association, which ran Reboot the Outback. There was an 80-year-old lady, Sheila Cadzow, who was writing her own book which has now been made available on the Internet. Once upon a time no-one would be able to see her life experiences, but it is about making that available to the community. The member for Cunningham would be pleased to know that in his electorate both the Pittsworth District Historical Society and the Eastern Downs Turnaround Group were funded.

**A government member** interjected.

**Mr LUCAS:** Well, Pittsworth is a great community. I know that the member is very proud of the Pittsworth District Historical Society. Look at how we have run these programs in the past. With Cooloom Meals on Wheels we trained the seniors in terms of operating the IT for their menu planning and route design, but then four of the six went out and bought their own computers themselves. It is about that ever-increasing use of computers in our society. I encourage every member of parliament to talk to the community groups in their electorate about the i-STAR and CSDP program. As I said, the CSDP program is for smaller communities. The Tech Survival Skills program will be coming up very shortly as well.

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

## MATTERS OF PUBLIC INTEREST

### Police Resources

**Mr SPRINGBORG** (Southern Downs—NPA) (Leader of the Opposition) (11.31 a.m.): Today in parliament the opposition raised a number of issues of significant concern regarding policing and police resources in Queensland to which we have received a less than satisfactory response from the Police Minister and from a government that seems to dismiss this issue as just an administrative and organisational matter for the Queensland Police Service to look after with regard to its own internal budgeting program. Unfortunately, that is not good enough because we are dealing here with the mantle of safety which overlays the protection and security of Queenslanders out there, and that is a reasonable expectation on their behalf. The government has done absolutely nothing in parliament today to address or assuage the concerns which we

have been able not only to raise but to demonstrate by information we have gathered from within the Queensland Police Service in general.

The Police Minister basically denied his outrageous slur on the police officers on the Gold Coast the other day where he called them cowards and liars for dare suggesting that there had been a reduction in overtime and resourcing available to police officers so they could do their job in protecting ordinary Queenslanders and responding to crime out there. That is not good enough. Whom do we believe? I think I will believe the newspaper which basically quoted the Police Minister verbatim. That is a matter that the minister has to take up with that newspaper. The minister labelled the police cowards and liars. The minister called the newspaper a rag and demanded the names of police who spoke to the paper. Is that not just an absolute persecution process from this government? If anyone has a different opinion, if there are serious problems with regards to the administration of essential government services in Queensland, those people are unable to have them properly addressed within the internal processes. If they raise it publicly because it needs to be addressed, they are intimidated by the Queensland Police Minister. That is not good enough.

We also saw in parliament today a situation where protesters walked in off the street, unfurled a banner and created a major security breach. Whilst we are dealing with the unfurling of a banner, that could just as well have been something else. We know full well that there are all sorts of potential lethal weapons which can be smuggled into a parliament or any place and which go through security that would not be picked up by a metal detector. If people can smuggle in here under their clothing stuffed banners, there are a range of things that would not be able to be picked up by the normal protection procedures.

We also had an admission in the last week of parliament and again today that the Premier of Queensland has siphoned off \$3.2 million of an anti-terrorism package and put it into his own department. What will that do? What will that practically achieve in terms of providing security for Queenslanders at large? Is it not right to expect that the Police Service in Queensland is the appropriate body with the appropriate skills, resources and intelligence to do the job of ensuring that any terrorism or any security breach is dealt with? What is achieved in giving 80 per cent of an anti-terrorism package to the Premier's Department? We have seen the extraordinary capacity of this government—and particularly the minister opposite who shakes his head, the member for Townsville—to create bureaucracies and fiefdoms out of significant amounts of public money that should go to delivering basic core services. I bet that in a couple of years—or a couple of months—when we analyse what has happened to that \$3.2 million, none of it has gone to practically providing any enhanced security or anti-terrorism strategies for Queenslanders.

We have seen the creation of these fiefdoms; we have seen a burgeoning bureaucracy; we have seen a lack of focus on day-to-day service delivery, whether it be in health, education, policing or whatever the case may be. And we have seen little interest from this government in addressing those basic concerns from the people out there on the street. We pointed out in parliament this morning a whole range of matters. I and the members for Robina, Callide, Gregory and Toowoomba South highlighted issues relating to policing and the lack of the appropriate funding from this government. I pointed out the concerns of the assistant commissioner of the far northern region with regards to a whole range of areas, including Public Service salaries and reducing expenditure by holding the equivalent of three AO2.8 positions vacant for a full financial year, saving \$105,000, and regarding police liaison officers, something which is so crucially important to ensure proper relationships and engagement between the Police Service and indigenous communities out there. In an area so crucial in terms of law and order and public drunkenness issues in far north Queensland—issues between the police and the indigenous community—what happens? They hold 3.4 crucial positions from being filled over a full financial year. There is a reduction of 10 per cent in sworn overtime allocations, which would achieve \$113,000 savings, and a reduction of 10 per cent in telephone metered call costs, which will achieve savings of \$27,000. Maybe we will need somebody to sponsor the Police Service or a police telephone so that they are able to make telephone calls! There is a reduction of eight per cent in electricity costs. So, the police can go to work—but in the dark—and they cannot turn on their computers.

The Premier's Department has siphoned off \$3.2 million of a \$4 million anti-terrorism package—or 80 per cent of it. This morning, if we were to allocate one-eighth of that, we would have solved all the problems of the far northern region. If we could have allocated the rest of that around Queensland, we would have solved the significant and substantive problems of the Queensland Police Service.

**Mr Hobbs:** The Premier's office could have brought some pamphlets down this morning.

**Mr SPRINGBORG:** They could have brought some pamphlets down, I suppose. That is probably about all we will get from the Premier's Department with regard to the anti-terrorism response.

**Mr Seeney** interjected.

**Mr SPRINGBORG:** That's right. The shadow Treasurer indicated the fact that notwithstanding the EBA negotiations that went on, the Police Service by and large has to fund those particular increases in wages and salaries out of its existing resources. That is a rather significant—

**Mr Seeney:** The Treasurer wouldn't give them anymore.

**Mr SPRINGBORG:** That is a significant admission, because it means that that will cut back on core policing. This morning we heard the member for Gregory refer to detective training in terms of security breaches, terrorism or major crimes. What about firearms training? That is what has happened. If some of that \$3.2 million went into the Police Service instead of the Premier's Department, it would have solved all of their budgetary problems. If the Queensland Police Service were a footbridge, it would not have been a problem. There was a very weak performance from the Police Minister this morning as he stood up and said that these are internal matters for the Queensland Police Service, that these related to day-to-day operations. That may be the case, but the minister is primarily responsible for the carriage of Queensland Police Service matters in this parliament and for looking after the wellbeing of police officers by ensuring proper budgetary allocations. That is his responsibility; he has to lobby for them.

We have seen a whole range of other examples over the last couple of years where the government has found extraordinary amounts of money to make up for a range of other budgetary shortfalls, but not when it comes to community and public safety.

We have been told that we should have a reduction of 10 per cent in overtime by sworn-in police officers. This morning the member for Robina said something like 70 police officer positions on the Gold Coast were unfilled. That would not give people on the Gold Coast any great feeling of security. It is about time the Police Minister started to become far more positive and proactive and stopped making excuses as to why something which is inexcusable is right. It is not excusable to have a reduction in police overtime. It is not excusable to be not filling significant positions that should be filled, whether they are liaison officer or police officer positions. Those things are essential in ensuring community safety. We need a commitment from this government that it will properly fund the Queensland Police Service, that some of that money which has been siphoned into the Premier's Department will go to day-to-day policing, which is the most important issue for Queenslanders on the street. They want to know that when they call a police officer a police officer will respond. They do not want glossy brochures. They do not want a Premier's Department which is keen on creating a bureaucracy out of this. They want to know that the Police Service has been properly funded.

Time expired.

### **Senior Citizens Accommodation, Hughenden**

**Mrs CHRISTINE SCOTT** (Charters Towers—ALP) (11.40 a.m.): This morning I seek leave to table a document which expresses the needs of some senior citizens in Hughenden.

Leave granted.

**Mrs CHRISTINE SCOTT:** The document highlights their quest for some additional appropriate public housing staged between the present pensioner cottages and the local hospital. I know many honourable members on this side of the House appreciate the difficulties experienced by people living in the bush. The problems associated with drought, flood, fire and isolation are well documented as well as many-faceted, and sometimes it is the more needy in our communities who suffer most from a lack of facilities brought about largely by the isolation in which they live.

Many families in the Flinders shire are concerned their nearest and dearest are finding it increasingly difficult to look after themselves at home and may have to relocate in order to receive a suitable level of care. It is quite understandable they do not wish to leave their homes, friends or family, and this situation is creating a degree of anxiety within that community.

Our senior citizens are the living treasures of our communities. This situation regarding aged care accommodation in Hughenden is of great concern to me so I am throwing my support

behind the efforts of the Hughenden community and their council in calling for a way to be found for Hughenden. I will be knocking on the doors of all the relevant ministers in this government in order to seek their assistance in finding a solution to the problem. I know this will not be easy and may indeed be impossible, because I know the federal government has welched on its responsibilities in this area, as our ministers have highlighted in this House on many occasions.

People who have lived in their community all their lives, who have seen their children grow and marry there and who may have loved ones buried there find just the thought of relocating very scary indeed. Our senior citizens are one of the most vulnerable groups in our society and deserve the best outcomes all levels of government can achieve on their behalf.

They do not wish to leave their community, so I challenge our federal member, Bob Katter, who told us he would be more effective as an Independent, as well as those in the National and Liberal Parties opposite, to stop kowtowing to their mates in Canberra and start sticking up for Queensland. It is a well-known fact that John Howard's National/Liberal government has shamefully walked away from its responsibility to provide funding for nursing homes and other facilities in Queensland. I am challenging the National Party opposition and Bob Katter to contact Dr Kay Patterson, the federal Health Minister, to find us the funds to provide additional suitable alternative accommodation for our senior citizens in Hughenden in the twilight days of their lives.

As citizens of a modern democratic society I believe it is our duty to do everything we can to help the more vulnerable in our communities maintain their quality of life as well as their dignity and self-worth. I will be doing everything I can to help these outcomes to be realised for the people of Hughenden and district. In order to carry out my commitments to the people of the Flinders shire, I will be encouraging their council and the indefatigable Noela Seymour to seek a deputation to the relevant ministers at the community cabinet to be held in Townsville on 6 April and I will be accompanying them in an effort to find a way for the senior citizens of Hughenden. We may not win this battle, but I have promised the people of my electorate that I will fight for them and that they should never feel alone while I am their member. I have an unswerving determination to carry out that promise.

### Experience Pays Program

**Ms STRUTHERS** (Algeria—ALP) (11.44 a.m.): I have stated many times in this House that experience pays, that job seekers over 45 years of age have a lot to offer workplaces. The 45-plus Experience Pays campaign launched in November last year on the south side of Brisbane aims to generate 45 jobs in 45 weeks for the over 45s. The program is delivering the goods. I am very pleased to report to the House today that over 30 people have now gained jobs. Those 30 people have gained jobs in less than 15 weeks. We are well on track with this program.

The program is a cooperative effort between the Department of Employment and Training, the *Southern Star*, a Quest newspaper—in particular, many thanks to the editor, Ray Goodey—Geoff Wilson, the President of the South Side Chamber of Commerce, and the Mount Gravatt Training Centre. When I initiated this program last year and sought the support of these organisations and people, none of them hesitated. They saw the merits of the program and they have been critical to its success. The program worked so well because of three key elements: the cooperation among the employers, the local newspaper and the agencies involved, the \$4,000 wage subsidy offered by the state government through the Experience Pays program as an incentive to employers, and the great support offered by Sheila Orr at the Mount Gravatt Training Centre. Sheila was an unemployed person over 45 herself until the Department of Employment and Training provided a grant to the Mount Gravatt Training Centre to support job seekers over 45 and match them to employers.

There are times in our role as an MP when we know that we can make a positive difference to people's lives. I felt this very strongly last Wednesday when I visited Rocklea Spinning Mills with the Minister for Employment, Training and Youth and Minister for the Arts, Matt Foley, to see three successful job seekers at work. The minister is a keen supporter of the over 45s program, and both he and I wanted to meet some of them in the workplace and have a talk directly to them to see how the program is going. To our delight, three men, all in their 50s, who had been previously told that they were past their use-by date, had been working full-time for three weeks. Stephen MacRae and his two workmates said that their lives had been saved by Sheila Orr and they were grateful to the program. Their words and the joy they felt in showing us around their workplace indicated to me that this program is very worth while. They said that Sheila had understood their skills and problems and commitment to work and within a short time she was

able to place them with employers. They said also that they were now keen to get up in the morning; previously, they had been very depressed and miserable about their work prospects. I congratulate Rocklea Spinning Mills and the other employers who have been getting behind this program. The management at Rocklea Spinning Mills had said they were after people over 45 because of their long-term commitment to the workplace and their stability. They also said that the \$4,000 wage subsidy is important. That was a key point.

I have read critical literature and I have been at seminars on these issues where a lot of academics and others have said that wage subsidies from government do not work. I have seen first-hand from this program that wage subsidies do provide an incentive. Wage subsidies, probably as an offset to training costs and other costs of the employer, do work. I am very pleased to see that, with the cooperation of the agencies, the wage subsidy is a very important element in the success of the program.

There are about 31,000 over 45s around Queensland who are unemployed. Although the rate of unemployment among this age group is lower than the average of all ages, the problem is that most of these people are long-term unemployed. They are unemployed for much longer periods than others. They average about 78 and a half weeks as compared with 48 weeks for other age groups. This is a very long time to be without a decent income. This is a very long time to live with the fear that they may never find secure work. It is a very long time in which they can dig themselves into a hole and feel they will never get out of it.

I am very pleased that this program is working well. I have asked the minister to replicate it in other parts of the state. I think that will be the case, probably in four other locations. I commend it to employers. It really is benefiting employers. It is important for them to know that these people are not past their use-by date; they have a lot to offer their workplaces. I know from meeting these employees that they are very grateful to be back in the workplace.

We are living longer, which is a great thing. We are retiring younger, though, which can be a bad thing. We need to be employed for as long as we want to be and can be in order to survive into our retirement and not be a burden on the state. This program is working well.

### Sunday Trading

**Mrs PRATT** (Nanango—Ind) (11.50 a.m.): I rise to speak to the House about the government's Sunday trading policy, which was implemented on 4 August 2002. Firstly, I recognise fully and understand that Sunday trading in central business districts in all major cities here and internationally is an expected and desirable service. The Industrial Relations Commission recommended that there be Sunday trading, but only in the Brisbane CBD. It had the foresight to see the long-term effect that any expansion of Sunday trading outside the CBD would have on small businesses. The Premier overrode that decision and Sunday trade was pushed into the suburbs. Now, only seven months later, small and medium-sized businesses are calling meetings to try to stop the disastrous effects of Sunday trading.

Mr and Mrs Graham wrote to the Premier—and I will read from a copy of that letter—which states in part—

We were just starting to get on our feet when you introduced seven day trading in the suburbs. You are not a man of your word, you said you would abide by the decision of the courts. You overruled that decision. Since the 1st of August our trade has dropped dramatically ... by at least 30% to 45%. We cannot survive very much longer, this will cost us our business and everything else we owned ... Surely Mr Beattie, you would have realised what was going to happen. You will virtually put 13 people on the dole and this is only from our own business.

...

Take a trip around the Redland shire on a Sunday and speak to the small shop owners personally and get the real feeling out there.

That is just one letter, but there has been a lot of concern expressed that reflects that view. The government's current policy of extending Sunday shopping hours to outside the CBD is destroying small businesses and creating a negative effect on jobs growth and job potential.

Last week, along with the Opposition Leader, Mr Springborg, and the member for Toowoomba South, Mr Horan, I attended a meeting organised by businesspeople at Strathpine where there was an overwhelming—in fact a unanimous—feeling against Sunday trading. There was total opposition to extending it to any other area and a desire to actually roll it back to the CBD. The government is possibly not aware of the meeting, because its own local member did not attend. However, approximately 60 businesspeople attended, all of whom, without exception, stated that they were suffering badly. One person was an owner of five IGA stores. He told us that

Sunday trading had made his business not viable and he did not renew a lease for one of his stores that is located within the Sunday trading area. He has kept the other four stores, which are located outside the Sunday trading area. This successful businessman was in favour of Sunday trading, but he told the meeting that it was not cost effective for small businesses and that today he is no longer in favour of that type of trading.

Other business owners reported a downturn in profits of between 30 per cent and 60 per cent while yet another businessman stated that his staff levels had dropped from 17 to nine within that seven months. At the meeting, not one business operator did not report a decrease in staff numbers, and shop owners were angry that for their businesses to stay open and remain viable they themselves had been forced to take over staff responsibilities to escape penalty payments.

One report was that in Morayfield alone up to 40 businesses had been forced to close on Sundays. On Sunday, at Toombul, 45 shops were shut; at the Hypermarket, 27 shops were shut and 34 checkouts were shut; At Burpengary, 26 shops were shut; along Morayfield Road, 99 per cent of shops failed to open and 19 shops in the shopping centre failed to open and 68 shops did not want to open on Sundays. Those results were gathered from a personal survey. Also on Sunday, the Caboolture Coles had one checkout girl rostered on; Kmart had two checkouts open and 34 shops were shut by 11. In the past three months, the Westfield Strathpine Shopping Centre has been offering \$100,000 to shoppers plus Sunday specials. That shopping centre has also spent millions of dollars on advertising. The result has been that 30 shops still remain shut on Sundays and two eateries have closed.

As the government well knows, small businesses are the biggest employers of Australians. The government needs to listen to them. Even the Queensland Retail Shopkeepers Association can confirm the serious effects of ongoing closures and hardships being experienced by the Sunday trading policy. It appears that the government has overridden the Industrial Relations Commission's considered recommendation to allow Sunday trading in only the CBD. Small business and job seekers are paying very, very dearly for this decision. It is time for the government to stop and revisit the whole situation. It should get out and undertake proper research to find out just how badly these people have been affected.

Time expired.

### **Greenslopes Hospital**

**Mr FENLON** (Greenslopes—ALP) (11.54 a.m.): I rise to inform the House of a major development in the Greenslopes electorate, that is, the stage 1 redevelopment of the Greenslopes Private Hospital at a cost of \$37 million. This development positions the Greenslopes Private Hospital as the largest private hospital in Australia. Indeed, it is a great development, because it will serve the wider community as well as the veterans community.

This hospital forms part of the wider Ramsay network of hospitals throughout Australia. The Ramsay group was established in 1964 by Mr Paul Ramsay. The Ramsay group is Australian owned and operated and has 25 hospitals and clinics across the Australian states. It is a dominant provider of these services for veterans, with the Hollywood and Greenslopes Private hospitals, and was listed on the Australian Stock Exchange in 1997.

The hospital at Greenslopes has had an eminent history and is well respected by many veterans who have been patients at that hospital since 1942, when it was opened as a military hospital. By 1945, the hospital was the largest army hospital in Queensland, earning a reputation for excellent medical and nursing care. In 1947, the Commonwealth Repatriation Commission took control, providing ongoing care to veterans and war widows. The hospital remained a repatriation hospital until its sale in early 1995 to the Ramsay Health Care Group. I recall that, in 1995, the Liberal Party was actually opposing the sale of that hospital, causing fear and intimidating veterans by leading them to think that this sale was a bad thing.

Since 1995 we have heard nothing but positive feedback from the veterans community. They love the treatment that they have received from the hospital. It has been a raging success. Our hats must be taken off to the Greenslopes Private Hospital for the way in which it has looked after our veteran community.

In 1995 when the Ramsay group took over the hospital, it had 285 beds. In 1996, the rehabilitation unit and the Keith Payne unit were developed, taking the total number of beds at the hospital to 355. In 1997, a cardiac catheter laboratory was installed. In 1999, cardiac surgery began with the opening of the CCU developed Florence Syer unit, taking the number of beds at

the hospital to 385. In 2000, a new gastroenterology unit and day surgery, a new main entrance and the Cafe Flanders was developed. In 2001, a sleep centre was developed with the opening of a new 32-bed ward—ward 5—taking the total number of beds at the hospital to 437. As at March 2003 the number of beds at the hospital totals 530 and staff numbers have increased from 1,400 to 1,600.

The Greenslopes Private Hospital is Queensland's only private teaching hospital. In 1999, it was proclaimed as the best over 70-bed hospital in Australia and awarded an APHA Award of Excellence. The hospital has a 24-hour emergency centre that services local residents and has a comprehensive range of allied health services, outpatients services and 30 specialist units. This \$37 million upgrade has been all but completed, with most of the sections being commissioned in March and through the later months of this year. Also, the Greenslopes Specialist Centre is to be opened this month, which will include a wide range of medical specialities that will service not only the local community but also the veterans community.

Last week I inspected the extensions to the hospital. The hospital has a modern yet peaceful hotel-like design and atmosphere. It is a great achievement for the hospital. Artwork by Pam Walpole and Bruce Buchanan is featured throughout the words. The operating theatres feature the latest in technology. There is also a range of new services being added to those provided by the hospital, including new urology services.

The hospital will present to local residents a great range of services and will also complement the other great public facility, the Princess Alexandra Hospital, in servicing south side residents. The Greenslopes Hospital is indeed part of our community. I look forward to again joining other residents and staff at the Greenslopes Hospital for the dawn service on Anzac Day this year. I compliment them for the way that that is conducted. It is a great service not only to the local community but also to the veterans in our community.

### **Rural Communities, Sediment Run-off**

**Mr ROWELL** (Hinchinbrook—NPA) (11.59 a.m.): Over a period of time sediment run-off from the Queensland landmass occurred prior to white settlement. The Herbert River, for instance, has changed in its course which has caused a major amount of sediment to be deposited out to sea. During the latter months of the year in November and December it is not uncommon to witness substantial areas of hilly country being burnt out either in a controlled or uncontrolled practice by National Parks personnel. Often these fires rage on for days because this hinterland area to the west of the Hinchinbrook electorate is impossible to control due to the mountainous terrain. If heavy rainfall is experienced soon after—and it is not uncommon to receive something like 300 millimetres to 400 millimetres in 24 hours—significant sediment run-off occurs. National Parks officers on Hinchinbrook Island actually control the encroachment of the rainforest by burning areas of the island. In the past they have used incendiaries to get the desired result. There have been landslides on the island, no doubt brought about by the loss of vegetation on these steep slopes.

Blaming rural communities entirely for sediment being washed out to the inshore reef is misleading and is being used by this government to discredit the sugar industry. There is a growing awareness by the sugar industry to be more vigilant and responsible to carry out measures to reduce sediment and nutrient impact. However, there also needs to be cooperation from government agencies to administer and be supportive of responsible schemes. When minimal rainfall occurs, the levels of sediment and nutrient found in rivers and streams is almost nonexistent, but when extreme levels of rainfall take place, as is often witnessed in the period between November and May, sediment and nutrient load increases. It is also interesting to note that nutrients are expelled from pristine rainforest areas, a phenomena that has occurred for thousands of years. It is a natural phenomenon that rivers and streams can change their course. This can be controlled by vegetation management or rock walling when the severity of flooding causes damage to river banks.

With severe damage, the riparian owner is unable to fund the necessary work. In some cases, the river trust, which is responsible for dealing with the damage, has inadequate funds to carry out the necessary work. Consequently, if the work is not completed in a reasonable time it gets worse to the extent that farmland is washed out to sea. There is a 25 per cent commitment required by the riparian landowner, but I have witnessed incidents where the landowner has not had the capacity to fund this portion of the rectification work. This is taking place now at a time when canegrowers are barely surviving at best and are grappling with substantial debt. The



amount of sediment coming from farming operations is relatively small in comparison to river and stream erosion. If this is then added to the sediment coming from steep slopes that are left exposed as a result of burning and other hinterland operations, the rural communities on the coast are being unfairly criticised.

There is a need for government to make a concerted effort to address the source of sediment and not simply blame rural communities for what is perceived to be 'our issue'. A study needs to be made of river systems in Queensland to first identify where the sediment is coming from and a mechanism put in place to restrict its movement. Canefarmers have made substantial changes to their agronomic practices with harvesting the crop in a green state and using a trash blanket to reduce the impact of rainfall. There is a general movement to minimal tillage, if not zero tillage. They are also involved in providing retention ponds and using them to act as sediment traps to minimise the amount of silt in drainage systems. There is substantial effort in planting appropriate trees on riverbanks to prevent erosion, but limited recognition is given to the direction they are making. Simply by vilifying them despite all these initiatives is not encouraging in view of the lack of commitment by the government in dealing with erosion problems that are beyond their control.

Time expired.

### **Graffiti Trailer, Bribie Island**

**Mrs CARRYN SULLIVAN** (Pumicestone—ALP) (12.04 p.m.): It is with great pride that I rise today to talk about the wonderful enthusiasm of the members of the Bribie Island Apex Club in embracing the auspicing of the state government's graffiti trailer located in the electorate of Pumicestone but servicing the wider Sunshine Coast area. The graffiti trailer was officially launched on 14 December last year at the Bribie Island Police Station by myself and Bribie Island Apexian President, Ken Frey. Also present at the launch were local media representatives, Rosa Kurjan from the Department of Corrective Services, District Superintendent Ken Benjamin, Sergeant Perry Irwin and his wife Melissa, who organised a homemade morning tea which we were all very grateful for, Constable Frank Testa, Caboolture Police Inspector Russell Janke and other Apexians Mal Milverton and Peter Reid, whose business, Bribie Island Select Meats, is also a sponsor.

Other business sponsors at the launch included Lu Drew from Lu-Lu's Island Promotions, Peter Carpenter representing Bunnings—and Bunnings completely outfitted the trailer with equipment and has offered to replace it when needed—Jamie Shaw from Watty's Paints which has provided the first 200 litres of paint for free to help cover obscene and offensive graffiti from public buildings, Neighbourhood Watch representatives, Ray Edmunds from Banksia Beach and Bill Hart from Bongaree. The graffiti trailer was designed and built by prisoners at the Woodford correctional facility and is fully maintained and registered by the state government's Corrective Services Department. There are currently four in areas throughout Queensland, with more to come, but I believe that the Sunshine Coast trailer was the very first to be auspiced and fully operational. This is another pilot for Pumicestone and I am proud to hold the title as the No. 1 sponsor for 2003. I would certainly encourage all other members to look into the advantages of such a project for their communities.

Since the trailer has been launched, a number of other sponsors including Beachmere Neighbourhood Watch have come forward to donate funds to keep this worthwhile community project running. My parliamentary colleague and state member for Glass House, Carolyn Male, and Councillor Lynette Devereaux, the division 4 shire councillor, have not only become sponsors but have also offered to lend a hand when needed. Well, it did not take long. In fact, myself, Carolyn and Lynette offered assistance when Bribie Island Apex members were called upon recently to assist a local community organisation. Mrs Anne Mealin, the secretary of the Morayfield Girl Guides Parent Support Group, rang me after seeing a press release in a local paper about graffiti and described the obscene graffiti which had appeared on the exterior of the Girl Guides hut on Caboolture River Road at Morayfield and asked for help in getting rid of it promptly. The guides met weekly and were unable to use their facility until something was done. So on 10 January this year Apexians Ken Frey, Daniel Frey and Mal Milverton accompanied Mrs Mary Frey, Carolyn Male MP, Councillor Lynette Devereaux and myself to the hut and within two hours it was like brand new. Fortunately for us the guides had a small amount of original paint which was used as a final coat.

Whilst the graffiti trailer is not the answer to all the community's problems with regard to graffiti, I commend the state government for being prepared to tackle the problem head on and not just talk about it. We will continue to have problems with graffiti, but if we as a community can band together and cover it up as soon as possible it may act as a deterrent to at least some of the insensitive vandals. I also express my gratitude to Bribie Island Apex for offering to auspice the trailer. I only hope that it does not become overloaded with this type of work. I must also offer my sincere appreciation to Tony McGrady, the Minister for Police and Corrective Services, for funding the trailers, Rosa Kurjan for her help in getting the trailer up and running, and my colleague Linda Lavarch MP, the state member for Kurwongbah, who chaired the bipartisan graffiti task force and correlated all of our ideas. I enjoyed being part of the team and am proud that the state government implemented yet another policy that has been welcomed by the public and which has already seen positive results.

**Madam DEPUTY SPEAKER** (Ms Jarratt): Order! Before calling the honourable member for Tablelands, I welcome to the public gallery students and teachers from St Rita's Catholic Primary School, Victoria Point, in the electorate of Redlands.

### General Agreement on Trade in Services

**Ms LEE LONG** (Tablelands—ONP) (12.10 p.m.): I rise to speak on the General Agreement on Trade in Services, round 2 of which our federal government is now negotiating. As part of that a call was made for submissions from the public. Those submissions closed on 24 February 2003. I hope that all members in this place were aware of that call and that they were and still are paying close attention to whether or not GATS, its sister GATT and all of their spin-offs are actually good for Queensland.

The member for Brisbane Central, our Premier, is a staunch apologist for the federal Liberal-National government in this matter and says that National Party Trade Minister Mark Vaile is doing a good job. But I wish to tell members about one of the things which appeared under the GATS umbrella. The necessity test, technically article V1.4, talks about the problem of two potentially conflicting priorities—promoting trade expansion versus protecting the regulatory rights of government. In a democratic society, I am frankly horrified that the question even arises.

How does the GATS process talk about resolving any clash between profit and democracy? By leaving final authority with a GATS dispute panel—not my elected representatives, not others' elected representatives, in fact no-one's elected representatives—just faceless officials with no interest in democracy. And this is a system that the member for Brisbane Central is happy with?

It is well known that any member of parliament belonging to a major party is considered not to be their electorate's representative in Brisbane but their party's representative in the electorate. It appears that our Premier is not Queensland's representative on GATS and WTO but the WTO's and GATS' salesman to Queensland. Under GATS, government by the people, of the people and for the people is clearly out the window. It is about nothing other than the almighty dollar, and it is a system which Queensland's own Trade Minister supports.

As I understand it, these GATS tribunals are closed. All of the organisations we are used to having take part in our open, democratic political process are banned. GATS deliberations will never be troubled by having to address the demands of environmentalists or by having to listen to human rights advocates, consumer groups, unions, peace activists, cultural organisations or any of our many lobby groups. It might well be that the member for Brisbane Central welcomes a system that shuts unions up, but it is not the democratic way. It is not the Australian way and it is not Queensland's way. A system no doubt welcomed by the conglomerates and multinationals of the world is not one welcomed by farmers, small businesspeople and ordinary, everyday working Queenslanders.

The constant reassurances we hear that Australia is not obliged to sign up to anything are rubbish. We already have. We are GATS signatories. We are subject to these rules and regulations now. It is foolish in the extreme to trust an organisation and a set of rules which have no interest in anything—not democratic principles, not human rights, not environmental concerns—but the profits of mega corporations to do right by Queensland. I believe that the member for Brisbane Central needs to keep the interest of Queensland in mind—not corporate profits.

### Cairns

**Ms BOYLE** (Cairns—ALP) (12.14 p.m.): In terms of the economic prosperity of Cairns and far-north Queensland, tourism is a key player. It is a great industry which has put Cairns on the international map and heaped benefits upon the residents, directly and indirectly. But tourism is not enough. It is a volatile industry. Cairns businesses know this all too well. Changes in international events and changes in the aviation industry can result in dramatic variations in preferred destinations and visitor numbers, with resultant impacts on local employment and training opportunities.

Members should not mistake me. In Cairns we have a magnificent environment, an excellent range of tourism experiences and the best tourism operators in Australia, if not in the world. But the long-term sustainability and prosperity of Cairns requires diversification of the economy. This was recognised as a key plank in the 1993 regional economic development strategy for the far-northern economy. This study, auspiced by the Department of State Development, was ratified in the regional plan. I am pleased to say that I was a member of the steering committee for that study and know well, therefore, the important recognition that it gave to the need for diversification.

The volatility of the last 10 years means that there is now wide-ranging recognition in Cairns of the need for diversification. Residents across the city frequently speak of the value of tourism but agree that it is not enough for prosperity for the future. I recognise the important, sustained and innovative programs that the Cairns Region Economic Development Corporation has initiated over these last four years. The Cairns Region Economic Development Corporation is, of course, financed by this state government. It is an initiative started by the Beattie government in the last term.

The cluster model developed by CREDC led the way in Queensland and, I am pleased to say, has been copied elsewhere. Nonetheless, rather than simply going ahead with the best of intentions, it is high time that a serious review was undertaken of our progress with diversification. Is the far-northern economy less dependent on tourism than it was 10 years ago? Are we compensating for the decline in some agricultural sectors by activity in new areas of competitive advantage? Is the far-northern economy balanced with a spread of diverse skills and employment choices which nonetheless meet the needs of the industry sectors with the best future prospects? What are the key industry sectors that we should target with a concerted effort?

I call on the Minister for State Development for support through his department in addressing these questions and, in cooperation with CREDC and Advance Cairns, to review our progress to date and also to formulate a diversification action plan for the years ahead. I have put this request in writing and I look forward to the minister's reply in due course.

Over the last 10 years there is no doubt that there have been significant and positive projects pointing the way to diversification; for example, in the expansion of education for overseas students in the Cairns area, in the expanding industry of repairs and refurbishments of superyachts from around the world, in the establishment on the Tablelands of the biotechnology company EcoBiotics, in the Craft Connect exposition by Cairns based artists that was a sell-out in Singapore.

More recently we have had announcements of projects with tremendous possibilities for the future. We have aviation maintenance training up and running in Cairns, with 20 apprenticeships commenced only weeks ago. We have had an announcement of an aviation skills centre to be built in Cairns. We heard at the end of last year of an application for accreditation by Cairns University Limited, a private university. Hopefully this process will be smooth and it will be only one to two years before the private university will be up and running. I am a strong supporter of expansion in the marine industries and look to establishing a marine industries training centre.

There are many opportunities for Cairns, but it is important that our effort is targeted and well directed. I hope therefore that a review of diversification progress will give us pointers towards a sensible future, with many job prospects for the young people of Cairns.

### Gender Equality

**Mrs SHELDON** (Caloundra—Lib) (12.19 p.m.): The advent of International Women's Day highlights the vital role women play in society. Further, it provides a focus that many women in developing countries have major hurdles of poverty and a lack of education and access to the

power base of their society and governments. It is incumbent on women living in a western democracy to help our womenfolk who are less fortunate.

Australian women had a battle to be part of the democratic society, and it was not until 1902, one year after Federation, that Australian women obtained the vote. But it is telling that it took until 1943 before the first woman was elected to federal parliament. The first woman elected to the state parliament was Irene Longman in the mid-1930s. However, no other woman entered state parliament for over 30 years.

When I became the Leader of the Liberal Party in 1991, I was the first woman to lead a political party in the parliament of Queensland, and when I became the Deputy Premier and Treasurer of Queensland in 1996 it was the first time a woman had held such a position in Queensland and the first time a woman had held the position of Treasurer in any state or federal parliament.

One of the reasons that women are kept away from politics is economics. Even in the new millennium women are still a vulnerable group. The majority of the 1.5 billion people living in the world on \$1 a day or less are women. Worldwide women earn on average slightly less than 50 per cent of what men earn. Even in Australia women in many positions earn less than men, and migrant women are often exploited for their labour.

Lack of education is another reason that keeps women away from decision making institutions such as parliaments. Education enables women to take advantage of the opportunities available. It is recognised that education empowers the poor, safeguards the vulnerable and promotes economic growth and social justice. In Australia, women and girls are taking greater advantage of education facilities and are now outstripping men in their numbers in many of the university faculties.

The history of exclusion of women from politics or from positions of power and decision making in government is an ambiguity in itself. Women are frequently entrusted to manage the financial affairs of the family. They are the key contributors to economic development. For instance, in Australia women at present account for 35 per cent of the country's 1.3 million small business operators, which is an important sector of the productive society. Women continue to be victims of conflict but remain in great part absent from conflict resolution. How many women are key decision makers in the current debate about a war in Iraq?

Women can bring particular skills and perspectives to politics. Because they are carers by nature, women can be much more sensitive to minority issues. In fact, women adopt a much more constructive and less adversarial role in politics. A new study in the United States found that having women on top management teams resulted in higher earnings and greater shareholder wealth. A study by the World Bank concluded that women contribute to good governance and that 'where their influence in public life is higher, the level of corruption is lower'. However, there is still a considerable number of women operating as CEOs or on major company boards.

With the recent collapse of and lack of service delivery by many of our national companies, the presence of more decision making women can only be a positive measure and one that hopefully would deliver a more equitable outcome. Regardless of the decision making role a woman may achieve, she still has to do a balancing act with family responsibilities and particularly with the rearing of children. It is therefore vital that governments and companies provide in-house child minding facilities and that funding maternity leave be a reality for new mothers or, indeed, fathers if they fulfil a new parenting role.

As Minister for Women's Affairs, in 1997 I introduced six weeks paid maternity leave for all public servants. This, unfortunately, is still the only government paid maternity leave in Queensland and is a factor why many capable women are leaving the work force and feel they cannot contribute to public life. Gender equality is not a concession of a male dominated world. It should be the objective of both men and women alike. Indeed, it is a natural and rightful consequence of human dignity and respect.

### **Douglas Arterial; Native Title**

**Ms NELSON-CARR** (Mundingburra—ALP) (12.24 p.m.): Yesterday marked a historic occasion in Townsville, when the Minister for Transport, Steve Bredhauer, announced the construction of the full version of the Douglas Arterial. The final decision was announced following a state and federal government agreement to a joint package of supplementary funding. The details were announced confirming that the arterial road would now be built to its full scope.

This road, part of a national highway, has been dogged with controversy for too long. No-one could have worked harder nor more diligently than the minister to come up with a satisfactory conclusion. The political point-scoring had reached its use-by date, and all options were being considered right up to the eleventh hour before the announcement, but at no stage did the minister or I, in whose electorate this road sits, ever give up on the full version of the road. To suggest that a scaled down project was viable to the constituents of Annandale and Douglas would have had long-term chaotic implications, and to put it simply it would have been just ludicrous.

Minister Bredhauer's continued fight for funding from John Anderson, the Deputy Prime Minister, is to be congratulated. The exasperation and frustration we experienced in the months and months of negotiations was felt by us all, not least of all by the constituents who face a traffic challenge during peak hour traffic every day. My constituents just want the project to be constructed, but I want to put on record my gratitude to the minister for his tireless support, not only of the project but also of me with my constant lobbying. It is just as well we do not get to hear exactly what goes on behind closed doors, but to Minister Bredhauer I say thank you.

This is without doubt the biggest piece of road infrastructure in 10 years in Townsville. Tenders will be announced in the next couple of weeks and construction will begin soon after that. Not only will we have a second river crossing so that emergency access can be gained in the event that a blockage occurs on the Ross River bridge; the major benefit in my electorate will be the reduction in congestion at three major intersections and roundabouts which service Lavarack Barracks, our new tertiary hospital, James Cook University and a fast growing urban demographic.

I look forward to the day the bridge is completed and once again congratulations to the minister in convincing his federal National Party transport opposition ministerial colleague John Anderson to find some extra money. The National Party can play a hard bargain, which brings me to the second point in today's MPI.

Having taken part in the bitter debate in 1998-99 over native title, where the National Party consistently criticised and condemned our position, the same National Party who left our community confused, uncertain and divided, Peter Beattie approached the whole sorry affair from a fundamental position that every citizen deserved to have their rights under common law protected to the maximum extent possible. Our bill gave fishermen, miners and others validation to their current leases and permits which were currently held. Their rights were confirmed absolutely, providing certainty.

But who can forget the ugliness of those debates? Remember Russell Cooper's words when he suggested that Queenslanders would have to offer up their front yards, their backyards and even their house? He said that we would go into coexistence with them. Rob Borbidge is on record saying Aboriginals deserve compensation on fair and just terms, as do pastoralists. They deserve all of that via the recognition that their land rights should be respected. However, they do not deserve more than that.

Remember the words of the member for Warwick—

Labor is attempting to transform what are obviously going to be some pretty slight coexisting native title rights into a thing that, statutorially, has absolutely extraordinary authority—discriminatory authority.

Imagine my surprise recently when I read an article in the *Townsville Bulletin* in which the Leader of the Opposition was seen to be supporting the rights of non-indigenous people's rights to camp and squat on crown land. This is the same person who helped conduct a disgraceful fear campaign amongst Australian people concerning Aboriginal land rights. This was the same person who supported an attack on High Court judges and our government's handling of native title. None of us can forget the hysteria that was whipped up and the bitterness and division that was caused in the broader community by the mistruths the National Party peddled.

Contrast the Leader of the Opposition's attitude to a group of non-indigenous people who wish to camp on crown land. Do not get me wrong, this group of people may well be deserving of a positive land claim decision, but in recognising their worth as citizens I cannot help wondering why this same recognition was not given to the sacrifices that indigenous people have made from the displacement of their land and the destruction of their culture that occurred in the not-too-distant past. The sad thing with racial injustice is that people often do not even realise they are doing it.

### SPORTS DRUG TESTING BILL

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.30 a.m.) by leave, without notice: I move—

That leave be granted to bring in a bill for an act to enable the Australian Sports Drug Agency to test state competitors for the use of drugs and doping methods, and for related purposes.

Motion agreed to.

#### First Reading

Bill and explanatory notes presented and bill, on motion of Mr Mackenroth, read a first time.

#### Second Reading

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.31 a.m.) I move—

That the bill be now read a second time.

The Sports Drug Testing Bill 2003 provides a legislative framework for the conduct of testing of state level athletes for the use of scheduled drugs and doping methods, by conferring powers on the Australian Sports Drug Agency (ASDA) to test state competitors. The bill provides a platform for the Queensland government to extend its proactive commitments to reducing the use of performance enhancing drugs. Through working in partnership with ASDA, the government will level the playing field for athletes who rely on talent and hard work to achieve their sporting results.

ASDA was established in 1990 by the Commonwealth Government under the Australian Sports Drug Agency Act 1990 (the Commonwealth Act). ASDA's primary functions are to conduct testing of national level athletes for drugs and doping methods and to provide education on matters relating to the safety of participants in sporting events, and the use of drugs in sport. In 1999, the government established the Queensland Government Drug Testing Program in conjunction with ASDA to enable state level athletes to be tested. As a result of this initiative, Queensland currently conducts more drug testing than any other state or territory. Since 1999, ASDA has conducted around 335 tests in approximately 21 sports under the Queensland government drug testing Program. Participation by individual sports in the current Queensland government drug testing program is voluntary.

The bill gives ASDA a legally enforceable right to test state level or Queensland government funded athletes in any sport, not just those voluntarily participating under the Queensland Government Drug Testing Program. Under the bill, a state competitor includes:

- a person who competes or has been selected to compete as a state representative in an open aged sporting competition;
- a person who is included in a group of persons from which they may be selected to compete as a representative of the state in an open aged sporting competition;
- a person who competes or participates in training for competition in an open aged sporting competition and is receiving state government support; or
- a person who has been prevented from participating, or has become ineligible to participate, in open aged sporting competitions because they have been entered on the register of notifiable events (the register) by ASDA under the Commonwealth act as a result of the powers conferred on ASDA by the bill.

Under the Commonwealth act, ASDA also has the function to maintain a register of notifiable events, on which details may be recorded about a competitor who refuses, without reasonable excuse, to provide a sample for testing, or who tests positive for the use of a scheduled drug or doping method. The Commonwealth act includes numerous provisions to protect the rights of athletes and the confidentiality of information about those athletes. The bill ensures that these provisions apply equally to state competitors. By way of example:

- state competitors aggrieved by a decision of ASDA may appeal the decision to the Commonwealth Administrative Appeals Tribunal and ultimately the Federal Court;
- ASDA is required, under the Commonwealth act, to discharge its functions in a secure and confidential manner using only accredited laboratories;

- ASDA may only disclose information relating to a state competitor to authorised sporting organisations and relevant government agencies;
- ASDA may only conduct testing for the purpose of ascertaining whether a competitor has used a prohibited substance or doping method;
- a positive test or failure to supply a sample does not imply any civil or criminal liability on a state competitor; and
- ASDA does not undertake a law enforcement role, meaning athletes who test positive to recreational or other drugs are not reported to police.

The bill balances the need to protect the rights of minors with the need to deter the use of drugs and doping methods by our young state athletes. The bill provides that ASDA may not request a sample from a minor without the consent of a parent or guardian. Further, the bill only applies to athletes competing in open age competition or receiving Queensland government funding. Accordingly, testing would not extend to age level competition or school events. By discouraging Queensland athletes from using scheduled drugs and doping methods, the bill aims to protect Queensland's outstanding sporting reputation, protect the health of Queensland athletes, protect the Queensland government's financial investment in sport and recognise community expectation that athletes representing Queensland or receiving state government funding should compete fairly without the use of drugs or doping methods. All other mainland states and the Australian Capital Territory have introduced similar legislation conferring powers on ASDA to test state level athletes.

The Queensland government acknowledges that education and information initiatives are an essential measure in deterring the use of drugs and doping methods in sport. The Queensland government provides funding to ASDA under the state development program to deliver education to sporting organisations and the Queensland Academy of Sport on issues around the use of drugs and doping practices in sport. By complementing the Commonwealth act, the bill ensures a nationally consistent and coordinated approach to drug testing in sport in Queensland. Together with the education campaign, the bill provides a comprehensive and coordinated approach to deterring the use of drugs and doping practices in sport. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

### **INDY CAR GRAND PRIX AND OTHER LEGISLATION AMENDMENT BILL**

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.39 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Indy Car Grand Prix Act 1990, and for other purposes.

Motion agreed to.

#### **First Reading**

Bill and explanatory notes presented and bill, on motion of Mr Mackenroth, read a first time.

#### **Second Reading**

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.40 p.m.): I move—

That the bill be now read a second time.

The Indy Car Grand Prix and Other Legislation Amendment Bill 2003 amends the Indy Car Grand Prix Act 1990 to provide legislation for the conduct of an annual motor racing event on the Gold Coast. The bill aims to reflect modern drafting practices and to improve the running of motor racing events on the Gold Coast by addressing deficiencies in the current legislation. The move to amend this legislation is in line with the Beattie government's commitment to promote Queensland as a state that fosters sporting excellence and build on its reputation for hosting international events. Hosting international sporting events generates income for the state, creates jobs and gives us valuable global exposure.

Over the past 12 years, Indy has grown to be a showpiece event for the state, injecting approximately \$50 million into the Queensland economy each year and continuing to grow. It has achieved significant international media exposure, which has boosted tourism and Queensland's growing reputation as Australia's sporting events capital. The event is broadcast to 195 countries

throughout the world, with a potential viewing audience of some 700 million people. As evidence of the growth of the Indy carnival, the V8 Supercars have now been confirmed at the event as an official round of the V8 Supercars motor racing series.

The Indy Car Grand Prix Act 1990 and the Indy Car Grand Prix Regulation 1990 provide for the running of a motor racing event on the Gold Coast under the Champ Car series of races, pursuant to a commercial agreement with the Championship Auto Racing Team Inc., known as CART. The Queensland government is fully committed to a continuation of the Indy 300 races on the Gold Coast beyond the current agreement with CART and has agreed in principle to extend the racing event for a further five years. This bill will support the finalisation of the agreement, as it extends the expiry of the act past 2003.

Indy will remain the focus of the motor racing carnival. However, securing the V8 Supercars as an official competition round broadens the appeal of the racing event and has the potential to provide even further economic benefit to and exposure of the Gold Coast and Queensland. This further elevates the status of the Indy motor racing event, enhancing Queensland's reputation as a major event state and the Gold Coast as an attractive tourist destination.

The bill aims to improve the running of the event by clarifying certain powers of the race promoter. For instance, the bill clarifies the duration of the period in which the promoter may remove unattended vehicles that are preventing the construction or demobilisation of the race site. The bill aims to modernise the act by removing obsolete references to now repealed acts and by adopting modern drafting practices. In particular, to ensure there is sufficient regard to the rights of individuals, the bill inserts into the act all provisions about the appointment of authorised persons and the codification of their powers, which are currently prescribed under regulation.

Similarly, a number of provisions about access to and conduct in the declared area, which are intrinsically linked to the exercise of the powers of authorised persons, are being moved to the act from the regulation. The bill also omits section 23, thereby facilitating the declaration of a racing event such as the Indy as a 'special event' under the Health Practitioners (Special Events Exemption) Act 1998. The Health Practitioners (Special Events Exemption) Act 1998 enables international health practitioners, including medical practitioners, nurses, chiropractors, physiotherapists and osteopaths, to provide health care services in Queensland to visitors participating in, or preparing for, a specified event during a declared period, despite not having registration as a health practitioner in Queensland.

The bill also makes minor miscellaneous amendments to the Mt Gravatt Showgrounds Act 1988 and the Royal National Agricultural and Industrial Association of Queensland Act 1971. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

### CIVIL LIABILITY BILL

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (12.43 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to reform the law of civil liability for negligent acts, and for other purposes.

Motion agreed to.

### First Reading

Bill and explanatory notes presented and bill, on motion of Mr Welford, read a first time.

### Second Reading

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (12.44 p.m.): I move—

That the bill be now read a second time.

During the past 18 months, the rapid escalation of insurance premiums has brought into sharp focus the need for reform of the law of negligence and damages awards for personal injuries under that law. Our government has responded quickly and decisively to the insurance crisis. In June last year we introduced the Personal Injuries Proceedings Act—the first stage of historic reforms to the law of negligence and claims made under it. Subsequently, we have been working



to create a circuit-breaker to continuing increases in insurance premiums by bringing a rationale approach to personal injury damages awards.

Our government has been at the forefront of coordinated efforts involving the Commonwealth and other states on possible solutions. In December last year, we tabled a consultation draft of the bill I am now presenting to this House. Many of the initiatives in this bill are based upon the recommendations of the National Review of Negligence conducted by His Honour Justice Ipp—a review supported by Queensland and the other states.

The reforms introduced in this bill, the second stage of our reforms, provide a commonsense approach to negligence. They ensure all parties involved, including an injured person, must take personal responsibility for their own conduct and safety. This bill ensures personal responsibility and commonsense is reintroduced into the law of negligence and responsible actions are retained by proper procedural requirements in conjunction with the Personal Injuries Proceedings Act.

The bill does not create any new cause of action. Indeed, it is not intended to operate as a complete codification of the common law. Rather, duties and entitlements under the common law remain intact unless specifically excluded or modified by this bill. The bill will apply to all cases of negligent conduct, whether it results in personal injury, property damage or economic loss, except for personal injuries that are:

- within the WorkCover Queensland scheme; or
- caused by exposure to tobacco smoke or tobacco products; or
- a dust related disease.

It is important to stress that the government has specifically excluded all work injuries from the application of this bill. This exclusion will apply regardless of whether the defendant to the action is an employer, occupier or other third party. The government will monitor the operation of this bill after its introduction and the operation of work related claims for the next 12 months before considering this matter further.

The bill modifies the general law regarding breach of the duty of care owed by one person to another. The test is, however, a restatement of the common law principles identified by His Honour Mr Justice Ipp, using language considered by His Honour as being appropriate for that purpose.

Accordingly, a person will not breach a duty of care to another unless the risk of personal injury was foreseeable, not insignificant, and in the circumstances a reasonable person would have taken precautions to avoid the risk so as to protect that other person. It includes consideration of concepts such as the probability of an injury occurring, the likely seriousness of the possible injury, the burden of taking precautions and the social utility of any activity that creates the risk.

The bill also modifies the law as it relates to the duty to warn others in respect of obvious risks. The bill confirms that no person has a duty to warn another of an obvious risk unless specifically asked to provide information on the risk. This is in accordance with the recommendations of the national Ipp report. Similarly, when the activity is a dangerous recreational activity, the bill ensures that a person will not be liable for injury to another as a result of an obvious risk in that activity. This change to the conventional law of negligence has previously been flagged by the government in the consultation draft of the bill.

The bill also provides specific protection to professionals, in particular medical practitioners. Professionals will not be liable for actions which are in accordance with practice widely accepted by peer professional opinion in the field. Of course, this defence cannot be relied upon if the court considers the peer professional opinion to be irrational. I acknowledge that it is likely that the term 'irrational' will require judicial interpretation in due course. The reasons for the use of this term are clearly detailed in the report of His Honour Justice Ipp. It is intended to ensure that the law recognises that peer professional opinion cannot be protected if it is clearly outside the normal bounds of community expectation.

The bill provides a major change to the apportionment of loss between parties to an action for property damage or economic loss. In these categories of claim and liability, the bill abolishes joint and several liability for property damage or economic loss in actions involving more than one defendant. In such actions, a court will now assess the proportionate liability of each defendant party, taking into account any contributory negligence and then each defendant will be responsible only for payment of their respective portion of the damages. This is in response to the

concerns raised by professional bodies about excessive professional indemnity premiums and the potential for unlimited liability from large claims. It should be pointed out that the principle of proportionate liability, introduced in this way, will not apply to personal injury claims.

The bill has been carefully framed to ensure that average consumers are protected in claims for negligent professional advice, giving rise to damages for which compensation might be apportioned. The scheme of proportionate liability will apply only where damages are assessed in excess of \$500,000, thus protecting smaller-scale claims involving consumers of lesser commercial sophistication. Proportionate liability will also not apply:

- where multiple defendants form a common intention to cause the loss; or
- where one defendant is the agent of another; or
- where one defendant was engaged to provide professional advice for the express purpose of preventing the loss actually incurred due to action by another party; or
- where the defendant was fraudulent.

In these cases, the defendant will be held liable for the entire damages suffered and liability for damages will not be apportioned. These measures will ensure that average consumers are protected in their dealings with professionals and with corporations. The provisions will not prevent a defendant from joining another party who has caused the loss or from seeking contribution from any other party. The bill also provides direction to the courts when assessing the actions of public authorities requiring the court to take account of the special position and pressures upon public authorities in conducting their activities. The bill, for this purpose, reinstates the non-feasance rule for road authorities, which was abolished by the High Court in the case of *Brodie v. Singleton Shire Council*. The rule is re-established until 31 December 2005 only to allow road authorities, including local governments, to put in place appropriate systems for dealing with the ongoing maintenance and care of roads under their control.

The bill removes the right of people to claim damages if they are injured whilst committing an indictable offence. This aspect was highlighted in the consultation draft previously tabled. The court will be able to award damages where it considers the bill will result in a harsh and unjust result, but in those circumstances the court will still be required to reduce any damages by a minimum of 25 per cent. Further, if a person is intoxicated at the time of the incident, the bill creates the presumption that the person has contributed to their injury unless that person can prove otherwise. If the person cannot rebut the presumption, any damages they would be entitled to are reduced by a minimum of 25 per cent. This figure increases to 50 per cent if the incident involves a motor vehicle accident. It is irrelevant whether the intoxication is caused by alcohol, prescription drugs or illegal drugs.

The bill also requires people to take care of themselves by reducing their damages by a minimum of 25 per cent if they rely upon the care and skill of another person they know to be intoxicated. If a person knows that their friend is drunk and then gets into a car with them, then the minimum reduction of damages of 50 per cent can apply. These reductions will not apply if the person can prove they were unaware of the other person's intoxication or could not reasonably have avoided having to rely upon the other person.

The bill also changes the method of assessment of damages for personal injuries. It includes provisions containing a number of measures aimed at reducing awards of damages in personal injuries actions. In particular, the bill provides a new method for assessing general damages in personal injury cases. The method is based upon models in use throughout the world and is similar to that enacted in South Australia. A court will be required to assess an injury and allocate a value on a scale between zero and 100 to that injury. Assistance will then be provided to the court in assessing injuries under guidelines relating to those values—values which should normally be attributed to certain specified injuries. These guidelines will be developed in a similar form to the guidelines in use in the United Kingdom and will be given the force of law through publication as part of a regulation under the act.

Once a court has assessed the scale value of the injury, the act provides a simple mathematical calculation of the general damages that would be awarded for that injury. This system will provide certainty to parties in assessing general damages and assist in avoiding inappropriate awards or settlements.

The bill also enlarges the concept of structured settlements set out in the Personal Injuries Proceedings Act 2002. The bill now ensures that all parties are advised of the ability of the court to make awards or orders for damages in matters worth more than \$100,000 that allow a

defendant to provide the damages other than by way of a lump sum payment. These provisions will allow defendants to pay damages awards whilst reducing the risk of bankruptcy or insolvency and at the same time ensuring a plaintiff is not disadvantaged.

The bill includes a provision for the early notification of claims by children injured through medical negligence. For this purpose, the act includes a requirement that where a child is injured as a result of medical negligence, then the parents of that child must give notice of the intended claim within six years of knowing the injury has occurred. If a parent does not notify the doctor of the claim within that time, then a court may order either that the claim cannot proceed or that the parent is unable to claim for any medical expenses or cost of care until that time. This amendment deals with a major concern of doctors, being that they may be sued some 21 years after retirement, without affecting the rights of a child under the Limitations of Actions Act. This provision will encourage the early notification of claims by children while ensuring appropriate avenues to protect children's rights.

This bill is a comprehensive response to the problems raised by the insurance crisis. It affects every area of the law of negligence and puts some commonsense and personal responsibility back into the law. If the insurance industry behaves honestly and accountably, they will respond positively to this legislation. Finally, if the federal government cares about the welfare of the sporting, recreational and cultural communities and professional organisations who are suffering under crippling insurance premium increases, they will give the ACCC the power to bring the insurance industry into line and hold it accountable for the changes that our government and others are making around the country. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

Sitting suspended from 1.01 p.m. to 2.30 p.m.

## APPOINTMENT OF GOVERNOR OF QUEENSLAND

### Ms Quentin Bryce AO

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (2.30 p.m.): I move—

That this House welcomes the appointment of Quentin Alice Louise Bryce AO, BA, LLB Qld, LL Dhc Macq, Hon DLitt CSturt, a distinguished Queenslander and advocate for human rights, as the 24th Governor of Queensland, the personal representative of Her Majesty Queen Elizabeth II in the state and is pleased to give parliamentary recognition to the appointment.

It is vitally important in the appointment of state governors that the choice of the incumbent government is seen to rely on merit with no heed to party politics and that appointees receive bipartisan support. The traditional process in Queensland involves the Premier's Department and the Premier conducting an evaluation of prominent Queenslanders which results in the Premier making a recommendation to the monarch—in this case, Queen Elizabeth II. The decision of the monarch is then communicated to the Premier, who then announces the identity of the Governor designate to the public. This was the process followed by then Premier Rob Borbidge in 1997 when he announced that the Queen had approved the appointment of Major General Peter Arnison to the position. I was Opposition Leader at the time. As the Opposition Leader I was not consulted, but I fully supported the appointment. Indeed, so well did Major General Peter Arnison and his wife, Barbara, perform their duties that in 2001 I asked him to continue as Governor until July this year. I put on the public record my appreciation and thanks to the current Governor, Major General Peter Arnison, for the way he has conducted himself and opened up Government House to the people of this state.

I also believe it is appropriate that with the first appointment of a Queensland Governor in the 21st century we acknowledge the right of electors to play an ever greater role in our democracy and our democratic institutions. Our institutions have to be alive. They need vibrancy. That vibrancy means change from time to time. What I am proposing in this motion today is a tentative step to involve the people in the selection of the Governor, and I think in any true democracy that is a very important even though tentative step. The first stage in this process is to place this appointment before the people's forum—that is, the parliament—so that elected members have the opportunity of giving the decision parliamentary recognition.

This is a historic debate. Today through the debate on this motion the Queensland parliament makes history. We will be the first parliament in Australia to allow the nomination of the Governor designate to be put before the parliament. It is the first time that any Australian parliament—and I want to underline this—has been given a role in the appointment of a

governor. I have asked that parliament's support for this appointment should be clearly demonstrated by two-thirds of members voting in favour of the motion. I would hope that this in fact would be a unanimous motion of the parliament, but I certainly seek two-thirds of members voting in favour of my motion. In doing that, I ask that members consider the very evident merits of the distinguished Queenslander approved by Her Majesty and bear in mind the tradition of bipartisan support with the aim of achieving a unanimous decision. The appointment will then have the formal support of both the monarch and the parliament. I should say that yesterday I met with the Leader of the Opposition, the Leader of the Liberal Party and the Leader of One Nation and they all indicated to me the respect they had for this being a government decision and of course the tradition of not in any way criticising the Governor, and I thank them for that indication.

Let me deal with the appointment. I believe that members will find it very easy to give their full support to the choice of distinguished Queensland lawyer and advocate for human rights Quentin Bryce, whose appointment as Governor of Queensland from July this year has been approved by Her Majesty the Queen. To assist the House, I want to table and incorporate a number of documents in *Hansard* because of the importance of this occasion. I will seek leave to incorporate a letter dated 3 February 2003 from the Premier to the private secretary to Her Majesty the Queen seeking Her Majesty's informal approval for the appointment of Ms Quentin Bryce AO as Governor of Queensland; a letter dated 12 February 2003 from the assistant private secretary to the Queen to the Premier indicating that Her Majesty had informally approved the appointment of Ms Quentin Bryce AO as Governor of Queensland; a letter dated 28 February 2003 from the Premier to the private secretary to Her Majesty the Queen seeking Her Majesty's formal approval for the appointment of Ms Quentin Bryce AO as Governor of Queensland; a letter dated 28 February 2003 from the Premier to Her Majesty the Queen seeking Her Majesty's approval of Ms Quentin Bryce AO as Governor of Queensland; the commission of appointment of Ms Quentin Bryce AO as Governor of Queensland signed by Her Majesty the Queen on 4 March 2003; and an Executive Council minute dated 10 March 2003 seeking Governor in Council approval that the public seal of the state be affixed to the commission appointing Ms Quentin Bryce as Governor of Queensland. Because of the importance of this historic debate, I seek leave to incorporate those documents in *Hansard*.

Leave granted.

03 FEB 2003

The Right Honourable Sir Robin Janvrin KCVO CB  
Private Secretary to Her Majesty The Queen  
Buckingham Palace  
LONDON SW1A 1AA  
UNITED KINGDOM

Dear Sir Robin

I wrote to Her Majesty The Queen on 19 December 2002 informing Her Majesty the appointment of Major General Peter Arnison AC CVO as Governor of Queensland will end on 29 July 2003.

Since I wrote to Her Majesty I have taken the opportunity of having discussions with Ms Quentin Bryce AO. Ms Bryce has a long and distinguished legal, academic and community advocacy record, in particular, championing the rights of women and children.

Ms Bryce was born in 1942 and educated at the Moreton Bay College in Brisbane and at the University of Queensland where she graduated with the degree of Bachelor of Arts with a Bachelor of Laws. She was one of the first Queensland women to be admitted to the Queensland Bar in 1965. In 1997, she was awarded an Honorary Doctorate of Laws at Macquarie University and an Honorary Doctorate of Letters by Charles Sturt University in 2002.

In 1978, she was appointed to the National Women's Advisory Council where she played an important role redefining the relationship between government, bureaucracy, women's groups and the community, and highlighting the concerns of Aboriginal women and women who live in remote areas.

She was the Founding Director of the Queensland Women's Information Service and then Queensland Director of the Human Rights and Equal Opportunity Commission. In 1988, she became the Federal Sex Discrimination Commissioner where she distinguished herself in the evolution of human rights law and the resolution and abolition of discriminatory practices.

She has been a member of an Australian delegation to the United Nation's Human Rights Commission and has held numerous other high profile government and community positions. In 1988, she was made an officer of the Order of Australia in recognition of her contribution to the community.

Ms Bryce is married and has five adult children. Ms Bryce has been an outstanding community leader over many years and, I believe, is eminently suited to the role of Governor of Queensland. I am very confident that her appointment will be welcomed by all Queenslanders.

11 Mar 2003

Appointment of Governor of Queensland

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Ms Bryce has indicated to me that she would accept appointment as Governor of Queensland should Her Majesty choose to offer it to her.

Accordingly, I shall be grateful if you would raise the question of Ms Bryce's appointment with Her Majesty on an informal basis to ascertain if she would be acceptable to Her Majesty as her personal representative in Queensland.

Yours sincerely

(signed)

PETER BEATTIE MP  
PREMIER AND MINISTER FOR TRADE

BUCKINGHAM PALACE

12th February, 2003.

Mr Peter Beattie, MP,  
Premier of Queensland and Minister for Trade,  
Executive Building,  
100 George Street,  
Brisbane,  
Queensland 4002,  
AUSTRALIA

Dear Mr Beattie,

Thank you for your letter of 3rd February to Sir Robin Janvrin which I have shown to The Queen. Her Majesty has informally approved the proposed appointment of Ms Quentin Bryce as The Queen's personal representative in Queensland.

Yours sincerely,

(signed)

STUART SHILSON  
Assistant Private Secretary to The Queen

28 February 2003

The Right Honourable Sir Robin Janvrin KCVO CB  
Private Secretary to Her Majesty The Queen  
Buckingham Palace  
LONDON SW1A 1AA  
UNITED KINGDOM

Dear Sir Robin

Mr Stuart Shilson wrote to me on 12 February 2003 indicating that Her Majesty The Queen has given her informal approval to the appointment of Ms Quentin Bryce AO as Governor of Queensland in succession to His Excellency Major General Peter Arnison AC CVO.

Accordingly, I would appreciate you placing before Her Majesty the attached submission seeking her formal approval to the appointment.

The Commission appointing Ms Bryce to be Governor is enclosed for Her Majesty's signature. The date of signature is to be inserted in the second page of the Commission. Upon return of the Commission to Queensland I will countersign the Commission and arrange for a meeting of the Executive Council to seek approval for the Public Seal of the State to be affixed to the Commission. Two spare copies of the Commission are also enclosed.

I also advise that immediately following my announcement of Her Majesty's appointment of Ms Bryce to succeed Major General Arnison, the Queensland Parliament will formally give recognition to Her Majesty's appointment.

In due course, I will provide you with a copy of my media release announcing Ms Bryce's appointment.

Yours sincerely

(signed)

PETER BEATTIE MP  
PREMIER AND MINISTER FOR TRADE

28 February 2003

The Honourable Peter Douglas Beattie, MP, has the honour to submit for your Majesty's approval the appointment of Ms Quentin Bryce AO as Governor of the State of Queensland in the Commonwealth of Australia from 29 July 2003.

(signed)

PETER BEATTIE MP  
PREMIER AND MINISTER FOR TRADE

(signed) Elizabeth R  
Elizabeth the Second,

by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth  
To Our Trusty and Well-beloved QUENTIN BRYCE, Officer of the Order of Australia

Greeting:

Appointment of Quentin Bryce to be Governor.

I. We do, by this Our Commission under Our Sign Manual and the Public Seal of the State of Queensland, appoint you, the said Quentin Bryce, A.O., to be, during Our pleasure, Our Governor in and over Our State of Queensland and its Dependencies, in the Commonwealth of Australia, with all the powers, rights, privileges and advantages to the said Office belonging or appertaining.

Powers and Authorities.

II. And We do hereby authorise, empower and command you to exercise and perform all and singular the powers and functions appertaining to that office.

Commission of 19 March 1997, superseded.

III. And We do hereby appoint that so soon as you shall have taken the prescribed oaths and have entered upon the duties of your Office, this Our present Commission shall supersede the Commission under Our Sign Manual and Signet, bearing date the Nineteenth day of March 1997, appointing Our Trusty and Well-beloved Major-General Peter Arnison, AC, CVO.

Officers, etc. to obey the Governor.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State and its Dependencies, and all others whom it may concern, to take due notice hereof and to give their ready obedience accordingly.

Given at Our Court of Saint James's, this fourth day of March 2003, in the Fifty-second Year of Our Reign.

BY HER MAJESTY'S COMMAND,

(signed) P Beattie

Premier of Queensland

COMMISSION appointing Quentin Bryce to be Governor of the State of QUEENSLAND.

ENTERED on Record by me in the Register of Patents, No. 46, page this ... day of ..., A.D., Two thousand and three  
Clerk of the Executive Council

Date 10 MAR 2003 Minute No. 155

EXECUTIVE COUNCIL OF QUEENSLAND  
DEPARTMENT OF THE PREMIER AND CABINET

*Constitution of Queensland 2001*

AUTHORITY TO AFFIX PUBLIC SEAL OF QUEENSLAND

The Council recommends to His Excellency the Governor that the Public Seal of the State of Queensland be affixed to the Commission signed by Her Majesty The Queen on 4 March 2003 appointing Ms Quentin Bryce AO to be Governor of the State of Queensland.(MINUTE ENDS)

(signed)

Approved

EXPLANATORY MEMORANDUM

Minister

Premier and Minister for Trade

Subject

Authority to affix the Public Seal of the State to The Queen's Commission appointing Ms Quentin Bryce AO to be the next Governor of Queensland.

Legislative Provision

*Constitution of Queensland 2001*

Background

Her Majesty The Queen has approved the appointment of Ms Quentin Bryce AO as the next Governor of Queensland.

In relation to the Commission of appointment, constitutional practice provides that the following steps occur—

- i) Commission to be signed by the Queen;
- ii) Commission to be counter-signed by the Premier; and
- iii) Governor in Council approval be obtained to affix the Public Seal of the State of Queensland to the Commission.

Her Majesty signed the Commission on 4 March 2003 and the Premier has counter-signed the Commission.

The Commission does not become effective until the requirements of s.31 of the *Constitution of Queensland 2001* have been observed, ie. the Commission is read and published at the Seat of Government and the prescribed oaths or affirmations of allegiance and office are taken.

In accordance with constitutional practice it is now necessary to seek approval of the Governor in Council for the Public Seal of the State of Queensland to be affixed to the Commission.

#### Purpose and Consequence

The purpose of this Executive Council Minute is to seek the approval of the Governor in Council to affix the Public Seal of the State of Queensland to the Commission signed by Her Majesty The Queen on 4 March 2003 appointing Ms Quentin Bryce AO to be Governor of the State of Queensland.

#### Consultation

Procedures adopted for the appointment are in accordance with those recommended previously by the Crown Solicitor.

(signed)	(signed)
Dr Leo Keliher Director-General	Peter Beattie, MP Premier and Minister for Trade
Date 10.3.03	Date 10-3-03

**Mr BEATTIE:** I am delighted, I have to say, that someone as distinguished and respected as Ms Quentin Bryce agreed to be nominated and that the Queen has agreed to the appointment. I had the honour of in fact ringing the Governor designate on her 60th birthday. As she has reported publicly—and I would not have indicated this but she did—when I asked her if she would care for some time to think, being a person of very clear mind she knew exactly what her view was and she accepted. I believe that that is the very nature of this very distinguished woman. Before I go through her qualities and her impressive record, I have say that I am delighted to see the member for Gregory in here, because the Governor designate, Quentin Bryce, was born in Brisbane but she spent her early years in Ilfracombe near Longreach in his electorate. One does not get any more solid than that—born in Brisbane and her family came from Ilfracombe. I know that the member for Gregory would agree with me. What a great tradition. Here is a Queenslander who is not just distinguished in Queensland but has a national reputation and, in some aspects, indeed an international reputation. She is someone whom we should all be very proud of.

Let me deal with her qualifications. Ms Bryce is on the record as saying that as a teenager she wanted to become a lawyer because she was 'imbued with altruistic notions of making the world a better place'. Her CV shows that for well over 30 years she has devoted herself to working hard in her public and private lives to fighting for the changes necessary to make life better for many, especially children and women. I believe that she will be able to build even further on the work of Major General Arnison in making the role of Governor meaningful and relevant to all Queenslanders. But members do not need me simply to extol the virtues of Ms Bryce. When Ms Bryce was awarded an honorary doctorate of laws by Macquarie University in 1998 the citation said this, and I want to share it with the House—

She has a long and distinguished record of advocacy for human rights and in particular the rights of women and children.

...

Quentin Bryce is an outstanding role model for others to emulate. She is a courageous and articulate person, always in the forefront of social change and responsibility often facing strong opposition but prepared to challenge aspects of legal practice and opinion which inhibit social process.

When she was awarded an honorary doctorate of letters by Charles Sturt University last year, the citation referred to her outstanding leadership in Australian society and stated—

She was one of the first women to be admitted to the Queensland Bar.

She was the first woman appointed to the Law Faculty of the University of Queensland.

She was a founder of the National Women's Advisory Council; the Founding Director of the Women's Information Services; the Founding Chair and CEO of the National Childcare Accreditation Council; and the first chair of the Board of Management for the Diploma of Policing Practice.

The courage and dedication Ms Bryce has brought to her service to our community was well illustrated during her years as CEO of the National Childcare Accreditation Council.

In leading the campaign to establish appropriate standards in this important field, she encountered strong opposition from powerful economic interests in the then childcare industry.

She has been an inspiring model of service to the Australian community.

What a citation! That says it all—a very impeccable record of someone who will be outstanding as the governor of this state.

Ms Bryce is currently the Principal of the Women's College within the University of Sydney, and she will come home to become governor. What a way to come home. She has also been a member of or led more than 20 organisations as diverse as the Association for the Welfare of Children in Hospital, the Australian Women's Cricket Board, the National Breast Cancer Centre Network, the Children's Television Foundation, Plan International, YWCA, Mindease Mental Health Foundation and the National Institute for Law Ethics and Public Affairs Advisory Board.

As I have already indicated—it will be contained in the documents—on 4 March 2003 Her Majesty the Queen signed the commission appointing Quentin Bryce to become the 24th Governor of Queensland from 29 July 2003. Yesterday the Governor in Council—it was attended by the Deputy Premier, Terry Mackenroth; the Leader of the House and Minister for Education, Anna Bligh; and me—approved that the public seal of the state be affixed to the commission. On behalf of the people of Queensland, I therefore had the great honour of formally notifying Quentin of her appointment as Governor designate for the state of Queensland.

I am planning a state government farewell reception on 9 July to honour the six-year governorship of Major General Arnison. He will attend his final Executive Council meeting on 16 July and will officially say farewell on 29 July. Later that day Ms Bryce will be sworn in here at Parliament House. She will attend her first Executive Council meeting on 31 July.

I have given all members details of the Governor designate's outstanding credentials. I believe that she will be an outstanding governor. I ask members to join with me in making this a unanimous vote of parliamentary recognition of the appointment. In doing so, I table for the information of the House a full CV of Ms Quentin Bryce—that sets out her detailed history—the citations from the two universities and the news release I issued yesterday for her appointment.

This debate is an important one not just for this parliament but also for the future. There has been a republican debate in this country in recent times. When the issue was put to a referendum, Queenslanders voted overwhelmingly to retain the current system. In other words, they voted for the retention of the monarchy. That is one of the reasons that, in the re-appointment of the current Governor, I followed the tradition that existed and that had been followed by my predecessors. It was followed by Rob Borbidge when he appointed Peter Arnison. When I re-appointed the current Governor, Peter Arnison, I followed the same tradition for that year's extension. Wayne Goss followed this procedure when he appointed Leneen Forde. However, I wanted to add a new dimension, but I wanted to do it in a tentative way. I have done that to respect the result of the referendum, because Queenslanders expressed their view.

It is well known that I am a republican. I have always been committed to republican ideals. Having said that, I am also a servant of the people. Therefore, I have to respect the people and their will. A very clear message came out of that referendum. Queenslanders were opposed to a republic. Therefore, I have respected the will of the people. The appointment of the governor has been made in accordance with the traditions I inherited. However, I do believe that in the 21st century—Ms Bryce will be the first governor appointed in this century—we should involve the people and we should involve the parliament.

The motion I have moved is a sensitive one. As I indicated yesterday to the Leader of the Opposition, the Leader of the Liberal Party and the Leader of One Nation, it has been a cautious, tentative move and it seeks to get the parliament to give recognition to the appointment. I have done that in a clear bid to get bipartisanship and a unanimous decision today. The words could have been stronger, but I have not sought to do that because I wanted to respect the outcome of the referendum, the parliamentary process and the make-up of this parliament so that, as much as humanly possible, we could get a unanimous decision. If we do not do that that is fine, but I believe that we can and I have sought to do so. That is what we have done today. That is all I have put before the parliament.

Let us talk about the future. I would hope that when the position of governor comes up for consideration in the future the process is a little broader. I would hope that the Premier of the day, whoever that may be—whether I am fortunate enough to be here or it is someone else, and that is in the hands of the people—would actually seek the views of the community. That has not been done this time, but I hope that if people want to nominate they will be able to indicate to the Premier of the day that they are interested in the position. I suggest that the Premier of the day then consider those people who are interested as well as people that he or she believes would be appropriate governors and then come to this parliament with a recommendation—perhaps one name—in the same way we are doing today. If the parliament agreed to that—I would suggest two-thirds, because that would guarantee the appointment of a quality person who is non-political and bipartisan—then the Premier would make that recommendation to Her Majesty the Queen.



Convention allows the Premier discretion in terms of how the recommendation is made. My advice is that there is nothing preventing that procedure being followed because, in essence, the Premier is still making the recommendation to Her Majesty the Queen. So I would hope that in five years' time—the term of the current governor is five years; an extension is reasonably frequent if the Governor has performed well and wishes to continue or is asked to continue by the Premier of the day—whoever is the Premier would give some thought to that process. It does not require a constitutional amendment and it does not require a legislative change, but it does involve the parliament.

If anyone here is concerned about involving the parliament—we represent the people here—I simply say: don't be. It is not a matter to be frightened about. We are the democratically elected representatives of the people. At present there is a very arbitrary system. That is, the Premier has total discretion on the recommendation to Her Majesty as to who the governor will be. Frankly, that is not a very democratic process. In my view, involving the parliament enhances the nomination. It enhances not just the nomination but also the stature of the person who will be in that position. That is very important. It can be done with dignity.

A number of people have said to me—I have said this publicly—that there is not enough political maturity in the Australian political system for this yet to be done, that we need to have more maturity across the party system to enable an open process such as I have talked about to be gone through, to maintain the dignity of the position of governor. Maybe to some extent there is some truth in that, but inevitably there is a maturing in politics. There is a maturing process. I believe that we can maintain the dignity of the position but at the same time involve the people and involve the parliament. This is a tentative step today—I do not present it to be anything other than a tentative step—but a very important tentative step for the first time that we appoint a governor in this century.

As I said to Lawrence Springborg, Bob Quinn and Bill Flynn yesterday, I have tried to move a motion that would embrace them, not disenfranchise them or break them away from this process. The views they take are entirely a matter for them. I have tried to do this in a non-political, bipartisan way, in the spirit of bringing people together.

The reality is that Quentin Bryce is a fantastic choice. She has been well received by the community, and there are messages of support which my office has received this morning. She is a very distinguished Australian, not just a distinguished Queenslander. She will do a magnificent job. However—and this is the last piece of information I want to share with the House—before we had completed her appointment I indicated to her that I wished to bring her nomination to this parliament and move the motion that I have moved, and she was supportive of that.

I have also advised Her Majesty in the letter seeking final appointment—because, as members can see from what I provided, there is an informal appointment and a formal appointment—that I would be informing the House. So there was no discourtesy either to the Governor designate, who knows this was the process I intended to follow, or to Her Majesty the Queen because I have advised her of it. So no-one should be concerned about those issues. This is a very important day, as far as I am concerned, because today we begin a process which years down the road will have greater community and people involvement. After all, we work for the people in the selection of the governor.

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Minister for Education) (2.51 p.m.): I have pleasure today in seconding the motion moved by the Premier and taking the opportunity to place on record my support for his nominee for the next Governor of Queensland. Quentin Bryce is an outstanding Queenslander, one who has dedicated much of her life to others and the betterment of the community in which she has been a vibrant, active and important player.

As the Premier has noted, Ms Bryce has a long and distinguished career of public service in the law, in academia, in the administration of justice and in the broader realm of social change and human progress. Many of the achievements of Quentin Bryce have been those of a trailblazer, particularly as a woman in male dominated fields. Today as we number women among the vice-chancellors of our universities, among the judiciary and among our legal practitioners, it is difficult to imagine that the University of Queensland law faculty was an exclusively male bastion until the 1960s.

Quentin Bryce was appointed as the first female member of that law faculty in 1968, and it is in this capacity that our paths first crossed when I was a student at the University of Queensland in the late 1970s. Much of Quentin Bryce's time in this position was taken up juggling academic responsibilities with parental responsibilities as the mother of five young children. However, she

was often involved in programs to encourage women students and was a prominent and outspoken member of the university staff.

I am not sure whether Ms Bryce knew or understood at the time how very inspiring it was for young women students to see and study with someone of her calibre and her achievement. I am pleased to have the opportunity today to place on record my appreciation and that of other students I have studied with for the enthusiastic and motivational role that Quentin Bryce played during those days.

Ms Bryce's inclination for trailblazing has manifested itself many times throughout her career as the founding director of the Women's Information Services, as a member of the National Women's Advisory Council, as the federal Sex Discrimination Commissioner, as the founding chair and CEO of the National Childcare Accreditation Council and many other important roles. In these positions she has championed a number of issues important to the lives and the human rights of women and children. A number of these issues are now taken for granted as routine expectations in a civilised democracy, but they would never have become so without the active championship of people like Quentin Bryce.

As Families Minister in the previous term of the Beattie government from 1988 to 2001, I had responsibility for a number of areas in which Quentin Bryce has been such a passionate advocate over a number of decades. I know the importance of much of the work that she and others have done, but I would like to particularly mention the work of the National Childcare Accreditation Council. This was a council that took on the role of ensuring that the interests of children and their families were put before the interests of profit in an area that was characterised by vested economic interests and a great deal of resistance from people who were not keen to see that area regulated or see it required to meet certain guidelines.

When I took on the role of Families Minister it was only two years into the operation of that national council, and I am only too well aware of the responsibilities that fell to that sector because of the work of that council. I can do nothing more than praise the work of that council. Families who rely on child care can now rest easy in the knowledge that those children are in the care of services that now have very strict guidelines and are required to meet the most stringent of requirements.

As the next Governor of Queensland, Ms Bryce will not be blazing a trail as the first woman to hold the office. That trail was well and truly blazed by Ms Leneen Forde. I have no doubt that Quentin Bryce will blaze the trail in other ways while she holds the office. Can I note, however, that both Ms Forde and Ms Bryce are lawyers and each of them have five children. On behalf of future women of Queensland, I hope that these similarities are a matter of coincidence and not prerequisite. I say that not on my own behalf but on the behalf of the many women out there who have not been able or willing to bear five young Queenslanders. Blazing a trail requires both courage and generosity—characteristics which I know Ms Bryce will bring to the role of Governor of Queensland.

One of my first full-time jobs in the early 1980s was working in a women's refuge for women and children escaping domestic violence. The issue of domestic violence in the early 1980s and its impact on the lives of women and children was still very much taboo—a difficult topic to talk about or to be associated with. During a lengthy campaign to ensure adequate funding for decent services in this area, I well recall answering a knock on the door of the office one day to find Quentin Bryce unannounced on the doorstep offering to help. I was impressed then by Ms Bryce's willingness to lend her considerable credibility to this difficult and very unpopular issue. I have remained impressed with her lifelong willingness to bring her talents and status to important causes with courage, determination and a great generosity of spirit.

I have no doubt that the many organisations in the Queensland community who have sought or relied upon the Governor's support either as a formal patron or in a less formal role will find a very great friend and advocate in Quentin Bryce.

Can I also take the opportunity this afternoon to express my appreciation to Major General Peter Arnison for the great service he has done for the people of Queensland during his time in the office of Governor. Both Peter Arnison and his wife, Barbara, have also been great friends to not only the people of Queensland but also an extraordinary number of community organisations which have sought their assistance and their support. They have both, in my view, distinguished themselves in this role by bringing to it a great deal of humanity and compassion.

I conclude this afternoon by congratulating the Premier on ensuring that the parliament does have the opportunity to recognise the appointment of the Governor designate. It is an important

step in my view in the evolution of our democracy, in the evolution of its traditions and in the evolution of its institutions. I look forward to the swearing-in of Quentin Bryce. She will be an outstanding ambassador for the people of Queensland, and I encourage all members to support the motion moved by the Premier and to support it wholeheartedly.

**Mr SPRINGBORG** (Southern Downs—NPA) (Leader of the Opposition (2.58 p.m.): The Queensland National Party supports absolutely the right of the Premier as laid down by convention as exercised over a century or more now to make recommendations to the Queen and for Her Majesty the Queen to accept the recommendation which is made to the Queen by the Premier. That is something which has served the state and its institutions very well without controversy over a long period of time. If one looks at section 7.15 of the Australia Act 1986 one can see that it lays out quite specifically that the power for the recommendation for appointment of governor rests with the state Premier, and that in this case is Premier Beattie.

When I met with the Premier yesterday in the company of Mr Flynn and Mr Quinn, I indicated that I felt that that was his prerogative and that I have always felt that that is the case. I will continue to respect the prerogative of the Premier of the day to appoint the representative that he sees fit and to make that nomination to the Queen for appointment. As far as I am concerned, there has never been any question that the opposition would in any way seek to block a vote, create any controversy in parliament or take away by any other means a unanimity that this parliament may require if the Premier wanted to bring it before the House. I said to the Premier yesterday that I felt that it was a matter for him.

I feel that this is a matter in regard to which all premiers—former premiers and the current one—exercise their discretion. It has always been done with dignity. I am a little concerned that there has been an inference that there was potentially an element of controversy or that the Premier was wanting to avoid some element of controversy by bringing it to parliament. There was never going to be any controversy—absolutely no controversy whatever—with regard to the appointment of the Governor of Queensland. It is a matter for the Premier and the Queen acting on his recommendation.

Whilst the Premier seems genuine in his desire to provide an opportunity for this parliament, acting on behalf of all Queenslanders, to vet nominations prior to a nomination going to the Queen in five years, he needs to be aware that something which has traditionally not been political may become political; that is, there may be an opportunity in a full-blown debate for people to be not as bipartisan or not as keen to reach unanimity as the Premier might like. When the Premier goes into an adventurous new world of engaging the parliament—something which has been a consequence of respected convention and the understanding by the opposition that the Premier will always have the right to make that recommendation—it has the potential to become political in a house of politics. Notwithstanding the best efforts or the best of intentions of members of parliament today or in the future, there is that very significant risk.

On behalf of the opposition, I commend the current Governor, who has performed his duty in an absolutely exemplary way in representing that high office. I also commend Mrs Arnison. They have been marvellous representatives of this state and also Her Majesty. I would like to offer Ms Bryce and her husband and family the best wishes of the opposition. We make a commitment to respect her and her office, and to offer loyalty and cooperation in the role that she will undertake in her capacity as Governor of Queensland.

**Hon. M. J. FOLEY** (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (3.04 p.m.): Quentin Bryce is an advocate for human rights. Once upon a time in Queensland such a description would have been prima facie evidence of sedition, communism or worse. In Queensland today it is a characteristic of appointment as the monarch's representative. How things have changed. I join with the Premier, the Leader of the House and the Leader of the Opposition in welcoming this appointment. Ms Bryce's role as advocate for human rights is well known. I well recall her contribution as director of the Human Rights and Equal Opportunity Commission in Queensland in 1987 during the public debate over the black hole at Boggo Road and her advocacy for the rights of persons at that time. I commend her for her constructive contribution.

I well recall also her role as advocate for children's interests and, in particular, I recall a matter in the late 1970s when the Queensland Council for Civil Liberties was debating the issue of seatbelts for passengers. Her advocacy in favour of children being restrained through the mandatory requirement for seatbelts was persuasive in convincing that council to support moves for mandatory seatbelts on public interest grounds, notwithstanding some civil libertarian reticence about government regulation in that area.

The contribution which Quentin Bryce has made in the area of children's arts is significant. She served from 1983 to 1992 on the Australian Children's Television Foundation Board. Given the amount of time that our children spend in front of the television, that very powerful medium is one which deserves our attention so that their lives may be enriched and not merely the subject of shallow advertising and shallow programming. I extend to Ms Bryce a welcome. I extend to her and her husband every best wish for her tenure of this high office.

Let me turn to the process involved in this debate. I welcome the initiative of the Premier to involve the Legislative Assembly in the process. It is true that this appointment was made not by this House but by the Queen. Nonetheless, this House is invited by means of this motion to welcome the appointment, and I am sure that all members of this House will so do. It is sobering for members of this House to recall that the parliament of Queensland under the Constitution Act is not merely this assembly. The parliament of Queensland consists of the Legislative Assembly and the Queen. So the Queen and the Queen's representative have a role not merely in the executive arm of government but also in the legislative arm of government.

This initiative in which we are engaged today is novel. It is a way of broadening the process. It is a way of demystifying the process. That is a good thing. I am on the public record in this House as advocating by way of constitutional reform three major initiatives—the establishment of a republic; the constitutional recognition of prior indigenous ownership of land and sea; and the constitutional recognition of a bill of rights. All of those matters—and those are my personal views and not the views of the government, as I set out in an earlier debate—are matters which quintessentially must involve public discussion and debate. What we are seeing here today are the winds of change blowing through parliament. What we are seeing is a process whereby the elected representatives of the people are having an opportunity to express a view about the monarch's representative. In so doing, it will, I imagine, drive home to people what the parliament of Queensland is. That is, it is partly the Legislative Assembly and the other part of it is the Queen.

The process of the appointment of a governor being broadened in this way is part of a larger debate in Australian society, as the Premier has indicated, but the opportunity for elected representatives to ventilate their views in this way I think is all together a good thing. I join with previous speakers in extending congratulations to His Excellency Major General Peter Arnison and Mrs Barbara Arnison for their very worthy contribution in the discharge of the high office of Governor. I well know that the good citizens of my electorate and particularly in the Southside Children's Arts Festival will recall with great fondness the contribution of Major General Arnison and Mrs Arnison in the opening of their arts festival.

Let me conclude with a frank admission, and that is that Quentin Bryce has a lot to answer for. It was she, I have to confess, who introduced me to the study of law.

**Mr Beattie:** If I had known that, that would have been the end of it.

**Mr FOLEY:** I accept that admonition from the Premier. But I thought it was something that need not trouble him lest he be deterred from so wise a course of action.

**Mr Mickel:** That only makes her human; everybody can make a mistake.

**Mr FOLEY:** I thank the honourable member for Logan, who reflects so much on the way we perceive him in the discharge of his high office at Logan. He would well know the capacity of his colleagues to forgive mistakes.

Yes, I have to confess that she was my lecturer in 1973 in a subject titled Legal Aspects of Social Work. Upon this tender formative mind she exercised an influence. I am sure that there are many in the old boys club who would only wish that I had been deterred from the pursuit of law at that time, lest the subsequent course of events took place which saw some redress of the shameful underrepresentation of women on the bench. But that is a debate for another day.

Ms Bryce gave a cogent introduction to the legal system. She spoke then, 30 years ago, of the rights of children in care and the rights of others in the welfare system. It was a very good introduction to the worthy contribution that law can make to the welfare of our community and it is one I am sure that will not be lost on the people of Queensland in the discharge of her forthcoming duties.

**Mr QUINN** (Robina—Lib) (3.11 p.m.): The Liberal Party supports the right of the Premier to recommend to Her Majesty the appointment of Quentin Bryce to become the next Governor of Queensland. That process has served this state well over many years—in fact, for over 150 years. I think it is one that has stood the test of time. In all those years I cannot remember any occasion

where a governor has been appointed and there has been some sort of public controversy about his or her behaviour.

**An opposition member:** One.

**Mr QUINN:** I know the one the member is talking about. But it was not such a raging public debate. Some questions were raised about that. The point I want to make is that the process has served this state well. The Governor has enjoyed enormous public support and respect around Queensland. The person holding that position has been greeted with great fondness whenever they have travelled around the state. As I said, that has served the state well.

Major General Peter Arnison and his wife, Barbara, have done an outstanding job for Queensland, as previous governors have done. I am sure that Quentin Bryce will perform her duties as Governor with the same success as her predecessors—I have no doubt about that—and will enjoy the great affection that the public of Queensland have for its governors in this state. I wish the Governor designate best wishes for her term as Governor. I am quite sure that within this chamber she will enjoy broad support. After all, one of the things we do when we become members is swear allegiance to Her Majesty, and her heirs and successors according to law, and by de facto her representative in Queensland. We all have an obligation of loyalty to the position and the person holding that position in Queensland. My best wishes go to the Governor designate to be sworn in in July this year.

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Environment) (3.14 p.m.): The office of Governor is above politics but the position is not entirely ceremonial. It also requires a fine mind and a canny understanding of the processes of government. This is what Quentin Bryce brings to the position. The Governor presides over Executive Council, which has always been the body which formally ratifies the decisions of the executive arm of government from the time of the earliest governmental systems on this continent.

The convention that the monarch and the monarch's representative always take the advice of ministers is reaffirmed on a weekly basis when at the end of each Executive Council meeting the Governor asks, 'Do ministers wish me to ratify these Executive Council minutes?' The convention that the Governor does not play a role in setting policy is a very old one. The following rather dramatic statement written by the great constitutional writer Walter Bagehott in his book the *English Constitution*, written 120 years ago, indicates this. Bagehott wrote—

The Queen must sign her own death warrant if the two Houses send it to her.

Bagehott goes on to explain what the role of the monarch is and, by analogy, what the role of the monarch's representative is. It is, he says, 'to be consulted, to encourage and to warn'. That is to say, it is entirely within the scope of a non-political office to address issues of good governance, though not issues of political objectives. So it is entirely appropriate for the Governor to occasionally ask a minister the question, 'Are you aware that such and such a time a previous minister sought to achieve similar objectives and use the following administrative tools?' Or it is equally appropriate for the Governor to say, 'Would the effect of this measure be to do so-and-so and is this what you intend?' Such interventions by governors have, to my knowledge and experience, occurred in the last 12 years in Queensland to the benefit of good governance in this state. At such times as those it becomes very clear that the convention articulated by Walter Bagehott so long ago is exactly the basis on which our system functions.

I happen to recall those words of Walter Bagehott because they were drawn to my attention by Quentin Bryce at the Queensland University Law School when she was tutoring me there just over 20 years ago. I was very surprised on a day in the late seventies when I walked into my first Administrative Law tutorial to see that the subject was being taken by a member of a then very rare species—a woman lawyer, a very assured and very insightful woman lawyer. Quentin Bryce was one of the first female lawyers to break the glass ceiling in law, which she did by becoming the first female staff member of a university law school in Queensland. I was impressed by the sharpness of her mind and the power of her intellect. I remember on one occasion saying to her that a certain judgment by Lord Denning seemed to do justice between the parties, and she said, 'Yes, of course it does, but the reasoning is all wrong.' I asked with surprise, 'What's the matter with the reasoning?' and she said, 'There isn't any.' Then I said, 'He does refer to precedents, two earlier cases.' She said, 'No, he doesn't. If you look closely, you will see that he just says that "all the old books say" and then goes on to state his own preconceived conclusion. Actually,' she went on to say, 'you can only get to that conclusion by legislative reform. If a judge makes a fair decision in spite of what the pre-existing law says, then later judges will see the faults in the

reasoning and reassert the pre-existing law. You need to actually change the statute law in order to get just results in this area across-the-board.'

As it happened, I subsequently became Attorney-General. I had the honour of introducing into the House the bills for the Freedom of Information Act, the Judicial Review Act, the Anti-Discrimination Act, the Justices of the Peace and Commissioners for Declarations Act and various other pieces of legislation and administrative amendments which introduced simplicity and modernisation into our administrative law. For any defects of these measures I take ministerial responsibility. But my conversion to the idea of administrative law reform came about on a sunny morning two decades ago at a tutorial led by Queensland's next governor. I hope she enjoys presiding over Queensland's administrative structure, altered, as it is, by the education that she previously disseminated.

After a distinguished university career, Quentin Bryce became Commonwealth Sex Discrimination Commissioner. In that role she dispensed justice with an even hand. She acted decisively to ensure gender equity. She would not put up with any nonsense or frivolous processes from either gender. I had the privilege of being a member of the federal parliament that voted for the Sex Discrimination Bill and I subsequently had the privilege of being the Attorney-General of Queensland at the time that she was Sex Discrimination Commissioner applying that act.

It was refreshing to see a distinguished Queenslander enlightening the rest of Australia in gender equity, just as she had educated a generation of Queensland law students earlier in her career. So it is a pleasure now to join with other honourable members in welcoming the Premier's announcement that that same distinguished Queenslander will be Queensland's next governor.

May I wish retiring Governor Peter Arnison and Mrs Arnison well in the future and express the thanks of the people for their contribution to the civic life of this state. May I welcome the Premier's initiative to demystify the process of the appointment of governor. Demystification and the debunking of obscure systems was Quentin Bryce's hallmark when she was at the university. I think that is something that is very appropriate to observe on the occasion of her appointment.

**Mr FLYNN** (Lockyer—ONP) (3.20 p.m.): On behalf of the One Nation Party, I rise with great pleasure to support the government's intention to secure the appointment of Ms Quentin Bryce as the next Governor of Queensland to succeed Major General Arnison later this year. What better qualification could Ms Bryce have to be the Queen's representative than that she is a self-confessed monarchist with a proven track record of service to the people of Queensland. I note that Ms Bryce has indications of the strength of steel within her. I think that she may well find it within her abilities as Governor on an apolitical basis to match strength with strength in any opposition that she might meet in her position. I suggest to the minister that, if Ms Bryce is commanded to sign her own death warrant, she may well call upon her reserve powers to cancel that one out!

Although my personal knowledge of Ms Bryce is limited, I have been apprised of both her professional and personal achievements which, if members read her CV, should leave one quite breathless with admiration for a potential leader of her abilities. I will not read a list of the Governor designate's qualifications, although I was particularly impressed to note her involvement with antidiscrimination and matters to the benefit of children and civil liberties. Sometimes the civil liberties organisation has a habit of getting carried away, but without them we would live in a police state and I very much applaud her efforts on behalf of that organisation.

As I say, I will not read Ms Bryce's CV, as I do not have it with me. However, her credentials in connection with social welfare, including the many important issues that we would all be aware of—in particular issues relating to children—should leave this House in no doubt that the governance of this state will only be enhanced by the appointment of Ms Bryce.

Members would be aware of the institution of the monarchy as part of the process of the social and political governance of Australia and its states. Presently, the monarchy and its representatives are the cornerstone of our democracy. One Nation supports the government and the Governor designate, Ms Quentin Bryce, secure in the knowledge that tradition and democracy is supported by all sides of this House.

Whether or not political parties or Independents have an issue with the processes that have been developed through tradition leading up to such an appointment is at this time irrelevant. We can and most likely will discuss such problems with the Premier at another time. Today, the point is that tradition and thus far accepted practice has been followed. I must say, with my limited knowledge of Ms Bryce's qualifications, that I think she is an excellent choice. I wish her very well

in her future appointment later this year. One Nation supports the government's recommendation to the Queen.

**Ms BOYLE** (Cairns—ALP) (3.23 p.m.): I am pleased indeed to have the opportunity to support the nomination of the appointment of Quentin Bryce as the next Governor of Queensland. I commend the Premier for giving the people's representatives this opportunity to have their say. It is a small step, but nonetheless a significant step in involving the people of Queensland more than they have been involved in the business of government.

I also directly welcome the appointment of Quentin Bryce as the next governor. I have been an admirer of Ms Bryce for many years, but from a distance. I cannot claim the kind of familiarity that, for example, the Minister for Employment and Training has in his role as one of her students many years ago, or other honourable members of this House who have known her more closely than I. Like many Australians, I have admired her from afar. I note all that has been said about her excellent curriculum vitae. There is no need for me to repeat that; it is already on the record. There is no doubt that Ms Bryce has been an outstanding role model for women such as those of my own generation who have dared to push the limits a little bit, to knock on the doors that were previously closed to women.

I also take this opportunity to welcome her appointment, coming as it does hot on the heels of International Women's Day. As the member for Barron River has already informed the House, in Cairns we have a week of celebrations for International Women's Day. We have a feast up there. I have no doubt that I am speaking for the very many women involved in the very many events over this last week in Cairns for International Women's Day when I say that it is pleasing indeed that it will be a woman, and a woman of such distinction, who will take up the job of governor as of July this year.

While recognising the tremendous importance of the contribution that Quentin Bryce has made in affairs relating to women as well as to discrimination and a fair go in this country of Australia, we should be mindful that women still have a long way to go. I would like to take this opportunity to commend the member for Caloundra who this morning spoke so eloquently, clearly and factually about the difficulties that still lie ahead for women not only in Australia but also around the world. It is so that in the appointment of Quentin Bryce we are not simply appointing a woman of great style and intelligence; we are appointing a person who is more than suited to the task.

As the saying goes, Ms Bryce has very big shoes to fill. For some years now I have been a great admirer of Governor Peter Arnison and of his wife, Barbara. On many occasions they have visited Cairns and have always conducted themselves not only with style but also with sensitivity. It is not uncommon for people to feel nervous about speaking to someone who holds a position of such importance. I have seen Governor Arnison and his wife make those people and their families comfortable and enjoy the special occasion. I have seen the hours that they have put in and the effort that they have put in with all of us around the state of Queensland. I, for one, will miss the Governor and Mrs Arnison when their term is up.

I hope indeed that Quentin Bryce is able to meet the same standards while, of course, putting her own individual stamp upon the job. I have no doubt that she will be stylish and that she will make the adjustment to this position of diplomacy as well as leadership for this fair state of Queensland. I do indeed welcome her appointment and I look forward to welcoming her to Cairns on the first occasion that she has the opportunity after taking up her appointment in July.

**Mrs SHELDON** (Caloundra—Lib) (3.28 p.m.): I rise to take part in this debate today as I have known Quentin Bryce and her husband, Michael, for a number of years. It is very good to see that a woman who has such a distinguished career—but, importantly, another woman—is to be Governor of the state of Queensland. The position of governor is one of great importance. It is not just a ceremonial position. The governors whom I have known over the years work very hard, as do their spouses. When they decide to take on the position, they give a lot of themselves, their time and, indeed, their life to the state of Queensland.

Of course, the job of governor is a job for two people. I know that Michael Bryce will be an admirable consort, if that is the word, of the new Governor, Quentin Bryce, when she is appointed. I worked with Michael when he was on the board of the Queensland Symphony Orchestra and on the board of the joint orchestra—the new orchestra—called The Queensland Orchestra. I think it is important that his contribution to the state is known as well.

Quentin Bryce certainly is a woman of ability. She is a wife, a mother, a grandmother and a very well-educated woman who has held positions of academic note in Queensland and other

states. She is well known for her stance on human rights and for her role in antidiscrimination matters. With that background, she has a sound knowledge of people, of their needs, of the less fortunate in our society and can bring that knowledge to her position. It is important in this day and age when there is so much conflict that people can look to positions and to the people in those positions and see stability, a giving of self, a sense of service and a sense of service to the community. I think those qualities are very important today. I know Quentin Bryce is a strong advocate for gender equality, and I spoke on that issue in this House today after celebrating International Women's Day. It is important that we acknowledge women's roles in society and their roles over a period of time and that women support each other in these positions. It is not that men do not fulfil positions as well, but they have always been much better—

**Mr Fouras** interjected.

**Mrs SHELDON:** I do not think men do it better; they do it well. Both genders have the ability and it should be recognised by both genders. I would go so far as to say that in some things women do it better and in other things men do it better. We each have our contribution to make to society. After all, over 50 per cent of the population are women. It is fitting to see a woman take the position as governor for the second time. I know Leneen Forde well and she did a great job as a woman governor.

Before I finish, I have to pay special respect to Major General Peter Arnison and his wife, Barbara. They have been exemplary in this role. At all times they have been courteous, stylish, accepting of others and have put themselves out there while making it look as though it required no effort whatsoever. They have gone to an extraordinary number of events. No matter what time of day or night, they are always as charming in the late night as they are in the early morning. Many people may perceive the position of governor as being a very easy job where one sits in the back of a car and waves or smiles sweetly, but it is in fact very hard. Members in this House who interact with the public a lot know that it is often quite hard work. Being interested in what people say and do and always being there and steadfast is so important.

I personally will miss Barbara and Peter Arnison in the positions that they have held. I thank them very much for the work they have done for this state and for the shining example Major General Peter Arnison was as Governor and for the position his wife, Barbara, held as well. I welcome Quentin Bryce to the position in July. I have no doubt that she will fulfil it with style and dignity. Similarly, her husband, Michael, will help her in what is quite often a very difficult and demanding job.

**Mr PURCELL** (Bulimba—ALP) (3.33 p.m.): I rise to support the appointment of Quentin Bryce as the new Governor for Queensland. Ms Bryce is a very distinguished Queenslanders whose achievements speak for themselves. I know that she will represent Queensland and Queenslanders with dignity and compassion. Her appointment will be welcomed by all Queenslanders. As an individual there is no controversy in her appointment and I believe that anyone would agree that this gracious and dignified lady will be an outstanding representative and will continue to represent the marginalised very well in her role as governor.

The Premier has, for the first time, brought the appointment of Governor of Queensland before this House to be debated. It is moving Queenslanders and ultimately Australians forward in the 21st century with an opportunity to discuss the appointment and support the nomination of the people's representative as governor. I see this as the first step towards Queensland selecting a governor for Queensland by ballot. I am sure that if Quentin Bryce's name was on a ballot paper at a statewide election for governor Queenslanders would have no hesitation in selecting Quentin for that position. I agree with previous speakers who have mentioned the attributes that Quentin has and how well equipped she is to be Governor. She is certainly well equipped and will do the job very well. All Queenslanders will get to know and love her and would select her if given the opportunity. We need to give people the opportunity to choose.

Queenslanders and Australians are in general a very conservative people and this is another small step along the road to Australia becoming a republic. The monarchy serves England very well. Over the years it has served Australians very well. People in public life in Queensland would realise what an arduous job the Queen has, and she is never off duty. She is required at all times to remember that she is the representative of her country and the monarchy—a role she conducts with distinction and decorum. As I said, she is never off duty. I do not think there would be too many people who could do that job. It is a very tough job. While the general population of many other countries throughout the Commonwealth already make the decision as to the appointment of governor, I am sure that one day not too far away Queenslanders and Australians will also be



making this decision at the ballot box. I support the appointment of Ms Quentin Bryce as Governor of Queensland.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (3.36 p.m.): I rise on behalf of the Independents to support the motion for the appointment of Ms Quentin Bryce to the position of Governor of Queensland, a position which we hold as a position of great importance. Many previous speakers have made comments about their knowledge of Ms Bryce, particularly in terms of their professional knowledge or their social contact with her. On the basis of the information that has been passed on today, we are sure that she will fill the role with not only elegance and capacity but also a great deal of enthusiasm. It has been commented on by a number of the Independents who heard the interview yesterday how enthusiastic and passionate she was for the position to which she has been appointed. That was portrayed in the manner in which she responded to questions during that interview. She brings to the position a great deal of humanity and personality, and that is welcomed. We also wish Mr Bryce success, because it is a role where two people—whilst there is one appointee—very much fill that role. We wish Ms Bryce and Mr Bryce a most satisfying, enjoyable and interesting time in their role as Governor and the Governor's partner.

We also put on the record our appreciation to Major General Peter Arnison and his wife, Barbara. They have at all times been gracious by nature, generous with their time and energy in the role that they have filled and have continued to portray the dignity of that office. As I said, Peter Arnison was the Governor, as will be Quentin Bryce, but their partners also share a great role in the portrayal of those duties. We wish Major General Peter Arnison and Barbara every happiness as their lives take a new direction and we look forward to positive contact with Ms Bryce in the future.

**Mr MICKEL** (Logan—ALP) (3.38 p.m.): I think it is a breakthrough that the parliament is debating the appointment of the next Queensland Governor. It is entirely appropriate that an appointment of this importance be referred to the representatives of the people for their comment. Representative government and responsible government require us all to be accountable to the people for the decisions we make in this state on their behalf. It is more than time that the people's representatives had the chance to comment on such an appointment. This process is all the more important in Queensland because we have a unique system of parliament—a unicameral system. The doctrine that I hope is established here today is one where the parliament, with a 66 per cent vote, will decide upon and approve the government's choice to be Governor. In the past it has been solely a secret decision made usually by one person—the Premier—and ratified by the cabinet. In other words, the whole process has been one of exclusivity of the executive government.

People these days are demanding more accountability and more transparency in the decision making of government as a whole. This debate gives expression to the desire of people to be part of the decision-making process. I hope the precedent is set today whereby all sides of the House, through a vote in this House, can give overwhelming endorsement to the person nominated by the government. This is no reflection on the existing Governor, who served the people of this state in the appropriate manner, with due regard to the protocols required of the office. Indeed, in recent times I can recall only one Governor who traduced the office by straying into partisan political matters. It is up to this parliament today to determine, by its expression in this House, the suitability or otherwise of the person nominated by the Premier.

I commend the Premier for taking this parliament into his confidence by allowing commentary on this appointment. It is an innovative proposal whereby the nominee will be acclaimed, as has been indicated today, or in future may even be rejected by the parliament at large. Ms Bryce is only the second female Governor, following Leneen Forde, who served in the office with great distinction. In time I am confident this gender bias will be rectified by successive governments. For now I wish Ms Bryce and her partner every success in the role they will undertake on behalf of the people of Queensland.

**Hon. M. F. REYNOLDS** (Townsville—ALP) (Minister for Emergency Services and Minister Assisting the Premier in North Queensland) (3.41 p.m.): It is with pleasure that I rise in the House today to endorse the process this parliament is going through. I believe it is most important that the people who represent the different areas of Queensland are able to recognise this very important appointment for the next Governor of the state of Queensland.

Quentin Alice Louise Bryce is a distinguished Queenslander. A second woman will be appointed to this great position of Governor, and I believe that Ms Bryce will fit this position most admirably. We have in Ms Bryce a person who has been an advocate for human rights. She is a

person who has spoken her own mind on many occasions. Reading the *Courier-Mail* today and seeing the quality that Ms Bryce will bring to this position made me very proud that, as a parliamentarian and as a Queenslander, I could support this nomination to the Queen and that Her Majesty has agreed with this appointment, previous to this motion being put to the House today. Ms Bryce is well known not only as a distinguished Queenslander but also as a very distinguished Australian. I am sure that she will acquit this job in the very best possible way.

I take this opportunity to congratulate our present Governor, Peter Arnison, and his wife, Barbara. They are people whom I have known for a long time. I was very fortunate to be the mayor of the city of Townsville for two of the years that the Arnisons were residents of Townsville. Peter Arnison was our brigadier attached to the Lavarack Barracks in Townsville. His wife, Barbara, was a librarian at Pimlico State High School in the electorate of Mundingburra. Peter and Barbara Arnison showed in Townsville the style that they brought to the position of Governor and Governor's wife. In the last six or seven years they have done a great job for Queensland.

I congratulate the Premier on bringing this process forth today in a way that involves the representatives of the people of Queensland. I heartily congratulate Quentin Bryce on her appointment to the position of Governor from 1 July this year. I wish my good friend Peter Arnison and his wife, Barbara, the very best and congratulate them on the excellent years they have given to the people of Queensland.

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (3.44 p.m.), in reply: This debate has been handled with dignity and respect. I thank all honourable members who contributed to the debate on both the government and non-government sides. I am impressed—we should be impressed—with our performance this afternoon, because this is a debate that could have been handled in a different way but has been handled with dignity. I thank the Leader of the Opposition, the Leader of the Liberal Party, the Leader of One Nation, the member for Caloundra—I think her very kind words added to the dignity of the contribution—the member for Gladstone, who spoke on behalf of all of the Independents, and all government members for their contributions.

I think this demonstrates that we can handle these difficult and sensitive issues in a very intelligent way. I thank members for that. In the end, all members indicated their support for the nominee, and I thank them for that. She is a very distinguished Queenslander and a distinguished Australian. There is just one matter I want to correct. I did indicate that the current Governor's attendance at his last Executive Council meeting would be on 16 July. I understand that it will in fact be on 24 July. There may be a couple of changes to those dates. I gave them to the House as an indication of what will happen. As I understand it, that is the best information available.

One of the things we can say about the Governor designate is that she is very much a class act. I say that in a very positive way. The *Courier-Mail* carried a headline that I think we as Queenslanders can all be very proud of. I table it and the front page of the *Courier-Mail* for the records of this parliament. The important thing about this is: not only is the favourable publicity good for the Governor designate; it is good for this parliament. More important than any of that, it is good for Queensland because this enhances our reputation nationally as a state that can in fact make excellent appointments to key positions. The Governor designate has received significant national coverage because of her standing. I have to say that I am delighted, because it is good news for Queensland.

The Minister for Employment, Training and Youth and the Arts and the Minister for the Environment made reference to Quentin's role in the law and her involvement at law school. As a lawyer who was there during part of her time at law school, I have to say that her reputation was a very powerful one. She was held in awe and respect, not just as an academic but also as an individual. That is one of the reasons I know she will be an excellent Governor. Yesterday prior to the announcement which was made at the Art Gallery—I publicly thank Doug Hall for providing the gallery; I know that the minister will pass that on—I had an opportunity to meet Ms Bryce's family, her children, her grandchildren and Michael. They are a wonderful family. I thank members for their contributions. I know that she will be a distinguished Governor. I look forward to working with her and to giving her the courtesy and respect she is entitled to. Based on the debate in this House today, I know that is a view shared by all members.

Motion agreed to.

**PROHIBITION OF HUMAN CLONING BILL  
REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS AND ASSISTED  
REPRODUCTIVE TECHNOLOGY BILL**

**Presentation of Bills**

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (3.48 p.m.): In accordance with the resolution of the House earlier today ordering the division and reconsolidation of the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003, I present the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003.

**Printing and Circulation of Bills**

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (3.48 p.m.), by leave, without notice: I move—

That the House accepts the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 presented and circulated to the members as complying with the order of the House to divide the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003, orders the bills to be printed and resumption of debate now stands as an order of the day.

Motion agreed to.

**PRIVILEGE**

**Unparliamentary Language**

**Mr SPEAKER:** Order! Honourable members, it has come to my attention that a member, during an interjection in question time today, used unparliamentary language. I did not hear the offending remarks at the time due to an unacceptable level of noise from members in the chamber. I advise the House that I have ordered that the offending unparliamentary language be expunged from the *Hansard* record.

I take this opportunity to again remind members about behaviour in the chamber. The use of unparliamentary language risks bringing this House into disrepute and I will not tolerate, and I have also instructed the deputy speakers to not tolerate, unparliamentary language. It is incumbent on each member to ensure that they behave as the dignity of this House demands and to not use language that would be found unbecoming in society. I stress that within a number of weeks these parliamentary proceedings will be broadcast live and unedited over the Internet. This makes it even more imperative that members behave properly.

More generally, I note that I did not hear the offending remarks this morning because of the general level of noise in the chamber through members inappropriately interjecting and having audible conversations. I again remind members about unnecessary interjections and general conversations across the chamber, particularly in the morning period until after question time.

**LOCAL GOVERNMENT (ROBINA CENTRAL PLANNING AGREEMENT) AMENDMENT BILL**

**Hon. N. I. CUNNINGHAM** (Bundaberg—ALP) (Minister for Local Government and Planning) (3.50 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Local Government (Robina Central Planning Agreement) Act 1992.

Motion agreed to.

**First Reading**

Bill and explanatory notes presented and bill, on motion of Mrs Nita Cunningham, read a first time.

**Second Reading**

**Hon. N. I. CUNNINGHAM** (Bundaberg—ALP) (Minister for Local Government and Planning) (3.52 p.m.): I move—

That the bill be now read a second time.

The Local Government (Robina Central Planning Agreement) Act 1992 provides the legal framework for the operation of the Robina Central Planning Agreement, which is the principal planning and development assessment instrument for the Robina central planning area.

As members would be aware, Robina is a master planned community on the Gold Coast comprising a major regional business and employment centre providing retailing, business, entertainment, recreation, residential and community facilities. The Robina Central Planning Agreement was made in 1992 between the Gold Coast City Council, Robina Land Corporation and Robina Properties, after a rezoning approval granted by the Albert Shire Council, to enable development of the Robina central planning area. At the time, the legislative framework, the Local Government (Planning and Environment) Act 1990, did not accommodate complex infrastructure and master planning of this scale.

The Local Government (Robina Central Planning Agreement) Act 1992 commenced well in advance of the introduction of the Integrated Planning Act 1997, which now provides for such detailed master planning and infrastructure agreements. The Robina Central Planning Agreement is a schedule to the Local Government (Robina Central Planning Agreement) Act and forms part of the act. Therefore, it can only be changed by an amendment to that part of the act.

Due to the complexity and nature of the Robina Central Planning Agreement, it is preferable to preserve the effect of the Local Government (Robina Central Planning Agreement) Act until the majority of the proposed infrastructure is provided and land is developed at Robina.

My department investigated numerous options for integration of the Local Government (Robina Central Planning Agreement) Act into the IPA legislative regime. However, the Robina Central Planning Agreement is difficult to integrate without significantly affecting existing use rights and infrastructure arrangements. The current arrangements provide development certainty and have successfully facilitated major economic development of the Robina central planning area, which is identified as a key regional centre under the South-East Queensland Regional Framework for Growth Management.

The bill that I am introducing today seeks a series of changes to the planning intentions for the Robina central planning area in the Robina Central Planning Agreement that have been proposed by the Gold Coast City Council, the Robina Land Corporation and Robina Properties. The bill also proposes to replace the processes for amending the Robina Central Planning Agreement in the Local Government (Robina Central Planning Agreement) Act with the IPA schedule 1 process.

Last year the Gold Coast City Council made application to me for the proposed planning policy amendments to the Robina Central Planning Agreement. The proposed policy amendments more accurately reflect current planning and market demands for land in Robina and, in particular, facilitate the establishment of commercial and higher density residential development closer to the railway station to support the function of this state infrastructure.

The amendments ensure sufficient land in Robina Central is preserved for commercial development to maintain and consolidate the status of Robina as a key regional centre. The amendments also reflect the intended use of the northern flood plain. This area will no longer be developed for a golf course but will be used, in part, for playing fields and public open space to be transferred to the Gold Coast City Council and, in part, for an ecotourist resort. There are also various amendments to different clauses of the Robina Central Planning Agreement to remove anomalies and to zone land subject to road closure which is presently unzoned. These proposed changes were open to public comment prior to being approved by the Gold Coast City Council.

As well as reflecting amendments to the Robina Central Planning Agreement, the bill proposes to replace the process under the repealed Local Government (Planning and Environment) Act for amending the agreement, with the schedule 1 process for making or amending planning schemes in the IPA.

The bill also removes a so-called Henry VIII clause in the Local Government (Robina Central Planning Agreement) Act which purported to allow amendment of the Robina Central Planning Agreement contained in primary legislation by subordinate legislation, that is, by a regulation. In future, therefore, amendment of the agreement will involve two processes: the standard scheme amendment process provided by the IPA and a subsequent legislative amendment. The bill will facilitate the efficient ongoing development of Robina consistent with contemporary land use and development practices following input from the local community. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

**PROHIBITION OF HUMAN CLONING BILL  
REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS AND  
ASSISTED REPRODUCTIVE TECHNOLOGY BILL**

**Cognate Debate**

**Second Reading**

Resumed from p. 385.

**Mr SPRINGBORG** (Southern Downs—NPA) (Leader of the Opposition) (3.57 p.m.): In my time in this parliament of just under 14 years, these two bills are probably the most significant and challenging bills that we will be debating cognately in this parliament. We certainly have differing views and differing opinions in this parliament on the issues that we will be discussing today and for much of tomorrow, and I think we all should listen with respect to each other's views and not seek to judge each other's value systems.

I have considered this matter a lot over the last couple of years, and it is very difficult to decide in my own mind whether I am right or whether somebody else is right. We simply have to go with our own value judgment, our own moral position and our own belief system. As I said, we should all respect each other's views as we participate in this debate. As the Premier said earlier today, this is an issue on which we should not play partisan politics, as there is no doubt an opportunity for members to vote according to their conscience.

When the Premier introduced this bill to parliament some weeks ago, in his second reading speech he said that government members would have the opportunity to vote in accordance with their individual conscience. I have always held the view that, if this matter were to come before the parliament, the Queensland National Party opposition should offer and enable its members the opportunity to vote in accord with their conscience. As I understand it, every member who votes here on these matters will vote in accord with their conscience. That is the right thing to do. That is the appropriate thing to do. When dealing with the issues that we will be discussing here, it is highly inappropriate to try to force members of parliament to vote in a way in which they do not personally believe. There are places for conscience votes, and there are places for discipline. There are places for party discipline, and there is a place for good, strong block voting. This is not one of them. When I listened to the Premier's contribution, I was very pleased to hear that he was going to enable government members to do that.

When the bill was introduced into parliament I was concerned that it was a bill which contained two similar yet different issues with which we needed to deal—one being a ban on cloning of humans; the other establishing a regulatory regime for research into embryonic stem cells. I doubt that there is one single member of parliament here today who would believe that in any way whatever we should enable the cloning of a human being. We all are absolutely opposed to that, regardless of whether we come at it from a religious viewpoint or from another moral or ethical viewpoint or just because we believe it is wrong. It is not the right thing to do. It devalues humanity. It is not something we in this country should support and it is something we should argue against at whatever opportunity we possibly can have anywhere around the world. Human cloning is something which most legitimate governments and most people with a good, decent conscience oppose and oppose absolutely.

We heard in the press a couple of months ago that some people claimed to have cloned the first humans. I think that if we ever get to that particular stage—and I intend to say a little more about cloning in a little while—

**Ms Edmond** interjected.

**Mr SPRINGBORG:** The Health Minister is looking at me. It could be a pretty awful prospect if she looks around this chamber.

**Ms Edmond:** I was just thinking about putting in an order for another Lawrence Springborg!

**Mr SPRINGBORG:** Yes, I suppose there are lots of mind-boggling things that go on. With regards to cloning, it is something to which we all are very much opposed. Embryonic stem cell research is a different issue. It is an issue which some of us are prepared to support in a regulatory environment, a strict regulated environment, and which other members are not prepared to support in any circumstance whatsoever. Who is right and who is wrong in those circumstances? As I said, I do not know if either of us are right or wrong. I just think it is a matter, once again, of one's particular moral value judgment. It is something that we have to line up in our own conscience. It is something that, if we vote a particular way, we have to know we are

capable of sleeping when we go to bed at night. It is very important that, when we debate this issue over the next day or so, we all respect each other's views.

It has concerned me significantly, as I have spoken to people about this in the last year or so, that, whilst there is tolerance on both sides of the debate, there is a significant degree of intolerance as well. That goes for both sides of the debate. I have had people say to me that those opposing any embryonic stem cell research in a regulated environment are just religious nuts. I have had other people who come from a religious or a strong moral basis in their argument say that those people in favour of it are people who have been cooking the books of research, that what they are saying is wrong, that this is like what Hitler did, et cetera. I do not subscribe to any of those arguments. They are the extremes of people not prepared to tolerate the views and the individual concerns of others.

I do commend the Premier for being prepared—under some pressure, nevertheless he has been prepared—to split this bill. It was something that the Commonwealth government had to face up to a while ago. They did not want to split the bill, but that matter was taken out of their hands and the bill was subsequently split. I think it was appropriate that this was adopted by the Premier. The reason for that is that it would have forced members of parliament opposed to cloning and in favour of the prohibition on cloning and opposed to embryonic stem cell research to pick through various clauses as they went, but at the end of the day when they reached the third reading there were elements of that bill which were absolute anathema to what they believed. They would have been forced to vote against something that they believed in or, vice-versa, in favour of something that they did not necessarily believe in. It was important that it be split into two separate matters. For that, I do commend the Premier, albeit for coming in late with regards to that matter.

Personally, I will be voting in favour of both questions. I will be voting in favour of the ban on human clones and I will be voting in favour of a regulatory regime for embryonic stem cell research. I have thought about this and it is something that I believe I can do in good conscience. There are a number of members of my party who have a different view. I respect that. They will be voting in accord with their own conscience against human cloning or in favour of that prohibition but against the bill which puts in place the regulatory regime for embryonic stem cell research. I think it is good that they have the opportunity to do that.

Today I want to go through some of the issues that are pro and con, the issues that people need to deal with as they make up their minds with regard to their final views. I would say that most have made up their minds about the matters we are debating here. I in no way speak for all of my members of the National Party. I just do not and I cannot, because they do have those different views. We have different regimes around the world that have put in place different regulatory environments, but there are significant similarities with what we are attempting to do here in Australia.

This bill, by and large, reflects a regime which has been put in place by the Commonwealth government. It is a matter which grew out of the Council of Australian Government's meeting on 5 April 2002. So it has a fairly long history behind it and it is necessary to ensure consistency, continuity and proper regulation across the state and the country that what the Commonwealth does we, by and large, reflect here in Queensland. That is essentially important and I will come to the reasons in a little while.

I turn to some events around the world which are interesting for us to consider. Since the introduction of the Queensland bill on 25 February 2003, the United States House of Representatives on 27 February this year passed a human cloning prohibition bill of 2003 by 241 to 155 votes. So it was an interesting vote in the United States House of Representatives. This was to impose a total ban on human cloning. All human cloning to create a pregnancy or for medical research is prohibited and it is also unlawful to import a cloned human embryo or any other product derived from one. Any violation of the law will attract fines as high as \$1 million or a 10-year prison sentence. The argument by some legislators for an exception to allow human cloning research for cures for disease such as Parkinson's was rejected. Scientific research in human stem cells or cloning techniques to produce molecules, DNA or cells from embryo tissues or organs from plants or animals other than humans would be allowed. This bill will now be debated by the United States Senate.

In terms of France, while the French political class led by the head of state Jacques Chirac has long advocated the banning of human cloning for therapeutic purposes, the law of 2002 permits research on stem cells taken from spare embryos that the parents no longer plan to use.

However, this research has to be done under the control of the French Procreation, Embryology and Human Genetics Agency. In Great Britain, the production of embryos by cloning for therapeutic purposes has been permitted since the UK act was passed by parliament on 23 January 2001. However, the development of embryos obtained by cloning must be halted at 14 days. Reproductive cloning, however, is prohibited. That is probably as far out there as we are going to get with regard to what is allowed when it comes to cloning in any nations in the Western World.

In Italy national legislation is silent on the question of embryos. One of the ethical committees has pronounced itself in favour of therapeutic cloning. A law moving in this direction but prohibiting all reproductive cloning is to be presented to parliament. So it is a bit similar to the situation in the United Kingdom. In Ireland the constitution prohibits any form of research on embryos. In Austria, Norway and Switzerland all research on human embryos and any production of embryos for purposes other than procreation is prohibited. In Denmark and Sweden, a law of 10 June 1997 proscribes cloning but permits research on embryos less than 14 days old.

In Germany the federal law of 13 December 1990 prohibits research on the human embryo by considering it from the moment of its formation as a person. That is an important point that this parliament and individual members have to decide for themselves. When do we consider the start of life to be? Is it the moment of conception? Is it the moment of division? Is it the moment that the central nervous system starts to develop? When is it? How do we proscribe something like that?

In Germany they have decided that question quite proscriptively. Moreover, German law prohibits preimplementation diagnosis except to look for sex related hereditary diseases. However, the law does not explicitly prevent the importation of stem cells, which has already enabled German researchers to reach agreement with foreign laboratories. Interestingly, whilst they will not enable the use of embryos developed in their own country, they are prepared to import stem cells from other places. This is not clear here to me, but I imagine that that also covers embryonic stem cells. In the face of this inconsistency, a 25-member ethics committee set up by Chancellor Schroeder started work on 8 June 2001. They are obviously having some degree of difficulty in addressing the matter. We are now some 18-odd months going on two years down the track in considering these ethical inconsistencies.

UNESCO has established an International Bioethics Committee that includes some 20 experts of different nationalities. It has been working on devising an international instrument to protect the human genome. A draft Universal Declaration on the Human Genome and humans has been revised and published. The declaration was adopted unanimously by UNESCO's General Conference in 1997 and in 1998 by the General Assembly of the United Nations. Its implementation will be subject to evaluation, which was to be completed by the end of 2002, and will be considered in 2003 by the International Bioethics Committee and Intergovernmental Bioethics Committee.

There are certain matters that we need to consider and watch when debating this issue. For example, if model laws do not have the force of law or any constraining value, highly lucrative genetic engineering condemned loudly and strongly by the national and international community will continue to develop with complete impunity. If Queensland does not pass complementary laws to those of the Commonwealth and the Commonwealth law were challenged successfully, having no state law prohibiting certain research projects could in fact make it legal. In other words, to do nothing could be very dangerous and enable an unregulated environment to develop in some states of Australia. If there is no state instrument to provide a strict or legal protocol for researchers to carry out medical and biological research, will the state suffer another brain drain to the southern states or overseas? Those are all matters that we have to consider when dealing with this issue in the debate over the rest of today and tomorrow.

I wish to quote some interesting research that I have been able to dig up over the past few days. In terms of the scientific breakthrough in stem cell research, I wish to quote from the Centre for Science, Technology and Congress, which states—

The issue of stem cell research burst on the scientific scene in November 1998 when researchers first reported the isolation of human embryonic stem cells. The discovery made by Dr James A. Thompson, a biologist at the University of Wisconsin, Madison, offers great promise for new ways of treating disease.

And, of course, it goes on to talk about the moral and ethical issues that people have to consider with respect to this matter. To those members who have not seen it and have time to further research this matter before speaking in parliament, I commend a publication put together by the

Department of the Parliamentary Library of the Commonwealth of Australia. It is a very interesting and, I think, pragmatic issues paper which looks at this matter and tries to provide guidance to members of parliament as they have to consider the issues before us today. It states—

The discovery, isolation and culturing of human embryonic stem cells has been described as one of the most significant breakthroughs in biomedicine of the century. This description would be warranted by virtue of the biological uniqueness of these cells alone, their ability to self-renew infinitely while retaining a remarkable capacity to differentiate into any form of cell tissue. But as well as this the culturing of embryonic stem cells holds tremendous potential for the development of new forms of regenerative medicine to treat debilitating or fatal conditions that would not otherwise be curable.

It is somewhat of an irony that the discovery of cells which has a tremendous potential for improving and prolonging our own lives should bring with it some of the most trenchant and intractable questions about the value of life itself. The harvesting of embryonic stem cells results in the destruction of the embryos from which they are harvested. It results, in other words, in the expiration of the very beginnings of possible human life. Issues about the value of life emerge here in perhaps their most stark and poignant form in the question of whether life for those already existing should be improved at the seeming expense of a possible human life that has just come into being.

That is a rather significant ethical issue for people to have to consider. It goes on further to state—

The public debate is focused mostly on ethical problems associated with the destruction of embryos in the case of the first bill which was before the Commonwealth parliament.

And further with regard to the basic ethical problem it states—

The possibility of destructive—

we are dealing with destructive technology; these embryos are destroyed—

embryo research, particularly embryonic stem cell research, presents us with a moral problem because it appears to bring into contention two fundamental moral problems that we esteem very highly. One principle enjoins the prevention or alleviation of suffering and the other enjoins us to respect the value of human life.

So it further enunciates the problems that we face. It goes on to state—

As crude as it may sound, responding to this problem calls for a moral calculation, a decision about how the positive value of destructive embryo research is to be weighted from a moral point of view, in comparison to the negative value or disvalue of destroying embryos.

And further—

The harvesting and use of adult stem cells for biomedical purposes, however, avoids some of the ethically and biomedically problematic features of using embryonic stem cells. For a start, harvesting adult stem cells does not involve the destruction of embryos. The extent to which that is an advantage will depend on the extent to which the destruction turns out to be a bad thing, and this will be taken up shortly. Tissues grown from adult stem cells will be immunologically compatible with the person from whom the stem cells are harvested.

I wish to come back to these issues later on so I might not expand on them now. But we know that there are some difficulties with regard to the isolation of embryo stem cells in that they might be incompatible with certain people; we are not taking something from our own body that has been therapeutically cloned and putting it back into our own body. For example, there are issues with respect to rejection, and those are matters that I will touch on in a little while.

As I said a moment ago, human cloning is prohibited in the bill. It is something that I could not possibly support and, as I said, I think to a person members in this parliament would not be able to support it. It is also interesting to note that other regimes around the world have allowed therapeutic cloning, which is basically taking some of a person's DNA, inserting it into an egg, and using it for therapeutic purposes, such as the harvesting of embryonic stem cells that may be compatible with that person. There are opportunities to do that in other places around the world. This bill does not allow that to happen, and I am happy with that. The point that I was trying to make is that the United Kingdom and Italy have allowed that.

**Mrs Edmond:** Some of the European countries.

**Mr SPRINGBORG:** Yes, Italy and the United Kingdom have allowed that to occur. That will give those countries an advantage to the extent that it will enable them to be able to isolate potentially embryonic stem cells that are compatible with the person that the DNA came from, which has created that cloned embryo. Once again, that is a value judgment. We are not allowing that to happen with this bill. If this bill is passed, with the strict regulatory regime that we will put in place for research into human embryonic stem cells, certainly there will be some limitation on the capacity of those human embryonic stem cells to be able to provide a therapeutic benefit to the person who may have the disease, illness or ailment that, hopefully, is going to be addressed by that research. So cloning is prohibited by this bill.



I have already referred to the research, but I would like to now come to the matter of stem cells and the way in which I personally view them. We have adult stem cells and we have embryonic stem cells. When I was at the biotechnology conference in Toronto last year as a guest of the Premier—and I was there with the honourable member for Robina, the honourable member for Lockyer and the Minister for Innovation and Information Economy—I attended one of the workshop sessions. The person who gave us the lecture started talking about the use of stem cells and other cells derived from aborted fetuses. I started to think to myself, 'We are having this moral debate in Queensland about whether we would use embryonic stem cells, yet in some places the debate has moved significantly beyond that.' I sat there thinking, 'I feel a bit uncomfortable with this.' I am comfortable with what we are looking at doing in Australia. All I am saying is that where other countries around the world are up to is quite significant compared to where—

**Mrs Edmond:** They've gone a lot further.

**Mr SPRINGBORG:** The minister is absolutely right. That is what we have to consider when we are debating this bill. We have to be careful that we are not left behind in our capacity to offer a therapeutic advantage by way of addressing illnesses, diseases and injuries and that we do not lose our brilliant researchers in this country to overseas where they have a regulated environment and, in some cases, a regulated environment that allows far more than what we are planning to allow in this legislation. So as we debate this bill, honourable members need to realise that, whilst we may be personally uncomfortable with this brave new world that we are stepping into, what we are doing through this bill is very restrictive compared to what other places around the world allow. That cannot be argued against. This bill is very restrictive compared to what is allowed in other places. But the bill seeks to acknowledge that it is an issue that we have to face up to. It is far better that we have a regulated environment than an environment where there is no regulation whatsoever, that we actually deal with the moral issues and we try to make those value judgments and incorporate them in legislation, as difficult as that may be. I think that a failure to do that leaves us behind. It opens us up to the possibility of court challenges, it opens us up to the possibility of having something unregulated manifesting itself, particularly if one state is acting alone and the other states in Australia and in the Commonwealth have put in place a regulatory regime. I think that we would be doing a disservice to our researchers, to future generations and the current generation if we were not prepared to support what the government has put forward in this bill.

Over the past year or so, I have tried to follow the debate on the use of adult stem cells compared to the use of embryonic stem cells. It can be a very difficult subject, because it depends on which expert or researcher I listen to. People of enormous experience, expertise and scientific standing have varying views. I have spoken to a person from the Queensland Institute of Medical Research, which is a pre-eminent medical research organisation, who has serious concerns about allowing research on embryonic stem cells. But the point is that that person from the institute, who is far more knowledgeable, experienced and learned than I on this issue, has expressed that particular view. So when a person who has done good work says that, I think, 'They must have that view for a particular reason.' But somebody equally as qualified has a different view.

**Mrs Edmond** interjected.

**Mr SPRINGBORG:** That is right. Is that person's view wrong? It is a value judgment. This issue is like the law: somebody will say this and somebody will say something else. When we take away what is possible in research terms and we distil the essence of people in the community at large, regardless of whether people are involved in research or not, their own moral value judgments underpin the way in which they form their views.

I have tried to understand the argument and I have tried to understand the use of adult stem cells versus embryonic stem cells. From the research that I have seen, I know that adult stem cells certainly offer some hope. I have also read published research about what adult stem cells have been able to do with regard to regenerating damaged tissue, potentially creating muscle tissue and other types of tissue. By their very nature, adult stem cells are a little bit more difficult to harvest. They are harvested from bone marrow, the gut and from fat tissue and are then isolated. Adult stem cells are far more stable than embryonic stem cells. They are more limited in how they manifest themselves compared to embryonic stem cells, but there is no problem with rejection. Needless to say, by using adult stem cells there is not the moral argument that comes

with the use of embryonic stem cells, which involves the destruction of an embryo, which many people argue is the start of a human life.

In terms of the use of embryonic stem cells—and once again I have tried to follow the debate on this issue and I have listened to what people have to say—I know that they are easier to isolate. Those stem cells can differentiate into so many different things. If embryonic stem cells are not compatible with a person, that person can experience rejection problems. So it is not just a matter of isolating adult stem cells from a person and then implanting them to repair damaged tissue or an organ. With embryonic stem cells, a large bank of isolated stem cells that are compatible with a person's tissue type are needed so that they could be implanted without any consequential rejection problems. Embryonic stem cells are easier to isolate, they can differentiate into more things, but they are far more radical than adult stem cells. Basically, they can turn themselves into anything. I have heard it quoted that some people carried out preliminary clinical trials with embryonic stem cells on a lady who had Parkinson's disease—or Alzheimer's disease. The cells were implanted in the lady's brain and they turned into hair and a tumour—and all of those sorts of things. In a moment I will relay to the House a circumstance where I challenged somebody on that and gained a greater understanding.

Last year I was at the Christopher Reeve Centre at Irvine just south of Los Angeles. This is a research centre which has been established to primarily address spinal cord injuries—that is, injuries to the spinal column which happened as a consequence of somebody having an accident or whatever the case may be—and Christopher Reeve was formerly of the *Superman* series. I went to that centre because I had heard that it was doing some very interesting and fascinating work. I spoke to the doctor who was in charge of the overall centre and quite simply said that we were having a debate in Australia in relation to embryonic versus adult stem cells. I asked her to tell me what she thought in a way which was generally unbiased. I asked her what she thought we should do. She said that the reality is that at this stage we do not know enough about either to close the door on one or the other. That is what convinced me—that is, we do not know enough about either to close the door on one or the other. That is what really sold it for me. She was not being radical. She was not preferring one over the other. She simply went on to say that adult stem cells may be the answer, but we do not know enough. Embryonic stem cells may be the answer and they may fill the void for what adults stem cells cannot address in a therapeutic way.

That is what absolutely sold me. I thought that that made a lot of sense. I do not want to be involved in any process which closes the door to an opportunity to provide somebody with a better quality of life. I did not want to let my own ignorance—and I am not saying that people who are going to vote differently to me on this matter are ignorant, do not get me wrong; that is not the case, because they are very well researched—and my own capacity or incapacity to get my mind around this issue lead me to say that, no, I want to close the door because I do not understand enough. Put simply, after a researcher who seemed to be straight up and down said that we just do not know enough is what sold it for me. I went on to ask her about cases where in some early clinical trials embryonic stem cells have been implanted in a patient and they have gone on to become something more rampant and caused problems in that patient. She quoted a case where embryonic stem cells developed into a tumour or hair growth or whatever. She said that that happens because they are so rampant and so random in what they can become.

**Mrs Edmond:** They are undirected.

**Mr SPRINGBORG:** That is right; it was undirected. That is the absolute point—that is, if one directs an embryonic stem cell—

**Mrs Edmond** interjected.

**Mr SPRINGBORG:** That is right. As the minister rightly says, that is what a tumour basically is. It is a part of one's own body which becomes rampant and uncontrolled. There are all sorts of possibilities for things that happen in the human body. The doctor in charge of that centre said that if we direct those human embryonic stem cells in a particular way they will go and become that. If we want them to become a blood vessel, a particular piece of organ tissue, brain tissue, muscle tissue, skin tissue or whatever it may be, they are more difficult to direct than adult stem cells because they are more random but that result can be achieved either chemically or electrically. So they can be directed. If they are undirected they can go on to become a whole range of things that we do not want them to be, but if they are directed they can be very stable and very beneficial and can become something which will provide significant benefit to a person who has a major disease, illness or injury.

That to me was very important. Seeing some of the preclinical work and clinical work they are starting at the Christopher Reeve Centre with regards to spinal cord rehabilitation and repair was very encouraging to me. Not all of that dealt with stem cells. Some of it dealt with the way that the human spinal cord was treated after an accident. What happens is that, once the human spinal cord has been injured, it shrinks and has no capacity to repair itself. It basically shuts down and shrinks away. I always thought that people with a spinal injury with paraplegia or quadriplegia had their spinal cords severed. They do not. What generally happens is that they suffer an impact to the spinal cord, it becomes bruised and it deteriorates. There might be a nice long consistent spinal column, but at that impact point it shrinks and is unable to do the job.

The centre was also isolating compounds which have the capacity, if administered early, to assist the spinal column so that it does not have the same level of injury that it would otherwise have, and was looking at other ways of effective regeneration inclusive of stem cells. So there was some hope. I note that a report in the press recently suggested that on our very own doorstep some great work is being done with regards to nasal tissue and spinal cord regeneration. We have some fantastic stuff happening here. So it may be that there is other technology that goes over the top, but the point is that we have to have so many irons in the fire as we go.

**Mrs Edmond** interjected.

**Mr SPRINGBORG:** We cannot predict. As I move around my electorate and Queensland at large I respect the different views that people have for whatever reason, but overwhelmingly what I am finding is that people, even those who come from a fairly strong faith background, see the issue of providing quality of life to people with injuries or who suffer diseases, some of which are hereditary, as of paramount consideration with regards to research on possible therapeutic ways to provide quality of life for them potentially in their old age, for their children and for their future generations. That is something which we have to consider as paramount when dealing with this issue.

The Commonwealth government, as I understand this legislation—and this legislation reflects it—has ruled that the embryos which are to be used have to have been created prior to 5 April 2002. There is a prohibition on the use for embryonic stem cell research purposes for embryos which were created after 5 April 2002 and until 5 April 2005. That is only to enable the opportunity for a regulatory regime to come into being to look after anything created post-2002 or what might happen down the track. I would be very concerned and would oppose absolutely any moves to create embryos for research purposes alone. There is no way on earth that I would be able to support that. I just do not think I could support that in good conscience, and this bill prohibits that. This bill does not allow that. This bill is restrictive. It is, I think, good regulation.

The other important issue we need to remember as we are making judgments and deciding on this issue is that we are dealing with surplus embryos which have been created as a consequence of assisted reproductive technology, or ART. The release of those embryos for stem cell research purposes can happen only with the consent of the donor parents. If a man and a woman who have had these embryos created for fertility purposes do not wish surplus embryos to be used in any way for this technology, then they cannot be. This can happen only with the consent of the donor parents. They are, I think, crucial issues. We are not forcing anyone to give over their surplus embryos. I do not know how many embryos are going to be made available for this research purpose. It may be several dozen. It may be several hundred. It may be several thousand. I do not know. But, as I understand it, there is something like 70,000 embryos currently in storage around Australia. Some of those will be used for fertility purposes. Many of them will not be. Many of them will be implanted in a woman and many of them will not take. Some of them will take. Some of them will take in multiples. That is what happens with regards to the implantation of these embryos.

Those embryos expire after a period of time. They do not sit in cold storage in liquid nitrogen forever. After a period of time they are allowed to expire. Something which has been created will expire and the argument simply is that if they are going to expire then we should allow them to be used for research purposes to advance quality of life and so we can receive all of the consequential benefits that can potentially come from that. To me, it makes sense to make them available.

Then there is the argument that by doing that we are fast-tracking the expiry by destroying it, by cutting it up or by isolating the stem cells, rather than letting it expire. If the embryos are going to expire and will not survive, then to me there is no conscience argument about then using them

for research purposes, because the end is exactly the same. But I respect those who have a different view, that is, sometimes you let things happen rather than get involved in speeding up the process.

This comes back to when one believes human life actually starts. We need to be very careful. I do not want to go into it, but the abortion debate goes to at what stage human life begins. That is an issue everyone has to decide in their own minds. An embryo at those early stages of division—not too advanced—I can live with. It does not have a central nervous system. I know that we can argue that it is the start of human life and so on, but that embryo is going to expire so it may as well be put to use, with the consent of the donor parents, to try to advance human quality of life.

Therapeutic cloning involves taking an egg and isolating cells from your body, or DNA, and cloning something for therapeutic purposes—an embryo that can have the stem cells isolated for purposes of implantation to assist someone to overcome a disease or injury. If you are to be randomly trying to build a bank of embryonic stem cells and do not have therapeutic cloning, which I am opposed to, it will be more difficult, because of the number required to isolate the embryonic stem cells which will give the necessary therapeutic benefit. That is something we have to face up to. The questions we need to ask are: what do we know about them, what can we do with them, how can we overcome some of the rejection issues and how can we isolate particular embryonic stem cells which will be advantageous to various people? They are questions our researchers will have to deal with.

None of those concerns pose a conscience problem that would cause me to vote against the bill to enable limited and regulated research on embryonic stem cells. I know that some people out there in the research world say, 'Why don't we wait and see what happens in other places around the world? Why don't we look at stem cells from animals? Why don't we isolate embryonic stem cells from mice or rats?' I think here we are trying to keep up with the game but not lead the game—that we have something which is cautious but which allows us to go somewhere we want to go.

The simple reality is that this is about providing future hope to people who have an injury or disease. That disease may be hereditary or degenerative. It is about trying to give people quality of life. If we will be living longer—we are living longer—then these are matters that we have to face up to and address. When I was in primary school, the average male lifespan was 68 and the average female lifespan was 72. It is now something like 81 for women and 72 for men. There is a significant gap between men and women that keeps getting wider, but those figures prove that men and women are living longer. If we live longer, then there will be a greater risk of illness or disease which will affect quality of life. If we concede that we need to ensure people have quality of life for longer, then we need research into these types of technologies.

This research seeks to ensure quality of life for our ageing population and also to ensure that people who have quite significant injuries, illnesses or diseases—they may be younger and have not been able to contribute as much as they would like; they may have a spinal injury, an eye injury or whatever—can go on to be even more productive members of our community and have a quality of life they want.

This is all about quality of life issues and about keeping the door open until we work out whether adult stem cells are going to be better than embryonic stem cells or vice versa or whether a combination of both will give us what we need in the future. The olfactory tissue being used in the research at Griffith is providing a lot of hope, but it is vitally important that we have this regulatory regime which enables this research to happen. It is also vitally important that we take the strong stance that we will not in any way consent to the cloning of human beings. I will be supporting both bills currently being debated before this parliament.

**Mr NEIL ROBERTS** (Nudgee—ALP) (4.47 p.m.): At the outset, I welcome the decision to split the original bill. Research involving human embryos and the prohibition of human cloning are issues which bring into play different moral and ethical dilemmas, and in my view it was important that they be dealt with in separate bills. I thank the Premier and the minister for initiating this course of action.

The Commonwealth has already passed legislation which mirrors the issues covered by the two bills before us today. In whatever form it finally takes, it is important and necessary for the Queensland parliament to consider complementary legislation to cover the research activities of

entities such as state government agencies, universities and individuals who are not caught by the federal law.

There is almost universal support for the banning of human cloning. The bill proposes a maximum penalty of 15 years imprisonment for a person who creates a human embryo clone. It also proposes a 15-year sentence for any person who intentionally places a human embryo clone in the body of a human or an animal. The bill is straightforward, to the point and achieves its objective in an effective and comprehensive way. I see no need to canvass the issue in any more detail and simply indicate at the outset that I will be supporting the Prohibition of Human Cloning Bill.

I turn now to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill. In its booklet *Human embryos: A limitless scientific resource?* the South Australian based Southern Cross Bioethics Institute concludes its argument against embryonic stem cell research by saying—

The parliament is being asked to cross an ethical line which it has no moral right to cross. And if it does cross that line, it will have committed itself to an inhuman series of events from which it will prove difficult to turn back.

Implicit within these comments is the notion of incremental advancement towards a particular objective. That is, once we take that first step on the so-called slippery path of research using human embryos, there is no turning back.

Whereas I accept that incremental advancement can be a means by which a policy agenda can be prosecuted, the one factor that comforts me in areas where significant moral and ethical issues are concerned is the complete confidence I have in humanity to draw the so-called line in the sand and, if required, to retreat from that position should the boundaries of acceptable behaviour be stretched too far. As someone who has a direct interest in these matters because of his medical condition recently said to me, 'Taking one step down a path doesn't mean you have to walk to the end.' It is on this basis that I have evaluated the considerable moral and ethical issues associated with embryonic stem cell research. Stem cell research is widely publicised as an important and exciting field which has the potential to lead to the development of life-saving therapies for many debilitating and life-threatening conditions. I agree with this proposition and look forward with some anticipation to the benefits that will hopefully flow to the community.

Whereas most people support the continuance of adult stem cell research, many have serious moral and ethical concerns about research involving human embryos. There is plenty of evidence to justify the commitment of considerable resources to adult stem cell research. Spectacular therapies and treatments are already available as a result of important discoveries in this field. On the other hand, embryonic stem cell research is yet to demonstrate in practical terms its usefulness and potential. The question is whether we should cross the moral and ethical boundaries to allow research which may lead to discoveries which provide similar or better opportunities to save or improve the quality of human life.

Given that the federal parliament has already passed legislation identical to that before this House, it is also important to consider the implications of not passing these bills or passing them in amended form. Having no state legislation to regulate research in areas which are not caught by federal law is an untenable position which cannot be allowed. The consequence would be a research environment without appropriate boundaries and penalties for unacceptable excesses which have no regard to community standards or concerns.

The Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill proposes that research which ultimately terminates the life chances of an embryo should be allowed on a blastocyst or, in other words, an embryo in its early stage of development which has been developed outside the body of a woman up to a maximum period of 14 days. At the maximum period of 14 days, the size of a cell structure of a blastocyst is somewhere between 0.1 and 0.2 millimetres. It is important to note that any blastocyst or embryo used for such purposes has not and will not be implanted in the uterus of a woman. Consequently, the blastocyst to be used for research purposes is not capable of progressing to become a viable embryo or foetus.

It is also worth noting that at this stage in the natural pregnancy cycle only one in five fertilised eggs actually implant in the uterus and become a viable embryo. There are a number of examples where the law permits or does not preclude direct intervention in the pregnancy cycle. Many of these interventions actively prevent or terminate what otherwise would progress on to become a viable human embryo.

Contraceptive methods range from physically preventing a sperm from reaching an ovulated egg to chemically preventing a fertilised egg from implanting itself in a woman's uterus. Assisted reproductive technologies, IVF being the best recognised, involve the creation of blastocysts with the intention of using some or all for implantation in a woman. Those that are not used are, in the main, allowed to succumb or die by natural means.

If it is accepted that there should never be any interference in any stage of the pregnancy cycle, one would have to oppose this bill. Using the same logic, opposition would also have to be expressed to all or some forms of contraception, particularly those that rely upon synthetic hormones to make the uterus less suitable to receive a fertilised egg. Assisted reproductive technologies would also have to be opposed because embryos which were originally created for the purposes of establishing a pregnancy are destroyed on the basis that they are no longer required.

As stated earlier, this bill allows the extraction of stem cells from a blastocyst or embryo which has been developed outside the human body for a period not exceeding 14 days. Consent for using the embryo for research purposes must also be given by each person directly contributing to its creation. Such blastocyst will never be implanted in a woman and, consequently, can and never will develop into a viable embryo.

Stem cells would normally be extracted from a blastocyst just a few days after an egg has been fertilised. Research using excess embryos at this stage of their development is already an option in the assisted reproductive technology field. It is not uncommon for couples involved in the IVF process to have excess embryos in storage. At the conclusion of their treatment, couples are currently provided with the choice of either donating their embryos to another couple, requesting the ART clinic to thaw them out and let them die or, alternatively, donating them for research purposes.

I support the appropriate and continued use of assisted reproductive technologies and, as discussed earlier, contraception devices and pills. Whereas the implications of embryonic stem cell research are far more significant, I believe that similar moral and ethical issues also arise with those technologies, which I accept as appropriate for use in the community.

I am comforted by the fact that this bill contains some very stringent parameters within which embryonic stem cell research must be undertaken. Serious consequences await those who breach these boundaries. A person commits an offence with a maximum penalty of 10 years imprisonment if the person intentionally develops a human embryo outside the body of a woman for a period of more than 14 days. To prevent the deliberate creation of embryos for research purposes, the bill proposes that an offence is committed if a person intentionally creates a human embryo outside the body of a woman, unless the person's intention is to attempt to achieve a pregnancy in a particular woman.

It is also an offence to remove a human embryo from the body of a woman with the intention of collecting a viable human embryo. There are also very strict protocols that must be complied with should a licence to conduct research be granted by the National Health and Medical Research Council Licensing Committee. This committee will scrutinise all applications to use excess assisted reproductive technology embryos to ensure that the use is fully justified and that the embryo has been donated for such purposes with the informed consent of the donors.

The committee will give approval only on a case-by-case basis. Applicants will have to show that there is a likelihood of significant advances in the knowledge or improvement in technologies for treatment as a result of the proposed research and that it could not reasonably be achieved by other means. Donors will be able to specify research restrictions on the use of their embryos. The bill also proposes strict monitoring and inspection arrangements to ensure the integrity of the research regime established by the bill.

Another factor which has influenced my position on this bill is the need to have a nationally consistent regime governing this research. The federal parliament has already passed bills which mirror the two bills currently before this House. As the Premier said in his second reading speech, the passing of complementary legislation in Queensland will ensure 'there are no loopholes for practices universally considered abhorrent and unacceptable'.

This legislation is consistent with and meets the requirements of the agreement reached at the Council of Australian Governments' meeting on 5 April 2002. COAG has agreed that this legislation would be reviewed in three years—in our case, in a little over two years time—to take into account matters such as developments in technology, the potential therapeutic uses for such

technology, any changes in community standards and the applicability of establishing a national stem cell bank.

On the basis of the rigorous regulatory environment that will be established for research involving the use of excess assisted reproductive technology embryos and the potential for discovery of life-saving and life-enhancing therapies, I have decided to support the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill. Despite my support for this bill, I remain sceptical about the perceived benefits that will arise from embryonic stem cell research. On the material I have read, there is a large gap between the theoretical and practical applications of embryonic stem cell therapies. I am, however, willing to give it a chance.

Accordingly, I give no commitments to support further legislation which may seek to broaden the boundaries within which this research may be undertaken, nor do I give any commitment to support any proposed therapies that may arise. When and if such proposals arise, I will evaluate each one on its merits and within the moral and ethical framework that I am comfortable with. The onus now is on the scientific community to produce the evidence, to the satisfaction of the community and ultimately to the parliament, that extension to the proposed regulatory regime established by this bill is justified. I support both the Prohibition of Human Cloning Bill and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill.

**Mr WELLINGTON** (Nicklin—Ind) (5.00 p.m.): I rise to participate in the debate on the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003. At the outset I thank the Premier and his government for agreeing to divide this bill and allow government members to have a conscience vote on this bill. I note that the objects of these two bills, as indicated in the explanatory notes, are to address ethical and safety concerns about scientific developments associated with reproductive technology by prohibiting human cloning; prohibiting certain other practices associated with reproductive technology; and regulating the use of excess assisted reproductive technology—ART—embryos for research and other activities.

I also note that the Premier has advised that these two bills form part of national scheme legislation which reflects the decisions made at the meeting of the Council of Australian Governments in April 2002 to ban human cloning and certain practices involving reproductive technology that raise safety and ethical concerns. In the Premier's second reading speech, he also stated that the bill addresses the commitment by the Council of Australian Governments to a nationally consistent approach to regulate research involving human embryos, such as embryonic stem cell research, which has the potential to prevent or cure disease and save lives.

This is not the first time we have seen bills introduced into our parliament as a result of agreements reached between ministers and Premiers at forums and meetings of other state and federal Ministers. My questions to the Premier are: who from his government attended the Council of Australian Governments meeting last year? How did the minister determine what this government's view on this matter would be during the discussions at the meeting? What commitments did his minister give to introduce consistent legislation in Queensland before his government discussed this matter with Queenslanders? Is the commitment given at the Australian Government representatives meeting binding on the state government? What was the process followed in this instance in the lead-up to the meeting, at the meeting and after the meeting?

Since the introduction of the Cloning of Humans (Prohibition) Bill on 27 November 2001 and the introduction on 25 February 2003 of these two bills currently before us, I have not received very many submissions from members of the community. One letter I have received is from Peter Fry of Mitchell and he says—

I am writing to you regarding the Embryonic Stem Cell Bill which I understand is to be tabled today. I understand this could possibly be a conscience vote. If so, I urge you to think long and hard what the thoughts of the voters who elected you would want. In my opinion a conscience vote should reflect the feelings of the electorate and not the personal feelings of the elected member. It is the duty of the elected member to ensure this happens. I would be interested to hear which way you will vote on this issue. I am a C5/6 quadriplegic and a strong supporter of ESC research. I am interested to know whether the ban on human cloning would include banning somatic cell Nuclear transfer (therapeutic cloning)? I feel this somatic nuclear cell transfer/therapeutic cloning could be an important part of this research process. I hope this debate does not get sidetracked by business and minority interest issues as happened in federal parliament. Unfortunately many people (this includes doctors and some scientists) base their feelings on this issue on science fiction without being aware of the available scientific data. It was with despair I read some of the claims and various shadings of the truth that were presented to the Senate inquiry. Embryonic stem cells have great potential, but unfortunately ESCs sourced from discarded IVF embryos will require tissue matching and immune suppression drugs to be used. Somatic cell nuclear transfer derived embryos will match the recipient's tissues, thereby removing the problem of rejection.

I am a C5/6 quadriplegic who runs a 20,000 acre grazing enterprise south of Mitchell. Before they vote I beg any parliamentarians who cannot vote in favour of this type of research going ahead to visit a spinal injuries unit and look closely at the quality of life the patients there are sentenced to. Watch the people who have to have someone else blow their nose for them. Ask about the indignity and invasion of basic personal privacy these people undergo daily as their bowel and bladder program is carried out, often by a stranger. Then go and see a parent who has a child suffering from multiple sclerosis, spina bifida or Down's syndrome. Ask them if they see any problem with embryos from an IVF which are going to be discarded being used in research which has the potential to give their child a normal, active, long life.

Ring me and ask how much I long to be able to pick up my three children and hug them, to be able to run and play normally with them. These embryos are going to be discarded, they will then die. Surely there is no difference between a kidney or heart transplant from a victim of a car accident and using these as yet unformed humans to better the lives of breathing, thinking people. This research may not produce any results, but unless we try we will never know.

God gave man the ability to think critically ... and to develop knowledge. Our duty as Christians is to be good stewards of this knowledge. This means that we must not deny the ethical and moral issues that accompany such knowledge. As such, Christians are required to seek and find principled solutions that protect all interests.

I believe ethical, moral and principled stem cell research is part of that mandate. Please carefully consider what the potential of this research could mean to myself, and many other people living in a personal hell that many of these injuries and diseases impose. I am willing to hear from any elected members (or the public) who wish to question me or justify their opposition to my views and hope that if I meet any of you in the not too distant future I will be a living testimony to advances in modern medical science.

I have also received two letters against the bill, one from Mrs Jenny Stokes, who I note is from Victoria, as follows—

Dear member, we urge you to vote against the use of any form of human cloning when the Queensland Legislative Assembly debates the cloning and stem cell research legislation next week. We also urge you to vote against allowing any research using embryos. Please consider these points:

When stem cells are extracted from an embryo, the embryo is killed. An embryo is a living human being. At conception the DNA for a new human life is formed. There is no research showing any successful treatments using embryonic stem cells. Adult stem cells are already being used successfully to treat illness. They have no rejection problems and no ethical problems since the patient's own tissue is used to obtain the stem cells. For all the research on adult stem cells, see [www.stemcellresearch.org](http://www.stemcellresearch.org). Please vote against cloning and embryonic stem cell research.

And a pro forma letter from the Queensland Coordinators for Right to Life Australia, Graham and Liz Preston, states—

On behalf of our supporters, we would add our voices to the growing demand to have the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 split into two bills. It is very hypocritical for there to be a conscience vote when, with the bill in its present form, it will be impossible for many members to truly exercise their conscience. Many members rightly want to vote to ban all human cloning but they also want to vote against human embryos being allowed to be destructively used. Unless the bill is split they cannot do this. We would urge you to support the move to have the bill split.

I am pleased, as I have already indicated, that the Premier has agreed to this. The letter continues—

If the attempt to split the bill fails, we would urge you to vote against the whole bill. Human lives—even very young ones—must not be immorally used as a means to an end.

I note that clause 2(2) provides that certain provisions of the bill are due to commence on 5 April 2005 or 'if the Council of Australian Governments declares an earlier day by notice in the gazette'. This clause raises a very important issue and that involves the appropriateness of providing that the commencement of a Queensland act of parliament is dependent upon a decision made by a committee other than our parliament or the Governor or the Governor in Council. My question to the Premier is: what power does the Council of Australian Governments have and what happens if a future Queensland government changes its mind and no longer agrees to the national scheme legislation?

I note that this bill is broader than the previous one. As well as reintroducing the earlier bill's ban on human cloning, it also bans a range of other unacceptable practices associated with reproductive technology. This bill also establishes a national regulatory framework for the use of excess assisted reproductive technology embryos. For the benefit of members, I will now read some of the letters I received in relation to the previous bill which has been encompassed in this bill. Mr John Gary Duffy of Palmwoods wrote—

I am contacting you to implore that you do not vote for the Cloning of Humans (Prohibition) Bill 2001.

There are numerous ethical and moral dilemmas that would be left unsolved by the endorsing of this proposed legislation.

This legislation would ethically ban the use of 'reproductive cloning'.



Unfortunately, it does not address the issues related to stem-cell research or the so-called 'therapeutic' cloning research.

Fundamental to this proposed legislation, is the controversial feature that human embryos will NOT be considered as human, and consequently, not subject to the ban on human cloning.

Additionally, the Bill prohibits the implanting of human embryos formed by cloning. This means that human lives are intended for destructive experiments, potentially up to 8 weeks of life.

Mr Wellington, please vote AGAINST this Bill.

**P. and L. K. Tyrrell of Mapleton wrote—**

We are writing re The Cloning of Humans (Prohibition) Bill 2001, introduced into the Queensland Parliament.

This bill attempts to ban 'reproductive cloning' but not 'therapeutic cloning', hence human embryos will not be allowed to live as the bill prohibits the implantation of any human embryo formed by cloning.

We urge you to vote against this bill— and have it replaced by a bill that prohibits all human cloning.

I have also received a detailed letter from the Queensland Right to Life Association dated 7 March 2003, a copy of which I accordingly table for the benefit of the Premier and all members.

I note also that clause 40 of the bill provides a mechanism for a person to apply to the Commonwealth Administrative Appeals Tribunal for review of certain decisions. In other words, this bill will give the Commonwealth Administrative Appeals Tribunal jurisdiction in relation to matters within Queensland jurisdiction. Clause 40 goes on to provide that the review only applies 'if the decision is declared by the regulations made under the Commonwealth Act to be a reviewable State decision for the purposes of section 45 of that Act'. So it appears to me that what we have here is a review process established under clause 40 of this bill which is dependent upon the making of a Commonwealth regulation. I ask the Premier: how long will he wait for this prepared Commonwealth regulation to be prepared? If it does not happen, what review process does his government propose as an alternative? At this stage, I indicate that I do support the intent of both of these bills and I await the Premier's response to my questions and to other members' questions before deciding how I will vote on the individual clauses and/or proposed amendments.

**Mr McNAMARA** (Hervey Bay—ALP) (5.12 p.m.): I rise to support both of the bills before the House. As I think that all honourable members are supporting the bill to prohibit human cloning and other unacceptable practices, including the creation of hybrid embryos and commercial trading in human reproductive material, I do not propose to say a great deal about that bill. However, I welcome the imposition of criminal sanctions by way of a maximum term of imprisonment of 15 years for the offence of creating a human embryo clone. I support the Prohibition of Human Cloning Bill.

I will also be supporting the bill to regulate certain activities involving the use of human embryos. The bill mirrors the Commonwealth legislation passed last year, and it is vital that we have a consistent national regime of regulation regarding the use of excess reproductive technology embryos. This bill requires the consent of donors for any research using excess embryos and allows donors to specify research restrictions on the use of their embryos. The bill also establishes a licensing committee to scrutinise applications to use excess assisted reproductive technology embryos. It prohibits the creation of any embryos for research. This bill will not result in the creation of any extra embryos beyond those which are available due to the normal assisted reproductive technology process, and nor will it allow for the destruction of any embryos that would not be allowed to succumb, by their donors, in any event.

In those circumstances, I support allowing science to continue to search for treatments and cures for diseases such as juvenile diabetes, cystic fibrosis, Parkinson's disease and Alzheimer's. I know that many people in my electorate desperately want cell replacement technology for nerve cells damaged by stroke and heart disease. I cannot shut the door on the possibilities for treatment or cures offered by further research using embryo stem cells. I believe the safeguards put in place by this bill are sufficient at this time. I welcome the commitment to review the legislation in three years. The reality is that medical technology moves very quickly and legislation has to change to reflect that. I welcome the parliament reviewing the matter in due course.

I know that a significant number of people will take a different view in relation to this bill. But for me as a member of parliament if I can play a part in relieving human suffering by allowing even for the possibility of research to find cures and treatments for so many terrible diseases, I believe I should do so. My conscience says support the bill, and that is what I will be doing.

**Mr SEENEY** (Callide—NPA) (Deputy Leader of the Opposition) (5.15 p.m.): I rise to participate in this cognate debate on the Prohibition of Human Cloning Bill and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. As many speakers have indicated already in this debate, this is a subject that causes a great deal of division within the community. Certainly, that is the case within my electorate. All honourable members have been lobbied by different sides of the argument. That certainly is the case for me as the member for Callide.

I think the important thing in this debate is for us all, both as a parliament and as a society and community, to be able to tolerate the wide range of views that people genuinely hold about the subjects encompassed within this legislation. I welcome the fact that within this parliament there will be a conscience vote by I think all parties represented. In that respect, it is important to put on the record that the views that I hold and the views that will influence the way that I vote on the legislation are mine alone and are certainly not representative in any way of the party that I represent in this place. There will be a conscience vote and I will vote according to my conscience on this legislation. I have no doubt that there will be people within my electorate, as there will be within all of our electorates, who will both agree and disagree with the position that we as individual members take.

It is obvious that the first of the bills, the Prohibition of Human Cloning Bill, will receive the unanimous support of this House. That is the way it should be. I would suggest that there is very little value in my going over the issues encompassed in that bill. In just about all jurisdictions of which I am aware the issues canvassed in that Prohibition of Human Cloning Bill are widely accepted and are part of the regulatory response that has been made by parliaments and law-making bodies such as this right across the world, and that is the way it should be. No-one would suggest that the things this bill prohibits should be part and parcel of a civilised society. In that regard, I am pleased that the bill has been split to allow the two elements of the issue to be considered separately. I certainly will be supporting the Prohibition of Human Cloning Bill. I expect from the comments that have already been made in this House and in the days running up to this debate that I will be joined by every honourable member in doing that.

The second bill, the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, raises a number of very deep moral and ethical questions. It raises questions about the use of already created embryos rather than allowing the creation of embryos for the purpose of research. This bill deals with allowing embryos that have already been created to be used for research purposes.

To a very great extent, I believe that the approach that an individual takes to this issue depends very much on the almost age-old question of when they believe life begins. That is a question that I do not think has a simple answer. If there was a simple answer, it would have been decided a long time ago. That question of when life begins is one that I can remember debating extensively when I first became involved in the process of debating it at high school and in my very early political days. For as long as I can remember, it has been debated in almost every forum that undertakes debating for whatever purpose. Wherever people come together to discuss ideas, this is one of the great conundrums that we never seem to be able to resolve but always debate.

Where we stand on our approach to this issue is dependent upon the approach that we take to that question of when life begins. There are a number of well-put and well-established points of view on that question. On the one hand, some people believe that life begins at that moment of conception. On the other hand, other people believe that it is at various stages when an embryo becomes implanted. Other people believe that it is at various stages of development. I take a somewhat different view. I do not believe that there is any one particular point. I do not believe that life starts in the same way in which we switch on a light. It is a view that I have come to over the years as my wife and I have conceived and raised three children. I do not believe that there is any one point where life begins: that we can identify that a second before it was not a life, and a second after it was a life. Life is something that becomes apparent, it develops and there is no one point.

In debating this issue of when life begins, we are searching for something that does not exist. There is no point that, with a drumroll and the sound of trumpets, the light comes on and life suddenly starts. In reality, that does not happen. I think that those of us who have seen life begin in terms of conceiving and raising children should look at it from that point of view. That is certainly the view that I take. Of course, in taking that view, I therefore do not subscribe to the

view that the embryos that are the subject of this legislation before the House today are somehow the equivalent of a human life. I do not believe that a collection of cells outside the human body, with no real chance of developing into a human without some massive intervention, is a viable human.

So the question of using spare embryos for research purposes is certainly not one that I have a great deal of moral difficulty with, simply because, over the years, in my own mind I have come to this point of view about when life begins. That is my individual view. No doubt all of us have an individual view. For me the question is easy. For me, this legislation does not present any great moral difficulties. In fact, I personally subscribe to the view that has been taken by other countries such as Italy and Britain—that so-called therapeutic cloning is also something that we should be pursuing. But this legislation does not go that far. It is probably good that it does not. It is probably good that we as a community and as a society advance with caution in this area, if for no other reason that a great number of people cannot approach this issue with the same ease with which I can as an individual. So although this legislation certainly does not address that issue of therapeutic cloning, it, too, is an issue that I do not really have a lot of difficulty with.

I believe that, even if some people regard those embryos that have been created for the IVF program as life, and hold that moral view, they can still support this legislation. If people regard that group of cells as life that has been created, I cannot settle in my own mind why there is a difference between using that group of cells to advance an individual's life and the organ transplant program that so many of us support. Even if people regard embryos as life, I cannot see any difference between those two situations because, in reality, that embryo cannot survive. It really is going to be wasted. It is certainly not going to develop into a viable human life, because it is an embryo that was created for another purpose and that purpose no longer exists. So in that situation, it is to me very similar to the tragic situation that I know we see in our hospitals where as a result of an accident—or whatever—an individual cannot survive and the decision is taken to use that individual's organs to enhance the life of others. To not do so when we have the technology to do so would be a terrible waste. It would also be a terrible denial of hope and opportunity to so many people who can benefit from that technology.

**Mrs Edmond:** So are you saying you're a donor?

**Mr SEENEY:** Absolutely. More so, I have made sure that all my family are aware of it. It is important that a person's family is aware of that. The organ donor program is a great program, because it is something that we can all do to give hope to others if we are placed in a position where we can no longer survive. In my mind, the same logic applies to the embryos that are the subject of this legislation. As I said, no matter how hard I try, for those people who believe that those embryos constitute human life, I cannot see any difference.

This legislation gives hope to a whole range of people who, unfortunately, at the moment do not have very good lives for a whole range of reasons. Of course, the ultimate would be to use stem cell therapy to assist people who are paraplegics or quadriplegics. That is almost the top of the tree in terms of achievements, it is the top of the tree in what we can hope for.

As well as that, there are a whole range of other conditions that at the moment cannot be cured—things like diabetes and Parkinson's disease—for which this therapy offers a degree of hope. It may not be the ultimate solution for those things, but I do not believe we can deny those people the chance. I do not believe we can deny those people hope. I do not believe that I as a member of this parliament can go back to my electorate and look into the eyes of people whose lives have been ruined by diabetes or ruined by Parkinson's disease or look into the eyes of people who are confined to wheelchairs for the rest of their lives and say that I in this House voted to deny them what may be only a slim ray of hope but is hope for a better life. I cannot and I will not deny those people that hope based on some obscure and convoluted philosophical argument.

There are varying views here. It is important that as we decide these issues we do tolerate each other's views. There are certainly varying views within the National Party and there are varying views within every group of people. It is important that we decide this, but it is important that we decide it in a tolerant and understanding way. I believe that from what I have heard and seen of the debate in this parliament already on this issue we will be able to achieve that. I will be voting in support of both of these pieces of legislation.

**Mr BRISKEY** (Cleveland—ALP) (5.31 p.m.): I rise to speak in support of both bills before the House and I do this after thinking very long and very hard, as I am sure every member of this

House has. At the outset I place on record my vehement opposition to reproductive cloning or human cloning and welcome the provisions of the bill which seek to ban this. I am confident that I am not alone when I say that the thought of human cloning is a truly frightening concept. I know many members intend to expand on their arguments against human cloning. For the most part, our thoughts are on the same wavelength. For this reason, I will concentrate my comments on research involving excess human embryos.

As I said at the outset, I have thought long and hard on this issue. After speaking to people and listening to the debate, I have taken the view that it is all too easy to pass this issue off as an ethical or moral dilemma. I have heard the opposing arguments which rely on everything from the question about when life begins right through to the scaremongering which suggests that despite our efforts to legislate against it this practice will inevitably lead to human cloning. There is no doubt that the issues before us are complex. The debate is vigorous, and it should be. As legislators we need to be thinking long and hard about the implications of what is proposed. However, we also need to think about the implications of where we might be if we do not head down this road.

For many, 'ethics' is merely a word. When it comes to an opportunity to make a decision which could dramatically improve thousands and thousands of lives, I believe we need to look far beyond a word. This issue is much more than an ethical issue; it is a medical one. This legislation provides an enormous opportunity for new and important advancements in medicine. I firmly believe that the potential medical and scientific benefits to be gained from stem cell research are so great that it justifies the use of excess human embryos. One important factor we will inevitably encounter during this debate is the unknown. From a purely legal perspective, I, too, can see some dangers in legislating for an ever-changing and ever-developing area such as medical science. We cannot begin to imagine the future potential of medical science, but is that sufficient reason to deny it the opportunity?

Twenty years ago the advent of IVF technology and 50 years ago organ transplants received the same negative arguments currently put by those opposed to this legislation. I am confident that members will recall the view of the pessimists at the time the first test-tube baby was born. There was outrage. There was certainly anger and there was a prediction that babies would be born in test-tube farms. One million IVF babies later, many of us have come to accept IVF technology as the miracle that has allowed infertile couples to become proud parents, and all of us in this House know friends who have gone through this. But there are no test-tube farms to be seen.

Similarly, the first successful kidney transplant in 1954 was surrounded in controversy. Almost 50 years on and the possibility of reversing a person in an end stage of organ failure is a reality. Who of us here today would advocate that giving medical science the opportunity to explore the possibilities of organ transplants was the wrong decision? We are all entitled to our beliefs, but the question that has to be asked is this: do we as elected members of parliament have the right to deny the facilitation of research which may dramatically improve people's lives or provide a glimmer of hope to those suffering with diseases or illnesses for which cures may be found? As a parent, I cannot. My conscience will not allow it. What this debate calls for is commonsense and compassion.

As parliamentarians we have an obligation to make the hard decisions which will bring about change that will lead to the betterment of our society. For those who oppose the use of embryonic stem cells purely because they do not support the IVF process, I think they need to look beyond their own moral conscience and ask themselves what the community wants and expects of us. Supporting this legislation is about supporting the potential of miracles and giving a glimmer of hope to those who cling to almost none. Surely it is the right of the men and women who access IVF to determine the fate of their excess embryos. They have shown their sanctity in human life by seeking medical assistance in creating a human life. I think it needs to be acknowledged that it is not a decision many couples will take lightly, but it is their decision. In my own mind, throwing away excess embryos is of little benefit to anyone. I cannot see a reason why, with a patient's informed consent, we cannot allow our scientists to use some of those embryos to create stem cells that may help thousands and thousands of people. As a parent I am not willing to let my voice end all certainty about a future for those people.

What about adult stem cells? We use them now. The reality is this: legislating for the use of embryonic research does not make the use of adult stem cells a futile process. In fact, scientists will work together with both embryonic and adult stem cells. The main difference with adult stem

cells is that, while they constantly divide, as embryonic stem cells do, adult stem cells do not have the ability to transform into any one of the 220 different types of cells. In this respect, they are not as powerful as embryonic stem cells. Embryonic stem cells can actually form any tissue of the body and scientists are currently investigating how to direct them to be nerve cells, cardiac muscle cells, pancreatic eyelet cells or virtually any other cell. The potential here is truly amazing. I am certainly not condoning what some have called a free-for-all on embryos. What this legislation will achieve is a regulated industry involving only research that has a solid scientific case or medical benefit. While this decision is ours to make, I firmly believe that it is not for me to deny a child or a child's family a cure for any number of diseases and conditions for which medical research holds the key. As members of parliament, we should want to be the ones who can turn to those who suffer and say, 'We do not know if this research has all the answers you are looking for, but we are not afraid to try.'

**Mr FLYNN** (Lockyer—ONP) (5.39 p.m.): Rarely does a bill before this House create such potential for division, emotional disharmony and some very deep soul searching to come up with the right answer and, more to the point, cogent argument to support one's theories. The issues involved make it totally impossible for me to condemn outright the introduction of these bills by the Premier. He believes, as do others on both sides of this House, that the scientific evidence, if we can call it evidence, is supported by cold, hard facts. I say to the Premier that it is not. If he and others had been in a position to attend a meeting held last night in the annexe with Dr David van Gend, Professor Peter Silburn and Professor Michael Good, they would have been presented with data to ably suggest that scientific support for embryonic research is flawed and riddled with financial conflict of interest and agendas beyond those of providing cures.

It has been demonstrated by an eminent member of the federal parliament that attempts to gain publication of the process involving opposition to the practice of embryonic research using surplus embryos have been unsuccessful. This difficulty has, according to opponents, arisen because of a conflict of professional and personal interest by certain sections of the print media.

I completely understand the motives of the supporters of embryonic research. I have heard some emotional responses here today, but they ignore a number of points. One is that it is generally accepted that to conduct the work proposed by medical people today there are already enough cells of the embryonic nature, without harvesting any more. They will admit themselves that no cures whatsoever, including the bubble effect, have been created using embryonic cells that could not have been created with adult cells, presenting no ethical or religious difficulties.

The bill banning cloning fails to address the issue of therapeutic cloning. Nevertheless, I support that bill generally with the hope that we will revisit this particular aspect in the future.

Part of the licence to practice is based on animal research. No medicines or new procedures are generally approved in this country without some cold, hard data presented as a result of research. A number of eminent practitioners—neuroimmunologists, immunologists, neurobiologists, geneticists, physicists and endocrinologists, to name but a few—say that it is scientifically premature and improper to move to human experimentation at this early stage of research. There is so much to be learned from animal models with no need to use human material. The paper written by these practitioners—it was available for anybody who had been in a position to turn up last night—was a complete revelation to people on both sides of the issue. The paper states in part—

The community has not been properly informed of the scientific difficulties involved in developing ES cell therapies, which include major obstacles of immune rejection and cancer formation.

Time and time again—nine times out of 10—there are rejections and there are tendencies to grow cancers of a virulent nature. The paper goes on—

Research using adult stem cells, by contrast, avoids issues of rejection and cancer formation, and has the clear advantage of being able to use the patient's own cells to repair any deficits.

I seek leave to have the paper incorporated in *Hansard*.

Leave granted.

No scientific imperative for destructive research on human embryos

Open Letter to Queensland Parliament regarding Stem Cell Science

We the undersigned medical researchers submit the following points for the consideration of our elected representatives:

1. While accepting that the debate about destruction of human embryos for research purposes is primarily an ethical one, it is relevant to note that from a purely scientific point of view, arguments claiming the urgent need for embryonic stem cell (ES cell) research are not compelling.
2. Undue expectations have been created in the community, particularly in those with various medical afflictions, as to the imminence and likely scope of ES cell therapy.
3. The community has not been properly informed of the scientific difficulties involved in developing ES cell therapies, which include major obstacles of immune rejection and cancer formation.
4. Research using adult stem cells, by contrast, avoids issues of rejection and cancer formation, and has the clear advantage of being able to use the patient's own cells to repair any deficits.
5. Such research on stem cells derived from adult and placental tissues, which has seen great advances in the last three years, is quite compelling in its clinical promise, and does not involve the destruction of nascent human life.
6. In proper medical research, "proof of concept" must first be established in animal models before moving to human subjects. Such proof using ES cells has not been established in any of the conditions such as Alzheimer's, MS, diabetes and Parkinson's which are so often part of public discussion. Some of the proposed cures are highly unlikely, and others are only potentially viable on a very long time-frame. For example, Alzheimer's disease is a global disorder of the brain and is highly unlikely to be amenable to any form of cell therapy at any time in the future.
7. Therefore it is scientifically premature and improper to move to human experimentation at this early stage of research: there is much to be learned from animal models, with no need to use human material.
8. Consistent with proper research principles, we advise that there be a moratorium on the destructive use of human embryos until, if ever, animal models are able adequately to demonstrate "proof of concept", and human safety issues have been adequately addressed.

Yours sincerely,

Emeritus Professor of Medicine John Martin, Endocrinologist  
 Professor Michael Good, Immunologist  
 Professor Peter Silburn, Neurologist  
 Associate Professor Joanne Shaw, Endocrinologist  
 Professor Peter Rowe, Children's Medical Research Institute  
 Professor Bryan Mowry, Geneticist & Psychiatrist  
 Professor Colin Masters, Neurobiologist  
 Dr Peter McCullach, Developmental Immunologist  
 Professor Michael Pender, Neuroimmunologist

CONTACT TO CONFIRM SIGNATORY DETAILS AND CONTENTS OF LETTER: PROF MICHAEL GOOD, 07-33620222

**Mr FLYNN:** We all oppose the concept of cloning, whether of humans or animals. Our difficulty today is with the use of embryonic cells. The argument is made that these embryos will die anyway. I am not sure that is an argument to support the termination of life. It is a very deep, personal and emotional issue to decide when life has begun. We could probably present evidence here of women who have had early stage natural or unnatural abortions and who have been very severely emotionally affected by that experience because for them it was a life, even at a very early stage. I do have to say that I speak from experience on that through my wife.

**Mrs Edmond:** At 14 days you wouldn't know.

**Mr FLYNN:** I suppose that depends on the person's emotional response to that. We are now talking about an ethical situation, but I can move further than that and say that some women would be affected by the loss of that life even in early pregnancy.

There is reliable data available in relation to adult stem cell research and it has never failed any reasonable test. I totally oppose the embryo and cloning bills based on proven medical evidence, not simply religious and emotional grounds.

**Mr Lucas:** Do you oppose IVF?

**Mr FLYNN:** We are not talking about IVF.

**Mrs LAVARCH** (Kurwongbah—ALP) (5.46 p.m.): At the outset I indicate my support for both the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 and the Prohibition of Human Cloning Bill 2003. The provisions of the Prohibition of Human Cloning Bill are sensible as there is universal support for the ban on human cloning, and the terms of this bill are unlikely to be an issue in this debate.

In my contribution I will canvass what happens if the research involving human embryos bill fails to pass through the Queensland parliament, given that Commonwealth laws allowing limited research involving human embryos are now in place. I will also canvass why it is critical, even for those who do not support such research, to support this bill. I will also give my personal reasons for my support for this bill.

It is extremely important for all members to understand and keep uppermost in their minds that, now that these exact same bills have been passed into law by the federal parliament, a whole different perspective has been put on this debate. The reality of the situation is that we are not debating whether research involving excess human embryos should be permitted in Queensland. That has already been decided for us. The fundamental debate on these issues happened in our federal parliament between August and December last year. That debate was the one and only debate in Australia which could decide if the provisions in this bill were to be supported. It was the one and only debate in this country which could stop the research many here are seeking to now do.

I appeal to those who oppose the research involving human embryos bill and intend to vote against it to rethink their position. Voting against this bill will not stop human embryonic stem cell research in Queensland. In fact, voting down this bill has the potential to do the complete opposite. If the research involving human embryos bill is not passed by us, there will not be complete coverage of the strict regime set out in this bill. There is a prevailing view, and a view that I share, that there will be gaps in the coverage and that this will give rise to the potential to have unlicensed and unregulated embryonic stem cell research conducted here in Queensland.

The logic behind this view is that the Commonwealth acts do not cover state agencies, they do not cover individuals and they do not cover universities, as universities are created by state legislation. As the Commonwealth has power to regulate only Commonwealth agencies and corporations, this is how the gap will be created. As Queensland does not have in place any statutory regime, there is no legislation in this state to prohibit such research. If we do not commit to the provisions of both these bills, then the door is open for unregulated research. Members may wish to vote against the research involving human embryos bill to put on record their personal or religious convictions or to uphold the views of their constituency, but I ask them to please look at the bigger picture and make sure they understand exactly what their vote means.

To explain this in more detail, the starting point for us in Queensland is that the Commonwealth, pursuant to the terms agreed at the COAG meeting of 5 April 2002, has already enacted the principal legislation in respect of a framework in which research on excess human embryos can be conducted. This means researchers can operate here in Queensland under Commonwealth laws whether or not we pass this bill, but by virtue of the Australian Constitution it could be reasonably argued that the Commonwealth Act does not apply to all potential researchers in these fields. That is, there is a question whether the Commonwealth has complete power to legislate over all public and private research in Australia.

In relation to the question of the Commonwealth's constitutional power to legislate, the federal Attorney-General's Department submitted to the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into human cloning as follows—

It may be possible to legislate in a piecemeal fashion using a number of Commonwealth heads of power, such as trade and commerce power and the corporations power. Ultimately, it is probably the case that the Commonwealth parliament does not—

and I repeat does not—

have the power to enact legislation that would provide a comprehensive basis for prohibiting scientific research aimed at achieving reproductive human cloning or cloning research that involves the use of embryonic tissue... Commonwealth powers to legislate is one part of the issue ... even if the Commonwealth parliament were to legislate, it would be necessary to consult quite heavily with the states and territories and ideally have agreement.

Of course, that is what happened on 5 April 2002 with the COAG agreement.

In reaching a conclusion that they favoured national regulation that applies equally to both public and private sectors, the House of Representatives committee recommended national uniform legislation based on principles of transparency, accountability, enforceability, responsiveness, flexibility, practicality and consistency. Its suggested regulatory framework was developed to respond appropriately to the concerns raised in the evidence to the committee.

As it was agreed by COAG that the Commonwealth, through the National Health and Medical Research Council, the NHMRC, was to be the only licensing body that could issue a licence for a person to use an excess embryo from an ART program for research or therapy or a licence that destroys that embryo, it was essential that the Commonwealth legislate first followed by each state and territory.

As the Premier pointed out in his second reading speech, Queensland is one of the first states to introduce legislation in support of the COAG agreement. By introducing this bill and by

each of us supporting it, we can guarantee to the Queensland community that all potential researchers are covered by this cautious but sensible regime. Even if this parliament supported legislation to put a state ban on this type of research, it will still occur as we would then find all researchers ensuring they fall under the Commonwealth regime and there would be nothing that the state could do to prevent these operations.

I would like to take this opportunity to congratulate the leaders of this great nation for displaying what can be truly said to be cooperative federalism. I have often spoken in this parliament about how our federal system of government bedevils us. This is one occasion where it can be seen to be working effectively for the good of the whole nation. The cooperative partnership formed in this area also ensures that we do not have states trying to outdo each other to provide the most favourable conditions for researchers. Through the provisions establishing a centralised, publicly available database of information about all licences issued we can all be aware of and informed on what is happening.

Notwithstanding my view that a debate on the substance of this bill is moot since the passing of the Commonwealth acts, I would like to place on record my reasons for supporting the research involving human embryos bill. Reading through the speeches delivered in the federal parliament, there was a consistent theme among those who supported the legislation, namely, it was a bill of hope; hope for a better future for hundreds of thousands of Australians and their families.

The research may not be able to deliver all that is promised, but until it happens we will not know. Those in this chamber who know me well know that about 18 months ago my daughter, Elizabeth, was diagnosed with juvenile diabetes. Since that time, I have taken an even closer interest in this debate and stem cell research in general. I might add that, had the potential of the research not personally touched my life, I would still have exercised my conscience to support the legislation.

My daughter, Elizabeth—or Lizzy as she prefers to be called—has given me permission to mention her experience with diabetes and her hope that her life can once again be normal, that her body can produce its own insulin. Lizzy is now 12 years old, but she was 10 when she was admitted to hospital and diagnosed. She is in year 7 at Lawnton State School and has just been elected house captain and student council representative. She loves sports and plays club hockey, school softball and netball. In fact, at this very time she is trying out for a representative softball team and has twice represented the school at the district athletics carnival.

She says that having to have needles every day is really annoying and that they hurt. She also has to have at least four blood tests a day, and even though we have now purchased the latest and greatest in testing machines—one that does not need a fingerprick to take blood—she says she does not mind these tests as much as she is used to it but it is still a pain. But what really irritates her is that, although she watches what she eats and tries to be sensible about it, this does not always work to keep her blood sugar levels even. She still quite often goes high or low.

When her levels are high, she gets really thirsty, has to drink lots of water, goes to the toilet a lot and gets very, very bad stomach cramps. But that is not the worst of it: her mood swings. She either gets really angry, really sad or really, really bossy or all three all at the same time. If she does not get insulin fairly quickly when this happens, she could go into a coma. When her levels are low or she has what is called a hypo, she says her blood goes all tingly, she feels really cold and she loses her ability to concentrate. In fact, when this happens we know without even testing her that she is low because she stops making any sense.

If she does not get a quick glucose fix, she will faint and lose consciousness. Thank goodness this has not happened yet. While her friends have learned to read all the signs and have been very supportive, what Lizzy hates the most is that she is different and some people are scared about her having diabetes because they think something will happen and they will not know what to do. She often asks 'why me?' and dreams of a life without needles, blood tests and worrying about what she eats.

Both Michael and I are so proud of the way she has coped. She has shown maturity beyond her years and learnt very quickly about being responsible. Even on her darkest days when she is giving us all hell, we cannot help but truly admire her; her determination not to be different and not to be treated differently. But we share with her the hope that one day there will be a cure.

Sadly, Lizzy is one of 100,000 Australians with juvenile diabetes. Juvenile diabetes strikes indiscriminately and can affect children at any age and at any time. The long-term effects can be



heart disease, kidney failure, blindness, amputation of lower limbs and a reduced lifespan. The possibility and hope of embryonic stem cell research is that these cells can be manipulated to create new insulin producing cells in the pancreas. There is optimism among scientists that this is a real possibility and it is that optimism and hope for treatment for all the Lizzys in Queensland and Australia that should be embraced. This is a bill of hope, a bill that gives hope for the future, hope for a cure and hope that is embraced and shared by a majority in our community. For these reasons it deserves our support. It has my support, and I commend both bills to the House.

**Dr WATSON** (Moggill—Lib) (6.00 p.m.): I rise to speak on the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 and of course the split bills that were tabled earlier today by the Leader of the House. The split bills necessarily cover two related but fundamentally different areas. Firstly, the Prohibition of Human Cloning Bill 2003 bans human cloning and a range of other ethically unacceptable practices. The second bill, the Regulation of Research Involving Human Assisted Embryos and Assisted Reproductive Technology Bill 2003, establishes a comprehensive regulatory system to govern the use of excess IVF embryos and permits scientists to undertake work on excess IVF embryos that otherwise would have been destroyed by following some specific procedures and strict criteria. I recognise that the member for Kurwongbah made a very good point when she said that the real debate on this occurred in the federal parliament last year. The debate here is about filling in the voids and making sure there is a consistent regulatory system in Queensland.

**Mrs Edmond:** Without this, there won't be.

**Dr WATSON:** Yes. I think those are fairly pertinent points for anyone thinking about voting on this bill. So like all members here, I support the banning of human cloning and the other questionable practices such as the creation of hybrid embryos. However, it is the second bill which has exercised the minds of most members. It is to that bill which I will briefly attend. Without pretending to be comprehensive, the questions I had to resolve in my mind were the main arguments being put forward against allowing embryonic stem cell research. To this end I should acknowledge the earlier contribution of the member for Indooroopilly who helped organise a session here at Parliament House, which I attended.

As I understand the issues, there are four main arguments against allowing embryonic stem cell research. Firstly, there are many in our society who believe that all human life is sacred and that human embryos, no matter at what stage of development, represent human life. As such, use of them for any experiments or research would be unethical and immoral. According to this argument, good ends such as health do not justify the means of killing embryos.

A second argument is that even though the excess IVF embryos currently in existence will be destroyed anyway, there is an argument they were originally created for a certain purpose, such as the creation of life, and it would be still immoral and unethical to use them for any other purpose such as medical research. Thirdly, there is a fear among some sections of the community that allowing further research on embryo stem cells represents the thin edge of the wedge and puts us on a slippery slope towards more future experimentation of even more unethically questionable character.

Fourthly, many experts believe that the use of embryo stem cells is unnecessary as the research involving adult stem cells has in fact been far more promising in curing various diseases. Of course, the use of stem cells taken from consenting adults does not promote the same kind of ethical dilemmas as the embryonic stem cell research. Those experts claim that proponents of embryonic stem cell research tend to overestimate their case, whereas in reality the embryo stem cells are more difficult to work with, have had only limited successes in animal experiments and have led only to a few successful clinical treatments in humans. It is also argued that in many instances the use of patient's own cells is preferable as it overcomes the problem of the body rejecting foreign cells.

The arguments in favour of embryonic stem cells I guess are far more straightforward in the sense they do not actually pose the same kind of ethical dilemmas. These are simply those. Embryonic stem cells are considered by many experts to offer the most promising platform from which to develop cellular therapies because they can form all of the 220 cell types in the body and can proliferate indefinitely to provide an unlimited amount of starting material for the production of specific cell-based products.

Secondly, each year thousands of excess fertilised eggs are destroyed because they are no longer required by the families participating in the IVF treatment. The bill proposes that only those

excess fertilised cells currently in existence be permitted for stem cell research. In addition, this could only be done with the permission of each individual to provide the egg and the sperm, the woman for whom the fertilised egg was created or the spouse of a person providing the egg, or the sperm of the woman for whom the fertilised egg was created.

Thirdly, many experts believe that even if much of the potential of adult stem cells is realised there are circumstances where they are unlikely to be compatible. For example, where a person suffers a genetic disorder or some types of cancers, adult stem cells isolated from that individual may retain the damaging genetic alterations underlying the disease and so be of little therapeutic value. Furthermore, there is a view that the isolation and growth of adult stem cells have to date proved to be very difficult, although I noticed, if not just a few weeks ago, that there seemed to be further scientific advances in this area and they seem to occur on a regular basis. Stem cells generally represent a very small proportion of cells in adult tissues.

In thinking about the issue I contacted a constituent and a long time friend of mine, Dr John Allen, one of Queensland's leading IVF experts. I had him explain to me the process of collecting IVF embryos. My simplified understanding of this is the following. Following fertilisation, the egg begins to divide, developing in the process a greater number of cells. This continues as the egg passes along the Fallopian tube until about the 16 cell stage at which time the embryo is implanted in the uterus. It is my understanding that the embryos are collected, usually at the eight cell stage—but I think they can be collected by up to the 16 cell stage. From my viewpoint I do not see life beginning at a particular point in time, that is, fertilisation. Rather, it is a process which has been interrupted before completion. In this sense a collected eight cell embryo has not reached the point at which it is ongoing human life. I guess that is one of the ethical dilemmas that people have to resolve in their own mind. Also, I do not really see any significant moral distinction between allowing embryos to succumb to room temperature, the unfreezing of the kept embryo as against destroying them through research that might in fact advance life-saving or life-enhancing therapies. I am also, as somebody who has been trained in a scientific endeavour, reminded of the way that we have actually changed our view of science and the way we even look at ourselves—

**Mrs Edmond:** The earth is no longer flat.

**Dr WATSON:** I was actually going to mention that. There are a number of classic examples.

**A government member** interjected.

**Dr WATSON:** I think you are trying to be political there; I am not. The examples are the issue of the geocentric versus the heliocentric view of the universe in which the heliocentric view—

**Mr Purcell** interjected.

**Dr WATSON:** It was held back because of religious dogma for a long period. In fact, some of the developments only came to being after the people died or towards the end of their life. This applies in the same way that we actually viewed life. Aristotle had a view of there being four elements and every body, both human and heavenly and whatever, was made up of four distinct elements. That embedded the way we as a human race viewed the world for centuries. That view has now changed. I am sure that in the future our views of the world will change yet again. In fact Thomas Kuhn wrote a book called *The Structure of Scientific Revolutions* in which he examined that in some detail. I am aware that our views even of the way we view those basic things I spoke about earlier on may change.

A third argument against embryonic stem cell research was based on a fear among the community that allowing such research represents the thin edge of the wedge. From my previous work in the scientific area, I know that argument is used in respect of a lot of developments. For example, although nuclear development has some downsides, it has also provided tremendous benefits for the human race. Whenever one is looking at pursuing a scientific development, there is always the risk that it could be used differently in the future. That is one of the challenges that we as a human race have to face. We have to address each development on a case-by-case basis.

Finally, as I said, many experts believe that the use of embryonic stem cells is unnecessary because of the existence of adult stem cells and the success that adult stem cell research has already had. Again, my view is simply that we do not know what the outcomes will be at this stage. Although adult stem cell research holds a lot of promise, there is also the potential, as I mentioned earlier and as one of the advocates for embryonic stem cell research said, that embryonic stem cell research will provide a greater range of life enhancing therapies and address

issues that confront us in a medical sense much more effectively. At this stage, it is probably too early to close off those options.

I have thought fairly hard about the ethical issues involved and about the potential for embryonic stem cell research. I have come to the conclusion that it would be appropriate for the parliament to support the passage of both of these bills. I think they provide both insurance against incorrect research in the cloning area and also a correct regulatory framework to allow significant scientific development in the area of embryo stem cell research.

**Mr PURCELL** (Bulimba—ALP) (6.12 p.m.): I rise to speak on the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and the Prohibition of Human Cloning Bill 2003. This bill is about addressing the ethical and safety concerns about the scientific developments associated with reproductive technology. This is a very sensitive issue and one that probably everybody in the world has a strong opinion about.

On 5 April 2002, the Council of Australian Governments, COAG, agreed that the Commonwealth, states and territories would introduce nationally consistent legislation. This is one of the main purposes, or objectives, of this bill. Consistency will ensure that better control and protection will come out of this legislation. However, I do not believe that the font of all knowledge lies with the Commonwealth government. Over the years it has been proven to be wrong on more occasions than it has been proven right. I do not wish to introduce another aspect to this argument, but the level playing field and user pays arguments are driving things in this state that probably none of us agrees with. But we can stand up in this place and voice our disagreement with that, and we will continue to do so.

There are always people who want to abuse and take advantage of any system, technology or procedure that is put in place. It should also be emphasised that COAG agreed that the Commonwealth, states and territories would introduce nationally consistent legislation to ban human cloning. This bill implements that agreement in Queensland. It prohibits the implantation of human embryo clones. Again, this legislation is necessary and quite obviously appropriate because it applies a prohibition on human cloning rather than relying on voluntary compliance with existing guidelines and codes.

We would probably not be having some of these arguments if we had better legislation in relation to the IVF program. We probably would not have 70,000 unwanted embryos in these facilities. In the future we should look at legislation for that program so that that situation does not continue.

There are many avenues for unacceptable practices associated with this issue. To ensure that they are not abused or misused, the legislation goes further to identify these problems. This bill prohibits the creation of human embryos for research purposes, the creation or implantation of chimeric or animal/human hybrid embryos, the creation of a human embryo containing genetic material provided by more than two people, and the commercial trading in human eggs, human sperm or human embryos. This list could go on as there are many unscrupulous people out there who are just waiting to take advantage of and cash in on these new technologies. A lot of those people would probably not have the high regard for human life and ethical standards that we do and they could justify a lot of the things that we are going to ban in relation to human cloning for all sorts of reasons. We must do everything in our power to ensure that these people are caught and that laws are in place to punish them. I will be voting for the bill against human cloning.

On the other hand, stem cell research is truly remarkable technology and, if used in the right context, can benefit all mankind. Anything that will assist in overcoming disease and injuries that diminish the quality of our lives is welcome and encouraged. I believe adult stem cell research is the way to get the best results and is the best way forward. We know, and other speakers have admitted, that the best results in combating disease have come from adult stem cell research. All sides would agree that this is a long way off in the future. However, in the past few years, work on stem cells has come along in leaps and bounds. The amount of money being put into this area and our recognition of its importance is what is driving this research.

I am concerned that this will take away funds from adult stem cell research, which has the runs on the board and which we know is doing well. At the moment, embryo research has no runs on the board and no papers published at all that can verify any of the claims made by various companies. I believe they are significantly motivated by money and not so much by what outcomes we can get in terms of assisting our fellow humans. They have a vested interest because they can get copyright on their research. Most of the work with embryonic stem cells will

relate to drug research. They will be able to copyright their findings and make a lot of money. However, copyright cannot be obtained in relation to adult stem cells.

From looking at the arguments in the federal parliament, I believe both sides of the debate—there are really no sides; this is a conscience vote—admit that these embryos are human and are alive. They would not get any results from conducting experiments on dead embryo cells. They would be wasting their time. They are human and they are alive. Both sides of the argument agree with that. I think that those embryo cells are human. They are live. Both sides of the argument agree with that. I do not believe that we should be allowing experiments of any kind for whatever reason on human embryos.

As we know, this place is usually used to introduce legislation to protect life, whether that be very young or very old. I think that we need to keep that in mind when we debate legislation that takes away the rights of humans. People are going to argue about whether these cells are human or not. Our federal counterparts say that they are. I would hate to see that we would introduce legislation such as this bill that would lessen people's regard for human life. We think that it is very precious. We know that in a lot of other countries life is not held in the same regard as we hold it in this country. We have only to look at countries where women are certainly not regarded in the same way as we regard women here—where they are equal and have equal rights to men. In some countries human life is held in much lesser regard than it is here. Sometimes the very old need protection. It has probably happened for years and years, but because of the media these days we hear a lot more about how badly sometimes our elderly are treated and how we have to enact laws to look after those people. I think that we need to continue to do that.

I know that other members would be able to give much more eloquent arguments about the use of adult stem cells than I. They would probably be able to do it chapter and verse. But I would like to point out a couple of things before I finish. The research that has been pointed out to me in relation to the use of embryonic stem cells has at this stage been carried out on mice. Articles have been published in medical journals—and which are recognised as true and correct—about experiments on mice with embryonic stem cell material. I think that this research was undertaken overseas. In those experiments, one in five of those mice died of cancer after having embryonic stem cells introduced into them. The member for Moggill spoke about the rejection of tissue introduced into our body if it is not from our body and the drugs that would have to be used to stop that rejection. I think that goes on when people receive heart or liver transplants. They are then on a fairly heavy regime of drugs for the rest of their lives so that the organs are not rejected. I believe that adult stem cells do not create the same problem. If they are taken from the adults who need the cells—

**Mrs Edmond:** Unless they are from another adult.

**Mr PURCELL:** Another adult? Does the minister mean an identical twin so that the cells will not be rejected?

**Mrs Edmond:** No, no, unrelated. Bone marrow transplants.

**Mr PURCELL:** Yes, I can talk about bone marrow transplants that have been done in adults and their success, which is way beyond what the embryonic stem cells have achieved. It is known from autopsies that adult stem cells that have been taken from bone marrow have been found in the brain repairing brain cells and in the liver repairing liver cells. It is not known how those cells get there or why they do it, but there has been success in that area. I do not know the rejection rate, but if the stem cells are taken from the person who needs the treatment, there would not be the rejection that would occur if the cells were taken from someone else. We have bone marrow banks. People put down their names and make their bone marrow available to people who need that material to assist in the treatment of cancers. It is very hard to match bone marrow. I do not know the ratio, but it is very, very high to get bone marrow from one person that will not be rejected by another person.

It probably will not be a surprise to a lot of members in this place that, during the committee stage I will consider the clauses and where they state that human embryo tissue is to be used for experiments for any reason I will be voting against that part of the bill.

**Hon. V. P. LESTER** (Keppel—NPA) (6.25 p.m.): I have a lot of notes about issues that have been canvassed by most of the other members who have spoken to the bill and, no doubt, will continue to be canvassed as the debate continues. So I will not repeat them.

This is an extremely difficult issue for many members of this parliament. Many members are being very courageous in the way in which they are dealing with it. I have taken many letters and phone calls on this issue. Tonight, all I want to do is point out some of the things that have been said to me not only from people who have contacted me but also from religious groups. Those issues are: when stem cells are extracted from an embryo, the embryo is killed; an embryo is a living human being; at conception, the DNA for a new human life is formed; there is no research showing any successful treatment using embryonic stem cells; and adult stem cells are already being used successfully to treat illnesses and they have no rejection problems and no ethical problems since the patient's own tissue is used to obtain these stem cells. Comments from various other letters that I have received contain, among other things, that the *Journal of Cell Science* last month questioned the motives of those who distort the true shape of the science and despite such irrefutable evidence, a chorus of detractors of adult stem cell plasticity has emerged, motivated perhaps by more than a little self-interest.

What worries me is where all of this leads to. I refer to the debate of whether it is regarded as humane to terminate somebody's life because of an illness. That is understandable, but in some places where euthanasia has come into being, to some extent the law has been abused to the point where even children are waiting for their parents to move on to eternity so that they can get their estate. I know that is hard to believe, but, unfortunately, in some instances that is the reality. Human life is cheapened. I just do not know quite where all of this will lead to.

I want to thank the many constituents of mine who came to me with these issues and asked me to vote a certain way. They have put forward their arguments to me. Other people have not. As a result of the usual way in which I do things in my electorate, I listen to those who come and present their arguments to me. It is their voice that will be heard tonight and not the voice of those who have not bothered to give me an alternative view. They can only have themselves to deal with for that. I will be voting in support of a prohibition of human cloning and voting against stem cell research.

**Ms NOLAN** (Ipswich—ALP) (6.29 p.m.): I rise to speak in support of the Prohibition of Human Cloning Bill and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill. As the issues involved in these bills are sensitive, ethical and moral matters, I, like other members, intend to clearly outline my reasons for taking this position. The bill has been brought upon the parliament by advances in medical technology to the point where human cloning is now possible and where the scientific possibility of using embryonic stem cells to develop treatments for conditions like stroke and spinal cord injury are being explored. In that environment, the bill forms part of uniform national legislation and is the direct result of an agreement of all premiers and the Prime Minister, John Howard, at the Council of Australian Governments on 5 April 2002. It always seems to me that, if the Prime Minister supports it, it really cannot be all that progressive or all that radical.

There is broad agreement in the community that human cloning should be banned, and I share that view. Opposition to human cloning is a difficult argument to logically follow through to the end. As Bob Ellis recently wrote in the *Courier-Mail*—

What exactly is wrong with human cloning? Is there really any harm in replicating human beings? Human clones will, through the process of nurture, turn out to be different people and we do not, after all, have any problem with those who, through natural processes, have an identical genetic make-up—that is, identical twins.

I have thought through this argument and can simply say that to me an individual is unique, a one-off fluke of circumstance. Individuals are to be valued partly because no-one like them will ever happen again. Suggesting that a human being can be replicated undermines the beauty and value of that unique human life.

I now want to move on to the provisions which facilitate the use of embryos for stem cell research. The bill limits the use of embryos to those embryos which existed before 5 April last year and for which the consent of the parents or donors has been given. The bill specifically prevents the creation of embryos for the purposes of research and limits experimentation to those embryos which otherwise would be taken out of cold storage, put on the bench and allowed to die. A number of arguments have been advanced in opposition to embryonic stem cell research. Some have argued that there is no need to go down the path of embryonic stem cell research because adult stem cell research is just as good. Last week on ABC Radio I heard the absolutely confounding view that we should not allow embryonic stem cell research because it has not yet yielded significant therapeutic results.

I have listened to this argument, but I do not agree with it. While we can always find scientists to argue one way or another, the simple fact is that the majority of scientific opinion indicates that embryonic stem cells are more volatile, replicating into other cells and different types of cells more easily and as such they provide greater medical potential than do adult stem cells. At the very least we can be sure, as the Leader of the Opposition said earlier, that it is simply too early to shut the door on embryonic stem cell research. The real argument of course is not about the science. The real argument against embryonic stem cell research is that life is embodied in an embryo and that to experiment with an embryo is to destroy life. I am willing to respect that view, but I cannot accept it. We can argue until the cows come home about when life begins, but the bottom line is that we do not objectively know and it is possible that we never will.

I do not want to tell anyone that they are wrong about the point at which they see life, but I am going to tell those people that I see it differently. My conscience cannot condone the proposition that we should tell people who have medical conditions for which this research offers some hope that the research should not go ahead because of moral views which are held by a small proportion of the community. The facts are that this research may well lead to medical advances that improve the quality of life for some in the community. The fact is that with or without this research these embryos will die. My conscience tells me that in those circumstances this research should be supported.

**Miss ELISA ROBERTS** (Gympie—Ind) (6.36 p.m.): I rise tonight to speak in support of the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003. As I believe there is no question as to the support of the prohibition of human cloning, I will speak on the issue of research involving surplus human embryos, as this has shown to be the most contentious of the two sections of the bill. I wish to state at the outset that the support within my electorate on the use of human embryos is largely based on the fact that the embryos in question are surplus embryos from the IVF program and will eventually be thawed. They are not simply produced for the sake of experimentation and, most significantly, an embryo cannot be used without the permission of the parent and owner of the embryo. No embryos will be used for research purposes without this permission.

Whilst this was the predominant view which I encountered with regard to this issue throughout my electorate, the support was dependent upon the fact that strict regulations be put in place to ensure that embryos not be produced purely for the purposes of experimentation, nor to be bought or sold. During the research which I undertook regarding this bill and the pros and cons of whether or not embryos should be used for research purposes, I came across a paper by Dr Fleming, Dr Pike and Selena Ewing from the Southern Cross Bioethics Institute. In this paper much is made of the fact that not all embryos will be used for purely stem cell research but perhaps for other methods of research. Let us face it, if they are going to be used for stem cell research why not for other modes of research as well? This paper also talks about the perceived benefits society has been led to believe about the success rate of embryonic research. To contradict this, I do not think the general public has any real misconceptions about this type of research. It is just prepared to allow further work to be done in the hope that one day cures for all number of ailments may be found. It is all about hope. If anyone has ever known or been close to anyone who has had some form of debilitating disease, hope is often all one has.

If governments were to disallow research purely on the basis of its success rates up to a certain point, then there would be no scientific research carried out at all. We all know that up until now there is no cure for the common cold, cancer or AIDS, but does this mean we should abandon all methods of research? No, because scientists do have to go back and back and over and over the same formulas hundreds of times in order to refine it just in case they missed something and before they finally come up with something even close to a cure. To quote the Prime Minister—

It will be some time ... before we can start even beginning to seriously contemplate that research into these stem cells could lead to wonderful cures.

The fact that specific cures may not even be found in our lifetime should not dissuade us as legislators from allowing scientists to continue with their research.

In the Southern Cross paper reference is also made to the regulatory process of embryonic research and of how they could be misused—for example, embryos being implanted into a woman after three of its eight cells were removed. This is an horrific example of what could go wrong without sufficiently tight controls being put in place. I believe that this legislation will be

stringent enough to prevent such a devastating thing from occurring to any woman. I want to quote from a letter I received from a member of the electorate of Warrego. The letter states—

I beg parliamentarians to visit a spinal injuries unit and look closely at the quality of life the patients there are sentenced to. Watch the people who have to have someone else blow their nose for them, ask about the indignity and invasion of basic personal privacy these people undergo daily as their bowel and bladder program is carried out, often by a stranger. Then go and see a parent who has a child suffering from MS, spina bifida or down syndrome. Ask them if they see any problem with embryos from an IVF which are going to be discarded being used in research which has the potential to give their child a normal, active long life.

Ring me and ask me how I long to be able to pick up my three children and hug them, to be able to run and play normally with them.

I have met so many people within my electorate who have children who suffer from some form of disability who live their lives in the hope that one day somehow their child may live a normal life. To hear a 70-year-old woman say, 'Wouldn't it be lovely if we woke up one day and my 40-year-old son was normal?', really breaks your heart. It is this hope which I believe keeps many people going. If the best we in this House can offer them is to increase research opportunities, then we have done the very best that we can do. I wholeheartedly support this bill and believe that somewhere down the track we will have contributed to changing someone's life in a way that was never previously thought possible.

**Mr REEVES** (Mansfield—ALP) (6.38 p.m.): This debate is very historic. It is the first time in 23 years that a bill will be passed or rejected on a conscience vote from both sides of the House. Because of this, I gave a person from my electorate who opposes this bill the opportunity to put their concerns to me and I will read their comments into the record. The person stated—

Thank you for the opportunity to express my concern over the proposed use of IVF embryos for stem cell research outlined in the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 currently before the House.

In allowing the destruction of human embryos for medical research, the Bill clearly violates a core value of Australian society that each human life is as valuable as the next, regardless of their level of ability, maturity or dependency.

Surplus IVF embryos are human beings whose lives are held below freezing in suspended development. Tragically, they have limited prospect for life.

Australian law, professional medical codes and international covenants and treaties prohibit the taking of human body parts from human beings so as to cause death. This prohibition protects those who have limited prospects of life or are dying, even if their organs could save the life of another.

The Bill before you snubs its nose at these long-accepted principles.

Where will it end? I am convinced that it will not end in three years time. Research begets further research and I doubt that any leader will have the political will to say 'Enough'.

The tragedy of this whole scenario is that there is a viable alternative. Adult stem cell research is far more advanced to the point that it has produced many new regenerative medical treatments to help the suffering.

It is undeniably the safer, ethical and more effective alternative.

I am concerned that the support for this Bill will, in fact, draw valuable resources away from adult stem cell research currently underway in Queensland and thereby hinder its advances.

Stem cell research has great potential to save many lives, but it does not need to be at the cost of human life or a downgrading of our society's values.

This person went on further—

The proposed use of IVF embryos for stem cell research directly violates the Nuremberg code of 1947 on 'Permissible Medical Experiments'. The code states that 'certain basic principles must be observed in order to satisfy moral, ethical and legal concepts', including:

'The voluntary consent of the human subject is absolutely essential ...

'The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury ...

'No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.'

This code strongly reinforces the first principle of medicine, 'Do No Harm'. Because the embryo, like the foetus or the child, cannot give consent, it is the first responsibility of the state to protect these innocent lives.

It is inappropriate to argue that scientists should be able to experiment on the body parts of human embryos because they are going to die anyway. Frozen IVF embryos are human beings whose lives are held below freezing in suspended development. Just as the law permits the removal of life support in situations where the patient has little prospect of recovery or where the life support itself is excessively burdensome, so it permits embryos who have no real prospect of further development to die naturally by removing the machinery of life support. This is not the same as deliberately destroying the embryos.

Australian law, professional medical codes and international covenants and treaties prohibit the taking of human body parts from human beings so as to cause death. This prohibition protects those who have limited prospects of

life or are dying, even if their organs could save the life of another. The current Bill snubs its nose at these long accepted principles.

Furthermore, in allowing the destruction of human embryos for medical research, the Bill clearly violates a core value of Australian society that each human life is as valuable as the next, regardless of their level of ability, maturity or dependency.

...

The case for embryo stem cell research is weakened dramatically by rapid advances being made in the field of adult stem cell research, which promises to provide a closer match to ailing patients than any so-called spare but unrelated embryo source. Matched adult stem cell lines may be safer for in vivo transplantation than the relatively uncontrolled pluripotency of embryo stem cells.

This pluripotency of embryo stem cells is seen to be the major scientific argument for their use in medical research. However, it is one of the major factors that makes it unsafe for direct therapeutic use on treating patient's illnesses.

Dr Peter Silburn, Adjunct Professor of Molecular Neurobiology, Griffith University states, 'Adult neural stem cell work has the clear advantage of being able to use the patient's own cells to repair any deficits—and avoids issues of rejection and cancer formation'.

Yet, the cautionary advice and opposition of a number of outstanding Queensland medical researchers appears to have been largely ignored.

I am particularly concerned by the observation made by Associate-Professor Joanne Shaw, Brisbane endocrinologist and diabetes researcher. 'Adult stem cells show promise in diabetes, however funding is being diverted into the medically doubtful and ethically disturbing field of embryo research'. This suggests that research into new cures or treatments are actually being delayed to the detriment of diabetes sufferers.

The success of our biotechnology sector is not dependent on access to IVF embryos. Dr David Prentice, American stem cell expert, has suggested that embryonic stem cells may be obtained from umbilical cord blood, from embryos who have miscarried, or from established tissue cultures. Surely, this is a reasonable approach that should be investigated further.

In all, adult stem cell research is undeniably the safer, ethical and more effective alternative.

She then goes on to talk about wanting the bill split, which has now occurred, and about input from the community. She is considering submitting an e-petition. She finished her statement by saying—

I urge you to reject the current Bill as a matter of conscience and for the benefit of Queensland.

I fully support the Prohibition of Human Cloning Bill, as I assume every person in the electorate of Mansfield does. I have seriously considered the complex issues involved in the research involving human embryos. I believe that every life is precious and that as a society we must do whatever we can to preserve life.

In the last nine months I have experienced the high of seeing the birth of a new life—my beautiful baby girl, Brianna—and the low of the death of my mother. Both occasions were traumatic to me, but these two experiences built further my belief about the importance of life. The strong belief in life is one of the reasons I, like every Australian, mourned when the Bali terrorism attack occurred. That is why I am so strongly opposed to war with Iraq. I do not want to see innocent lives lost for any reason. Life is just too precious to give it away.

The big question around this debate is the never-ending argument about when life officially starts and what we should do with the present stocks of embryos. Should we just allow these embryos to succumb or should we use them with the possibility of improving quality of life and saving people's lives? In trying to find an answer to this, I think of my Aunty Val, who suffers from MS. She is confined to a wheelchair, has to be fed all of her meals by hand and has difficulty in talking and communicating. I should add that her mind is very astute and always has been, but unfortunately the body is not willing. My aunty has suffered for many years with MS. While the embryo research may be too late for her, I believe that even if people's quality of life can be improved even slightly then we must support research so that the Aunty Vals of the future will have an opportunity for a better life. As I said, life is precious. However, so is the quality of a person's life. I think we must do anything we can to improve this.

If the issue is that the embryos that have been created are a life, then why would we continue to allow those embryos to succumb? Is it not better that we use them to maybe keep or improve a life, rather than let both the embryo succumb and a person die? As the member for Callide said earlier, the same logic applies to organ donorship. Surely the succumbing of an exposed embryo is no more or no less humane than using these embryos for research. It is for that reason that I support these two bills.

**Mr CUMMINS** (Kawana—ALP) (6.48 p.m.): I rise to speak on the Prohibition of Human Cloning Bill and about why I feel it necessary to oppose the ability for people to enter into human



cloning. Human cloning has again been put on the public agenda with various groups claiming not only that they have the ability to clone humans but also that they have had success in doing so on more than one occasion.

Human cloning is again a very complex and difficult issue. While possibly giving the gift of life, it raises incredible moral questions and also the ability for long-term sustainable life if it can be created by cloning. What amazed me in some of the presentations that I have seen on cloning is the need of the fusion process to create life. This is what many of us witnessed in cinemas where things such as Frankenstein were created by mad scientists, creating lives with various body parts and then lightning bolts and fusion were necessary to give life.

I would like to reiterate I am speaking against human cloning. Was this to cause fear in those of us who witnessed such movies, was it coincidence, or was it known that fusion creates life in what could possibly be described as a most unnatural way? Human cloning should be banned. I feel our society does not want it, will not accept it and, therefore, I support the antihuman cloning stance that is being taken.

I will now take the opportunity to state my position on the bill that is before us regarding research into embryonic stem cells. I would like to point out, firstly, that, as I have said in this parliament previously, I do not believe I am in a position to judge other people, to sit in judgment on their beliefs or their opinions on this very emotive issue. We have all experienced immensely different upbringings across different regions, states and indeed countries. People will agree and disagree with numerous points that have led me to the decision that I will make on the issue of embryonic stem cell research. I respect other's rights to disagree with me, but I trust they respect my right to hold an opinion whether they may or may not agree with it.

I must say that in our present world it is obvious that everyone will have differences of opinions and we must be proud of the fact that we have the ability to voice those opinions, whether or not we agree with others. But we should always support the right of people to voice their opinions, obviously within reason, and opinions on behalf of the communities which we represent.

A conscience vote on this issue has been well documented and a question to me always remains: is it the conscience of Chris Cummins or is it the conscience of the community he represents when he votes? On issues such as embryonic stem cell research it is very hard to gauge the position of the entire community. While there would be many within my community—indeed, the Queensland community—that are far more knowledgeable, have read and understood far more on the issues that we debate, I have been elected to represent the seat of Kawana and I find this is one of the most important and difficult issues that I have faced in the 50th Queensland Parliament.

My wife and I have been involved in fertility treatment performed by IVF specialists at Selangor Hospital on the Sunshine Coast, where we were regularly visiting the IVF fertility specialists when this debate came to national prominence. I spoke in some detail with various specialists both there and in other areas on this issue, and obviously they had professional opinions and professional beliefs.

One very interesting point raised with me is that, if embryonic stem cell research is allowed, it may be necessary only for a short period of time with the discoveries that they may make that may allow—and I must again state it 'may allow'—the research to go to another level or a different degree or a higher point where in the future there may not be the need to utilise embryos for stem cell research. But then again it may not reach that point or level. At this point we do not know.

A valid issue was also raised with me that, if we go back to the eighties when IVF, in-vitro fertilisation, became the debate that our community faced, it was very controversial. Again, people had strong emotions on both sides of the spectrum with the various beliefs that people hold. IVF, as we know, basically assists to increase fertility and the ability to have a child or children—that is, assist in the creation of life or assist with people having the chance to give life and have a family.

I sincerely understand the dismay, disappointment and cynicism of those affected by numerous diseases and afflictions where these diseases or afflictions impede upon their quality of life. Again, I reiterate the position I take, and the way I vote is not an easy one but one that I must justify to myself and my community.

I have no doubt that members and many of our community have extensively read about embryonic stem cell research and possibly researched, listened to opinions debated and heard opinions of other people and expressed opinions themselves. At the end of it all, I can still not get past the fact that it is experimenting with or on human embryos. Many will raise the point: when does human life start? Again, opinions vary. Whether it is religious, medical, scientific, I feel experimenting with human life raises some obvious and major issues. In this House we set the laws that govern our society. Each time we change our stance or move the goalposts regarding the issues surrounding life, we change our world and our society forever. Many may say that this could be for the good, and some may argue the opposite.

I do feel that life is the most valuable and precious gift, and I fully understand when people say that the embryos that could be experimented on are to be destroyed. I do not wish to get into hypothetical questions because they will go on and on. The question I believe is: do embryos have the right to be destroyed with dignity or do we experiment with them? While that may seem a crass and somewhat simplistic statement, it is really what I feel is the basis of this very sensitive issue. I cannot support embryonic stem cell research, and I shall therefore be voting against this bill. I thank the House for the opportunity to enunciate my position on the issue.

**Mr HOBBS** (Warrego—NPA) (6.55 p.m.): I am pleased tonight to be able to speak to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and Prohibition of Human Cloning Bill. They are very important bills, as many members tonight have said. They are bills which we take most seriously. There are a number of issues which we have to look at closely in order to make a decision which will best suit our electorates, and we as legislators have to make sure that we can do the right thing by the broader community.

The objects of this legislation are to address the ethical and safety concerns about scientific developments associated with reproductive technology, particularly in relation to the prohibition of human cloning, the prohibition of certain practices associated with reproductive technology and regulating the use of excess assisted reproductive technology—ART—embryos for research and other activities. When we look at what has happened around the world, there are numerous world organisations that find it unacceptable and contrary to human dignity to use cloning for the creation of humans, and I certainly agree with that. I think most people do.

On 5 April 2002, COAG agreed that the Commonwealth, the states and territories would introduce nationally consistent legislation banning human cloning and other unacceptable practices associated with reproductive technology. COAG also agreed to the establishment of a national regulatory framework for the use of excess assisted reproductive technology embryos to enable Australia to remain at the forefront of research that may lead to medical breakthroughs in the treatment of disease. This is particularly important as many members tonight have talked about the possibilities that may exist, and that was passed by the Commonwealth government.

COAG agreed that the Commonwealth, the states and territories would introduce nationally consistent legislation to ban human cloning, and that is what we are debating tonight. Consistent with the COAG agreement, the bill prohibits a range of other practices associated with reproductive technology, including the creation of human embryos for research purposes, the creation or implantation of animal or human hybrid embryos, the creation or implantation of chimeric or animal/human hybrid embryos, the creation of a human embryo that contains genetic material provided by more than two people and the commercial trading in human eggs, human sperm and human embryos.

At present the practices prohibited by the bill are considered unacceptable for ethical and safety reasons, and I certainly agree with that. From an ethical point of view, it does not meet our standards. People may go beyond the standards that we believe are important. From a safety point of view as well, we are unsure of the outcomes. There is also the welfare of the final recipient to be considered, and certainly there is a lot more work to be done in this particular area.

Consistent with the objectives of the bill, the complementary legislation to a national regulatory scheme, the bill supports prohibition of the creation, importation/exportation or implementation of certain other embryos for ethical and safety reasons under the Commonwealth Prohibition of Human Cloning Act. There are a lot of important issues there which I think we can deal with.

It is important to note that the bill provides that it is an offence to intentionally use a non-excess ART embryo, unless the uses are part of assisted reproductive technology treatment carried out by an accredited ART clinic. We understand that these embryos are going to be

destroyed anyway. I do not see that in some way we cannot help people who may be suffering. We need to look carefully at helping those people who have been suffering for many years from various illnesses.

Sitting suspended from 7 p.m. to 8.30 p.m.

**Mr HOBBS:** Before the dinner break I said that obviously there was a ban on human cloning which, generally speaking, most people seem to agree with. This bill establishes a scheme for the assessment and licensing of certain activities involving the use of excess embryos created by assisted reproductive technology. Basically, coupled with a licensing regime, it puts in place a lot of safeguards that will allow for the responsible and further scientific activity that a lot of us would like to see. Clause 24, for instance, provides that it is an offence to intentionally use a non-excess ART embryo unless the use is part of assisted reproductive technology treatment carried out by an accredited ART clinic. The effect of this clause is to ensure that there is no loophole for the inappropriate use of ART embryos that are not excess to the needs of the woman and any spouse for whom they were created. For example, it would be illegal to use an ART embryo that has not been declared 'excess' in the training of ART technicians or to derive embryonic stem cells. When we consider that there are so many people out there who are suffering from various disabilities, with the checks and balances that we have our duty as legislators is to provide the opportunity for scientific advancement that may assist our incapacitated friends and associates to give them hope that maybe one day a cure can be found for them. I believe that the safeguards as proposed in this legislation are adequate and that we can support this bill tonight.

Before a person can commence using an excess ART embryo, the person must provide written notice to the NHMRC as follows: that consent has been obtained for the use of all embryos in accordance with the protocol considered by the NHMRC licensing committee; advise of any restrictions on the use of embryos, as determined by the responsible persons; and in the case of uses that may damage or destroy the embryos, that the embryos were created before 5 April 2002. So, there are numerous safeguards. To my mind, those safeguards ensure that at this stage there will be provided the scientific development of future work that may help those people.

We all have people in our electorates who suffer in some manner or form. A chap in my electorate, Peter Fry, provided me with some information. He said—

I am a C5/6 quadriplegic who runs a 20,000 acre grazing enterprise south of Mitchell. Before they vote, I beg any parliamentarians who cannot vote in favour of this type of research going ahead to visit a spinal injuries unit and look closely at the quality of life the patients there are sentenced to. Watch the people who have to have someone else blow their nose for them. Ask about the indignity and invasion of basic personal privacy these people undergo daily as their bowel and bladder program is carried out, often by a stranger. Then go and see a parent who has a child suffering from MS, spina bifida or Down's Syndrome. Ask them if they see any problem with embryos from an IVF which are going to be discarded being used in research which has the potential to give their child a normal, active, long life. Ring me and ask me how much I long to be able to pick up my three children and hug them, to be able to run and play with them. These embryos are going to be discarded. They will then die. Surely there is no difference between a kidney or a heart transplant from a victim of a car accident and using these as yet unformed humans to better the lives of breathing, thinking people. This research may not produce any results, but unless we try we will never know.

God gave man the ability to think critically and to develop knowledge. Our duty as Christians is to be good stewards of this knowledge. This means that we must not deny the ethical and moral issues that accompany such knowledge. As such, Christians are required to seek and find principled solutions that protect all interests. I believe ethical, moral and principled stem cell research is part of that mandate. Please carefully consider what the potential of this research could mean to myself and many other people living in a personal hell that many of these injuries and diseases impose. I am willing to hear from any elected members (or the public) who wish to question me or justify their opposition to my views and hope that if I meet any of you in the not too distant future I will be living testimony to advances in modern medical science.

Pete asked me to ask a question in the House in relation to a technicality of this bill. Perhaps the minister may answer this later on. Pete said—

Howard, hello. I hope you are well. I have read the Embryonic Stem Cell and Ban on Human Cloning Bill. I have some problems with the fact that this was a done deal even before it was voted on by the feds! It was decided at the COAG meeting last April. I do have one question from reading the bill please? In the explanatory notes on the bill under 'offences', there is a note about import/export of cloned embryos and punishment for same (up to 15 years in prison). Could you please have clarified if this could be applied to a person who goes overseas to receive treatment consisting of stem cells from a cloned embryo? Could they be arrested and charged on their return to Australia? I know this sounds outlandish, but in the USA it is emerging as a real possibility.

**Mr Lucas:** One thing's for sure—it's beyond the legislative competency of the Queensland parliament to effect that. The federal government has to deal with that.

**Mr HOBBS:** So how does this legislation at all touch that? Are you aware?

**Mr Lucas:** We can't at all seek to regulate the import or export of anything. That's for the Commonwealth to do because the state does not have the power to do it. That's up to them.

**Mr HOBBS:** I accept that it is probably their right, but are you aware as to whether that would be the case?

**Madam DEPUTY SPEAKER** (Ms Liddy Clark): Order! Minister, we are not in committee at the moment.

**Mr HOBBS:** Well, he was doing his best; he was trying. It is a difficult question. The question has been asked by someone in a very difficult situation. Perhaps down the track we may get some answers in relation to that. I commend the bill to the House.

**Mr SHINE** (Toowoomba North—ALP) (8.39 p.m.): Firstly, I join with other speakers in this debate tonight in congratulating the government and the Premier on allowing a conscience vote with respect to this proposed legislation. Also, I would like to convey my gratitude for the fact that the bills have been split in conformity with the practice in the federal sphere.

I turn firstly to the bill in relation to embryonic stem cell research. As I understand it, the view of the proponents of the legislation is basically this: they support the use of excess IVF embryos in stem cell research as it could save lives by finding cures for various diseases. This supports the April 2002 COAG decision and it is argued that it is in line with this government's concept of a Smart State. It is argued that the alternative is to allow surplus embryos left over from the IVF process to succumb, or to die. One concludes from this position that there is no moral or ethical problem, merely an element of distaste, such that it is not okay to create any additional embryos but it is in order to experiment on embryos surplus to the IVF program. Looking at it from a moral point of view as I understand it, I must say that I do not quite understand this concept. To me either it is right or it is wrong to experiment on embryos. If it is right to experiment on so-called surplus embryo, then it is equally right to do so with others or to create them for this purpose.

The bioethical question is: when does life begin, for here we have the fact of human embryos, not just cells? My belief simply is one in accordance with my religious convictions, and that is that the beginning of human life occurs at the very first instant of existence of the embryo itself. It follows then that there is no difference between whether it is created by the human method of insemination between egg and sperm or the inhuman method such as that of the reprogramming of somatic nucleus in an egg cell.

I believe the proponents of this bill, for very well intentioned reasons, which we have heard in detail tonight, do necessarily discriminate among human beings based on the measure of time of their development. Thus this can lead to the conclusions that an embryo is worth less than a foetus, a foetus is worth less than a child, and a child is worth less than an adult. This overturns the moral imperative that imposes instead the greatest care and maximum respect precisely for those who are not in a position to defend themselves.

I believe in strong support for all moral and ethical research that can lead to the beneficial treatment of human affliction and suffering. However, it is my belief that human life is a gift from God and every human life must be protected. There are dangers in unfettered research. This allowance of embryonic research may well be said to be the thin end of the wedge. It has been said to me that the slippery slope of unlimited scientific investigation is a grave and dangerous interference with the very nature of human beings, who are surely more than merely intelligent machines. History has shown that it is always the dispossessed whose lives are easily overlooked who are subjected to the worst abuses of scientific research. So-called spare human embryos are particularly vulnerable to this kind of moral blindness because so many people seem to have difficulty identifying with their humanity. But surely we do not measure the value of an individual's life on the basis of how useful he or she may be to others?

My position, based as it is on certain religious, moral and ethical considerations to which I have referred, means that I should oppose this bill so far as it relates to research into embryonic stem cells. Really, it is therefore unnecessary for me to go further, that is, to examine the second of the two possible questions for me to answer, the first being: is embryonic stem cell research morally okay? And the second being: if so, is it the preferred course to follow? Having answered in the negative to the first it is unnecessary to answer the second.

Other speakers have gone and no doubt will go into great detail on the issue of why adult stem cells are as good as or superior to procedures involving embryonic stem cells so far as outcomes both to date and in the future are likely. Having regard to my comments, I will

accordingly be voting against the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill.

As to the Prohibition of Human Cloning Bill, I welcome its likely unanimous passage through this House. The concept of the cloning of humans is, thankfully, repugnant to most. Nevertheless, I believe legislation is necessary. There are people alive today of immense wealth, some of whom may crave immortality or excessive vanity, such as desiring to be remembered long after their death.

In an article dealing with vanity and cloning, Dr David Turner, a geneticist at the Department of Haematology at Flinders University in South Australia, recently began his article by quoting the medieval poet John Webster—

Vain the ambition of kings  
who seek by trophies and dead things  
to leave a living name behind  
and weave but nets to catch the wind.

In his article he deals with the age-old theme of the futile desire to cheat death. He sees in cloning an opportunity for some to seek to achieve immortality in this manner. He sees this age with the possibility of cloning of humans as a watershed in science and technology, as we now see the potential to change our own genetic destinies through cloning. Rarely does science or its technological application confront us, but occasionally it does. Other times in history have been, for example, the publication of the *Origin of the Species* in 1859, the dropping of the bombs on Hiroshima and Nagasaki, and also in 1997 the humble Scottish lamb Dolly, who challenged our very concept of what it is to be an individual. Dr Turner argues that sex ensures that every individual is just that—individual, unique. That is what natural selection is all about. He points out that individuality stands at the centre of so many of the precepts of our society; that it is central to our concept of humans as autonomous individuals with sovereign rights to make decisions for ourselves but with obligations to others and capable of the exercise of free will in acting for good or ill.

In his article he reminds us of the warning in Greek mythology of the tragic tale of Tithonus. In Greek mythology Tithonus was a beautiful youth and a lover of Eos, Goddess of Dawn. Eos asked Zeus, the Father of the Gods, to make Tithonus immortal. Perhaps the story is a cautionary tale about playing with the natural order of things, for Zeus granted her wish but she forgot to ask for perpetual youth, so that Tithonus became older and older and more and more wizened. Tennyson captured his despair in his poem of the same name—

Man comes and tills the field and lies beneath  
And after many a summer dies the swan  
Me only cruel immortality consumes.

Therefore, it may be that clones may suffer this Tithonus factor. All our cells inevitably accumulate mutations—changes in our genes—as we go through life. We are told that this rusting of our genes, so to speak, cannot be reset by cloning and so a clone would carry in all its cells the accumulated errors of its previous existence.

Finally, Dr Turner reflects on the existence of Dolly the sheep. Cloning Dolly is an epochal event. If we are talking in epochs, only yesterday it was BC—before cloning. Today, it is AD—after Dolly. William Blake, the mystic and nonconformist painter and poet of the 18th and 19th centuries wrote a lot about God, his creator. In the wake of Dolly, Blake's following words take on an unintended meaning—

And when the stars threw down their spears  
And water'd Heaven with their tears,  
Did He smile His work to see,  
Did He who made the Lamb, make  
Thee?

I enthusiastically support this bill, the Prohibition of Human Cloning Bill 2003.

**Ms LEE LONG** (Tablelands—ONP) (8.51 p.m.): I rise to speak to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and the Prohibition of Human Cloning Bill certain of one thing: the issues that this legislation attempts to address are of enormous social, moral and ethical complexity. Indeed, I believe that the intricate and advanced science involved is, in fact, simple by comparison.

I am heartened to see that there is general agreement on the need to proscribe human reproductive cloning. Human reproductive cloning is something that I am opposed to completely.

The thought of any science fiction clone is too unsettling to contemplate. Clearly, the main area of concern that we have to consider is that described as therapeutic cloning, which is also called stem cell research. We are told that this is undertaken for research into and the treatment of very serious, so far incurable, conditions.

Although it appears in that light to be a laudable activity, it is one that is undertaken in the full glare of the essential issue of the dignity of human life. This is particularly because of the research track involving embryonic stem cells. Is an embryo artificially created and of unnatural, possibly even not viable form, deserving of respect as a potential human? Is it more or less humane to allow the excess embryos of artificial reproductive technologies to be destroyed by removing them from cold storage or by utilising them in embryonic stem cell research?

These questions themselves bring in the bigger questions of when life begins. I have read one description that identified that as essentially being when the DNA map is complete. This description itself is a product of the advance in medical technology. Only 50 years ago DNA itself was discovered.

As complex as this issue is, I would like to record my great concern about the level of some of the scientific claims surrounding this debate. This is a very difficult, complex issue. It needs to be addressed in medical, technical, ethical, religious and social terms. I believe that it is unacceptable for the scientific situation, which I would expect to be essentially a question of fact, to be at this stage subject to claim and counterclaim as to what the facts may be. I do not think that it is naive at all to expect, for example, that we should have a clear indication that embryonic stem cell research is, or is not, likely to generate cures or other medical progress. Whether it is ethically and morally appropriate is another question. Whether or not it is a viable avenue for research is a question that I expect should be answered clearly.

I note that the Premier said in his second reading speech that there was a strong scientific view that embryonic stem cell research could lead to treatments so far beyond the reach of medical technology. Yet last night I considered an open letter, as I am sure others in this place did, from nine highly qualified people indicating arguments claiming that the urgent need for embryonic stem cell research were not compelling. I point out that the views are widely divergent on the core issue of whether embryonic stem cell research is even worth while at all. I cannot in good conscience support research as challenged by ethical and moral questions as is embryonic stem cell research, especially when there is apparently not even agreement as to its likely value.

However, I support the most vigorous ongoing research into the use of adult stem cell tissue in addressing society's medical needs. Today we debate this bill, and to return to it I say only this: technology as evidenced by the research-driven nature of this issue is moving enormously quickly. I believe, whatever the position created by these bills, that there is a tremendous need for the close, continued monitoring of developments in the relevant medical and perhaps even ethical research.

I note that the proposed date of introduction for certain provisions of these bills is 5 April 2005, although they can be introduced by COAG—the Council of Australian Governments—at any time before then. In that vein, I note the proposed maximum penalties of 15 years jail, or up to \$300,000, for human cloning offences. The Scrutiny of Legislation Committee—both our own and others around Australia—is concerned about bills made pursuant to intergovernmental agreements that form part of national schemes of legislation. That is because many elements of such schemes have been identified as undermining the institution of parliament. This kind of preordained, imposed government is as frightening in its own way as any science fiction clone could ever be.

**Ms PHILLIPS** (Thuringowa—ALP) (8.56 p.m.): I rise to speak to the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. It is anticipated that these two bills will be reconsolidated after the third reading stage.

I acknowledge that I am in favour of the successful motion to divide these two bills for the purposes of debate, because I believe that they contain intrinsic differences while dealing with similar issues. With regard to the first bill, the Prohibition of Human Cloning Bill, I want my support of this legislation and, therefore, my abhorrence of the concept of human cloning, to be on the record. This bill makes it an offence to intentionally create an embryo that is a genetic copy of another living or dead human. Creating an embryo cloned by any technological means is an offence, that is, if any current procedures such as somatic cell nuclear transfer, embryo splitting or

any future procedures are used in an attempt to create a human embryo clone, then an offence is committed. It is also an offence to intentionally place into the body of a human or animal a human embryo that is a genetic copy of another living or dead human. The bill also prohibits other practices in relation to the creation of human embryos and imposes hefty fines.

I believe that every member of this House and in the community at large will be in agreement with the prohibitions included in this bill, although there may be some who might be inclined to want to support therapeutic cloning. However, the COAG meeting on 5 April last year agreed that the Commonwealth, the states and the territories would introduce nationally consistent legislation, albeit more restrictive than that of other countries. As a responsible state government, we are implementing that legislation.

With regard to the second bill, the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology, my personal support for the legislation is not so categorical. However, on balance, I will be voting for this bill as well. I am supporting the ability for scientists to explore new ways of finding possible answers to disease and disability in a regulated manner when this research is to take place involving human embryos.

I believe that scientists are already making excellent advances with research into adult stem cells. We are all well aware of the work on spinal injury here in Brisbane and heart disease in Newcastle. The considerable success in transforming adult stem cells from the blood into kidney blood vessels or brain cells has been documented. I agree that the future in adult stem cells is very exciting. I have personally wondered whether we need to fund additional millions of dollars worth of stem cell research but this time in cells collected from embryos rather than adults. I wonder if that amount of funding was put into adult stem cell research whether we could overcome some of the current limitations experienced in this field.

I admit that I am not a scientist and so have had to inform myself for this debate by reading and listening to experts. However, I am not sure that my questions have been adequately answered. I am very concerned about the competition for research dollars that exists in many other areas—for example, in that of hormone replacement therapy for women experiencing symptoms of menopause and that of drug treatments for some cancers. I have spent some time reading and discussing these issues and it is my belief that large drug companies have hijacked the debate and have spent millions of dollars not on the research that is so much needed but on advertising campaigns to convince people that the treatment that they own the patent or copyright for is the only cure. It would be very disturbing if it was true that competing companies dealing with stem cell research were endeavouring to sell their particular interests to an uninformed public. Embryonic researchers have already made claims that drug testing could be an application. This and other commercial uses concern me. However, I am convinced that this bill includes sufficient safeguards that can protect extensive commercial exploitation and I am further reassured by the inclusion of a three-year review process.

There has been some disquiet in certain parts of my community about the use of embryos for research even though they are excess from the IVF processes for which they were created. My response is that the regulations included in this bill not only allow these embryos to be used to possibly find cures for very ill people but they are disposed of in a very professional and compassionate manner. The reality is that earlier IVF or assistant reproductive technology programs routinely produced far more embryos than were probably required because the failure rate was so high. Today their creation is much more limited. However, given that prior to 5 April 2002 there were increasing numbers of ART embryos a moral dilemma about their disposal had already developed. The argument revolves around opinions as to when life begins, an extremely contentious issue. For me the most persuasive answer is that there is life when the organism can exist independently. In the case of human embryos and fetuses, it would be when they can live and grow outside their mother's womb. These excess ART embryos cannot survive outside their suspended state.

What should be done with them when they are no longer able to be used for the purposes for which they were created? Where can they all be warehoused? The reality is that they will be disposed of. Allowing them to be used for research before this disposal is a positive, life-affirming outcome. The embryos will be used in studies to find cures for devastating diseases and disabilities. I believe that we cannot deny this possibility for the individuals suffering these illnesses or for their families. The argument that we should not experiment with living human organisms is spurious. We already subject human beings to experiments aimed to find cures and treatments. In the case of ART embryos, permission would be gained from the parents before their embryos

are used. Many parents in fact have stated that they are very willing to be part of this research. I am personally not convinced that the excess embryos created before 5 April 2002 should not be used in research to improve the life experience of people suffering disease and disability. On the contrary, we are putting in place adequate safeguards to avoid any misuse and we are potentially opening the way for remarkable treatments and cures. For these reasons, I commend both bills to the House.

**Mr COPELAND** (Cunningham—NPA) (9.05 p.m.): I rise to contribute to debate on the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and the Prohibition of Human Cloning Bill. I am pleased that the original bill has now been split into two new bills. For this to be a true conscience vote, it makes sense for the bill to be split so that members who do not support the use of human embryos in stem cell research are still able to vote to condemn all human cloning in Queensland. I am very supportive of the objectives of the Prohibition of Human Cloning Bill 2003 in banning all human cloning and unacceptable practices associated with reproductive technology. Most reasonable people greatly fear the potential consequences that would come as a result of the creation and implantation of human embryo clones. Such activities are ethically and morally unacceptable, and I am pleased that we are ensuring that they will be comprehensively prohibited. I know the abhorrence and disappointment in my own electorate that met the news a couple of months ago that the Raelian cult had claimed to have cloned a baby girl. To date there has been no verification of that claim and I sincerely hope that there never will be. What was science fiction not so long ago is now the possibility. I therefore strongly support this bill. That notwithstanding, we will still be faced with the issue of therapeutic cloning in just a couple of years.

However, I hold significant reservations with regard to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, which seeks to permit certain activities involving the use of excess embryos created by assisted reproductive technology. These reservations come as a result of widespread consultation, numerous briefings from medical professionals of varying viewpoints and an assessment of the ethical and moral issues involved. Due to these reservations in relation to the scientific and to the ethical consequences, I will not be supporting the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. This use of human embryos in research is a very contentious scientific and ethical issue. The task of deciding on making human embryos available for scientific research should not be taken lightly and as legislators we should seriously consider both the scientific and the ethical aspects of such potential laws.

I will firstly speak on the scientific aspect of the bill. I must say that personally it has been very difficult for me to weigh up the different arguments put by both sides of this debate. As proponents representing both adult stem cell and embryonic stem cell research—all saying they are well qualified—have lobbied many people during this debate and made claim and counterclaim, it has been difficult for me as a lay person to wade through the information and form my own opinion. Others, faced with the same information, have formed an alternate point of view. As all members are aware, embryos are only one form of stem cell research. For over a decade scientists across the world have been conducting stem cell research using adult stem cells, research that has none of the associated ethical questions. I want to unequivocally state that I strongly support this research with adult stem cells. There have been many developments in the use of adult stem cells to treat a broad variety of serious health ailments. Adult stem cell advancements are not only being spoken about in terms of future possibilities; they are being spoken about in terms of actual medical breakthroughs that are being made right now.

A number of examples have been relayed to me regarding the use of adult stem cells, and I want to refer to just a couple of these. In April of last year a Welsh man was announced as being cured of the fatal immune deficiency condition known as 'bubble boy' syndrome as a result of using his own adult stem cells. Since this announcement, several Australian children have recorded similar recoveries from the condition. All were treated with compatible adult stem cells. Also in April the American Association of Neurological Surgeons announced that a 57-year-old ex-fighter pilot who previously had suffered from Parkinson's disease was still symptom free three years after being treated with his own adult brain stem cells.

In July of last year it was announced in the *New Scientist* publication that adult nose stem cells successfully assisted to mend spinal injuries in lab rats and will now be tested in humans by Australian scientists. Worldwide testing in animals of these adult stem cells has had



unprecedented success in mending severed spinal cords. In some cases rats have actually regained control of their hind legs after receiving transplants of these stem cells.

These are three examples in the last year of adult stem cells being used to make advances in the treatment of previously untreatable conditions. These are cases that have actually happened already, and much of the research is happening in Queensland. These developments are by no means limited to just these examples. Tangible results are being recorded across a wide variety of other conditions, including chronic heart disease, multiple sclerosis and diabetes.

While there have already been advances in adult stem cell research and treatment, to date it appears to me that the same cannot be said of embryonic stem cells. At best there has been significant contention regarding the extent of advances being achieved as a result of embryonic stem cell research. Many people will argue, however, that it is too early to close the door on embryonic stem cells and we should allow research to continue because of the potential they hold. That is a decision that each of us will have to make based on our own beliefs.

In medical research practices, proof of concept must be established in animal studies before any move to research on human subjects. To date there has been no proof of concept established using embryonic stem cells in regard to highly publicised medical conditions in the public arena, including multiple sclerosis, Parkinson's disease and diabetes. It is seen by many, even in the medical fraternity, as scientifically premature and inappropriate to begin research on human embryo stem cells at this early stage. There is still much research needed on animals before contemplation should be directed towards using human material. This position has been firmly presented in an open letter to the Queensland parliament by a number of Australian medical professionals which most members would be aware of and other members have referred to.

There has been much media coverage regarding this issue, and it is important that we as elected members of the Queensland parliament try to cut through the hype and take into account the facts associated with stem cell research—a task that I think is very difficult. I personally think, for example, that Professor Trounson did himself and his cause no favours when in the federal parliament he used footage of the highly publicised white rat that he said was cured by the use of embryonic stem cells. That claim received widespread coverage in the media, but the claims that were made were subsequently shown to be false.

That failed stunt has meant that many, including those who were wavering on their position, have questioned the motives of people such as Professor Trounson who have been so significant in promoting embryonic stem cell research. Many people have speculated as to the motives regarding money, the ability for drug testing and a range of other things that I am not going to introduce tonight. But these other motives are an important concern that have been aired in several respected science publications and must also be considered when evaluating the consequences of these bills.

Of course, the bills before us represent much more than just a scientific issue. There are also deeply moral and ethical issues. Many people in my electorate strongly oppose any use of embryos and embryonic stem cells in scientific research and have relayed those feelings to me. In conversations I have had with my constituents, numerous people have conveyed to me their belief that all human life is sacred, beginning from the moment of conception or fertilisation, and consequently that no human life should be destroyed in order to treat others. Many in the electorate feel strongly that there must be appropriate standards in place for medical research that properly protect the sanctity of all human life, regardless of the maturity or development of that human life. It is also clear that there will be many people who feel that we should do anything possible to ensure that any and all research which may help to treat or cure previously untreatable illnesses or afflictions is able to proceed.

While balancing these views it falls to each of us to do as our own consciences dictate. There have been a range of views expressed during this debate, regardless of the political persuasion of the member, and I think that in itself is a reflection of community opinion. It is because of these wide-ranging views on all sides of politics that I mention one incident that really did disappoint me. At the time this issue was being discussed at a federal level between the Prime Minister and the premiers, the Deputy Prime Minister, John Anderson, put forward the argument that he opposed embryonic stem cell research—a point of view that differed even from that of the Prime Minister.

There was a news item on channel 10 on 4 April 2002 that showed Premier Beattie saying he could not accept John Anderson's view and was amazed that he had such a Luddite point of

view. As someone who was trying to come to a balanced position in this debate that statement really did disappoint me, and I would hope that the Premier is now more accepting of alternative views to his own, including those of members of his own party. There are a range of views on these bills, and I respect the views of all those that may be different to my own, both in my own party and in others.

At the centre of this debate are of course the people who stand to benefit from scientific advantages in stem cell research—those people who have medical conditions traditionally with no cure, conditions such as diabetes, Parkinson's disease, irreversible spinal damage, multiple sclerosis and cystic fibrosis. These people live in the hope of new developments in stem cell treatments that will one day see them cured. All of us have family or friends—people that we love—who may have a disease or injury that we want to see cured. That includes me. All of us want to see those cures and even just the hope for those cures. That is a very persuasive argument to allow any or all research, but I have come to the conclusion that we should not.

It is vital that we use the resources available in the best possible way to achieve optimum outcomes for those people suffering severe medical conditions while keeping an eye on the ethical considerations. With the advances being made in adult stem cell treatment it is important that we foster this research so that curing previously incurable conditions can become a reality sooner.

With the hope that stem cell research provides for the treatment of many ailments, the difficulty I had in making a decision on whether to support or oppose embryonic stem cell research would have been much greater without the existing success of adult stem cell research. It has been a difficult process to reach a decision, and for me it has been the success of adult stem cell research in treatment and the hope it is able to provide that has meant that my ethical and moral concerns regarding embryonic stem cell research have been able to carry their just weight.

In scientific terms, it appears to me that embryonic stem cell research is yet to prove itself as having the effectiveness of adult stem cell treatment. In ethical terms, it is cause for significant concern across large sections of both the medical profession and the general community, and we should not and cannot disregard ethics purely in the pursuit of science.

**Ms NELSON-CARR** (Mundingburra—ALP) (9.16 p.m.): I rise to support both bills before the House. I am a mother, a daughter, a sister, a wife and an aunt, and my family and friends mean more to me than anything else. I would do almost anything for my children, particularly if their lives were at risk in any way. As a former teacher and now as a parliamentarian, I have had a number of occasions to witness hardship and suffering, particularly in the areas of health and disability. How many of us in this room would wish more than anything else to abolish human pain but cannot? It is from this premise that I am able to support the bills.

We have had a lot of time to consider and debate the issues and concerns which have been raised by the community, and we have had ample briefings to consider our own personal position. I congratulate the Premier for allowing members to vote according to their consciences, as I understand that there are some moral dilemmas for a few. I can say that any controversies have become very familiar to most of us. On the one hand we have the potential benefits that stem cell research may bring to human health—potential cures for diabetes, spinal cord injuries, Parkinson's and so on. On the other hand, some believe that the research violates the sanctity of human embryos and is therefore morally and ethically unacceptable.

I believe that it will not be long before most people will have forgotten the controversy and scientists will continue their research. This is for me about life, human nature and human drive, which are universal and eternal conditions, not contemporary cultural convictions. Human beings have evolved. We are driven and motivated to love, dream, have families and provide a better life for those we love. This is how species have survived and continue to survive. Stem cell research is just another step in a similar direction—the need to strive for a better life. The moral opponents to this fall largely within the Christian faith, and it is interesting to note that the Jewish faith, for instance, argues that the use of unwanted human embryos to help living people is an obligation.

For many Asian countries, the idea that early human embryos possess a social and legal status independent of their parents just does not exist. Rather, war, disease, poverty, hunger, overpopulation, et cetera take precedence. Remember also that value systems and traditions change over time whether we agree with them or not. We accept and acquiesce with the passage of time. There is nothing wrong with having a particular cultural or moral view, but when those

views conflict with the most basic human drive—that is, the pursuit of a better life—they are destined to fail.

The opportunity for a good life will always triumph. I see so often those who are close to the cruelty of a degenerative disease and who may be of a conservative nature normally, but what happens to them is that instinct and drive take over. The need to make life better for that person will override their philosophical convictions. Remember the first test-tube baby and remember the hue and cry over that? Today assisted reproduction is a huge industry. There are still those who have difficulties with this procedure, but the criticisms have actually shifted to consider not so much religious and ethical arguments but, rather, the safety concerns. I believe stem cell research is no exception.

The executive summary of the report prepared by the National Institute of Health makes the following points, and I support this view—

Embryonic stem cells will undoubtedly be key research tools for understanding fundamental events in embryonic development that one day may explain the causes of birth defects and approaches to correct or prevent them. Another important area of research that links developmental biology and stem cell biology is understanding the genes and molecules, such as growth factors and nutrients, that function during the development of the embryo so that they can be used to grow stem cells in the laboratory and direct their development into specialised cell types.

In conclusion, two important points about embryonic and adult stem cells have emerged so far. The cells are different and present immense research opportunities for potential therapy. As research goes forward, scientists will undoubtedly find similarities and differences between adult and embryonic stem cells, and during the next several years it will be important to compare embryonic stem cells and adult stem cells in terms of their ability to proliferate, differentiate, survive and function after transplant and avoid immune rejection.

Investigators have shown that differentiated cells generated from both adult and embryonic stem cells can repair and replace damaged cells and tissues in animal studies. Scientists, upon making new discoveries, often verify reported results in different laboratories and under different conditions. Similarly, they will often conduct experiments with different animal models or, in this case, different cell lines. However, there have been very few studies that compare various stem cell lines with each other. It may be that one source provides better for certain applications and a different cell source provides better for others.

For researchers and for patients there are many practical questions about stem cells that cannot yet be answered. How long will it take to develop therapies for Parkinson's disease and diabetes with and without human stem cells? Can the full range of new therapeutic approaches be used using only adult stem cells? How many different sources of stem cells will be needed to generate the best treatments in the shortest period of time?

Predicting the future of stem cell applications is impossible, particularly given the very early stage of the science of stem cell biology. To date, it is impossible to predict which stem cells—those derived from the embryo, the foetus or the adult—or which methods for manipulating the cells will best meet the needs of basic research and clinical applications. The answers clearly lie in conducting more research within the bounds of strict guidelines and restrictions. I commend the bills to the House.

**Mr JOHNSON** (Gregory—NPA) (9.23 p.m.): I rise tonight to speak to the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. This is a very contentious issue and one that has created a lot of debate and a lot of angst for a lot of people over a long period of time. I am glad that both the Premier and the Leader of the Opposition have said that members from both sides of the House will be allowed a vote of conscience on this legislation.

I will not speak any more on the Prohibition of Human Cloning Bill. I find human cloning abhorrent and I hope that no-one supports it. I do want to speak briefly, however, to the regulation of research involving human embryos bill. My concern is that this legislation establishes a process for the commercialisation of human tissue. My concern is also that the real beneficiary of this legislation will be the drug companies, as I think it opens the door for the creation of human tissue purely for the purpose of conducting research.

I know this is not the intention of the legislation at this stage, but there are always technicalities of some kind and people who will push the limits regardless of what profession they belong to. I am not satisfied that there are appropriate controls in place for the embryos that are approved under this legislation for research. The truth is that only research technicians will be able

to adequately account for embryos, and this legislation amounts to self-regulation. There appears to be no uniform opinion from the scientific world. There appears to be differing views both ways.

As far as I am concerned, adult stem cell research has great potential in the world of modern medicine. Doctors are presently doing great work not only here in Australia but also around the world, using bone marrow as a classic example, in trying to eradicate disease within the human body. That is a great thing but, at the end of the day, when it comes to human embryo research I cannot support it. I cannot support it because it is interfering with live human tissue. There are many members in this House who will argue that those embryos are not fertilised, that they are not a party to the process of human life. They are a party to the process of human life, and they are sacrosanct as far as I am concerned. That is why I will be voting against that aspect of this legislation.

I respect the points of view of members on both sides of the House. I respect the individual points of view of all members of this parliament. I know there are colleagues on my side who differ from what I am saying tonight, as I know there are people on the other side, but I do not believe we know enough about the issue. I believe there are so many loopholes in this legislation that someone could drive a bullock wagon through it. There are always going to be people who are smart enough to outmanoeuvre us as legislators in relation to this legislation and the technology that we are debating here this evening.

People have talked about the atrocities that were committed between 1939 and 1945 by a regime in Germany. Some of the atrocities were highlighted, and nobody condoned what happened then. I think at this point in time we have to be very careful—and I underline that in red—about how we proceed because at the end of the day I believe there will be someone who will be smart enough to walk through this legislation.

With those few short words, I cannot support the human embryo side of the legislation. However, I certainly support adult stem cell research because I believe it has very rewarding benefits to the medical profession as well as to many people who are suffering from diseases within our society today.

**Mr MULHERIN** (Mackay—ALP) (9.30 p.m.): Assisted reproductive technology—ART—was a wonderful advancement for our society. Children bring joy to families and assisted reproductive technology makes it possible for more people to share in this happiness. All children should be a product of love. People who use assisted reproductive technologies to conceive must be especially committed to and prepared for children. The process of conception through these technologies can be long, difficult and costly. As a society, we are now faced with the debate about whether to allow additional embryos that remain unused from assisted reproductive technology programs to be utilised for research. A push from the scientific community to allow research using embryos has forced governments in Australia to address this issue with legislative controls.

The Council of Australian Governments started to discuss embryonic stem cell research in early 2001. On 5 April 2002 COAG agreed to introduce nationally consistent regulations to ban human cloning and permit the use of excess IVF embryos within the guidelines of a national regulatory framework. Commonwealth legislation has already been passed to ban cloning and provide a strict regulatory framework for the use of embryos for research purposes. State legislation is necessary to close the gaps and make the laws truly uniform. Commonwealth acts do not fully cover state government agencies, individuals or higher education institutions, due to constitutional limitations.

I have many reservations about this bill and commend the Premier for ensuring that members have been given a conscience vote so that their personal beliefs may be reflected. I believe embryonic stem cell research is an ethical, and not scientific, issue. That is not to say that the science underpinning embryonic stem cell research is not an important part of the debate. But the ethics of the science involved is of most concern to me. The capacity of human knowledge to expand and develop is terrific and awe inspiring, but dignity and the sanctity of human life are paramount in all fields of endeavour.

In preparing this speech, I was keen to understand more about the difference between embryonic and adult stem cells as we are bombarded with arguments for and against their respective value in research. Embryonic stem cells are taken from the inner cell mass of a six or seven day old embryo, called a blastocyst. They can be grown and multiplied indefinitely without changing, but can be made to develop into a range of different cell types. Determining how to

direct them to grow into specific things like brain cells or muscle is the subject of much current research. In embryonic stem cell research, extracting stem cells from a blastocyst destroys the embryo. In the normal developmental stages of an embryo's life, a blastocyst would hatch from its surrounding membrane on the sixth or seventh day, and then attach to the inner lining of the uterus—immediately connecting with the maternal blood supply.

This raises the question of when human life begins—a question that cannot be succinctly answered. The issue is further complicated by the fact that embryonic stem cell research under this bill will make use of excess embryos that may be destroyed anyway. My support of assisted reproductive technologies such as in-vitro fertilisation stems from my own strong belief in the importance of family and perpetuation of life. My ethics tell me that it is undignified to allow these embryos to be destroyed for their stem cells, regardless of their eventual fate. However, I respect that that is a personal decision and am pleased that this bill ensures that authority for the IVF embryos to be used must be granted from the woman and her spouse for whom the embryos were created, and determined as being excess to their fertilisation needs.

In comparison to embryonic stem cells, adult stem cells have a limited ability to change into different types of cells. They are present through a person's life and are responsible for the replacement and repair of tissues and organs. There is no routine way to identify adult stem cells and they are considered less flexible. That is, they are thought to be only able to create cell types of the tissue from which they originate. However, recent research suggests they are capable of being reprogrammed to generate other cell types, and are much more versatile than first believed. I have been able to find no evidence to indicate that embryonic stem cells research is more compelling than studies using adult stem cells. On the contrary, I have read much to persuade me that adult stem cell research is not given enough consideration as a viable alternative to using embryonic stem cells altogether. Material I have read indicates that adult stem cell research is more promising with regard to developing actual treatments because there are no issues of immune rejection. Adult stem cell research involves tapping into the power of our own cells to treat ourselves.

I worry that the hype surrounding stem cell research has led us as a society to discard our reservations too easily and the ongoing argument over adult versus embryonic does nothing to facilitate reasonable public discussion on the matter. From a layman's point of view, it is hard to doubt the value of research that may one day help paraplegics walk again or cure Parkinson's and Alzheimer's disease. Realistically though, the time frame for these potential medical breakthroughs is very long, and I have concerns that those with vested interests within the scientific community have falsely raised community expectations. In particular, I hold concerns that scientists will use this legislation as a building block to push for the freedom to undertake therapeutic cloning of cells in the future, which raises a multitude of dilemmas.

In his speech to the Senate on the Commonwealth Cloning Bill, Queensland Senator Ron Boswell raised several important questions on this matter. Senator Boswell raises his concerns about the National Stem Cell Centre that received a grant of \$46.5 million from the federal government, and the influence and involvement of commercial and foreign-owned enterprise in this research facility. In particular, he raised the possibility that Australian embryo product could be sold for cloning purposes overseas via the centre's overseas arm, or the possibility of embryos being sold to large multinational drug screening companies. The Commonwealth has gone some way to addressing these concerns by making amendments to the customs laws to prohibit the export of all human embryos for a period of 12 months, in which time the regulations concerning this area will be assessed. Changes also prohibit the import of certain materials derived from human embryo cloned created overseas. I can only hope the assessments made after 12 months lead to the institution of laws to ensure other countries or offshore companies are denied access to Australian embryos.

The senator also echoed my concerns that the scientific community are promoting these relatively cautious Commonwealth and state regulations, in the hope that highly questionable practices such as therapeutic cloning may be allowed for in the future. He points out that high profile therapeutic cloning supporter Professor Alan Trounson has advised researchers in the field to take what they can get now, perhaps in the hope more can be negotiated later on. COAG agreed that regulation would provide for an assessment on the ban of therapeutic cloning after three years. Supposedly, any hardening of the evidence in support of embryonic stem cell research in that time could lead to the relaxation or abolition of this ban.

If we cast our minds into the future and imagine a time when embryonic stem cell research has led to cures and treatments for a variety of ailments, can we conceive that these treatments will be available to all? Can we conceive that they will not be in some way commercialised and exclusive to wealthy individuals and nations? The pharmaceutical and scientific communities are linked irrevocably and I hold grave concerns about allowing embryos to become a part of this marketplace in any way. What if some positive results can be achieved through embryonic stem cell research but the demand for embryos outweighs their availability through IVF patients? Will therapeutic cloning then be considered acceptable? How far can we go to make the end justify the means? If we tamper too much with nature, we risk losing the qualities that bind us as together in humanity.

I have seen magazines sprouting about how cloning techniques make the idea of eternal youth a distinct reality. I would like to live to a good age and see my children grow up and maybe spend some time with any grandchildren I may be fortunate enough to have. But I accept that I am human and frail and when the time comes I will move on. I understand the yearning to eliminate disease and suffering but do not want to live in a society that would commodify embryos to achieve this. I, like every member I am sure, give my full backing to the Cloning of Humans (Prohibition) Bill, to ban the creation or attempted creation of cloned humans. Notwithstanding my concerns, I also support the Research Involving Human Embryos Bill, because it is the lesser of two evils.

If we do not pass this specific Queensland legislation, there will be no checks and balances in place at all for organisations not governed by Commonwealth laws. Despite my many reservations, we need uniform legislation across Australia. If we do not pass this legislation, the alternative will not be a ban on embryonic stem cell research. It will mean federal legislation allowing it will regulate as far as the federal government can, including federal agencies and companies covered by corporation law. But beyond that, there would be nothing to regulate individuals, universities and state agencies in Queensland. We cannot allow this to happen. I urge members to support the bill.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (9.40 p.m.): In rising to speak to these two pieces of legislation, I would also like to commend the government for its preparedness to separate the two bills to allow the debate to be carried on, although in effect in a cognate fashion, to allow us to address these two issues about which there are such strong feelings. I believe all honourable members have supported the Prohibition of Human Cloning Bill. At international, national and state levels the creation of human clones is widely regarded as unacceptable and contrary to human dignity and, on that basis, I will be supporting the legislation for the prohibition of human cloning. Such a blanket prohibition of research involving human embryos and assisted reproductive technology, however, does not have the same support.

In Senate committee hearings some years ago the Tate committee established what it felt the human embryo was. It stated—

The human embryo is: a genetically new human life, organised as a distinct entity, oriented towards further development.

Contrary to public perception, there is no meaningful medical dispute over the fact of a new individual life beginning at conception. A range of authoritative texts confirms as much.

In *Clinical Embryology*, 1998, Brookes and Zietman state—

Individual life begins with conception by the union of gametes or sex cells ... Growth and development continue thereafter ...

In *Molecular Biology of the Cell*, Alberts states—

An egg is programmed to form a new individual organism when activated by a sperm ...

In *Patten's Foundations of Embryology*, 1996, Carlson states—

The time of fertilization represents the starting point in the life of history, or ontogeny, of the individual.

From the point of view of people who hold very strong spiritual values, a child begins at conception. Indeed, in the hearts and minds of prospective parents, their child begins his or her life well before intercourse and possible fertilisation. Their child is a concept clearly founded in their love.

In drawing together my contribution to this bill I have to thank publicly Dr David van Gend for the material he made available. I will be drawing heavily from the submission that he made to the Senate Community Affairs Legislation Committee in 2002. There is no scientific consensus about

the need for human embryo experimentation. In a remarkable letter titled 'No scientific imperative for destructive research on human embryos' sent last year to senators involved in this hearing by some of Australia's leading medical researchers in fields relevant to stem cell science they outlined the following—

We the undersigned medical researchers submit the following points for the consideration of our elected representatives:

They outlined eight specific reasons why they do not believe there is a scientific imperative—

1. ... arguments claiming the urgent need for embryonic stem cell (ES cell) research are not compelling.
2. Undue expectations have been created in the community, particularly in those with various medical afflictions, as to the imminence and likely scope of ES cell therapy.
3. The community has not been properly informed of the scientific difficulties involved in developing ES cell therapies, which include major obstacles of immune rejection and cancer formation.
4. Research using adult stems, by contrast, avoids issues of rejection and cancer formation, and has the clear advantage of being able to use the patient's own cells to repair any deficits.

Another four issues were raised. This document was signed by Emeritus Professor of Medicine John Martin, an endocrinologist; Professor Michael Good, an immunologist; Professor Peter Silburn, a neurologist; Associate Professor Joanne Shaw, an endocrinologist; Professor Peter Rowe, Children's Medical Research Institute; Professor Bryan Mowry, a geneticist and psychiatrist; Professor Colin Masters, a neurobiologist; Dr Peter McCullach, a developmental immunologist; Professor Michael Pender, a neuroimmunologist, who are all wonderfully experienced and qualified in their fields.

The *Journal of Cell Science* questioned the motives of those who distort the true shape of the science. Despite such irrefutable evidence, a veritable chorus of detractors of adult stem cell plasticity has emerged, motivated perhaps by more than a little self-interest. For it is the drug companies above all that want access to human embryos to test drugs on perfect young human tissues. Leading embryo researchers made clear to the Senate committee that drug testing is a practical and profitable application of embryonic stem cells, with Professor Alan Trounson enthusing—

These cells will be highly useful for screening drugs for both toxicology and effectiveness.

The central goal of drug testing is confirmed in Trounson's successful application for \$46.5 million taxpayer dollars granted to his stem cell centre. He said—

The centre will be developing pure populations of cells and plans to be primarily a supplier to screening companies for drug screening.

There is no moral consensus about the permissibility of human embryo experimentation. We have all been written to by Australian spiritual leaders urging us to have regard for the sacredness of all human beings of whatever level of maturity, dependency or ability—

We ask them to support adult stem cell research and to reject a policy of destroying some to treat others.

Together they speak for a large number of our fellow Australians when they ask us, the law makers, to affirm the ethically innocent and medically superior alternative of adult stem cell science. They say—

We urge our political leaders to support the alternative, safer and longer established medical technology of using a patient's own tissues as a source of stem cells for developing therapies, especially as they have much greater direct therapeutic potential in terms of tissue compatibility. We ask them to fund and encourage ethical stem cell research on placental and adult tissue.

Much of the support amongst MPs and their constituents for human embryo experimentation is based on false scientific premises after a public relations campaign for embryonic stem cells involving a distortion of the science and manipulation of vulnerable patient lobby groups. Although other members have possibly quoted from this, I wish to place in the context of my contribution an article in part written by James Kelly to the *Detroit News* on 28 April 2002 in which he stated—

'For the last seven years, I have not been able to eat, wash, go to the bathroom or get dressed by myself. Some people are able to accept living with a severe disability. I am not one of them.'

Thus spoke actor Christopher Reeve at a recent Senate hearing. I couldn't agree more. I also have a cervical spinal cord injury and share some of Reeve's symptoms. I also want to find a cure for spinal cord injuries, as do many of the 300,000 Americans who have this condition.

Unfortunately, my agreement ends there. Reeve claims embryonic stem cells taken from cloned human embryos are needed to cure spinal cord injuries and other illnesses. He made misleading claims to support this contention:

'In my own case, I require remyelination of nerves (their recoating with insulation) ... At the moment, only embryonic stem cells have the potential to do that, and experiments are being done now in larger animals demonstrating that.'

But the research clearly shows otherwise. For example, Japanese researchers have recoated rats' spinal cords using adult bone marrow stem cells. Neural stem cells (from adults) have been successfully used to recoat tissue in the central nervous system in animal models in France, England, Japan and in the University of Wisconsin. Adult cells found in the nose have been widely reported to cause nervous system recoating upon transplantation.

After years of successful animal tests, researchers and doctors at Yale are already treating two human patients suffering multiple sclerosis by using coating cells taken from their own peripheral nerves.

The tragedy is that valuable public and private research funds may end up being diverted to basic embryonic stem cell and cloning research with little clinical potential to the detriment of proven and further developed avenues that could help both of us during our lifetimes. If that happens, Reeve will have more to answer for than the destruction of some embryos.

Have there been examples of the different results between embryonic stem cell and adult stem cell technology? In diabetes, research has reported the conversion of mouse embryonic stem cells into insulin producing pancreatic islet cells. The mouse embryonic stem cells secreted only one-fiftieth of the normal amount of insulin and diabetic mice implanted with the cells still died. Liver or pancreatic adult stem cells grown in culture formed insulin-secreting islets. When injected into diabetic mice, the mice survived without the further need of insulin injections. That research can be found in an article titled *In vitro trans-differentiation of adult hepatic stem cells into pancreatic endocrine hormone-producing cells*. In terms of Parkinson's disease, researchers used gene engineering to enrich mouse embryonic stem cells for dopamine neurons. When injected into rats with Parkinson's disease, they gave some benefits up to eight weeks after the injection. By using a patient's own adult neural stem cells, a group at the Los Angeles Cedars-Sinai Medical Centre reported a total reversal of symptoms in the first patient with Parkinson's disease who was treated—a 59-year-old ex-fighter pilot.

Because of the time, I will not be able to go through a number of examples that I have that indicate clearly the different success rates between using embryonic stem cells and adult stem cells. But that information has never been readily available to us as we have been bombarded by the need for embryonic stem cell research.

The Premier's ministerial media statement of 25 February 2002 states in part—

New stem cell law will give scientists freedom to save lives.

Premier Peter Beattie said today strict controls on human embryonic stem cell research will set clear limits for Queensland scientists seeking breakthroughs that could save and enhance lives.

Mr Beattie will today introduce into Queensland Parliament an integrated bill that bans human cloning and regulates research involving human embryos.

Mr Beattie said the Research Involving Human Embryos and Prohibition of Human Cloning ... "strikes a sensible balance in regulating research involving human embryos".

"One of humanity's defining characteristics is our continuing quest to overcome diseases and injuries that diminish quality of life.

...

"I do not want to shut down inquiry into this potential medical application in Australia.

"To do so would shut down humane possibilities for the thousands of Australians whose lives are shortened and made painful by diseases and injuries.

The argument is that we use these embryonic stem cells that are being called excess to need—and I dislike that word so much; to call a young human excess to need—because 'they are going to die, anyway. Why not use them for something good.' The Prime Minister said that when he introduced the Human Cloning and Embryo Research Bill into the federal parliament. He established as his moral foundation that only surplus embryos will ever be used and that no embryo will ever be specifically created for research.

However, the head of Sydney IVF research for the past 20 years, Dr Robert Jansen, has told anyone who cares to listen that such a distinction is a fallacy. He has indicated that embryo supply will be guaranteed in ways that cannot be policed. In his submission to a Senate inquiry into human embryo experimentation in 1986, he stated with clarity and frankness—

It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research—any intelligent administrator of an IVF program can, by minor changes in his ordinary clinical way of going about things, change the number of embryos that are fertilised.

So in practice there would be no purpose at all in enshrining in legislation a difference between surplus and specially created embryos.



So what do we do with the current frozen generation? We accept with shame that there is no good way out for these 'surplus embryos'. The primary offence is that they have been stockpiled in the first place. But the lesser of the evils is to let them die, accepting that we have done wrong, and ensure that the stockpile never builds up again. It is a greater evil to set up a permanent market for human embryos by making them available on an ongoing basis as expired meat for the consumption of science, acquiescing to the principle that an embryonic human can be destroyed as a means to someone else's ends. The adoption of a condition on the way in which embryos are created and held is necessary to ensure that that stockpiling does not occur. That would be the most innocent use of IVF and should be adopted as a condition of licence in Australia. The issue of the creation of ongoing frozen generations of human embryos is too serious to ignore as a *fait accompli*.

As a Christian, a wife, a mother, a daughter and a sister, I would love to see an end to suffering. We all have members of our family, both close and extended, who in some way are suffering illness, whether it is terminal or whether it is chronic. To see an answer for those whose experience removes from them normal mobility and function is concerning, it is distracting, it is very difficult to accommodate on a day-to-day basis. However, in all of my capacities, I also cannot support the proactive sacrifice of one life to benefit another. The anguish that a family endures after losing a loved one, even in the decision of organ donation, is intense. The spectre of a nation valuing human life at a commercial level rather than in the context of human dignity, human potential and spiritual dynamic is not a legacy that I wish to leave for my children or theirs to come. I will not be supporting that legislation.

**Madam DEPUTY SPEAKER** (Ms Male): Order! Before calling the honourable member for Noosa, can I remind members that they need to take their conversation outside. I am having difficulty hearing what the members have to say.

**Ms MOLLOY** (Noosa—ALP) (9.57 p.m.): I rise to speak in support of the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. This Queensland bill provides our state's component of the national scheme and reflects to a large extent the Commonwealth provisions to ensure national consistency.

Reproductive technology science is highly dynamic and has been identified for some years now as growing and changing more rapidly, unfettered by ethics and regulation. In essence, this bill intends to harness, without impeding, scientific advances. The reason for this scientific research is to find new ways, new cures for those illnesses and diseases that cause human suffering and loss of quality of life.

In supporting this bill in a logical manner, that does not indicate that I believe that this area of scientific research is the only answer to medical mysteries. But in supporting this bill, I understand that the potential of this medical research is much bigger than our collective fear of the unknown.

As an enrolled nurse of some 25 years before coming into parliament, I have had first-hand experience of caring for the injured, the mentally ill, the chronically ill—people's whose lives and quality of life rendered them debilitated humans, often death their only release from a miserable life. Out of the human embryonic stem cell research could come some discoveries that could help with treatment—treatment of illnesses that most of us will have encountered among friends and family, such as Alzheimer's disease, Parkinson's disease, organ failure, some cancers, spinal cord injuries, or even cystic fibrosis and nerve damage that has been caused by stroke and heart disease.

This is an incredibly complex matter, but far be it from me to deny another human being a chance of healing, unlike our Prime Minister, John Howard, whose abhorrence of war is not strong enough to resist war and who is preparing to inflict death on the living and to see the bodies of children sprayed around the walls of the homes in which they live. The bill provides a regulatory framework to address concerns of ethics and scientific development in relation to human reproduction, utilisation of human embryos, created by assisted reproductive technology.

The Council of Australian Governments, COAG, agreed that the Commonwealth, states and territories would introduce nationally consistent legislation banning human cloning and other unacceptable practices associated with productive technology. COAG agreed that the regulative regime for licensing of research involving excess ART embryos would be administered by the National Health and Medical Research Council. Prohibiting human cloning in Queensland in 2003 leaves me reassured that we will continue to treat life with dignity and that our community's values of today are reflected in this legislation.

In conclusion, my mother told me a story of how when she was a child in the early 1920s there were cartoons about men going to the moon. Perhaps stem cell research is just the beginning of some things we are yet to imagine. The most reassuring aspect of the bill for me is the much-needed regulatory framework which will regulate activities that involve the use of certain embryos. We will know who is doing what—that is, both public and private researchers—given that there will be licences issued and a publicly available database. Like all aspects of life, we all know that there are greedy and unscrupulous operators whose lack of ethics does not preclude them from the practice of medical research. I would urge all of those researchers to behave and adhere to the code of practice as set down in the framework, because if they do not commit to these they will be exposed and punished. It is up to their membership to lead exemplary best practice for humanity's sake. I commend the bill to the House.

**Mrs PRATT** (Nanango—Ind) (10.00 p.m.): I rise to speak to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and the Prohibition of Human Cloning Bill. I state at the outset that the splitting of these issues into two bills was welcomed by many not only in the community but also in this House, I being one. The Prohibition of Cloning Bill will be supported without exception as indicated by every member so far in this debate. Cloning is unacceptable in any form. As members need no convincing of this, I will move on to embryonic stem cell research involving human embryos.

For me the question is this: who is telling the truth when it comes to embryonic and adult stem cell research? Who is issuing misleading and unsubstantiated arguments to further their own cause and who has grasped onto the arguments from both sides to support their own hoped-for desire? I have listened to both sides of this argument from eminent and renowned specialists who have put forward arguments both for and against and I have undertaken an enormous amount of research of my own. When this debate was first put through the federal parliament with the fantastic claims being made that this research had the potential to cure all manner of diseases, I endeavoured to obtain as much information as I possibly could regarding the truth of the results claimed by those advocating the pursuit of embryonic stem cell research. As most members would be aware, I have a very vested interest in the claimed results being true.

I watched that cripple mouse walked with utter amazement and listened to the claims of this wonderful cure-all embryonic stem cell research. Like many others, my hopes were raised as to the possibility of experiencing a relatively healthy old age and not the slow degenerative one that I am aware is mapped out for me. I perhaps more than most in this House want the claims surrounding embryonic stem cell research to be true, but those who promote it have promoted it on a foundation of misrepresentations and false claims. They have played on the basic desire of the disabled to be well. They have played on their families and loved ones, their expectations, their hopes and their dreams, played on them mercilessly with unrealistic claims.

In all my hours of research on this issue I have not been able to discover one successful therapy undertaken in which embryonic stem cells have been used, but I have found a lot of maybes, possibles and mights. On the other hand, I have found reports of successful treatments in using adult stem cells in the case of Crohn's disease, a chronic disease, and thalassaemia, a blood disease. There are also reports of a team of doctors at the Dusseldorf University Clinic who have treated cardiac patients with stem cells from their own bodies. These stem cells were taken from the patient's own bone marrow and injected into their heart with dramatic results. The lack of rejection problems was a major advantage.

The member for Cunningham has mentioned other previously untreatable diseases with the treatment of adult stem cell research, as has the member for Gladstone. Rejection is reportedly a major problem with the use of embryonic stem cells. As with the transplantation of kidneys, hearts, et cetera, the need for immunosuppressant treatment is irrefutable, and so it is with the embryonic stem cells, because they are viewed by the body as foreign and are therefore attacked. This does not happen with adult stem cells. Although perhaps cynical, I question those behind this push to have a mercenary objective with the fervour they are applying. Given the early stage of embryonic stem cell research to date, it is by no means certain that even one of the hopeful treatments can be realised. Promised cures for Alzheimer's, multiple sclerosis, motor-neurone disease and numerous other diseases are at this time nothing more than a deliberate deception by those promoting embryonic stem cell research. Professor Pender, a neuro-immunologist who works with victims of multiple sclerosis, refutes the possibility that embryonic stem cell research will cure these types of diseases which result in multiple scarring throughout multiple areas of the brain. The claims made have been refuted not by me but by eminently

qualified professionals well versed in the realities of the procedures. Alternatively, these same professionals do support adult stem cell research because its results are documented.

The Nanango electorate also favours adult stem cell research. I polled that issue and the question asked was this: should adult stem cell research take precedence over embryonic stem cell research? Of almost 1,000 surveyed, 64 per cent were in favour, 24 per cent against and 12 per cent unsure. I questioned the real reason why this research is being pushed when realistic and credible advances are being made in the area of adult stem cell research. Those promoting embryonic stem cell research openly state that many of these embryonic stem cells will be used for drug testing and toxicology testing. Tronson cast immense doubt over the whole issue with his presentation of the white rat and the intentions of lobby groups have revealed that they are prepared to lie in an endeavour to hoodwink Australian parliaments.

The definition as to when the moment of life is recognised is a question that everybody in this House has to face over this bill. For a couple, within the womb or in a test tube, the desire for a child would lead them to say that life is real immediately on the fertilisation of the ova. For others it is after abortions become illegal and for others it is even later in the term or when a baby can survive outside the mother's womb. That is for each of us to search our own conscience, and I leave that issue for all members to decide. The basis of embryonic stem research, on the other hand, contravenes all basic scientific principles. In all research, whether it be skin care products, medication, transplants or other procedures, no experimentation is permitted on human tissue until there are irrefutable testing procedures to ensure side effects are minimal, if not non-existent, and are carried out over an extended period of time. Even for skin products or shampoos, this can take years and years. Why should it be any less for such an enormous step as embryonic stem cell research? I am not opposed to research based on scientific fact, on animal trials and realistic expectations. Embryonic stem cell research has yet to be proven in any of these most basic of ways.

Reports from leading specialists in many fields have stated that the nature of embryonic stem cells is to multiply at a rapidly uncontrolled rate—almost an explosion of growth into all types of tissue. It is reported that in mice four out of five tests have in fact resulted not in the hoped for cure but in tumours with the resultant destruction and death of the animal. The fact that the original proposal to the federal parliament revealed it to be based on shaky foundation of misleading information appals me. I believe that this is an issue that should not be rushed into, especially as its very foundation has been clouded with doubt. I believe that embryonic stem cell research on human tissue is still too premature and there has been no proof as yet conducted on animal tissue. I do not want to close the door on any form of research, but I am not satisfied that the people have been informed properly. I would ask that this parliament take one step back and take a long, realistic look at the basis of this research.

Unfortunately, \$43 million has been lost to provide adult stem cell research and other research with a scientific solid basis. Many people, both in this House and elsewhere, have been seduced by fiction and not fact. I for one would like to be able to support this bill. My husband asked me how I was going to vote because he wanted me to vote for it, but I cannot. It is based on a lot of fiction and not fact. I cannot support this bill.

**Ms STONE** (Springwood—ALP) (10.09 p.m.): I rise to speak in support of the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. With respect to the growing development of cloning technologies, this is an important bill that addresses issues raised by the Australian community. Scientific findings and discoveries impact and affect people's daily lives. It is important that legislation is designed to meet community concerns with regard to ethics.

The Beattie government is committed to advancement of Queensland's high technology sectors through application of safe and ethical science, as evidenced by the release of the code of ethical practice for biotechnology in Queensland. The code of ethical conduct for biotechnology in Queensland commits government biotechnology organisations and organisations which subscribe to the code to not undertake human reproductive cloning. Advancement in cloning technologies has made the possibility of cloning human beings very real. Already the UK and Japan have placed a ban on human cloning. This bill will ensure that here in Queensland there is an enforceable prohibition on human reproductive cloning.

I believe it is important that technology is encouraged and supported by the government. I also believe what is even more important is that the government is supporting advanced technology by ensuring there is appropriate regulation that reflects community beliefs. This bill will

prohibit the creation or attempted creation of cloned humans or human reproductive cloning, and will prohibit the gestation of human embryo clones. The state bills, combined with the Commonwealth, will impose criminal liability on an individual or company. Penalties for individuals include up to 15 years imprisonment. If an offence is prosecuted in the Queensland jurisdiction, the court may at its discretion supplement the imprisonment term with a monetary penalty for an individual to a maximum of around \$313,000.

The Commonwealth Prohibition of Human Cloning Act 2002 provides a maximum prison term of 15 years for a person importing a human embryo clone into Australia or exporting a human embryo clone from Australia. I welcome the criminal sanctions both the state and Commonwealth bills will introduce. The community expects appropriate regulations and expects tough penalties.

I now turn to the use of human embryos for stem cell research. Stem cell treatment in the medical field is having a lot of success, and that success comes with public debate on the source of the stem cells. The Opposition Leader outlined the arguments that have been put forward by members of the community, and he did that adequately. Other speakers have outlined the arguments for and against this bill and the argument of when life begins, so I will not spend time going over those arguments.

I would like to thank those people who contacted me with their views on this issue. It certainly is an issue that the community has varied and strong views on. Scientists and the community have always risen to the challenge to find cures to overcome diseases and injuries that affect our quality of life. What the community does not want is the challenge to be met through unethical experimentation. By promoting ethically and socially responsible scientific endeavour, we will ensure that research in stem cell technology delivers direct benefits to the people of Queensland within a clear legislative framework.

I have heard previous speakers state that not enough clear evidence has been given to support embryonic stem cell research. We have heard those arguments time and time again in relation to other medical research over the years and they have been proven wrong. I agree with the member for Nudgee that it is now up to the scientists to work hard and fiercely to bring the results.

Spinal cord injury, Alzheimer's and juvenile diabetes are just a few of the diseases that could possibly be cured by the use of stem cell research. I would certainly like to see these cures happen. But the community will not support research that fails to meet agreed safety standards or research that poses unacceptable risk. I believe that without this bill Queensland will be at risk. If this bill is not passed, then corporations in Queensland will be regulated by the Commonwealth regime; however, individuals and universities in Queensland may not be regulated. The member for Kurwongbah has outlined other irregularities that may not come under any regulation. This is certainly a concern to me.

I made my decision to support the bills for the following reasons. Firstly, excess assisted reproductive technology embryos are currently disposed of, in consultation with the donor wherever possible. In other words, the embryos concerned would have expired anyway. Secondly, only excess assisted reproductive technology embryos created prior to 5 April 2002 can be used. In other words, no new embryos will be created solely for the research. Thirdly, donors' consent must be given for the excess embryos to be used. I fully support the donors having the right to choose what they wish to be done with the excess embryos. If they have the view they should not be used for research, they can choose not to consent. If they choose to consent they will be able to specify research restrictions on the use of their embryos.

While deliberating over this bill my thoughts went to what I would want if my child, my mother, my grandmother, my brother, my uncle or anyone in my family was to be struck down by a disease. If there was hope for a cure through embryonic stem cell research I would want that research to be taking place. I would want to know that hope existed. But it does not even have to be a family member for me to feel that way. I would want to know that people who are suffering know that research is continuing in the quest for a cure—a cure that could bring about a significant change to their quality of life. I personally believe that by supporting this bill I will be helping to alleviate human suffering and give hope to those suffering. For those reasons, my conscience is clear for choosing to support the bills.

Because of the differences in properties that exist between adult and embryonic stem cells, I believe there are potential medical benefits to be gained by using both in medical research. As I

said before, the community will only accept this type of research if it comes within the safe and ethical parameters they expect. The bill supports the establishment of a national licensing body. The committee, comprised of experts in a range of fields including ethics, research and law, will scrutinise applications to use excess assisted reproductive technology embryos. They will examine each application on a case-by-case basis to ensure the use of each embryo is fully justified and the embryos are donated with informed consent.

The Queensland bill will form a part of a nationally consistent approach to regulating research involving embryos and prohibit human cloning. The Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 will provide the public with certainty that science in this state is advancing within the safe and ethical parameters demanded by a Smart State. It is for the reasons I have outlined that I will be supporting the bills. Because of research on excess embryos from IVF technology, I hope that in the future we will hear of hugely significant breakthroughs in medical research.

**Hon. K. R. LINGARD** (Beaudesert—NPA) (10.15 p.m.): The discussion here tonight shows just why it is nearly impossible to legislate on moral issues. It also shows how it is extremely difficult, if at the national level we have one sort of legislation, to think that any state is going to implement legislation which is contradictory to that legislation at the national level. Obviously, that is what we are doing tonight. We are trying to mirror national legislation. That we even consider having state legislation which is different from national legislation to me is ridiculous on a moral issue.

I remember quite clearly trying to implement the surrogacy laws in Queensland, which are still different around Australia. We could implement our surrogacy laws in Queensland but yet had people go to Canberra to participate in different surrogacy laws. Then a woman would come back with a young baby and be met at the state boundary and told, 'You have broken the law of Queensland. We are now going to implement the law against you and your baby'. That is absolutely ridiculous. I think that in society we will find that on many of these moral issues society will change the law, as it has done on many things.

We as legislators are being forced to follow what is happening in society. Quite clearly, in this particular issue legislation has been framed at the national level and we are being asked to mirror that particular legislation. Any thought that we can have different legislation in Queensland as compared to legislation at the national level is quite ridiculous. It would be nice to think that we could come into parliament and implement our own personal values. In this particular situation we are looking at trying to mirror what is happening at the national level.

In 2001 COAG discussed assisted reproductive technology, including human cloning, and stated that the council committed itself to achieving nationally consistent provisions in legislation to prohibit human cloning. COAG also agreed that jurisdictions work towards nationally consistent approaches to regulate assisted reproductive technology and related emerging human technologies and aimed at a nationally consistent approach being in place in all jurisdictions by June 2002.

At that COAG meeting in 2002 the Prime Minister and all premiers and chief ministers agreed that the Commonwealth, states and territories would introduce nationally consistent legislation to ban human cloning and other practices considered unacceptable. At that meeting COAG agreed that research involving the destruction of existing excess ART embryos be permitted under a strict regulatory regime to enable Australia to remain at the forefront of research which may lead to medical breakthroughs in the treatment of disease.

They further agreed that the regulatory regime governing the use of excess ART embryos that would otherwise have been destroyed will be reviewed within three years. So the Human Cloning Bill 2002 was passed unanimously by the House of Representatives in 2002 and introduced into the Senate in September. The Research Involving Embryos Bill 2002 was considered in detail in September and passed by the House also in September 2002. So what we are being asked to do here tonight is to mirror national legislation. To think that we might even consider not mirroring national legislation to me is inconsistent.

The Prohibition of Human Cloning Act 2002 forms part of a national regulatory system to address concerns about scientific developments relating to human reproduction and the utilisation of human embryos and to ban human cloning. The act prohibits the creation, importation/exportation or implantation of a human embryo clone and certain other embryos for ethical and safety reasons.

If we look at the research act we see that it forms part of that same national regulatory system, the framework of which regulates activities that involve the use of certain human embryos created by assisted reproductive technology. The act establishes a principal committee, it establishes a scheme for the assessment and licensing of certain activities involving the use of excess embryos, and it provides for a centralised publicly available database of information about all licences issued by the NHMRC licensing committee.

When we look at what is happening in Queensland, we see that this bill complements the Commonwealth's Prohibition of Human Cloning Act and research involving human embryos. It provides the Queensland component of the national scheme and relies to a large extent on the Commonwealth acts to ensure national consistency. When we look at the bills that we have been presented with tonight, we see that the objectives of the research involving human embryos bill and the Prohibition of Human Cloning Bill are to address ethical and safety concerns about scientific developments associated with reproductive technology by, firstly, prohibiting human cloning. I would certainly support that.

I certainly agree with prohibiting certain other practices associated with reproductive technology, and I certainly agree with regulating the use of excess assisted reproductive technology embryos for research in other activities. I certainly agree with the policy objectives of the bill: that they are to form part of a national scheme of state, territory and Commonwealth legislation.

In keeping with the COAG agreement, the bill prohibits a range of other practices associated with reproductive technology. I agree that we prohibit the creation of a human embryo for research purposes. I agree that we prohibit the creation or implementation of chimeric or animal-human hybrid embryos. I agree that we prohibit the creation of a human embryo that contains genetic material provided by more than two people, and I agree that we prohibit the commercial trading in human eggs, human sperm or human embryos.

Whilst I believe and agree that we would like, as parliamentarians, to have our personal values implemented in legislation, this is not about our personal values. This is about whether we want to implement state legislation which mirrors the national legislation or whether we want to have a completely different system.

**Mrs Edmond:** Or no regulation, if that is what some people are arguing for.

**Mr LINGARD:** Or no regulation. I experienced the debates on the surrogacy legislation, and I have a personal thought about surrogacy. But I could see that, if we had national legislation which was different from state legislation, people would participate in surrogacy elsewhere. It is okay to say that we will punish those people, but what do we do with a lady who goes away and experiences surrogacy and turns up on the state border and says, 'I have this young baby.' What would members do? We can do absolutely nothing unless we want to put that mother and child in jail. I personally think cloning and the experiences of society are going to influence us very dramatically, and certainly I believe both these pieces of legislation will become part of our practices very soon.

**Hon. K. W. HAYWARD** (Kallangur—ALP) (10.24 p.m.): There are two pieces of legislation which we are debating here tonight: firstly, the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. I want to make it clear that I support them both. With regard to the Prohibition of Human Cloning Bill, I think there is general agreement within this parliament that the bill should be supported by all members of the parliament.

The second matter is a little different with regard to the regulation of research involving human embryos. It is important legislation and, as I said, it is good to have the opportunity to speak to it in this parliament. This legislation will put into effect the agreement by the Council of Australian Governments to ban, in the case of the first piece of legislation, human cloning and other related practices and, secondly, to allow embryonic stem cell research to occur under strict legal and ethical conditions. That is the emphasis of this bill. It is about the regulation of research involving human embryos and assisted reproductive technology.

As the Premier said in his second reading speech, humanity can be defined by its continuing quest to overcome disease and diseases that diminish quality of life. We can be guided by history and the changes that have occurred through fighting diseases and getting on top of diseases in our society. One example is the treatment for a disease such as pneumonia. Pneumonia was a deadly killer during the period of the American Civil War. As a result of the development of

penicillin, there were resultant benefits to the world community and the development of other antibiotic technology.

Recognising these treatments which have been developed, the facts are that embryonic stem cell research could lead to successful treatment of disease. Queenslanders always supported a national approach in relation to stem cell research. We cannot shut down research in Australia. The effect of shutting down research in Australia will be to transfer the research, the jobs and, most importantly, the medical successes that may be generated to other parts of the world. Make no mistake: to shut down such research in Australia would not end that research; it would merely transfer it out of our country.

This legislation will make excess embryos created as a result of IVF programs available for research. Currently any excess embryos will eventually be destroyed anyway. This legislation means that those embryos may be available to advance life-saving technology. Significantly, the only embryos available will be those created prior to 5 April 2002 and those which donors have consented can be used. The facts are that there are excess embryos and they will be eventually destroyed anyway. Currently it is estimated that there are 70,000 of them in storage. Embryonic stem cell research under this bill will be allowed under strict legal and ethical conditions. That is what this bill is about, as I keep saying: the regulation of research.

There are many ethical concerns raised by this legislation—essentially, I think from listening to some of the speakers here tonight, around the issue of what is life. I understand that in this House and in the general community there are varying views regarding that issue, but I think in these cases and certainly to me logic should prevail. If we can use embryos which would otherwise be destroyed to advance medical treatments, is that not a good result? Is that not what people in the general community would expect of us as legislators here in Queensland? Specifically this legislation bans the deliberate creation of an embryo for research purposes. So the legislation tries to suggest a balance in the source of embryos. I think it is successful in that aim. I consider it important that there be nationally consistent legislation.

The national regime establishes inspectors who will monitor compliance with the legislation. Recognising that reproductive technology is a rapidly changing field, the bill contains a requirement that it be reviewed in three years in conjunction with a review of the Commonwealth legislation. I am pleased to see that the opportunity is provided for such a review, because we all know that research and technology is changing rapidly. More importantly, community perceptions—and there has been some talk about this tonight—change over time. What is accepted in 2003 would not have been acceptable 30 years ago, and even 50 years ago it would not even have been thought about. The review procedure is important, because it enables the legislation to maintain a pace with those changes as legislation often of course slips behind the massive technological changes that can occur in particular areas, such as reproductive technology and matters concerning research involving human embryos. As I said, community perceptions change over time. The importance of the review is that it may even result in prohibiting practices which we do not even know about today and which have not been thought of, where the work has not been done yet but where the opportunity is there through that review to prohibit whatever those practices may be in the future.

As I heard today, this is complex legislation which challenges many of our ideas, our teachings and, importantly, our perceptions. This is legislation which in many ways is created by advances in technology and technological change. It is legislation, as I said, that will not stand still. I commend the bills to the House.

**Mr MALONE** (Mirani—NPA) (10.32 p.m.): It is with great pleasure that I rise tonight to speak very briefly on the two bills before the House. There have been a lot of wise words in the parliament today and tonight. The debate has been very mature and has raised a lot of issues. Of course, the fact that the bill has been split and that we are to have a conscience vote on the two bills is an excellent move for which the government needs to be commended. The issues of cloning and using embryos have involved wide consultation in both the parliament and the community. The debate in the federal parliament was extensive and canvassed all views currently in the environment and those in our local areas at the time. We are probably going over a lot of ground that has been ploughed before in terms of this debate tonight.

I commend the member for Beaudesert for raising concerns about moving legislation through the Queensland parliament that does not reflect legislation passed through the federal parliament, because it would certainly cause concerns in terms of the jurisdiction of the legislation and the way in which the bills could be implemented. It is fair to say that hardly a person in this

House would be in favour of cloning and that we need to be clear that the subject of that bill is fairly abhorrent to most of us on both sides of the House. Quite frankly, that provision should not be supported.

Assisted reproduction and embryo research possibly have some implications, both ethical and religious, in terms of people's attitudes. My view—and I support the legislation—is that there are safeguards within the legislation that will protect both the donors and the embryos. If there is just a chance that the use of embryos in research will make a difference to somebody's life—whether it is a person we know does not really matter—in terms of the safeguards in the legislation and in terms of the current situation it is well worthwhile pursuing.

As I said, I am in favour of the bill as it currently stands. I know that there are concerns throughout the House in regard to that matter, but the opportunities are there. Obviously, there are some concerns about where we go with that, but I believe that there will be opportunities in the future to exploit that even further. I reiterate that I will be voting in favour of that matter as I believe that currently there are sufficient safeguards in the legislation. If there is one possibility that the embryo research can make a difference to one life, it will be well worth while. With those few words, I support both bills.

**Mr FOURAS** (Ashgrove—ALP) (10.36 p.m.): I rise to support this legislation. I was moved by the member for Kurwongbah's reference to her daughter who has juvenile diabetes and to the trials and tribulations of that young lady in relation to how bravely she is facing her illness. I was really impressed by her daughter's optimism that somewhere down the road embryonic stem cell research will provide a treatment for juvenile diabetes. As the member for Kurwongbah said, she supports this bill because it is a bill of hope. All of us do not share the cynicism of some members that scientists are not fair dinkum about trying to find cures in terms of using embryonic cells. Certainly, all the hopes of people like the daughter of the member for Kurwongbah may not be met, but as a society we must fully test the potential of this research.

Unfortunately, the members for Nanango, Gladstone and others concentrated solely on ethical issues. That is their right. This bill is a matter of conscience. They are entitled to talk about ethical issues without turning their mind to the purpose of this bill. This Queensland legislation is about the regulation of acts already permitted by federal legislation. In many ways, to be debating an issue that has already been lost by way of the actions of the federal parliament last year indicates a lack of understanding of what this legislation is about. This bill is exactly the same bill as passed by the federal parliament. In the House of Representatives the vote was 99 to 33. The ethical issues were discussed and decided then. Unfortunately, these issues have already been decided. It is critical for us to support this legislation, because if we do not the Commonwealth act does not cover state agencies such as universities. This bill is about having such research subject to ethical scrutiny and strict regulation.

I have no doubt about the sincerity with which those views are held. I do not share the cynicism of members opposite that there is not any future in this research because I believe that there is. Nevertheless, we are seeing a lack of understanding of the true situation. We are here to make sure that research using embryonic cells is subject to ethical scrutiny and strict regulation. Importantly, members who have a strong position on this should understand that if they do not support this bill they will not be doing anything at all to make sure that their concerns are underlined by this legislation.

Having said those few words, I am pleased to support this legislation. I think that the safeguard of having the consent of the original donors and the other safeguards in the bill, which have been mentioned by honourable members, are important. As I said before, it is critical that we support this legislation so that we can have regulation that is fulsome and so that we do not allow places such as universities to undertake research without the full scrutiny of this legislation. I commend both the Prohibition of Human Cloning Bill and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill to the House.

**Mr ROWELL** (Hinchinbrook—NPA) (10.40 p.m.): In rising to speak on these bills I wish to acknowledge that it was good of the government to split the two bills, because that gave members with varied opinion on the bills the opportunity to support one bill and not necessarily the other. The Prohibition of Human Cloning Bill, based on the speeches I have heard, will be widely supported. However, there is also the issue of research involving human embryos.

Medical science is moving extremely fast. Today we are finding cures that only a few years ago we thought would not be found. I believe that people will be able to live longer and with



greater dignity. These processes are extremely important for that to occur. We do not want to make sure that we have all of the medical science on our side and not take note of other important issues. At present there is a great deal of debate over embryo research. There is a wide range of scientific opinion that, given that the use of human embryos is still unproven, they might be rejected. For example, if a donor kidney is not compatible with a recipient there will be in the short or long term a rejection of the organ, basically as a result of the immune system's rejection. In many cases, cancers form and, ultimately, despite attempts to deal with the rejection process, failure does occur.

In this bill and the subsequent debate there is an expectation that the adoption of embryo stem cell technology will provide a solution to a range of malfunction conditions in the human body. There has been no proof of the concept, which in the scientific world is essential to ensure the credibility of the benefits and application of human embryos. Generally, when carrying out procedures that are untested and lack qualified outcomes the basic direction is to establish the animal model to prove the bona fides of the process. This has not been done, but the public has been sold an idea—a panacea for dealing with a range of diseases and body disorders. It would appear that the major promoters of the concept of embryo cell cures are not complying with the tried and proven procedures to ensure the validity of a concept. Misleading promotion of the benefits have had unsuccessful outcomes and are not encouraging for the government financial support they have received.

Then there is the debate about the destruction of human life and the ethics of the issue. We are entering an area where the manipulation of an embryo, or a human life, is being used to deal with a range of supposed but not thoroughly tested outcomes. There is a strong opinion in the community that in the first instance this is unethical and is as sensitive as abortion on demand. Not only are there serious flaws in the human embryo stem cell process; there are compelling ethical reasons why research should not occur. The bill dealing with ESL has no compassion for human life and its beginnings. This bill simply presents an opportunity for a group that has presently an unqualified and untested concept for a panacea for treating a range of human problems without dealing with the basic proof that they will be successful.

Many people who have health failings will be lured into believing that the embryo stem cell process will provide a solution. There will be a great deal of distress if the process proves to be unsuccessful and rejection occurs and the immune system cannot deal with the incompatibility. Due to the accumulation of some 70,000 human embryos from the IVF program there is a source of material to carry out these procedures for some time. But there are alternatives to the use of human embryos. This alternative has not had the recognition it deserves. Adult stem cell research needs to be promoted for a range of reasons, as it is an ethical mechanism to advance the technology for dealing with serious health issues. There is nothing new about stem cells; they are a natural phenomenon that occurs in the body. Taking a stem cell from one part of a person's anatomy and propagating it to perform another function in a person's body is a rational and logical way to deal with the problem. The stem cell has the ability to perform useful functions without the possibility of rejection. It will not form a tumour, or a cancerous growth, as there is no issue with body immune systems breakdown. There is a greater need for more research to take place with adult stem cell technology, which needs to be advanced but which is not receiving the level of support being given to the embryo stem cell program.

There is a group of highly qualified practitioners that I met with only last night and which recently strongly opposed the use of the ESL. They believe there is a very positive future for the application of adult stem cells. I cannot support research involving human embryos. I believe there is a need for further advancement as far with adult stem cells. It is a safer course of action and it is not liable to lead to some of the concerns that have been raised by eminent people in the scientific community.

**Hon. W. M. EDMOND** (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (10.48 p.m.): I rise to speak in support of this important legislation as Minister for Health and Minister Assisting the Premier on Women's Policy. I support the bill prohibiting any form of human cloning and I support strictly regulating any research on human embryos. The Prohibition of Human Cloning Bill 2003 prohibits human cloning, both reproductive cloning and therapeutic cloning. It prohibits a range of unacceptable practices, as outlined on page 3 of the explanatory notes, that I am sure most people would agree with.

The Regulation of Research Involving Embryos and Assisted Reproductive Technology Bill 2003 establishes a licensing system that will strictly regulate research and other activities using

excess assisted reproductive technology embryos. The issue of research involving embryos is ethically complex and highly controversial. Currently, there is no Queensland legislation to prevent research that uses human embryos. While there are ethical and research guidelines that place a brake on research that may destroy embryos, there is currently nothing in Queensland law that would prevent an unethical scientist from attempting embryo research. This bill fills that regulatory gap in conjunction with the legislation passed by the Commonwealth parliament in December last year.

This bill restricts the use of embryos created by assisted reproductive technology. However, it also allows a woman undergoing fertility treatment the right to give consent for her embryo to be used for research purposes if she considers that it is excess to her needs for her fertility treatment and with the consent of the other donors involved. The bill prevents the use of embryos for research unless they have met very stringent conditions, including that approvals have been given by the Human Research Ethics Committee and the National Health and Medical Research Council. This approach to licensing ensures that all research proposals will be scrutinised by the Human Research Ethics Committee to ensure that they meet all of the standards articulated in the National Health and Medical Research Council's national statement on ethical conduct on research involving humans. Then an expert licensing committee, established within the National Health and Medical Research Council, must assess the research applications and ensure that the research would significantly advance scientific knowledge and could not be carried out by another means. Any research that could pose a danger to humans would not be given approval.

In December last year this licensing regime was established by Commonwealth legislation, endorsed by the Commonwealth parliament 99 votes in favour, 33 against. The member for Kurwongbah, among other members, articulated clearly the fact that this has already occurred—something that some members opposite seem to have missed. Let me be quite clear about this. If this complementary legislation is not passed in Queensland, there will be no national consistency in the regulation of research involving embryos. If this bill is not passed, there is a risk that embryo research in Queensland will be the least regulated and the least scrutinised in the country. I repeat that, because this is the crux of the issue. If this bill is not passed, the risk is that embryo research in Queensland will be the least regulated and the least scrutinised in Australia.

Fortunately, to date Queensland scientists and medical researchers have upheld high ethical standards. However, if Queensland is the only state without legislation corresponding with the Commonwealth act, unethical or rogue researchers will be attracted here. Those previously high ethical standards may not be maintained. However, I have to admit amazement that the member for Keppel indicated clearly that he opposes both bills. That is, he supports cloning but without any regulation. I find that absolutely amazing.

There has been some discussion about a lack of informed knowledge on this issue. I have to say that I think that there has been an enormous amount of public debate surrounding the potential for both adult and embryonic stem cell research to produce future therapeutic benefits. In fact, I cannot think of another form of research that has had the unprecedented amount of publicity and arguments put in the media for and against, particularly during last year and in the lead-up to the Commonwealth debate. It is a debate that should be held, but debate on this bill should not be about whether adult stem cells show more promise than embryonic stem cells. There are clear indications that both types of stem cells may ultimately lead to therapeutic applications. To argue that adult stem cell research is more advanced than embryonic stem cell research is simply to recognise a fact: that research on adult stem cells has been going on for much, much longer. In fact, embryonic stem cell research has barely begun. One member opposite said that she was waiting to see the result of further research before she really wanted to commit herself while at the same time saying that she was going to oppose further research.

Debate on this bill should be about the strict conditions that are imposed in the bill to regulate research on embryos. As with all new innovations in medical and scientific research, the risks and the benefits of progressing stem cell research can be evaluated only through well-designed research and clinical trials. There are no guarantees in any form of research, but there is potential. I recall when I started radiation therapy in 1960 being told that radiation therapy would not be around for much longer because the cure for cancer was imminent as a result of promising research at that time. We are all still waiting. In fact, successful research is sometimes more serendipitous than predictable.

The debate on embryonic stem cells is an important one. Supporters of research in this field argue that embryonic stem cells may have huge potential in terms of regeneration and mobility.

Some researchers would like to use them to help people who are suffering from serious degenerative diseases such as Parkinson's, Alzheimer's and MS and are committed to improving the quality of life of those who are currently living. Much of the debate has centred around the beginning of life. Although some may believe that human life exists from the moment of conception, equally others strongly believe that a small cluster of undifferentiated cells do not constitute a human life. Both points of view need to be considered and respected. Those who do not support embryonic stem cell research say that stem cells derived from embryos implanted in the recipients of foreign tissue may be subject to immune rejection. However, in June last year, scientists in the United States derived dopamine neurons from animal embryonic stem cells and demonstrated that these cells were useful in treating animals with Parkinson's disease.

I have always recognised adult stem cell research as showing great promise. Adult stem cells are easily acceptable and accessible. They are not subject to as much tissue rejection and pose minimal ethical concerns. However, they do not hold the potential for potency in therapeutic applications that embryonic stem cells might. I remind honourable members that for some years now, Queensland has had a bone marrow transplant service for the treatment of leukaemia and other blood disorders, which includes the transplantation of adult stem cells derived from the patient's own blood or donated blood. But I assure members opposite that transplanting adult stem cells can also cause rejection problems unless they are the person's own. The autologous transfusions are not always possible. A generation ago this was not considered possible. Without research, it would not be saving lives as it does now. That research also had no guarantees of success when it began. Although it has met with considerable success, it emphasises the need to keep all avenues of research open to ensure maximum medical benefit.

It is too early to know which technology will provide the best advances, and both should be explored. Eminent scientists around the world have said repeatedly that there needs to continue research into both types of stem cells, that we may need the flexibility of using adult stem cells and embryonic stem cells. I understand that in recent times there has been a study undertaken that shows that it is promising that one kind of adult stem cell has some level of plasticity, but I am also told that a great deal more work needs to be done to show that it is consistent. The therapeutic benefits and applications of embryo stem cell research may still be some years off, but research on animals suggests that in the foreseeable future medical scientists may be able to develop a treatment for multiple sclerosis sufferers that will relieve some of their symptoms and even reverse their effects. In my mind, this is the reason to support the Regulation of Research Involving Embryos and Assisted Reproductive Technology Bill.

I have spent a large portion of my life working with patients on cancer treatment and detection. I was doing that even before quite a few members in this chamber were born. My work in this area has left me with a strong commitment to finding ways to relieve the pain and suffering of others.

Critics may argue that therapeutic applications from embryonic stem cell research are unlikely, that they are just a matter of pure research, and that patients may not see any benefits for 10 or 20 years. This is not at all unusual in research. There are many areas of research that have taken decades to yield useable clinical results. However, advances in medical research can very quickly progress to clinical trials with some potential therapeutic applications. One area where long-term effort has moved to clinical trials is in the recent groundbreaking research carried out by scientists of Griffith University and the team from the Princess Alexandra Hospital. Together they are working on a world-first clinical trial into spinal cord regeneration surgery in paraplegics.

Stem cell research is a rapidly developing area of scientific discovery. We have to ensure that basic research is done first to keep pace with the potential therapeutic applications as well as changes in community attitudes and standards. This is why I believe we should strictly regulate research but continue to monitor and review medical research advances in these areas. It is important that the review of the prohibited practices and the review of the regulatory system for research involving embryos occur by 2005. This will allow government to respond to scientific breakthroughs and address community concerns. For example, currently it is prohibited to keep an embryo in vitro for more than 14 days. However, future research may show a need to extend this time to allow for appropriate and beneficial diagnostic testing. I believe the prohibitions need to be reviewed to take into account the potential for medical science to have made research breakthroughs in fertility treatment. I also believe it is important for us to remember that just because the prohibitions are reviewed does not mean to say that they will necessarily change. It

will simply be an opportunity for the government to ensure the legislation continues to reflect community standards and medical or scientific progress in these fields.

The Leader of the Opposition raised the very important fact that what we in Queensland are doing is very modest in comparison to what many countries around the world are doing and that Queensland's excellent scientists may be inhibited and left behind by this very conservative legislation. But how many members in this chamber today would deny the miracle of transplantation of organs to those who need it? Each year hundreds of Queenslanders are granted a new chance of life by strangers who generously and lovingly agree to the donation of organs from a deceased family member—a loved one, often their child. A community debate similar to what we have now took place in the early days of transplantation, especially over the nightmares of heart transplants and whether or not that affected the soul. To me the argument is similar: the donors are generously giving human parts that can no longer be used to benefit others—a very generous gift.

Like most members, I received a range of correspondence relating to this legislation. To be honest, very few were opposed to the legislation and most of those were form letters from well outside my electorate. I think another member mentioned that they received them from Victoria, where most of the letters I received opposing this legislation came from. Among the many messages that I have had supporting this legislation from constituents, scientists and those affected by life-limiting diseases, I received an email in my electorate office on the debate before us today. A couple of other members have spoken about this email, but I want to read a section of this email from a young man with a C5/6 quadriplegia in support of this legislation that really touched me to the core. It says—

God gave man the ability to think critically and to develop knowledge. Our duty as Christians is to be good stewards of this knowledge. This means that we must not deny ethical and moral issues that accompany such knowledge. As such, Christians are required to seek and find principled solutions that protect all interests.

I am not a religious person, but I cannot deny the point that he has made. The position I have taken on the bill respects human dignity while ensuring community standards and ethical values are upheld. It also enables the enormous potential for embryonic stem cell research to be explored within legislated parameters and subject to very close scrutiny. I have to say that I would be very concerned if we do not have legislation that regulates human embryo research that will undoubtedly take place in this state whether or not members support this bill. As Health Minister, I believe we should show some vision and courage in allowing for ethical and promising embryo research to move ahead with very strict controls. I strongly support the bill.

**Mr HORAN** (Toowoomba South—NPA) (11.04 p.m.): This bill has aroused a lot of emotions and some very sincere and genuine debate, because there are people who feel very strongly about these issues on either side of the argument. This bill is designed to allow the use of existing frozen embryos—that is, those frozen embryos that were in existence before 5 April 2002. There is a time limit set until 5 April 2005 where the approval expires going back to that date in 2002—that is, a sunset clause—or sooner if a review committee advises COAG to change or free up the sunset clause arrangements. We have to wonder what will happen in the future. Basically, the approval for embryo research that this bill would provide if passed provides a holding pattern, but then what happens?

It is excellent that the banning of cloning is part of this bill and that the two issues have been split to allow those of us who believe that research involving embryos is ethically and morally wrong to vote against that. To some extent, this issue springs from the previous bill before the parliament which lapsed. That previous bill was quite horrendous. We were all pleased that it lapsed and did not go any further in the parliament. The previous bill would have defined a human embryo of up to eight weeks as non-human. It even went to the extent that if those embryos were implanted the person would get 10 years in jail. However, they could be used for research as long as it did not allow them to live. It was monstrous. We were all pleased to see the end of that bill, which sat on the table for so long. The only good thing that could be said about the bill introduced in the federal parliament is that it has replaced something that was much worse and indeed monstrous.

Much that has been said about embryonic stem cell research is believed by many to be a smokescreen to allow for drug testing on human embryos because that provides a fast-track, if you like, from the currently available systems of drug testing. In fact, some of the proponents of the use of embryonic stem cells have said that the only practical use is that they are absolutely brilliant for testing drugs or that they are primarily for deriving stem cell lines. They do not

particularly want embryo therapies; they want an excuse to stampede the public to approve the use of embryo stem cell research so that they can have them available for these uses, in particular the drug testing uses.

I want to quote some statements from a summary about the federal bill that was submitted to the Senate last year by Professor Michael Good MD, PhD, DSc, FASM, FAFPHM, FAIM, FRACP(Hon). Most of us in this parliament know him as the director of the Queensland Institute of Medical Research, one of the most wonderful institutions in the world for quality and efficacy of research. As director, he enjoys a worldwide reputation and is also held in high regard by those of us in the parliament of Queensland. The executive summary states—

Stem cell science is an extremely exciting area of research. However, embryonic stem cells and tissues derived from them will be immunologically 'foreign' to the patient and have a high likelihood of being rejected by the patient's immune system. They also have the potential to form tumours ... In contrast, evidence to date suggests that all required tissues can be derived from adult stem cells which can be found in many tissues and can be produced in large numbers and furthermore have the capacity to transdifferentiate into multiple types of tissues. Tissues derived from adult stem cells of the patient are not immunologically 'foreign' and will not be rejected by the patient's immune system.

...

The public debate on the issue is not about stem cells, per se, but about the source of those stem cells. In many sectors of society this point has been missed.

He says in this submission that the Australian public had been hoodwinked by the proponents of this research from the scientific perspective and the promises that this research holds. He goes on to outline some of his scientific objections. On the issue of immunological rejection of foreign tissues he states—

One of my main concerns is related to the potential for immunological rejection of ES-derived tissue. Although proponents of the research talk about providing cures for very ill patients by giving them tissues derived from human ES cells, embryos would have to be mass-produced in order to provide the millions of cell lines that would be needed to be screened in order to find suitable cell lines and tissues that would not be rejected by the immune system of a given patient.

Further on he says—

However, it is not necessary to have to face the obstacles of immunological rejection of stem cell-derived tissue. This is because stem cells can also be derived from adult tissue.

He quotes the research and continues—

AS cells are not only an alternative, morally acceptable to all sectors of the community, but the evidence suggests that they are far superior to ES cells. If AS cells are taken from a patient, then the tissue type of the stem cell-derived tissue will be identical to the patient. Rejection of the graft will not occur.

Under the heading 'AS cells can be pluripotent' he goes on to say—

It is now also apparent that AS cells derived from mature tissues, can give rise to not only the tissue type from which they were harvested, but to a wide range of tissue types, including heart, lung, kidney, nervous system ... i.e. they are pluripotent.

He quotes the research and continues—

Importantly, and unlike ES cells, AS cells do not give rise to the potentially fatal teratocarcinomas.

Further on he says—

The main issue is not the number of different tissues that AS cells can give rise to, but the potential for these cells to multiply into sufficient numbers to be useful clinically.

He quotes the research and the examples of the massive multiplication of these cells to enable them to be used clinically. He continues—

Thus, neither the range of cell types nor the number of cells that can be produced for clinical use from AS cells would appear to be problems.

Researchers in Australia are also using in vitro generated cells for clinical use. Dr Peter Silburn and colleagues from Griffith University have commenced studies using neural stem cells for spinal cord injuries and treatment of Parkinson's Disease.

Under the heading 'Lack of preclinical data: efficacy and safety' he says—

I believe that the community has not been properly informed of the scientific obstacles of developing and using ES cell-derived tissues, nor of the alternatives. In all other fields of medical research, 'proof of principle' research is conducted firstly in animals. There is scant animal data when it comes to treating diseases with ES cells or ES cell-derived tissues.

Further on he says—

ES cells and derived tissue have a huge proliferative potential, which is a disadvantage, not an advantage as argued by some. ES cells commonly form teratocarcinomas—tumours that express multiple tissue types.

In his final page he says—

I am not aware of any good animal data showing that diseases such as diabetes, MS, Alzheimers etc can be cured by ES-derived tissue. It is most unusual in medical research to be rushing to human studies with very poor preclinical data.

Finally, under the heading 'Where would ES cell research lead?' he says—

Because of this lack of the normal rigour that is expected of medical and scientific research, one has to question whether there is an ulterior motive to this research and there is reason to be concerned that the real motive for wishing to experiment on human embryos may be to clone human being. 'Therapeutic cloning' is where a person's cell nucleus is placed in an enucleated egg... The fetus would become a commodity.

Thus, in summary, I submit that stem cell science is a very exciting area of medical research. All the evidence at this point in time from both pre-clinical and clinical studies indicates that AS cells are far superior to ES cells.

There we have arguments from perhaps one of the most eminent scientists, the director of the Queensland Institute of Medical Research.

For the last 25 years the Australian Health Ethics Committee has said no to destructive experimentation on human embryos. Finally, in the last couple of years we have seen the hype and almost a feeling of guilt put onto those people who believe that embryonic stem cell research is unethical or indeed immoral, that they are standing in the way of almost miracle cures. Many of us have been sent the open letter to the Queensland parliament regarding stem cell science. Scientists do not seriously believe that the research is for those true reasons of advancing treatments but is about drug treatment and about fast-tracking drug development by using pure, young human tissue instead of mouse tissue. We believe that is the truth.

Everybody in this House has spoken in this debate with great sincerity and genuineness. I do not think there would be any who would want to deny people a cure of some of the dreadful diseases or conditions that have been mentioned, provided we felt that that was treating human life and human dignity in the direct and proper way. Everybody has their stories. I had two friends in year 12 at school who suffered neck injuries. One passed the ball to me in a football match. Our year 12 class visited those two lads on those rotor beds with the picks in their head and weights in their feet. I will never, ever forget it. My mother is suffering from Parkinson's disease. I would love to see a cure for that, as would other people who have family members affected by diabetes, multiple sclerosis and so on.

We also heard the argument tonight that the matter has been debated, voted on and decided in the federal parliament. But is that any reason for us to veer from what we believe is right and proper? Do we simply say: we will throw aside our ethics and our thought out beliefs on human life because the federal government has made a particular decision? There was an information sheet put out by the Health Minister. Eminent scientists believe that some parts of it were absurd, that it made claims about adult stem cells that were not correct. That is some of the information that has been out and about for members of parliament to try to make a decision upon.

Some of us know that there has been a very strong push on this whole matter. There has been a gross distortion of science. To understand that we simply need to read the open letter to the Queensland parliament from nine eminent scientists. There has been a denigration of the value, use and success of adult stem cells when the breakthroughs from those adult stem cells have been occurring almost every week. Sadly, there has been some misleading hype over what embryonic stem cell research may lead to.

From hearing of some of the tragedies of people with spinal injuries and other diseases and illnesses and the hope that people have that a cure will be found, I can understand some of the comments that members of this parliament have made along the lines that they would not want to stand in the way of somebody that they know who has these particular conditions being cured.

What we are really talking about in these bills are those particular embryos that were frozen up to that particular date in April last year. What will happen to further embryos that are produced through the IVF process? One of the unforeseen questions arising out of the IVF program is: what will happen to these young human lives that are there, frozen? Have they been abandoned or left? I do not think those families who were endeavouring to have children ever had those sorts of thoughts. They were just desperately keen to have a child.

We all support the IVF system, but there are ways in which the IVF program in this modern age can be approached. There are new ways to look at the freezing of eggs compared with frozen embryos so that this huge ethical and moral dilemma can be overcome. It would be wrong to set up a permanent market that would require a continuing supply for the drug testing market.

It is not what the public were sold, and it has been a cruel hoax to endeavour to convince people that there are some magical cures if embryonic stem cells are used, particularly when we know that adult stem cells are available. That is where the success is occurring and there is not an ethical or moral dilemma.

It really comes down to this: we would not destroy or kill human beings to provide parts for transplants or for research. It only occurs when human beings have virtually died or are brain dead. I think others have spoken about organ transplants. I know the Health Minister and I feel very strongly in support of those who donate organs and their families for what they go through in the process. There is perhaps nothing more moving than the annual service of donors' families and recipients' families to celebrate the gift of life that has been provided.

What we are really talking about here is a bill which will legitimise the use of living human embryonic tissue for research. We are not talking about other human tissue; we are talking about that very special and unique human tissue. From the very first stage when sperm and an egg come together, there is a virtual miracle of the genetic pattern being set down for life, be it eyes, colour, legs and arms, personality, character—the whole lot; it is there. We were all that once. We were all a small blob of cells which people have talked about here. That is what this bill is looking at. The Health Minister said that there is no legislation at the moment to prevent the research into or use of embryos, but it is of no use to legitimise the use of embryos if we believe that it is morally wrong.

It is also wrong to be saying that because this is complementary legislation to that which has been passed in the federal government we should follow this against our beliefs or against our genuine feelings and vote in favour of this particular part of the bill. I say to members of this House this is a very, very serious decision that we have to make tonight because we are dealing with human beings. If members believe in life and humanity and they believe an embryo is a human being, then that is the decision they are making tonight.

Maybe it is not—I am certain it is not—just about those 70,000 embryos that have been frozen up until April 2002, but it will be about the future principles, ethics and legislation regarding embryos in the future. We could be committing this parliament to the ongoing and never ending use of fresh, young human embryonic tissue for research, particularly when adult stem cells are available and there is not the need. It has been proven, scientifically demonstrated, that there is not the need to use these embryonic cells.

I will be taking a conscience vote against that part of the bill involving research on human embryos on the basis that I believe it is not right. I believe it is not right to take living human tissue and destroy it in the interests of research. I think it is wrong for us to move down that track, particularly when adult stem cells can do the same, can do it better, do not have the dangers and have already demonstrated a successful track record. There is absolutely no need to go down this inhumane path.

**Mrs DESLEY SCOTT** (Woodridge—ALP) (11.24 p.m.): In recent years medical science has made remarkable advances. Today a premature baby of just 23 or 24 weeks can receive intensive medical care by dedicated nursing teams and survive. Organ transplants in the last decade have become another success story and bypass surgery is commonplace. I well remember the heated debate throughout the world when spare parts of animals were first used in surgery. Such parts as heart valves from pigs are still used today. There is a decreased risk of rejection. They are apparently the closest to human parts.

Many ethical questions arise when there is such an explosion of new knowledge. It is quite appropriate that we have a debate such as this, as human cloning becomes a possibility and stem cell research has opened up a whole new world of medical science. Stem cells are remarkable in their ability to replicate various cells, thus potentially allowing a new kidney or liver to be grown using cells from a patient, thus reducing the rejection factor in transplants. New blood vessels can be grown to replace diseased veins and arteries, and the advantage in being able to grow skin tissue from burns victims using their own cells must be huge.

With such advances we are now faced with ethical issues. While much of the research is carried out using adult stem cells and cells obtained from the placenta following childbirth, there are researchers wishing to use excess embryos created under the in vitro fertilisation program—IVF—or assisted reproduction technology—ART.

I have now attended a number of information sessions and have carefully sifted through these issues. I believe God has given men and women the ability to research and unfold many of

the laws of science and nature. However, I believe there is still much to learn and discover. I have a great deal of respect for those who have a belief that the moment of conception is the ultimate creation of a new life, and given all the right conditions that embryo will develop and nine months later be born into this world.

However, I have been somewhat influenced by the fact that very many women during their child bearing years will have two or three or maybe more miscarriages. This is usually an indication that somewhere in the process of conception or implantation an error has occurred. Conditions were just not right for the ongoing development of the embryo. Similarly, with the excess embryos, the lack of implantation will result in their demise.

The in vitro fertilisation process is hugely invasive and requires both partners to be thoroughly committed to follow a very intensive program. These couples do it because they desperately long for a child. Some are successful and have the joy of raising their baby. However, the rate of failure of an implanted embryo under the IVF program is far higher than the natural loss through miscarriage. Many embryos produced and implanted will be unsuccessful. This has resulted in techniques which produce multiple embryos. It is a fact of life. We must also remember the consent of the couple must be sought for these embryos to be used.

In my electorate, I have a high number of people with all manner of disabilities as well as debilitating diseases such as diabetes, heart disease, epilepsy, cystic fibrosis, cerebral palsy, Parkinson's disease, Alzheimer's, MS—and I could go on and on. I see many people in wheelchairs and have a large number of children at my special school and other special units at some of my primary schools. I long for medical research to make further gains which may eliminate certain diseases or improve the lot of many people who battle each day just to get up in the morning and manage a basic living. When I look further afield to other countries, particularly Third World countries, I am just overwhelmed by the needs. I note in the Commonwealth bill a committee within the National Health and Medical Research Council and the Embryo Research Licensing Committee will monitor and assess developments as well as carry out the licensing function. Information will be publicly available. I am satisfied that certain restrictions prohibiting the creation of human embryos specifically for research, the involvement of animal hybrids, material containing more than two genetic sources and commercial trading in human embryos, eggs or sperm are included as well as prohibiting the import or export of embryos.

In part 2 of the bill the cloning or creation of a genetic copy of another human being is prohibited. These issues dealing with human life require sensitivity and a great deal of legislative safeguards. I note that ongoing monitoring will occur. Science and medical research will not stand still. We as legislators must be prepared to carefully consider the issues as they arise. I believe that we need to always be mindful of the sanctity of human life while not impeding important scientific research which has been and will be of benefit to all mankind. I have welcomed the ongoing consultation resulting in the previous bill being changed and refined. It is my intention to support the research involving human embryos and the prohibition of human cloning. I thank the Attorney-General and Minister for Justice and his staff for the time they have given to listen to the concerns of members. I also thank the Premier for being sensitive to the strongly held views of members to allow for a conscience vote on these issues. I commend the bills to the House.

**Mr HOPPER** (Darling Downs—NPA) (11.32 p.m.): I rise tonight to speak on these bills and in so doing would like to state that I do not believe anyone in this House would support cloning. No doubt, we all know how sensitive this bill will be before the House, especially the provision concerning embryos. I shall address that later in my speech. This bill provides for a 15-year jail sentence for anyone who creates a human embryo clone. We must protect our beliefs and not get tied up in technology which really is beyond us at this time. Human beings are being brought into the world in a beautiful way and in a natural way. There are some aspects of science that we have to put the brakes on. Look at Dolly the sheep. The member for Toowoomba North spoke about it earlier. The world thought it was great and, no doubt, an amazing achievement. However, Dolly died a month or two ago and they still are trying to work out just why. There are parts of this we simply just do not know about.

How dare we play with human lives and not know the outcome? Previous speakers referred to identical twins and compared this to cloning. Where are we in this place heading? There is no way we can compare twins with cloning. Medical science should be used only to assist human life, not create it. We all will face our maker one day, and there is only one maker.

I refer to the bill involving embryos. Firstly, my office has received a lot of emails from people asking me to vote against the use of human embryos for research. Recently I heard the Premier



in parliament explain this bill—and he was almost convincing. He spoke of the existing embryos that will only be destroyed anyway. From what I read, there are approximately 70,000 human embryos. That, I believe, is 70,000 starts to human life. I believe that the minute conception occurs human life begins. What are we actually looking at? Seventy thousand human lives. Although those embryos are frozen, I believe they are still well and truly alive. I simply cannot support research involving the destruction of human life.

Adult stem cell research is not to be compared with this. I have also been advised that research involving the cells from the umbilical cord may achieve similar results, if not the same. We simply do not have the right to experiment with human life. Earlier, a member spoke of the money put into research. I must commend her on her point as perhaps the money put into research could be concentrated on adult stem cells. In this respect, consider our spinal research, et cetera. Let us look at this great state where we have people wondering where and when life begins. I simply ask—where are we heading here? If this bill passes tonight, I will be very disappointed. I cannot stress enough that life begins when two become one and conception occurs. We need a male and a female to create life. I ask those who do not think life begins at conception to think again. I will not support the use of human embryos for research and I never will. In conclusion, I thank the Premier for allowing a conscience vote in this House. I do respect the views of all others, but I cannot highlight enough the value of human embryos.

**Mr LEE** (Indooroopilly—ALP) (11.37 p.m.): I believe that today is a very sad day for the parliament of Queensland. The Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 which lies before the House today I believe amounts to an assault on the moral foundations of democratic life. This is a bill that labels part of the human family as disposable and without intrinsic value. Let us be clear—it is not a debate like the abortion debate. Whatever one's views on abortion, it is important to be clear that these human embryos pose no perceived or real threat to anyone's lifestyle or health. Their only crime is to have been conceived as human beings, to have been created, we are told, to ease the pain of infertility. Quite frankly, their existence is a blessing. In fact, in 1985 an Australian Senate select committee examining these issues concluded that the term 'embryo' refers to a 'genetically new human life organised as a distinct entity orientated towards further development'. This means that this is a debate of a serious nature, one which should be regarded with respect. That is why I believe that it is very important to put on record my concerns not just about the substantive issues that we are debating today but also about the way in which the public debate has been carried out in this country and the way in which members of this parliament and members of other Australian parliaments have been educated about these very serious issues.

I would like to begin by reading into *Hansard* a letter from nine eminent Australian scientists. The letter is titled, 'No scientific imperative for destructive research on human embryos'. The letter states—

We the undersigned medical researchers submit the following points for the consideration of our elected representatives:

1. While accepting that the debate about destruction of human embryos for research purposes is primarily an ethical one, it is relevant to note from a purely scientific point of view arguments claiming the urgent need for embryonic stem cell research are not compelling.
2. Undue expectations have been created in the community, particularly in those with various medical afflictions, as to the imminence and likely scope of ES cell therapy.
3. The community has not been properly informed of the scientific difficulties involved in developing ES cell therapies, which include major obstacles of immune rejection and cancer formation.
4. Research using adult stem cells, by contrast, avoids issues of rejection and cancer formation and has the clear advantage of being able to use the patient's own cells to repair any deficits.
5. Such research on stem cells derived from adult and placental tissues which has seen great advances in the last three years is quite compelling in its clinical promise and does not involve the destruction of an nascent life.
6. Improper medical research, 'proof of concept' must first be established in animal models before moving to human subjects. Such proof using ES cells has not been established in any of the conditions such as Alzheimer's, MS, diabetes and Parkinson's which are so often part of public discussion. Some of the proposed cures are highly unlikely and others are only potentially viable on a very long time frame. For example, Alzheimer's disease is a global disorder of the brain and is highly unlikely to be amenable to any form of cell therapy at any time in the future.
7. Therefore it is scientifically premature and improper to move to human experimentation at this early stage of research: there is much to be learned from animal models, with no need to use human material.

8. Consistent with proper research principles, we advise that there be a moratorium on the destructive use of human embryos until, if ever, animal models are able adequately to demonstrate 'proof of concept', and human safety issues have been adequately addressed.

Yours sincerely,

Emeritus Professor of Medicine, John Martin, Endocrinologist  
 Professor Michael Good, Immunologist  
 Professor Peter Silburn, Neurologist  
 Associate Professor Joanne Shaw, Endocrinologist  
 Professor Peter Rowe, Children's Medical Research Institute  
 Professor Bryan Mowry, Geneticist & Psychiatrist  
 Professor Colin Masters, Neurobiologist  
 Dr Peter McCullach, Developmental Immunologist  
 Professor Michael Pender, Neuroimmunologist

Similar to many others, I have been very disturbed at the way in which this debate unfolded in the federal parliament. I was also absolutely outraged at the way in which the person leading the charge for research on human embryos, namely Professor Alan Trounson, put his case. I was disturbed that a video of a walking rat was presented as having been a wondrous achievement of embryonic stem cell research when in fact the article which Trounson claimed proved that the rat had walked and had been published in *Nature Online* magazine had never in fact been published. This article was submitted to the journal and reviewed but was eventually declined for publication and was not under consideration. Quite frankly, I believe that Professor Trounson misled members of the Australian parliament and the Australian public. He used this phoney research to gain \$48 million worth of funding. I am thoroughly surprised that he is not in jail for fraud. It was an absolute disgrace. But what I think is also equally disgraceful is when other people seek to promote similar views to those of Professor Trounson and similarly seek to mislead people who are in a position to vote on whether or not to allow embryonic stem cell research.

I wish to refer to a document circulated to members of the Queensland parliament, which I will table in a moment, titled *Key questions and answers on stem cell research and the research involving human embryos and Prohibition of Human Cloning Bill 2003*. This document is an absolute disgrace. I will refer to only a small number of instances in this document where members of this parliament have been misled.

**Mr Lucas:** Four months ago it was circulated—four months.

**Mr LEE:** I will take that interjection from the minister. I have one from his office that is dated February that was faxed through earlier this week. I was told by his office that the document had been revised recently. I am very disappointed to inform the minister that the document is still as phoney now as it was when it was first circulated four months ago. Paragraph 3 of the scientists' letter states—

The community has not been informed of the scientific difficulties involved in developing embryonic stem cell therapies which include major obstacles of cancer formation.

This information paper circulated to MPs simply omits any reference to these major obstacles. It just does not acknowledge them. Nine eminent Australian scientists say that there are significant difficulties, and this document which MPs are meant to base their conscience vote on simply does not mention it. There are studies that I would imagine the minister would be aware of using embryonic cells in rats which saw, for instance, one in five of the rats die because of tumours at exactly the point where the cells were injected into their body. I will not even talk about the ones that died later on. There were similar difficulties in mice. Paragraph 4 of the scientists' letter states—

Research involving adult stem cells, by contrast, avoids issues of rejection and cancer formation, and has the clear advantage of being able to use the patient's own cells to repair any defects.

The information paper circulated to MPs does not mention this highly relevant clear advantage. Paragraph 5 of the scientists' letter states—

Such research on stem cells derived from adult and placental tissues, which has seen great advances in the last three years, is quite compelling in its clinical promise.

Yet that is disgracefully downplayed in this document circulated to members of the Queensland parliament. In essence, what the document does is to seek, not unlike Professor Trounson, to promote the supposed benefits of embryonic stem cell research while ignoring their negatives and at the same time ignoring all of the obvious benefits of adult stem cell research. What disturbs me is that here we are in a Smart State and we have scientific data to beat the band and which says there are wondrous advances in the area of adult stem cell research.

I wish to take this opportunity to table, for the benefit of those individuals who wrote this key questions and answers document, a dossier of documents and scientific journal articles that outlines pretty clearly some of the recent advances in the area of adult stem cell research. We can almost pick any illness in order to find advances from adult stem cell research—stroke, heart disease, spinal injury, diabetes, Parkinson's, MS, lupus, muscular, respiratory, renal and liver diseases. There is also, quite usefully, some other information about the other attributes of adult stem cells. I will table both of those documents for the benefit of the House. Page 3 of the information paper states—

It is recognised that due to the multipotent nature of adult stem cells (ie their inability to grow into tissues other than those from which they were originally harvested) their therapeutic uses are limited at this stage.

Page 5 states—

Despite success in adult stem cell uses in bone marrow transplantation, it is recognised that their therapeutic uses are limited. This is due to the multipotent nature of adult stem cells (ie their inability to grow into tissues other than those from which they were originally taken).

This is not bending the truth; it is simply wrong. That is false. That is not true, yet it was circulated to members of this House masquerading as truth. That is a serious issue. I would be delighted today if we could have a serious debate about these issues, a debate that acknowledged the realities of the science involved here. But I am quite disturbed that members of parliament were presented with documents that were just simply wrong. To suggest that adult stem cells cannot turn into cells other than those from which they are originally taken is simply wrong—absolutely and totally wrong. I challenge anyone here to present me with any evidence to suggest that what this document suggests is truthful. It is simply not. This year alone adult blood stem cells have been turned into kidney cells. I am happy to provide the reference. It is from a journal called *Blood*, 15 March 2003, Vol. 101, page 6. Also, transplanted bone marrow has been shown to generate into new neurones in human beings. This is totally glossed over by the proponents of embryonic stem cell research.

It is worth noting some words from the *Journal of Cell Science*, issue No. 116, which was published earlier this year. It states—

Despite such irrefutable evidence of what is possible—

this is referring to adult stem cells—

a veritable chorus of detractors of adult stem cell plasticity has emerged ... motivated perhaps by more than a little self-interest.

I think that is a point that needs to be addressed in this debate today. If adult stem cells are achieving all of the therapies that the proponents of embryonic stem cell research would like to think that one day down the track—maybe, possibly, if—they will, why is there a massive push to get hold of human embryos? I think that I can shed some light on this question. Professor Alan Trounson is on record as saying—

These ES cells—

that is embryonic stem cells—

will be highly useful for screening drugs for both toxicology and effectiveness.

That quote is taken from the *Hansard* record of the Senate inquiry. Professor Christopher Juttner, who is the director of BresaGen, when referring to research, stated—

... includes using embryonic stem cell lines for things like drug testing, which I think is actually a proper activity.

Professor Perry Bartlett said—and this quote is again from the *Hansard* of the Senate inquiry—

In fairness to companies—

the gall of this—

like BresaGen, they are aware that therapy is 10 to 20 years away ... so they have to generate some form of income along the way. To use stem cells for screening and diagnostic purposes is a perfectly understandable use of such cells.

This is an advocate of embryonic stem cell research saying, 'In fairness, even though we are advocating this stuff, we acknowledge that we are 10 to 20 years away from doing anything. But we would love to use these little human embryos for screening drugs.' Quite frankly, that is an absolute disgrace.

I believe that not only the Australian public but also the members of this House have been misled on these very serious issues. I think that the argument—and it is a veritable chorus—that embryonic stem cell therapies are close to development is little more than a smokescreen for drug

companies. I think that these companies want to get hold of stocks of human embryos so that they can simply exploit them, destroy them and make money out of them. In the event that there is ever any useful treatment derived from embryonic stem cell research—and quite frankly I do not believe that there ever will be—I am happy to go on record to say that it will be a treatment that is available only to the super rich. That is not something that is befitting this debate.

In contrast, adult stem cell therapies are ethically innocent. They are medically safe and they are already treating humans in novel and exciting ways. I think that it is important to acknowledge the great work that has been done in the area of adult stem cell research. As well, we are doing it in Queensland. Queensland is a world leader in this area. Professor Alan Mackay-Sim at Griffith University and the Princess Alexandra Hospital are well on the way into a study using olfactory stem cells from the nose. They take them out of the nose, tweak them in culture, and put them into the spine. They are achieving absolutely wonderful things.

I want to finish on this point—and I think that it is an important point that is worth thinking about. On three occasions in this disgraceful information paper, human embryos are described as being not very important because they are smaller than a full stop. Question No. 7 asks—

What are the key ethical concerns? The core question is does life begin during conception as a consequence of intercourse or as a result of an IVF procedure, at fertilisation, after the blastema stage when the cells begin to differentiate into particular cell types, or implantation, which can be up to 14 days later, or some later stage. That it is an issue that has been debated by church leaders and ethicists for centuries and debate continues.

It goes on to state—

At this point the embryo is still smaller than a full stop.

Frankly, I am told by many people who talk about the big bang theory that at one point the universe was smaller than a full stop. I have to say that whether these little embryos are small or whether they are large, the fact is that they contain within them all of the attributes that we have when we stand here today in the parliament. Everything is there—all the genetic information is there. We ought to look at them not as though they are worthless but with wonderment. We ought to treat them with respect.

In my first speech in this place, I quoted some words from political philosopher John Locke, who stated, 'When law ends, tyranny begins'. I am disturbed that today we may see human embryos tyrannised. I will not be supporting that aspect of this legislation before us today.

**Miss SIMPSON** (Maroochydore—NPA) (11.55 p.m.): Despite the diverse viewpoints in this parliament, I do not believe that there are different levels of commitment to seeing new treatments or cures for debilitating diseases. To claim otherwise is dishonest and manipulative. The contentious issue that divides this parliament is whether it is necessary or right to destroy one form of human life in the pursuit of new treatments for other human beings, particularly if other viable and ethical sources of stem cells exist, such as from adult stem cells.

There are some strongly held views in this parliament about when human life has value. I personally believe that all human life, including embryos, as our littlest members of the human species, have intrinsic value and a need for respect, regardless of whether they look like you or me or have the ability to speak for themselves. Human beings are not the same as animals. They have a body, a soul and a spirit, which significantly separates us from the animal kingdom. It is true that science does not do well to grasp the concept of the human spirit. But science is not divided about the facts of when human life begins, as a human embryo is undoubtedly part of the human species. What is subject to public debate is when in the life cycle we value human life.

I may not persuade those who disagree with these value statements. However, I will state that the polarity of opinions concerning the intrinsic, rather than the utilitarian, value of embryonic humans has overshadowed other extremely important ethical issues. I urge those members who hold a contrary view to me to still seriously consider these other issues that have not been dealt with adequately by state or federal legislation or the preceding COAG agreement. For example, under this bill there is no export ban on the so-called excess human embryos that have been created. We are deluding ourselves if we believe that the legislation to ban human cloning will achieve that aim. It may stop the deed occurring on our shores for a few years, but this parliament is about to sanction an export industry of Australian embryos to be manipulated and potentially cloned overseas.

Although provisions in the Prohibition of Human Cloning Bill refer to offences of selling embryos, sperm or eggs, it does not prohibit the export of embryos or their cell lines overseas. It is quite well documented that some of the companies that are operating in Australia are

international companies. In other words, there is no legislative ban to prevent those companies taking that material overseas. I am concerned that, neither at the state level nor at the federal level when the state premiers got together with their federal counterparts, this issue was addressed. I think that it would be wrong for us not to talk about some of those critical issues that are missing from the legislation. Tonight the government is saying that it is banning cloning, but in reality that is not what is occurring.

Most people in this parliament have said that they are opposed to human cloning, although I did hear at least one member say that she was in favour of it. I would suggest to them that this is really a bandaid approach to an issue that has not been addressed at its core and that the outstanding issue of an export overseas remains. We know that in a few years time the lobby will be on again to extend the areas of research to also include human cloning. There are also other ethical issues that need to be addressed such as the commercial interests driving where public research dollars go or in fact the attentions of government with legislative changes. That has not been adequately addressed at either the federal or the state level, as we have seen, because it has been quite evident with the debate to date. I acknowledge that some of the material that has been previously tabled by members has suggested that there are other ethical and far more advanced lines of research which in fact have not been able to get traction with those who have been promoting embryonic stem cell research as the miracle cure-all. There are significant issues to do with people's personal shareholdings, and we have already seen this with regard to Professor Alan Trounson.

I want to quote from a letter of pre-eminent scientists. It was an open letter to the Queensland parliament regarding stem cell science. I will be cross-referencing to it with points within my speech. It was significant because it showed that there is not a consensus amongst scientists. Once again, we need to listen to the voices of those who do not necessarily have a vested interest in the industry of embryonic stem cell research. Regardless of one's personal viewpoint in promoting and legitimising it, we have to listen to some of the other voices that are out there, particularly in the scientific community. The letter states—

We the undersigned medical researchers submit the following points for the consideration of our elected representatives:

1. While accepting that the debate about destruction of human embryos for research purposes is primarily an ethical one, it is relevant to note that from a purely scientific point of view, arguments claiming the urgent need for embryonic stem cell (ES cell) research are not compelling.
2. Undue expectations have been created in the community, particularly in those with various medical afflictions, as to the imminence and likely scope of ES cell therapy.
3. The community has not been properly informed of the scientific difficulties involved in developing ES cell therapies, which include major obstacles of immune rejection and cancer formation.
4. Research using adult stem cells, by contrast, avoids issues of rejection and cancer formation, and has the clear advantage of being able to use the patient's own cells to repair any deficits.
5. Such research on stem cells derived from adult and placental tissues, which has seen great advances in the last three years, is quite compelling in its clinical promise, and does not involve the destruction of nascent human life.
6. In proper medical research, 'proof of concept' must first be established in animal models before moving to human subjects. Such proof using ES cells has not been established in any of the conditions such as Alzheimer's, MS, diabetes and Parkinson's which are so often part of public discussion. Some of the proposed cures are highly unlikely, and others are only potentially viable on a very long time-frame. For example, Alzheimer's disease is a global disorder of the brain and is highly unlikely to be amenable to any form of cell therapy at any time in the future.
7. Therefore it is scientifically premature and improper to move to human experimentation at this early stage of research: there is much to be learned from animal models, with no need to use human material.
8. Consistent with proper research principles, we advise that there be a moratorium on the destructive use of human embryos until, if ever, animal models are able adequately to demonstrate 'proof of concept', and human safety issues have been adequately addressed.

That letter was signed by Emeritus Professor of Medicine, John Martin, endocrinologist; Professor Michael Good, immunologist; Professor Peter Silburn, neurologist; Associate Professor Joanne Shaw, endocrinologist; Professor Peter Rowe, Children's Medical Research Institute; Professor Bryan Mowry, geneticist and psychiatrist; Professor Colin Masters, neurobiologist; Dr Peter McCullach, developmental immunologist; and Professor Michael Pender, neuroimmunologist. That was a significant letter that they put out there to provide a counter view.

I want to address the issue of adult stem cells. There has been a damaging and mischievous campaign to downgrade the significance of adult stem cell research in order to elevate the relative significance of embryonic stem cell research. One furphy is that adult stem cells are not

multipotent—in other words, able to become anything other than what they were when sourced in the body. There are numerous peer reviewed and published scientific studies which dispute this. The *New Scientist* reported in January 2003 that stem cells and bone marrow can develop into brain cells, not just blood and bone cells as previously thought. The article says—

The discovery suggests new approaches for repairing damaged or diseased brains.

The research team had already shown that bone marrow cells turn into brain cells in rodents, but the new work now shows the same happens in humans—in other words, it has been tested in an animal model and now they are able to proceed to an ethical application in testing it in humans. Another example is that adult blood stem cells have gone to kidney cells as recorded in *Blood* of 15 March 2003 Volume 101 No. 6. There is also another example of adult stem cells having breakthroughs with regard to significant diseases. A Welsh man with bubble boy syndrome, which is a fatal immune deficiency condition, was treated successfully with his own adult stem cells and this success has been replicated in several Australian children.

What about the views of those who are awaiting a treatment? We have heard on both sides of the debate people in this very parliament who suffer from crippling or potentially crippling conditions arguing against the ethics of the embryonic stem cell debate or arguing for it and providing their viewpoints. Christopher Reeve as a quadriplegic was a high-profile advocate of embryonic stem cell research in the US and recently during his visit to Australia. He is to be admired for his tenacity to overcome his disability. However, I want to quote from an article by another person, James Kelly, who lives with the daily reality of his own spinal cord injury. He says—

The tragedy is that valuable public and private research funds may end up being diverted to basic embryonic stem cell and cloning research with little clinical potential, to the detriment of proven and further developed avenues that could help both of us—

that is, he and Reeve—

during our lifetimes.

I will table James's article. He goes on to refute Reeve's statements about embryonic stem cells being the only potential to recoat his nerves with insulation. James also says—

Japanese researchers have recoated rats' spinal cords using adult bone marrow stem cells. Neural stem cells (from adults) have been successfully used to recoat tissue in the central nervous system in animal models in France, England, Japan, and at the University of Wisconsin.

The article also goes on to state—

After years of successful animal tests, researchers and doctors at Yale are already treating two human patients suffering multiple sclerosis by using coating cells taken from their own peripheral nerves.

I want to also address another significant issue about efficacy that has arisen about the various modes of research. It is a significant one because it is to do with immunology and compatibility with foreign material in our bodies.

One of the significant criticisms of using embryonic stem cells in potential treatments is their lack of compatibility with the patient. Unless the embryo consists of someone's own DNA, the patient would suffer an adverse immune response. I am advised by immunologists that suppressing someone's immune system is not necessarily an optimal treatment. This is a significant concern that has arisen with embryonic stem cells. Some people suggest that we can create a bank of embryos big enough to overcome this incompatibility issue by matching people with compatible embryonic stem cell lines. Professor Michael Good, whose main speciality is immunology, said that this was not a viable option because for it to work there would need to be a 1,000-fold increase in the number of available embryos to create a feasible bank and even then this would not address the subpopulations of different race groups such as Asians or indigenous people.

The 70,000 embryos on ice in Australia is the size of Mackay, and that seems excessive enough. But I doubt there would be that number of women who would tolerate the torturous and potentially hazardous process of superovulation to achieve a 1,000-fold increase—the number of surplus embryos for such a bank over their initial desire obviously to conceive a child. We know that it is absurd to consider a 1,000-fold increase in that bank, yet this has been put forward as one potential way of justifying the bank of embryonic stem cell lines.

I have heard some genuinely held views from members here about leaving the door open to destructive human embryonic stem cell research if there is any hope of a breakthrough. That argument would hold greater weight if there was far more substantive proof to justify such

destruction, such as significant and published research from animal trials. I have already quoted from a letter from scientists who hold far more qualifications than anybody in this parliament. They raise the concern that it is scientifically premature and improper to move to human experimentation at this early stage of research. There is much to be learnt from animal models with no need to use human material. They have already raised concerns about the need for more substantive outcomes in the area of animal research. They say—

Consistent with proper research principles, we advise that there be a moratorium on the destructive use of human embryos until, if ever, animal models are able adequately to demonstrate 'proof of concept', and human safety issues have been adequately addressed.

Clearly, they are saying that that has not occurred to date. The issue that concerns many people is that of the diversion of the research dollar. It is incredible to think that a man who has been proven to have lied to federal parliamentarians about the stage of so-called animal research with embryonic stem cells was able to secure a \$46.5 million grant towards that research. Professor Alan Trounson has done much to damage the cause for embryonic stem cell research. He has highlighted one of the problems of people just saying, 'If science can do it, why ask questions? Just let them do it.' It has proven that more than just lip-service needs to be given to adequate regulations and controls. Unfortunately, this legislation does not go far enough in controlling those matters.

I have heard it said that ethics committees will be the solution. Alan Trounson has said that he has no problem with ethics committees. This sent a shiver down the spine of many people, because he has been proven to be totally unethical by claiming that a rat walked after the use of embryonic stem cell lines to achieve that outcome when it was proven that, one, it was not a published and peer reviewed article claiming that and, two, embryonic stem cells had not been used in that case. Yet he has been very influential in many people getting on the bandwagon of this particular issue without considering all of the facts.

When people are desperate for answers to the diseases which cripple and debilitate, any glimmer of hope, no matter how small or how far off, is a beam of light in the darkness. Politics is the business of hope—selling promises of what can be done—but one of the criticisms that brings politics into disrepute is making promises that cannot be delivered or are overstated. Science is also in the business of hope. The challenge faced by the scientific community is speaking with the same integrity and accuracy in its pursuit of research dollars and legislative changes as we would expect of them in the pursuit of breakthroughs in the laboratory; otherwise they run the risk of the same public cynicism faced by politicians that comes from the expediency of selling hype, not valid hope.

There is a huge and glaring ethical issue about some of the outlandish claims about what some research is going to achieve. Some of the promises are more political than they are scientific, as we have seen with Professor Alan Trounson, as supposedly one of the most pre-eminent Australian advocates of embryonic stem cell research. When he was challenged about whether he had divested himself of 400,000 shares in the company which stood to benefit from the government grant it received he claimed that he had. It was later proven that he had not. This same man is the one who used the now infamous rat video to persuade people about this particular issue.

The push to promote destructive human embryonic research at the expense of funding for other proven and further developed avenues of research is perverse. I accept that there are different views, and that is why I said at the outset that we need to respect that. Unfortunately, I note that that same spirit was not evident in the Health Minister's address. We as a parliament must never abrogate our responsibility to seek to have ethical brakes and controls. We do want to see cures and treatments, but we as legislators should not just accept that because people are standing in white coats we should accept everything they say without some means of ethical scrutiny or control.

**Mr LUCAS** (Lytton—ALP) (12.15 a.m.): I rise to speak in support of this important legislation. I do not propose to speak at length on the Prohibition of Human Cloning Bill, except to state that I strongly support its national prohibition. Aside from the odd bizarre cult or maverick doctor, the consensus of world opinion is that human cloning is an affront to the basic principles that make each of us unique human beings and that it should therefore be outlawed.

The Beattie government has stated its position for some time. Members will recall that the Health Minister introduced a bill to this House in late 2001 specifically to ban cloning long before COAG met and decided to do the same thing on a nationally consistent basis. This anticloning bill

has now been withdrawn in favour of this national approach. Even before that we were, as far as we were aware, the first jurisdiction in the world to have introduced a code of ethical practice for biotechnology. The code, which has automatic implications for all enterprises utilising government funding in their research efforts, prohibits human cloning. This legislation will make that a statutory prohibition. This prohibition has been developed in partnership between all Australian governments, and this bill before us links with the Commonwealth Prohibition of Human Cloning Act 2002.

Therapeutic cloning—that is, the technique of creating an embryo using methods other than ART—will also be illegal. I think one of the speakers in the debate earlier referred to the human embryo bill as referring to therapeutic cloning. That in fact is an error. I also strongly support the prohibition of practices termed unacceptable by the National Health and Medical Research Council that may occur as part of assisted reproductive technology. These practices, such as creating hybrid animal-human embryos or developing a human embryo containing the genes of more than two people are, I am sure, anathema to all members.

I turn to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. The member for Maroochydore raised an issue with respect to import and export of embryos. I will provide her with some information in relation to that. The first issue is that state parliaments do not have legislative competency to regulate the export or import of products. That is a matter within Commonwealth constitutional responsibility. But I am able to provide the honourable member with some further information. The Customs (Prohibited Imports) Amendment Regulation 2003 and the Customs (Prohibited Exports) Amendment Regulation 2003 were tabled in the Commonwealth parliament on 3 March 2003. I am advised that these regulations will ban the import and export of cloned embryos.

**Miss Simpson:** What about stem cell lines?

**Mr LUCAS:** No, they will not extend to stem cell lines. I support the national regulatory regime proposed in the bill, which will provide an ethical, consistent and level playing field for researchers, scientists and the academic community in Australia. It has been the view of these sectors for some time that the NHMRC's guidelines on assisted reproductive technology were no longer adequate because of the speed with which technology has advanced since they were drafted in 1996. The legislation being considered in the House tonight has been developed by all Australian governments working in partnership. It puts into effect last year's 5 April COAG agreement and is consistent with the legislation passed by the Commonwealth on 11 December 2002.

We have a sound record when it comes to ensuring ethical research in this state, and I have already mentioned that as far as we are aware we are the only jurisdiction in the world to have introduced a code of ethical practice for biotechnology. That code took effect in 2001 and was developed to ensure that biotechnology research is conducted within a safe and ethical framework.

The Premier took this clear goal with him to the Council of Australian Governments meeting last year and this legislation effectively enshrines this commitment. Stem cell research is held by scientists to offer potential cures for many of our worst diseases. Whilst there are a number of different sources of stem cells, the greatest controversy and ethical dilemmas surround the derivation of embryonic stem cells. In order to initially derive embryonic stem cells for research, an embryo must be destroyed.

This poses profound ethical questions about the moral status of the human embryo and, therefore, the acceptability or otherwise of that research. On the one hand, some argue that an embryo has a full right to life and that to use it instrumentally for the benefit of others is to violate that right. A related ethical concern is that embryos could become commodities, therefore eroding respectively the intrinsic value of life.

In contrast, others believe that those embryos which will not be used for fertility treatment should be able to be used for the benefit of human health research. The reasoning is that the fate of these excess embryos has already been decided—that is, they would have succumbed anyway at some determined future point. I make that point quite clear again for members of the House: not one more nor one less embryo will have life or have life denied to it because of the passage or non-passage of this legislation. That is crystal clear. Insofar as people object to the issue of the ultimate fate of those excess IVF embryos, then the alternatives are available to them in relation to legislation if they so believe that in relation to IVF. I support IVF because of its



great opportunity to provide life and the gift of children to so many people who are currently denied it.

I think use of excess embryos is the kind of logic that has caused the majority of the population to come down in favour of this legislation. I might contrast the United Kingdom position, where they specifically through their parliament allowed the creation of embryos deliberately for their destruction in the use of extraction of stem cells. That is a position I could not in conscience support, and it is not the position of Australian law as confronting our legislators.

So we are faced with a situation where the parliament is asked to legislate on an ethical distinction that, although internally logical and consistent, results in no practical difference. There will be no more or less embryos created or destroyed as a result of this legislation. On the other hand, there is a significant promise of embryonic stem cell research, research that may ultimately improve the lives of many currently ill people and may ultimately mean that more embryos and foetuses may themselves be viable and result in healthy babies and people.

I further argue that, if members oppose the use of surplus embryos in this way, they must ipso facto oppose the IVF methods by which they are created. Many critics of this legislation do oppose IVF, and in doing so they are being entirely consistent. I name the Catholic Church among those that are. In many ways, whilst I disagree with them, I admire them for the courage of their convictions. However, I also admire scientists for the courage of theirs.

Critics of embryonic stem cell research point to the advances made in recent years by adult stem cell therapy, and they are right. There have been some encouraging breakthroughs, including the work being done with the nasal and brain cells by scientists at the PA Hospital here in Brisbane. But supporting adult stem cell research does not have to preclude support for embryonic stem cell research. This is because adult and embryonic stem cells have different properties.

I would compliment the member for Gympie. I do not always agree with what the member for Gympie says, but she very adequately raised the issue of research in her speech. She said that it is very difficult for one to say that research on any particular item—and in this case embryonic stem cells—is not worth proceeding if it is not particularly fruitful at this point of time. It takes many, many years to arrive at an outcome that results in a successful medical treatment. For example, the Queensland Institute of Medical Research has been working on malaria for over 10 years. That does not mean what it did on day one was not fruitful or was not sound or was not worth doing. There must be a starting point; the question is the nature of it.

I am indebted to one of my parliamentary colleagues for providing me with some information in relation to currently available data on embryonic stem cell research which is done on the mouse model. It serves as a good model for human research but it is not always a 100 per cent comparison. Humans are not mice. Therefore, there is no research yet supporting the use of ESC as mentioned by many members, but that is because they have not started using them yet. To say that adult stem cells are as good or sufficient as embryonic ones is not scientifically correct because science has not had the chance to find out yet. That argument cannot be run without running a test. Time does not permit me to read that much further, but that is the general sentiment of it.

The approach taken in this bill recognises the potential importance of research for the future treatment of serious diseases yet also recognises that there must be clear conditions and a system of oversight for any approved research. Looking at the major issues facing us as a society—juvenile diabetes, Parkinson's, leukaemia, multiple sclerosis and possible brain and spinal injuries—I do not know whether embryonic stem cell research or adult stem cell research will offer the cure for those or some other form of research or whether we will never get the cure for them. But what I do know is that once we deal with the ethical issue we need to be satisfied with the science. I accept that some people are not satisfied. If people need to examine it to see its validity, then that is something they should do and make an assessment on the basis of the science provided they have undertaken the moral and ethical questions first.

An honourable member raised an issue with respect to some of the publications that were available. People tend in this debate to rely on debates by scientists and see who can bring up the most scientists or claim whose scientists are more eminent. I have the highest regard for Professor Michael Good. I know him extremely well. In fact, I spoke with him this morning in relation to his opposition to the bill. He had the integrity to raise with me his specific concerns with the legislation.

There was some criticism made of a document called *Questions and Answers*. I am more than happy for people to take whatever views they like on documents, but I will say this: that document was in its first version circulated on 4 June last year. It has been updated and modified, but the particular section that is complained against has not changed in any great material respect. Obviously it has more recently come to people's attention and they wish to question it now. It is their right to do that but it was available very much earlier on.

Reference was also made to what it said. In fact, what it said about the size of embryos was read into the *Hansard*—

And at this point the embryo is still smaller than a full stop.

I do not believe in the context of that—and the document has been tabled so members can read it—that when one talks about the size of an embryo it is in any way disrespectful. It is a question of fact. We are all entitled to our moral opinions here. Many of my very good friends in this place whose opinions I respect deeply and whose many convictions I share with them will differ with me in relation to this bill. But what I do respect is their ability to understand that the convictions of others have just as much validity.

When I made my maiden speech in this House about seven years ago I specifically made the point that I do not claim any superiority over other people on the basis of my moral, religious or spiritual beliefs. They are what I have. I do not claim them over anyone else and everyone else is entitled to rationalise theirs. Whether I agree with them is, of course, a different question.

To suggest that I or others do not have any concern for human life I find particularly galling. Probably unlike most other members here, I am adopted. I have been lucky to have the most wonderful upbringing from my parents who adopted me. I could not ask for better. But I would have thought more than most, as I have seen my original birth certificate where it lists no father, that I would have a concern about the protection of human life. That is why I have a particular view in relation to abortion, because I would not have had a say when it came to my existence or otherwise. But I do not use that as a basis to question the validity of others. That is how I am, but others are entitled to their views on the basis of their backgrounds and their beliefs.

In speaking to this bill, some members have stated there is no published evidence of successful research involving embryonic stem cells. I would like to clarify this matter for the House. The main reason for this apparent disparity between published material dealing with successful research projects involving embryonic and adult stem cells is mainly due to the infancy of the former. Embryonic stem cell research is a new area of scientific endeavour relative to adult stem cell research.

The USA National Institute of Health in Maryland on 20 June 2002 in the respected scientific issue *Nature*, issue No. 418, published two articles dealing with stem cells. The first described how a team of researchers led by Ron McKay of the National Institute of Health, Bethesda, Maryland, has overcome the problem of getting specialised cells derived from cultured embryonic stem cells to function within tissues after transplant patients. McKay's team worked with rats demonstrating symptoms of Parkinson's disease. Parkinson's disease is caused by the death of neurons that produce the neurotransmitter dopamine and are involved in controlling movements. The researchers expressed the Nurr1 protein which generates dopamine producing neurons in vivo in cultured cells. The resulting neurons survived after being transplanted into rats displaying symptoms of Parkinson's disease and showed the appropriate electrophysiological properties, that is, they did not underperform and nor did they overperform and produce too much. Most impressively, the rats started to recover normal movement. Others have transplanted partly differentiated embryonic stem cells to ameliorate Parkinson's symptoms but observed tumours in some of the animals. This was not the case, however, with Ron McKay's team. By demonstrating efficacy while avoiding tumour formation, McKay and others have achieved proof of principle.

A number of members referred to some other scientific studies that were not successful. That is the history of medical research, that there are many hollow gullies and dry gullies that people go up in the attempt to find a cure naturally. The fact that one is unsuccessful does not mean that others will be. The fact that we now have a cure for ulcers when we used to think that they were caused by stress but they now are caused by a virus did not mean that original research on stress on ulcers was unethical or unwise. We need to look at all avenues that are ethically available—and, as I said before, I accept that there can be ethical distinctions—on the evidence.

Locally, the Australian based renal regeneration consortium involving scientists from a number of institutions is working to develop new treatment options for kidney failure patients.

Why? Because as adults we do not appear to be able to replace the functioning filtering units of the kidney neurons which decrease in number over time. This happens at a much faster rate than diseases such as diabetes until the kidney fails. Until now there was no prospect of growing new neurons, but stem cells offer a bright hope.

The renal regeneration consortium of researchers is using its combined molecular and cellular skills to investigate the possibility of using stem cells to regenerate or repair damaged kidneys. Though it is early days and the consortium is yet to publish the results of any of its work, embryonic stem cell research in this area could provide a better understanding of the processes involved in generating, recently, tissues and thus discovery of possible ways of reactivating these processes in the adult. If this is possible, the use of embryonic stem cells for therapy may be avoidable. Does this mean that stem cell therapies may offer new therapeutic approaches for patients without functioning kidneys? This last example presents a cogent argument for continuing both streams of research. Through the regulation proposed in the bill before us today, we can be sure that medical therapies can be developed and progressed within a strong and defensible ethical and regulatory framework.

In conclusion, we should not pretend this is an easy debate to grapple with. As a legislator, I have been struck by the quality of the public debate on this issue. More so than any other issue of its nature in Australian society, individuals in the community have taken the time to inform themselves on the views. I thank the member for Indooroopilly. I understand that he has organised a number of seminars in relation to the matter where, clearly, people had the opportunity to express a point of view in relation to matters that he raised. Indeed, there have been a number of consultations that the government has had in relation to its members as well, including detailed briefing sessions. As I said, we have referred before to these documents that have been circulated, together with the benefit of the Senate debate and the debate in the House of Representatives. I pay credit to my colleagues who have taken part in this debate on both sides of the House with genuineness and the spirit of really wishing to have legislation that they think is ethically and appropriately valid.

I thank the churches for their consultation and their views. There are some aspects where we will agree to disagree. And some of the churches we will agree with. I do thank them for the courtesy. In closing, if we do not pass this bill, it does not mean that we will not have embryonic stem cell research. The Commonwealth legislation is already in place. No regulation is not an option. We will have Commonwealth legislation that regulates Commonwealth institutions and trading corporations formed under the Corporations Law, but others will be unregulated. That is not a state of affairs that this legislature can contemplate. The option is not that by voting against this members ban embryonic stem cell research. I will make that absolutely clear. They do not regulate it as far as the state's legislative competency is needed to support the Commonwealth. That is of critical importance. In many respects, the crux of this debate was had in the Commonwealth some months ago, but that was a debate that was important. Again, I thank members for their contribution.

**Mr QUINN** (Robina—Lib) (12.36 a.m.): The legislation before the House tonight raises complex moral and ethical judgments. Along with other parties, the Liberal Party will be giving its members a conscience vote. It is important at this stage to go back and look at the events that led to these particular pieces of legislation. In the COAG meeting of 5 April 2002 the Prime Minister and all premiers and chief ministers agreed that the Commonwealth, states and territories would introduce nationally consistent legislation to ban human cloning and other practices considered unacceptable. The COAG agreement agreed that the research involving the destruction of existing ART, assisted reproductive technology, embryos be permitted under a strict regulatory regime to enable Australia to remain at the forefront of research which may lead to medical breakthroughs in the treatment of disease. They further agreed that the regulatory regime governing the use of excess ART embryos that would otherwise have been destroyed would be used within three years.

I cannot help but reinforce the point made by the previous speaker—that the Commonwealth has already legislated in this regard. Not to pass this legislation opens the gate for unsupervised research that no-one wants to see. If in fact we are concerned about the moral and ethical issues here, we have no choice other than to pass this legislation to make sure that we are consistent nationally and that we do have a regulatory regime in place to prevent unsupervised experimentation of the type that no-one in this House wants to see. That was a very important point made by the previous speaker.

I will be supporting both pieces of legislation on that basis and on the basis that I believe the safeguards are in place and are embedded in the legislation to put in place the regulatory regime to make sure that those who do in fact embark on scientific experiments do so within a consistent national approach that ensures that assisted reproductive technology embryos are treated with the respect that they deserve.

No-one in this House wants to see human cloning. That is an affront to the individual dignity that we all respect. The legislation will prohibit that. With regard to surplus embryos from IVF programs, I also believe, as I said before, that sufficient safeguards are in place to ensure that they are treated with the respect that they deserve and at the same time allow science to use those for the benefit of everyone. Of course, they will be used with the informed consent of the donors.

As previous speakers have mentioned, we do not know what medical and scientific breakthroughs will result from the use of those embryos. We should not limit ourselves to the potential discoveries of cures to diseases that may in fact result from the use of those embryos. I will be supporting the legislation, as I said, on a number of fronts, because I believe it is in the best interests of Queensland and Australia as a whole; but more importantly it does put into place the regulatory regime that will support the proper use of those embryos in that the stem cell research will not allow unsupervised and unregulated use of this material. I commend the legislation to the House.

**Ms MALE** (Glass House—ALP) (12.38 a.m.): I rise in support of the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 and all clauses. I do so because I believe that what the bills propose is the right thing to do because it is ethical legislation, is humane, just and has the potential to ease some people's pain and suffering.

The objectives of the Prohibition on Human Cloning Bill 2003 are to address ethical and safety concerns about scientific developments associated with reproductive technology by prohibiting human cloning and prohibiting a range of other practices associated with reproductive technology, including the creation of a human embryo for research purposes; creation or implantation of chimeric or animal/human hybrid embryos; creation of a human embryo that contains genetic material provided by more than two people; and commercial trading in human eggs, human sperm or human embryos.

It is important to note that the monitoring and licensing regime associated with this bill is comprehensive, and that inspectors appointed by the chairperson of the Commonwealth NHMRC licensing committee will have monitoring powers to ensure the intent of the bill is complied with. I believe that this bill would have almost universal acceptance in the community and it is vital that Queensland plays its part in a national regulatory scheme, and this bill will achieve that aim.

The second bill, the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, has raised some controversy in the community. The objectives of this bill are to address ethical and safety concerns about scientific developments in relation to human reproduction and the utilisation of human embryos, and by regulating activities that involve the use of certain human embryos created by assisted reproductive technology. This is complementary legislation to a national regulatory scheme and it specifically prohibits the use of embryos created by assisted reproductive technology for purposes other than fertility treatment, without the consent of the woman for whom the embryo was created, unless the use is authorised by a licence; it supports the establishment of the NHMRC Embryo Research Licensing Committee; and it establishes a scheme for the assessment and licensing of certain activities involving the use of excess embryos and provides for a centralised, publicly available database of information about all licences issued by the committee.

As with all pieces of legislation introduced into parliament, I wrote about this bill in my weekly newspaper columns. It has also been widely publicised in news stories in the various newspapers which service my electorate as well as radio and television news. I would like to state for the record of the House that I have received only one contact from a Glass House constituent complaining about the legislation. All other discussions about embryonic stem cell research have been overwhelmingly positive.

I received more letters of complaint about the amendments to the anti-discrimination legislation and the removal of the right of religious schools to refuse to employ homosexuals. This probably says a lot about people's views on moral issues. However, I did receive emails and

letters from the religious right and the far right. It is always amusing to note that one of the major tenets in most religions refers to tolerance, forgiveness and helping others, yet I have found those people in the religious right to be the most unforgiving and hardline people I have ever come across.

Most of the arguments put forward about stem cell research have been discussed ad nauseam in the federal parliament when the mirror legislation was debated. A lot of the federal debate centred on whether or not embryonic stem cells were better or more adaptable than adult stem cells. Both sides of the argument lined up an impressive array of scientists to support their views. It seems to me that these days scientists are getting as good as lawyers when it comes to giving their opinions. Whether it is scientific research, conservation or water management, once one scientist gives an opinion, someone will provide another scientist who will give the opposite opinion. It is like the old saying that if you have five lawyers in a room you will get six different opinions. It could equally be used for scientists now.

The result of all this scientific bickering is that the public has become confused about the issue of embryonic stem cell research. Perhaps that was the ultimate aim of those who are opposed to it! However, for some people, principally those in the religious right, they are opposed to embryonic stem cell research because they believe the Bible says it is wrong. To use the Biblical argument is to base one's argument on a very shaky premise, because the Bible says a lot of different things and it is up to the individual to make his or her own interpretation and to apply it to modern-day life.

For those people who regularly quote the Bible in order to justify their opinions, I would ask them to live their lives strictly as it is laid down. For instance, most people work on the Sabbath even though it clearly states in Exodus 35:2 that those who work on a Sunday should be put to death. Are they morally obligated to kill them or should they leave it to someone else? Maybe the National Party should include it as part of its policy against Sunday trading and enshrine it in its mandatory sentencing policy.

This is just one example of why arguments based purely on religious writings are spurious and should be placed to one side in this argument. For instance, some people opposed to embryonic stem cell research believe that the embryo is a life and to destroy it as part of research is tantamount to murder. Yet these same people are quite prepared to allow these surplus embryos to be removed from their environment and be allowed to succumb. Surely that is still murder. But even worse, some of these embryos will be destroyed without any good use to human kind being derived from them. I just cannot see the logic there.

There are many people who have conditions and diseases that I hope some researcher will find a cure for. I am sure these people, their parents, siblings, partners, carers and indeed all caring people would want to give them every opportunity to lead a life free of pain and suffering. I would not dream of standing in the way of embryonic stem cell research which may provide just such a cure. The argument that is used that adult stem cell research is without the hazards associated with embryonic stem cell research is curious. I am happy for both types of research to be undertaken for the good of our whole society.

This is sensible legislation. It takes into account present standards and beliefs and has some important safeguards enshrined in it. Some argue that the fact we have had to put safeguards in this legislation only shows how morally objectionable this type of research is. However, nearly every piece of legislation, from health and child protection legislation to water management and animal protection laws, have safeguards and reviews embedded in them. First seeking the permission of the donor before any surplus embryo is used is an important safeguard. It allows those who have any reservations to refuse the research on their surplus embryos. Placing a three-year review clause in this legislation allows progress to be reviewed and updated or further safeguards to be imposed depending on the latest developments in research. In my mind, and it seems in the minds of the people of Glass House, the argument for stem cell research and its potential benefits has been made.

The other point that several other members have made—and it is an important point—is that if legislation does not go through in its current form individuals and universities in Queensland not covered by the Commonwealth legislation will be able to undertake embryonic stem cell research without any regulation at all. I do not think any honourable member would wish to see that occur. When we dissect all of the information we can only come to the same logical and sensible conclusion: this is good legislation and both bills need our full support. I commend both bills to the House.

**Mr LAWLOR** (Southport—ALP) (12.46 a.m.): I rise to support the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill and the Prohibition of Human Cloning Bill. As the Premier said in his second reading speech, one of humanity's defining characteristics is our continuing quest to overcome diseases and injuries that diminish quality of life. That is what this bill may make possible. This bill complements the Commonwealth Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002, which were passed by the House of Representatives on 11 December 2002 and may lead to huge leaps and advances in the quality of life for the sufferers of many diseases and injuries that I will mention later.

These two bills incorporate COAG agreements and seek to provide a regulatory framework for the federal legislation. Without this framework there would be a research free-for-all. There is a possibility that human embryonic stem cell research could lead to treatment which would benefit thousands of Australians whose lives are shortened or made painful by diseases and injuries such as juvenile diabetes, Alzheimer's, Parkinson's, liver and other organ failure, a variety of cancers, spinal cord injury, inherited conditions such as cystic fibrosis, and nerve cell damage caused by stroke and heart disease. In this regard I have a personal interest. One of my brothers is about 46. I suppose I should know his exact age, but that is about it. He would be the oldest living cystic fibrosis sufferer in Australia. Obviously, any cures that may be found will not assist him, but it might assist many people in the future to avoid the pain, suffering and uncertainty that he has gone through throughout his life and the impact that illness has on the whole family. We must bear in mind that as a result of this legislation, as has already been mentioned, not a single extra embryo will be created, nor will a further single embryo die. Research will only be conducted on assisted reproductive technology embryos that are surplus to requirements and which are currently disposed of by exposure to room temperature. So rather than let early stage embryos which would otherwise be allowed to die be simply wasted, they might be used in research that might advance lifesaving and life-enhancing therapies. The only embryos used in this research will be excess assisted reproductive technology embryos created prior to 5 April 2002 that donors have consented can be used.

The source of the excess embryos capable of donation for stem cell research is the IVF program. It is interesting to note that the basis of the opposition to stem cell research from organised religion, particularly as I understand it the Catholic Church, is its basic opposition to IVF. That is interesting, because that is a similar-type conscience issue as we are debating here tonight.

I had an interesting situation some years ago when a couple, who were personal friends of mine, went through the IVF program. Their most enthusiastic supporters were two Catholic nuns. They prayed fervently that the IVF program would be successful, celebrated when the wife actually fell pregnant and similarly celebrated when the baby—a little girl—was born. She is now 12 years old and is an absolute joy to her parents and to all who know her. Those two nuns were praying for a result that was contrary to the teaching of the Catholic Church. So each person must make their own decision, as all members of this House have after a thorough examination of their consciences.

While on the subject of the Catholic Church, I am afraid that it has a fairly ordinary record when it comes to scientific discoveries. The example of Gallileo springs readily to mind. I will give members a little history lesson for a couple of seconds. In 1632, Gallileo published *Dialog on the Two Chief World Systems*—Ptolemaic and Copernicus. In 1633, Gallileo stood trial for heresy by the holy office of the inquisition and his book, the dialog, was prohibited. On 8 January in 1642, Gallileo died. Just to put Gallileo's death into context, Isaac Newton was born that same year on 25 December.

In 1822, the holy office permitted publication of books that teach earth's motion. In 1835, Gallileo's dialog was dropped from the index of prohibited books. In 1979, Pope John Paul called for theologian scholars and historians to re-examine Gallileo's case. In 1992, Pope John Paul publicly endorsed Gallileo's philosophy, noting how intelligibility attested to by the marvellous discoveries of science and technology leads us in the last analysis to the transcendent and primordial thought imprinted on all things. The holy office of the inquisition was a committee of 10 cardinals appointed by Pope Urban VIII. He rejected various pleas for a pardon and as a result Gallileo was subject to house arrest and humiliation and persecution for the rest of his life.

It may be argued that this legislation is not only a matter of science; it is a matter of morals and ethics. For that reason it is most appropriate that these bills be the subject of a conscience

vote. The point of mentioning the tragic circumstances of Gallileo—a pious man whose two daughters were nuns, and who certainly was not a rebel—is simply to show that a proclamation on a matter of faith, that is that the earth was the centre of the universe, a belief for which the Catholic Church condemned Gallileo as a heretic, was changed and Gallileo was exonerated. Not that it did him much good—either him or his family—because it took 359 years for the church to come to the conclusion that Gallileo was correct.

That was on an issue that was scientifically provable. How much harder is it to be correct on an ethical or essentially moral issue in relation to which there is no absolute right or wrong. So long as every member has thoroughly examined their consciences—and I am sure that they have just as I have—then everyone is correct, even though we reach different conclusions.

So far as cloning goes, like all of the other members here, I am absolutely implacably opposed to it. As a result, I would be supporting both of these bills.

**Mr WILSON** (Ferny Grove—ALP) (12.53 a.m.): This is the most difficult debate that I have participated in since my election in 1998. I rise to participate in the debate as conscientiously as I can. I endorse the arguments put forward in support of the Prohibition of Human Cloning Bill 2003. Human cloning is the creation of a human being who is a copy of another human, whether or not that other human is living or deceased. This bill prohibits human cloning. I, too, support the bill.

The second bill, Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, causes me some real concerns. I am not able to support the bill for the reasons that I will set out. Before doing so, I note that these bills are the subject of a conscience vote for every member of the House. Members hold a wide range of views, particularly on the second bill. This bill raises what are for many profoundly personal views about human life and appropriate medical research.

I have taken into account the various views of a number of people in my electorate. I am particularly mindful of the terrible difficulties and struggle in life experienced by those who have degenerative diseases, such as Parkinson's disease. Over 12 months or so I have read various publications and have spoken to a range of medical researchers. This area of medical research is highly complex and changing rapidly. I confess to being fairly sceptical about what might be overblown claims in the media about the success of adult and embryonic stem cell research. There is also significant conflict of opinion within the medical research community over the claims of the various camps.

I congratulate Ministers Lucas and Edmond and the Premier on the open way and inclusive approach that they have taken to the discussions leading up to the introduction of this legislation and to the debate itself. Let no-one be under any doubt: I support stem cell research using adult stem cells and if I could have answered my concerns about additional embryonic stem cell research, I would have supported this avenue as well. Opposition to this bill is not opposition to stem cell research; it is opposition to a particular source of stem cells. In addition, as I will discuss later, the source of adult stem cells is supplemented by the 100 or so existing embryonic stem cell lines that have already been created and are in use around the world.

When the predecessor to this legislation was introduced into the parliament late in 2001, I had a number of serious reservations about its drafting. Subsequently, the legislation was passed in the federal parliament. This was accompanied by much public debate about the advantages of stem cell research, often drawing no distinction between adult stem cells and embryonic stem cells. I started to swing back the other way and, in general terms, became reasonably comfortable with embryonic stem cell research proceeding.

However, as I considered the matter further and examined the legislation before the House tonight, my concerns re-emerged. Because I have, for a time, felt myself persuaded by the arguments of those in favour of embryonic stem cell research, I have tried to resolve my uncertainties by answering a number of questions. These questions are: firstly, is the human embryo cell just like any other cell of the human body? Secondly, if the human embryo cell is uniquely different from other human cells, from what point in time do I give it value such that it is not expendable like any other human cell? Thirdly, is the destruction of the human embryo by extracting stem cells the same as allowing the embryo to succumb, that is die, after thawing? Fourthly, is there sufficient evidence at present that there are significant and verifiable scientific and medical benefits for mankind available only from human embryonic stem cell research that are not available from adult stem cell research? Fifthly, is there any sufficient evidence that extra

embryonic stem cells are needed in addition to the 100 or so stem cell lines now available to scientists to advance legitimate medical research?

Firstly, is the human embryo cell just like any other cell of the human body? Is it the same in both form and nature? If the answer is yes, then in my opinion the legislation is acceptable from an ethical point of view. However, I believe that the answer is no. The human embryo is uniquely different from all other cells of the human body. In one sense, the human embryo is the same as any other cell insofar as it has a nucleus, an outer membrane and other organic material. However, it is also different from ordinary human cells insofar as what is found in the cell and what the human embryo cell, unlike any other human cell, can become in the future. The human embryo has the ability to become a whole individual. Other human cells can become tissue or muscle or other parts of the body, but never the whole individual human being. So the human embryo and other human cells are the same in form only. The very nature of the human embryo is uniquely different from any other human cell by virtue of the fact that it can become the whole individual. Accordingly, from at the earliest—the point of conception—we are dealing with a human embryo, which contains all of the potential to become a full human being.

Secondly, at what point of time should value be given to the human embryo? If I say it has value and therefore should be cherished and protected as a human being after, say, eight weeks but not before, then I could say yes to the bill. I believe it has value from the time at which I can legitimately call it human. That time, I believe, is at conception. Of course, a human embryo is not a fully developed human individual. However, it has all of the genetic and cellular material to make a human individual. The development of the human individual starts at conception and travels through a continuum to early adulthood. The fact that the human embryo does not have all of the outward human features visible to the naked eye makes no difference. Another way to address this point is to look at the dictionary of definitions in the schedule to each of the bills. The definition of 'human embryo' and 'human embryo clone' acknowledges that the embryo that we are dealing with is distinguishable from other embryos such as animal embryos by virtue of the fact that it is human. This is not simply a semantic point; the statutory language reflects the reality.

Thirdly, is the destruction of the human embryo by extracting stem cells the same as allowing the embryo to succumb—that is, to die after thawing? If the answer is yes, then the bill is acceptable. I believe there is a significant difference, but I confess that it is over this issue that I have struggled more than any other. If the excess embryos created in vitro in the IVF program were not frozen, they would succumb as would occur in nature. Freezing the excess embryos simply delays what would, in the absence of any active intervention, be a natural dying process. Members should remember that with excess embryos we are dealing with embryos that were created for implementation in the mother and no other purpose. The extraction of stem cells from a human embryo is an act of intervention which brings about the death of the human embryo, as I said. It is not possible to equate the death of the human embryo unavoidably arising from the extraction of the stem cell to the embryo's death when it naturally succumbs. Yes, death is the ultimate outcome in both cases, but in only one case does death result from a positive act of another individual. Accordingly, in my opinion, the ethical considerations are different.

Under the bill, parents can consent to the use of their excess human embryos for stem cell extraction. Because I see the human embryo as indeed human from the point of conception and that destroying the embryo for stem cell extraction is different from allowing the embryo to succumb, then in my view it is ethically and morally wrong for the law to permit parents to consent to embryos being used for stem cell research. If according to my point of view it is not ethically and morally right for human embryos to be used for the purpose of stem cell research, then creating a statutory mechanism which only permits this to happen if the parents consent does not in my view change the situation. The objectionable purpose cannot be cured by the consent of the parents.

Finally, elsewhere in the legislation there is a prohibition on the creation of a human embryo for research purposes. It is inconsistent with a licensing system that permits research on excess embryos created before 5 April 2002. Consistency of the underlying principle in the legislation would suggest that if such a purpose is objectionable to the point of prohibition then this should apply to all embryos, not just to those yet to be created after the legislation commences.

Fourthly, are there benefits from embryonic stem cell research that adult stem cells cannot deliver? Adult stem cell research has been going on for, I understand, up to about 40 years or so. The recent explosion of interest in stem cell research has arisen from the possibilities that it offers



regenerative medicine in the treatment of Parkinson's disease, heart disease and allegedly many other areas. There is some conflict within medical circles on this question. However, it does not appear clear that medical researchers promoting embryonic stem cell research have really made out a convincing case. Furthermore, there is the acknowledgment that progress in the use of embryonic stem cells faces the near impossible obstacles of rejection by the immune system of the host and the high risks of stem cells developing cancers. However, I am not a medical scientist and I could be wrong, which brings me to my fifth point.

If I am wrong on the previous point and there are super benefits from embryonic stem cell research not available from adult stem cells, then I find it difficult to answer this final question: embryonic stem cell research has been under way world wide for some years. Approximately 100 stem cell lines have been developed by researchers around the world, some in Australia. Is there sufficient evidence that extra embryonic stem cells are needed beyond the current stockpile that is in use to advance stem cell research? Again, I am not a medical scientist but I doubt that the case has been made out. For these reasons, I will be voting against the bill in the second reading.

**Mr ENGLISH** (Redlands—ALP) (1.04 a.m.): I rise this morning to speak on the Prohibition of Human Cloning Bill and the Regulation of Research Involving Human Embryos and Assisted reproductive Technology Bill. I am not in favour of human cloning. The thought of cloning some members of this House fills me with dread. No person in this House whom I have spoken to is in favour of cloning humans like Dolly the sheep was cloned. I am also concerned about the prospect of so-called therapeutic cloning. The thought of deliberately manufacturing a human embryo for the specific purpose of destroying it to access tissue is repugnant. I will most definitely be supporting the Prohibition of Human Cloning Bill 2003.

The Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill presents me, however, with a greater ethical dilemma. Many of the comments that I raise in this speech have been and will be canvassed by other speakers. However, I feel that I want my views and opinions recorded for the record. I will say at the outset that I am a proud Catholic and in preparing for this debate I have spoken to many practising Catholics and people from other religions. I have not, however, spoken to theologians or my local parish priest, Father Leo Burke, when preparing for this bill. Why have I not spoken to these people? The reason I have not spoken to them is that I am aware of the Catholic Church's opposition to the in-vitro fertilisation program. From that position, it is a logical extension that the Catholic Church does oppose any subsequent use of embryos obtained from the IVF program. I acknowledge the consistent position taken by the Catholic Church. To be consistent, any person who opposes the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill must also oppose the IVF program.

I spoke to a wide range of people and sought their advice and their understanding of the relevant issues. Most people I spoke to did not have any problem with the moral or practical impact of the IVF program. IVF technology and programs are widely accepted in the greater community. If one accepts IVF programs, one should support the outcomes of these programs. One of the outcomes of the IVF program is the generation of excess embryos. This bill is solely about the moral usage of these excess embryos. This bill is not about embryonic stem cells versus adult stem cells and which has greater scientific potential. I am not prepared to support questionable ethical practice just because of the possibly of scientific potential.

People who condemn this bill based solely on the argument that adult stem cells show greater potential than embryonic stem cells show themselves to be morally deficient. The end does not justify the means. Therefore, in condemning this bill or supporting this bill, the central issue is the morality of the action in dealing with the embryos created by the IVF program. To support this bill because of the great promise of embryonic stem cells implies a position that the ends justify the means. To condemn this bill because of the great potential of adult stem cells implies that, if embryonic stem cells showed greater promise, then the person condemning them would then rally to support the embryonic stem cell research and thereby support the ends justifying the means. The potential of adult stem cells versus the potential of embryonic stem cells is a completely specious argument.

This debate must focus on the morality of dealing with embryos created by the IVF program. Let us examine the issues surrounding these embryos. These embryos we are discussing are developed for the purpose of implanting in a female during assisted reproductive technology. Numerous embryos are created as there is no specific number of embryos required for ART. Each

case is unique. One of the results of this process is the collection of excess embryos not subsequently required for ART. The current situation is that these embryos will be defrosted and allowed to die. These embryos that currently exist are disposed of. To allow these embryos to die when they could be utilised in research to benefit humanity cannot be supported. Most people I spoke to about this bill held the same view. I support the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill because I can, within my moral framework, accept that we should utilise embryos that would otherwise be allowed to die.

The degree of potential of embryonic stem cells does not enter my calculation. These embryos are going to be destroyed. They should be utilised to assist to decrease the level of suffering in our world, irrespective of the chance of success. We have nothing to lose as the embryos will be destroyed. At this point I should highlight that there are a number of checks and balances to ensure the consent of the donor and to ensure that the research is conducted in an ethical environment.

I see a parallel between the usage of these embryos and the organ donor program. I have spoken before in the House of a friend of mine whose son was hit whilst riding a pushbike. Simon's son, Matthew, was brain dead, lying in hospital and going to die, just like an excess embryo exists as a living entity but is bound to die if not used in ART. The doctors came to Simon and put to him, 'Your son is dead. We would like you to turn off the ventilator so we can harvest his organs.' Simon thought about the options involved, agreed to turn off the ventilator and allowed his son to be harvested—just as these embryos will be destroyed and we make a moral judgment to access their tissues for greater human benefit.

In the organ donation sphere the parent makes the call. The brain dead victim has no say in it. In this case the parents of the embryo will be giving consent or not. Of course, the embryo will have no say. I see a number of parallels between organ harvesting and the harvesting of the embryo.

I support the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill for the following four reasons. The federal government has already introduced legislation to allow embryonic stem cell research. To defeat this bill will allow uncontrolled research to occur in Queensland, with absolutely no regulatory framework. The excess embryos will die, irrespective of this bill. Embryonic stem cells are a potential source, either large or small, of cures for some current diseases and genetic illnesses. With those words I commend both bills to the House.

**Mr MICKEL** (Logan—ALP) (1.11 a.m.): I support the bill to outlaw the cloning of human beings. It is the second bill I have struggled with. The media commentary has referred to members who have concerns about aspects of these bills as being dissidents or as part of a backbench revolt. It is this type of commentary which undermines mature public debate of serious issues in this country, because it quickly deteriorates into winners and losers rather than an analysis of how people are arriving at their decisions. On the one hand, people want members of parliament to weigh up the issues and they are condemned when they are seen not to. On the other, weighing up issues, even on conscience matters, is depicted as disunity. I cannot see that it weakens the media to report that people analysed an issue and came to different conclusions on what are highly complex ethical issues.

The research involving human embryos bill is an ethical issue for me, and I will explain why. I recognise that it is complementary legislation with the national parliament and other states. I accept, too, that for the first time in this state we will have regulations governing embryonic research. Lack of regulation is the grave weakness with the current laws with respect to IVF—a program that has delivered nationwide in excess of 70,000 surplus embryos and a procedure that still fails the majority of participants.

It was instructive to return to the report prepared by scientists and ethicists who advised the then Queensland government decades ago on IVF. One of those people was Professor Alan Trounson, whom I will return to later in this contribution. The recommendations of that inquiry were that the embryos were not to be the subject of experimentation. Yet here we are decades later proposing legislation to carry out experiments on embryos in direct contravention of that recommendation.

I am therefore a subscriber to the slippery slope argument in science, and I have good reason to be concerned. Scientists with the research dollars of major corporations at their back will always push the boundaries, and this debate is no exception. Let me explain why. In a

submission to the federal parliamentary committee inquiring into cloning and stem cell research Professor Trounson said—

If we want to derive four new lines of embryonic stem cells we would theoretically use eight embryos and we would not really want to use any more ever again. We would have enough cells there to supply all the research institutes in Australia and probably world wide.

After making that statement, the scientists then convinced the Council of Australian Governments of the need for experimentation on excess embryos. After COAG set down a date of 5 April 2000 for the collection of embryos, scientists then insisted that specially creating embryos for destructive research should not be prohibited. So they have shifted the goal posts every time an issue has been settled.

If we are looking for intellectual honesty in this debate from the scientists, then we can forget it. We had Professor Trounson's fraudulent rat video showing that crippled rats could walk after being injected with embryonic stem cells—completely and fraudulently misleading.

We have heard in this debate about the research promise of embryonic stem cell research. It is a bit like the news on a Sunday night when the pharmaceutical companies can usually convince the journalist desperate for news that this week, above all other weeks, there is the potential to cure cancer or multiple sclerosis. It is the same with the use of human embryos. Scientists have experimented with mice embryonic stem cells for years and human embryonic stem cells for a number of years. What are the results? All they can point to is a potential benefit. Therapies using human embryonic stem cells have cured no-one. This has been backed by the Washington National Academy of Sciences as recently as June 2001, when it said—

These cells have never helped a human patient.

The debate has turned on what I call the Peter Pan debate—the hope for eternal youth via the hope for eternal cures. Hold out the promise of a cure for a sick person and then pressure the government to provide the funds to companies to find the cure. That is precisely what the Howard government did with the company associated with that great snake oil salesman Professor Alan Trounson.

However, there are worrying trends with the research. One is the malignant potential of embryonic stem cells. As *Science* magazine stated, ES cells have plenty of limitations, too. For one, murine ES cells have a disturbing ability to form tumours, and researchers are not sure how to counteract that. Researchers have found difficulty in establishing and maintaining embryonic stem cell lines. Doug Melton, a Harvard University researcher, quoted in an article headed 'Stem cell decision examined', said—

In my view human embryonic stem cell properties will degrade with time. Everyone is fearful that the more you grow them in a dish the more they lose their properties.

There is another issue, and that is the issue of tissue rejection. With embryonic stem cell research the risk of tissue rejection can be entirely removed by one way, and that is with therapeutic cloning. But therapeutic cloning carries its own moral complications. Whilst tonight we might say we are opposed to cloning, let me give the House this assurance: in the time of this parliament or the next parliament therapeutic cloning will be the next great pressure point on government from the scientific community.

So what then are the alternatives to embryonic stem cells? There are the cells that are already producing medical breakthroughs without the ethical dilemmas that accompany human embryonic stem cells. They are adult stem cells. Why destroy embryos for research purposes when we have abundant supplies of human adult cells? Adult stem cells come from children as well as adults. Another rich source of cells for research remains in the umbilical cord, taken from the blood of the cord after the birth of a child. Private US funding of stem cell research is nearly all directed into adult stem cells, where the results have been promising.

Of the 15 companies that do stem cell research, 13 work on adult stem cells. The successes of adult stem cell research have been extraordinary. An 18-year-old paraplegic patient with a severed spinal cord has been treated in Canada with her own immune cells and has regained bladder control and movement of her toes.

Scientists at Harvard Medical School have turned human pancreatic ductal cells into cells that produce insulin, promising hope for diabetics. According to experts writing in *Science* magazine February 2000, bone marrow stem cells appear to be very versatile, forming brain and muscle cells and liver cell precursors. US doctors have taken adult stem cells from the brain of a

patient with Parkinson's disease and reimplanted them, resulting in an 83 per cent improvement in the patient.

Washington Medical Centre treated 26 patients with rapidly deteriorating multiple sclerosis. Twenty patients stabilised and six improved following treatment with adult stem cells. Last members think I am confining this to overseas, there are promising Smart State things happening here in Queensland. I refer them to the ear, nose and throat specialist Dr Chris Perry, who had excellent results with nasal stem cells. There is also work being done in Newcastle, all very promising, all in need of research and, as I said, all with the ability to create jobs here in Australia without the ethical dilemmas posed by the embryonic stem cell research.

Finally, in this House we have been offered a conscience vote because of the ethical dilemmas that have been raised, but let me pose this question to the House: what of the scientists who have to work in the laboratories? Does this legislation guarantee them a conscience vote? Does it guarantee them a conscience decision in their workplace if in all consciousness they cannot carry out research into human embryos? There was nothing in the bill, nothing in the explanatory notes, that reassured me about this. I would find it strange that as legislators we have a conscience vote whilst the employees will be subject to the conscience of the research companies who are seeking research funding. I would seek some reassurance for the work force on this issue.

My comments are simply this: I will oppose the research involving human embryonic research for the reasons that I have outlined

**Mr POOLE** (Gaven—ALP) (1.22 a.m.): Today I rise before the House to speak on legislation which has raised much controversy—research involving human embryos. The science of stem cell research has the potential to lead to treatments for major degenerative diseases such as Alzheimer's, Parkinson's disease, heart disease and insulin dependent diabetes by providing healthy cells to replace diseased tissues and organs. Stem cell therapy may also have the application and delivery of healthy genes to organs with a missing or defective protein.

Currently the focus of research in human stem cells is on human embryonic stem cells which have the potential to develop into any mature adult cell and on scattered adult stem cells which occur on some but not on all adult tissues. I understand there are objections to the use of human embryonic cells in research because the cells are derived from a one-week old human embryo when it is a microscopic hollow mass of about 200 cells.

Recent advances in molecular biology have increased our knowledge of the regulation of gene expression. This is maintained by continuously active control mechanisms, whereby proteins bind to DNA sequences adjacent to genes to turn them on and off. In theory, it should be possible to program almost any adult DNA to begin early powers of differentiation, thus making it unnecessary to use embryonic stem cells for research into cell therapies. Currently our knowledge of many cellular and development processes is imperfect. Without an understanding of the molecular and functional properties or factors that control early embryonic cell differentiation, reprogramming of adult cells has serious technical limitations.

Adult stem cells cannot adequately substitute for embryonic stem cells. However, I think research into adult stem cells should be encouraged, especially to permit rapid application of insights gained from study of embryonic stem cells and because progress made in this area of research may inform the other.

It is appropriate to use legislation to set limits on certain research practices such as prohibiting the cloning of human fetuses but not to regulate the details of research practice. Human stem cell research will be subject to regulation under the law in such a way as to take account of the rapid development of new technologies and the changing application of those technologies. State laws should be implemented to apply a more consistent application of standards.

I have specifically risen this morning to speak in support of the introduction of this bill. As a father of an insulin dependent diabetic, I live in hope that some day there will be a cure to save my daughter, who I have tried to keep alive during epileptic fits which could result in hyperglycaemic comas. I hope that one day in the near future the use of stem cell research will enable my daughter a cure for her disease.

Many scientists believe stem cell research has the potential to provide an unlimited supply of beta cells, the insulin producing cells that are destroyed in people like my youngest daughter who has type 1 diabetes, and therefore form the basis for a cure. Researchers involved in many

diseases including diabetes are hopeful, like me, that stem cell research will lead to new therapies that will improve health and even lead to cures. I understand that support from stem cell research is not universal. However, with my experience of a father of a very sick child who requires four insulin injections per day for her entire life could only stand to support the introduction of the current legislation before the House. I support both bills.

**Mrs CROFT** (Broadwater—ALP) (1.25 a.m.): I rise this morning to speak in support of the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. The bills before the House seek to implement a commitment to ban human cloning and certain other practices associated with reproductive technology while also regulating the use of excess assisted reproductive technology embryos for research and other activities.

The bills complement Commonwealth legislation; namely, the Prohibition of Cloning Act 2002 and the Research Involving Human Embryos Act 2002. This will deliver the Queensland component of the national scheme which was agreed upon at the Council of Australian Governments—COAG—last year. As other jurisdictions introduce their complementary legislation, we will be able to introduce a nationally consistent scheme.

Condemnation of the cloning of humans is near universal. It is regarded as an unacceptable practice and the Prohibition of Human Cloning Bill 2003 will prohibit it. The bill will also prohibit other practices, such as commercial trading in human reproductive material and the creation of hybrid embryos. This bill will reflect the seriousness of human cloning and will make it an offence with a maximum prison term of 15 years for a person to create a human embryo clone. As I said, there is widespread community support for the prohibition of human cloning and I am sure that these provisions will be welcomed by all Queenslanders.

The Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 regulates the use of excess assisted reproductive technology embryos for research and other activities. I understand that some Queenslanders will have some concerns that by passing this legislation we will be opening the floodgates to allow all sorts of uncontrolled and inappropriate research. I believe the truth is quite the opposite.

It should be noted from the outset that Queensland leads the country in confronting difficult ethical issues surrounding new and emerging technologies. We were the first and so far only state to adopt a code of ethics for biotechnology, the code of ethical practice for biotechnology in Queensland. The government has also responded to concerns that the Prohibition of Human Cloning Bill 2001 did not go far enough in addressing safety and ethical issues in medical and research developments involving reproductive material.

This legislation will replace that bill, which was introduced as an interim measure. Although the Commonwealth legislation regulates embryo research undertaken by corporations, a state bill is required so that the same licensing requirements apply to individuals and universities. Indeed, if the state bill is not passed, it could mean that corporations in Queensland would be regulated according to the Commonwealth legislation but individuals and universities may not be regulated at all. However, if the bill is passed, all research will be strictly regulated.

I think the point the Premier made in his second reading speech was a very good one and one that bears repeating—

As a result of this bill, not a single extra embryo will be created, nor will a single further embryo die.

There are many strong views held on this subject, and I respect the right of every individual to hold their own views, but I think that in the intensity of the debate sometimes relevant points can be missed. Only embryos that were created prior to April 5 2002, for use in assisted reproductive technology, will be able to be used for research purposes under this bill. Only excess embryos created for the IVF program will be able to be donated for stem cell research. That leads to another important point. Embryos will only be able to be used if they are donated with the informed consent of donors. Further, donors will be able to specify research restrictions on the use of their embryos.

I am a strong supporter of the IVF program and I have had close friends who have depended on the results of the IVF program to give them a chance at becoming a parent. Sometimes IVF works and sometimes it does not; however, the opportunity to try is there for those who want it. I have listened openly to the debate thus far—and it has been some while now since the debate began at 4 o'clock this afternoon—and while I respect many views I cannot accept the stance of some who support the IVF program but cannot support this bill. I also cannot

be swayed by debates against this bill during which people do not clearly clarify their position on IVF. Strict criteria will need to be met before scientists or researchers will be able to obtain a licence to undertake work on excess assisted reproductive technology embryos.

The use of adult stem cells will fall outside of the legislation and will therefore not require a licence. An argument that has arisen recently is that adult stem cells are sufficient and there is no need for research on embryonic stem cells. However, it should be remembered that both sorts of stem cells have different properties and as such are being used in different ways. I fully support the use of adult stem cells in research and look forward to it continuing under its current regulations. There have been some important developments made with the use of adult stem cells in medical research, and the government supports the significant work under way. However, I do not agree that this means that we can disregard any breakthroughs that may be made with the use of embryonic stem cells. Adult stem cell research has been under way for decades, whereas research using embryonic stem cells has been much more recent. Due to the inherent properties of embryonic stem cells, there is a possibility for significant advances in treatments for a number of diseases. These include multiple sclerosis, leukaemia, juvenile diabetes, Alzheimer's, Parkinson's and cystic fibrosis—even acquired brain and spinal injuries and nerve damage caused by stroke or heart disease.

I think it is important that we continue with the adult stem cell research but that we also investigate the potential medical applications available through the application of embryonic stem cell research. I strongly agree with the Premier's comments that we should responsibly pursue both avenues of research simultaneously to maximise our chances of discoveries to cure diseases that create human suffering. In my capacity as the state member for Broadwater I have had the privilege of meeting with and visiting support groups that have been established by dedicated and compassionate volunteers to assist Queenslanders afflicted by disease or disability. I have heard and seen the pain that is restricting the lives of these people and their families. As the member for Broadwater, my conscience tells me that it is right to support this bill. It is right to explore opportunities to improve the lives of others through medical research. My conscience tells me that it would be wrong to block the way. I commend both bills to the House.

**Mr PITT** (Mulgrave—ALP) (1.33 a.m.): I will be supporting the Prohibition of Human Cloning Bill 2003 as I expect will all members of the House. The object of the bill is quite clear. It aims to prohibit the creation or attempted creation of cloned humans or human reproductive cloning and to prohibit the gestation of human embryo clones. The bill is not intended to prohibit other research into the use of human cells or human tissue which uses cloning technology. The reason for placing this bill before the Queensland parliament is to comply with the Council of Australian Governments, COAG, June 2002 determination that there be uniform legislation across Australia to prohibit human cloning. Three states, Victoria, South Australia and Western Australia, already have such legislation in place, while others are relying on guidelines issued in 1996 by the National Health and Medical Research Council prohibiting research involving the destruction of human embryos save in exceptional circumstances where such research offers the likelihood of a significant advance in medical knowledge or improvement of technology or treatment.

A 1998 report by the Australian Health Ethics Committee condemned cloning of whole human beings, that is, human reproductive cloning. It left open for further discussion the cloning of tissue or body parts for therapeutic use. This dichotomous distinction between reproductive and therapeutic cloning remains controversial—and not just in Australia. The concept of cloning a human reduces humanity to a mere scientific and medical procedure. It defies what can be best described as the natural order of things. It defies the concept of human procreation and opens up a Pandora's box of horrifying possibilities, not unlike that portrayed in the art piece *The Island of Dr Moreau*. This is not an overstatement embedded in fantasy: it is a real possibility. The untimely early death of Dolly the cloned sheep is a clear indicator of how the results of animal cloning may go horribly wrong.

After the announcement in February 1997 of the cloning of Dolly the sheep by Ian Wilmut of the Roslin Institute, then President Clinton of the United States promptly banned federal funding related to any attempts to clone human beings. Further international reaction followed. Denmark, Germany, Norway, Slovakia, Spain, Sweden, Switzerland and the UK passed legislation explicitly or implicitly banning human reproductive cloning. Similarly, the governments of France and Germany issued a joint statement to the United Nations seeking the creation of a working group to draft a convention that would ban human cloning on the grounds of damage to human dignity.

The bill before the House seeks to balance two contrasting policy objectives. First, it prohibits both the creation or attempted creation of cloned human beings, that is, human reproductive cloning, and the gestation of human embryo clones in the body of a human or animal. Secondly, it makes no attempt to prohibit the use of cloning technologies for other research into human cells or human tissue. Significantly, whereas in common usage a clone means an identical genetic copy, this legislation states that it is sufficient to prove that copying has occurred and it is not necessary to prove that it is identical. This bold definitional move is to prevent instances where a minor modification would provide a loophole. Otherwise, somatic cell nuclear transfer, the process that produced Dolly the sheep, could fall outside the prohibition. This is good legislation. It is in keeping with the overwhelming body of community opinion. It bans that which is repugnant, yet leaves the door open to procedures that can be of benefit to humankind.

In speaking to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, I wish to express my gratitude to the Australian Labor Party for affording government members the freedom of a conscience vote. I also thank the Premier for agreeing to split the original bill, allowing people like myself to vote for legislation banning human cloning without clouding the issue by incorporating the vexed question of embryonic stem cell research. This is an issue that transcends the policymaking power of political parties. The issue of embryonic stem cell research cuts to the very core of belief and value systems held by many members of this House. I will be voting against this bill not because I lack compassion for those people who desperately seek remedy for illness or affliction but because I believe the same ends can be achieved without the destruction of human life.

Medical research has brought amazing results for mankind. I am sure everyone in this House marvels, as I do, at the work done by researchers who strive to create a better life for us all. That research, though, is not an end in itself. It is carried out by individuals who by the very fact of their being part of society have an obligation to conduct their research within the framework established by that society through its parliament. Given the advances of late, it is fair to say that we are on the verge of making enormous advances. Most scientists agree that stem cell research has great potential and needs to be pursued as far as resources will permit. I am sure that many people in the communities we serve have but a limited understanding of the details of this legislation. Community views have been formed by listening to emotive statements emanating from those for and those against embryonic stem cell research. As members of parliament, we do not have that luxury.

We are bound not only to reflect the views of our constituents; we also have a responsibility to exercise our own judgment. People have elected us as the people we are, not just as representatives of a political party. They expect us to have personal values and to exercise our own judgment on contentious issues for which we have not been given a direct mandate.

Over the past 12 months or so this debate has been characterised by a litany of falsehoods and wild claims about the potential of embryonic stem cell research. Many high-profile figures have promoted this research as leading to miracle cures, raising the expectations of the vulnerable and the gullible. Worse still, they have suggested those who question or those opposed to embryonic stem cell research are responsible for condemning others to a life of misery. I reject that notion. Those of us in this House who speak and vote against this bill value human life and are no less committed to the relief of human suffering.

Stem cells may indeed offer breakthroughs in medical research leading to improved quality of life for many and, in some cases, preserving life itself. It is therefore vital that we establish laws that sanction that research. At the same time, there is a need to ensure that ethical constraints be established to prevent exploitation and a devaluing of human life.

Science tells us stem cells are primary cells having the capacity to develop into a variety of cell types, such as skin, brain, muscle and the like. For me, it is the source of these stem cells that is at the centre of this debate. Adult stem cells are derived from the mature human body, the placenta and the umbilical cord. The use of adult stem cells allows us to harness our own cells to treat ourselves. It reduces the potential for an immune reaction— a rejection.

Proponents of embryonic stem cell research laud the potential without giving sufficient regard to a body of evidence that would indicate serious risks relating to rejection, the transmission of genetic disorders, and cancer formation. There is no compelling reason to give the green light to embryonic stem cell research when an ethically perfectly acceptable and far more advanced method using adult stem cells is available. Adult stem cell research has already had substantial and quantified success but the same cannot be said of embryonic stem cell research. Adult stem

cell research has led to the successful growth of smooth muscle, cartilage, brain tissue, heart muscle, liver tissue, insulin producing pancreatic tissue, fat tissue, retinal cells, nerve connections, neurones, bone cells and skin tissue. Ailments such as lupus, arthritis and multiple sclerosis have been successfully treated using adult stem cells.

The patients undergoing these treatments are using tissue grown from their own cells and have avoided rejection problems. This is a pretty impressive achievement. All of this has been achieved without destroying human life. Embryonic stem cell research has not to date produced a single cure, nor a single successful treatment. One of the claims of scientists pushing research on embryonic stem cells is that they offer more flexibility. Latest research, however, indicates adult stem cells are far more versatile than at first thought. This adds further force to the argument that research efforts should continue to be concentrated in this area and not be diverted elsewhere.

Why then is embryonic stem cell research being pursued with such fervour? Could it be in any way connected to a commercial imperative? One only has to look at who has most to gain from embryonic stem cell research and we see them at the forefront of the media campaign. Those who have access to an abundant supply of embryos from the IVF clinics they manage stand to gain a substantial windfall if this legislation is passed. It is estimated we have 60,000 to 70,000 'surplus' embryos— and what a degrading concept that is—currently in storage. We are assured that research will be restricted to these. We are assured that no embryo will ever be specifically created for research. This begs the question: why do we have so many embryos considered to be excess to need? Furthermore, what is to stop IVF technicians from increasing the number of embryos that are fertilised just to keep up with demand, just to meet the demands of a commercial market?

Once we give science the go-ahead big money will talk. Billions of dollars are at stake here and the temptation to cut corners and to work outside the law is enormous. Some of the richest companies in the world are in the pharmaceutical field and in medical research. They are not going to pass up the opportunity to cash in on this research even if it means breaking any ethical codes we may set. To claim that once we leave the door ajar we can close it when we want to belongs in the realm of fantasy.

Some people in favour of embryonic stem cell research offer the argument that it is in our national commercial interest not to reject research in this field. They argue we would be forfeiting huge commercial rewards and that other countries will steal a march on us. Such argument is shallow. We could use similar argument to justify a whole range of activity that falls in a moral and ethical grey zone. Just because it can be done and just because it may be profitable does not automatically make it right. Even if I were to support embryonic stem cell research, which obviously I do not, there is no need for additional embryos to be made available. There are enough stem cell lines in existence worldwide for research to continue. Even Professor Alan Trounson, who is now at the forefront of the push to use surplus embryos, held this position. One can only wonder why he has shifted his stance so dramatically.

I find repugnant the concept that a frozen embryo is merely another resource rather than a living entity capable of growing to maturity. Frozen embryos are human beings. I believe life begins at conception. I find it impossible to accept the view of others who attempt to designate an arbitrary point when an embryo suddenly becomes human. It would seem to me that this point can be shifted to suit the argument of the day.

If one accepts that life begins at conception, then any deliberate act of intervention that destroys that life at any time in the future must be rejected. Frozen IVF embryos are human beings. They are human beings whose development has been suspended. Should the embryo have no genuine prospect of developing into a functioning adult, then just as life support may be withdrawn from someone in a vegetative coma so, too, can the nurturing environment be withdrawn from an embryo. There is dignity in being allowed to succumb. At some time we will all be faced with this prospect as we near life's end. This is far different from using an embryo for research purposes and then deliberately destroying it because it has no further purpose.

These embryos were collected with the express purpose of creating life. So-called surplus embryos are not just some by-product that can be put to whatever purpose convenient at the time. They are not a commodity that can be bought and sold for the purpose of experimentation however promising some claim the end benefits may be. The dignity of human life cannot be reasoned away. Human life is the highest life form on the planet. It deserves to be treated with respect and dignity. Once we start making exceptions in the search for a so-called greater good, we have degraded the value of human existence. There is little then to separate us from other



animal species. If we pass this bill there will come a time when those very same people who have demanded the right to carry out research on embryonic stem cells will call for therapeutic human cloning, embryo farming, or the establishment of massive tissue banks. We need to take a stand now. We need to take a stand against a growing utilitarianism that devalues human life. We need to put parameters in place that respect the dignity of life. Whilst I respect the views of others who support this legislation, I must follow my conscience and cast my vote against it.

**Mr CHOI** (Capalaba—ALP) (1.48 a.m.): Some 12 to 18 months ago at 7.30 on a quiet Sunday night I got myself ready with a drink in hand and a pack of snacks, getting comfortable to watch one of my favourite shows, *60 Minutes*. During the episode I did not feel comfortable and nor did I have any appetite, as the unfolding story was both moving and courageous, rousing intense emotion and challenging my deep-seated moral and ethical convictions. The show finished on time at 8.30, but the effects of those TV images still linger today. The story was about stem cell research and the use of embryonic stem cells for such research.

On the pro embryonic stem cell research side was Christopher Reeve, a once great actor who played the role of Superman. Reeve was unfortunately cut down in the prime of his career due to a horse riding incident and was paralysed from the neck down. Now wheelchair bound he maintains a punishing daily regime of therapy as well as demanding and painful exercise to maximise his chance of recovery, knowing full well that day may never come. To him and to many people like him embryonic stem cell research offers new hope, new possibility and maybe a new life.

To them, and the many people who support their views, they consider that anyone who opposes embryonic stem cells lacks compassion and an understanding of the pain and suffering of those less fortunate and in need. On the other hand, a lady suffered from some form of terminal disease. She was adamant that she would prefer to die rather than benefit from any treatment that has anything to do with embryonic stem cells. She conceded that an embryo is not only a living thing but also a being with equal rights just like her, thus demanding equal respect.

Those people's arguments were equally compelling and both cited moral and ethical reasons not only for their personal decisions but also to champion their respective arguments. I believe that both people would do anything within their means to fast forward their cause. Unfortunately, both views cannot coexist.

During the past two years the issue of cloning in general and stem cell research in particular has swarmed the media. The subject matter is extremely complex and there are many issues to be considered carefully—issues of science and technology, issues of philosophy and social policy, and issues of ethics and morality. Within the time allocated to me, I shall tell my honourable colleagues how I struggle with those issues, how I try to reconcile the vast conflicts within me—let alone the differences with others—and, finally, how and on what basis I came to my decision on this matter.

Before I do that, at the outset I thank the Premier for allowing a vote based on our own consciences. As the Premier has said, this is a matter for the members themselves to decide. The matter is extremely complex and the last thing that we need to do is politicise the debate. To a large extent, a conscience vote certainly manages and mitigates that concern. While giving a conscience vote, I am painfully aware of the fact that my conscience is not an infallible guide, nor is it a true indicator of the absolute truth. Conscience is and always will be subject to our upbringing, our culture, our religion—if any—our family values, and our society. At best, it is like a compass—influenced by the earth's magnetic field and the objects around it whilst trying to give an indication of north. I am saying that because in the next few minutes I will passionately defend my belief and my value system. In doing so, I will challenge those within and outside this House, including those for whom I have a great deal of respect.

I also welcome the decision by the Premier to separate the bills into two separate bills: the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003, which are being debated in this House in a cognate manner. Firstly, I will speak to the Prohibition of Human Cloning Bill 2003. It would surprise me if any honourable members would disagree with the total banning of human cloning. This bill addresses the ethical and safety concerns about scientific developments associated with reproductive technology by prohibiting human cloning and other practices associated with reproductive technologies.

At international, national and state levels, human cloning is widely regarded as unacceptable and contrary to human dignity. The only comment that I make is that I believe that the penalty regime should be much higher than what is being proposed, particularly in monetary terms. There is a lot of money at stake in biological research and people in the industry speak in terms of hundreds of millions of dollars. In relation to jail terms, it is often difficult to secure a conviction when a whole team of people is involved. We just have to wait and see how this regulation works. I fully support the Prohibition of Human Cloning Bill and I commend it to the House.

I turn to the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. There are many arguments for and against embryonic stem cell research. It is not possible to go through all of them in the time allowed. However, I will focus on a few aspects that I consider to be critical to this debate. First and foremost, I say that I fully support stem cell research. From what I have read regarding the success of stem cell research—such as half a dozen children with a severe immune deficiency being cured with stem cells, French and German scientists also being successful in using stem cells to repair heart muscle after a heart attack and an American woman with severe spinal injuries regaining movement in her feet and control of her bladder after stem cell treatment—there is an important factor to remember. All the success stories that I have mentioned are the results of using adult stem cells. Even Alan Trounson conceded that, at this point, not a single cure has been achieved with embryonic stem cells. But in fairness to him, he sincerely believes that that day will come.

As I said, I support stem cell research. The problem is the source of the cells. Adult stem cells can be secured by a non-destructive process. But the embryonic stem cell research will result in the destruction of the embryo, that is, the killing of the embryo. That indeed poses a very serious question for us to consider. It is my understanding that most, if not all, of the successful outcomes are the result of adult stem cell research. But that is not to say that embryonic stem cell research cannot, given the benefit of time and research capital, deliver similar, if not better outcomes. I am not an expert in this field and I do not know how successful embryonic stem cell research will be. In fact, I doubt that anyone knows. The facts before me at present are that currently adult stem cells have a far better track record than embryonic stem cells.

So the question that begs asking is: why bother with embryonic stem cells? The answers that I have heard are largely because, firstly, embryonic stem cells are more versatile; secondly, we should not close the door on research; and, thirdly, embryos are available anyway as they are surplus from the IVF program. Why let them die? We might as well put them to good use. I was told that embryonic stem cells are totipotent cells and, therefore, have the ability to generate all of the 200-plus cell types that make up a mature human. In that regard, I have not seen any compelling argument from those opposing embryonic stem cells. Therefore, I accept that the statement is right—that embryonic stem cells are more versatile than adult stem cells which are, in essence, multipotent cells which have a limited capacity.

The proponents of embryonic stem cell research also argue that we should keep the door open anyway, even though the results have not been promising. I accept that scientific research is about breaking the mould, reaching new heights, challenging the norms and daring to experiment. As an engineer, I regard myself as a scientist. I respect the spirit of experimenting. I uphold the value of thinking outside the square and I always try to do the same thing differently and better each time I do it. If that is all that there is to be considered about embryonic stem cell research, it would be an easy decision to make. As an engineer and, therefore, a scientist, I was trained to not only have an experimental spirit; at the same time I am bound by certain moral and ethical considerations.

From ancient times, the first principle of western medical tradition has been to do no harm. This principle has been enshrined in every major international medical research code, all of which hold that medical research on human beings must respect the dignity and integrity of the human research subject, it must not result in death or disabling injuries, it must put the wellbeing of the human subject before the interests of science and society, and it must be preceded by a careful and rigorous assessment of the risks and burdens in comparison to the foreseeable benefits to the subject and others. Embryonic stem cell research destroys human embryos in the process and, therefore, are in breach of all of the principles that I mentioned—unless, of course, one believes that an embryo has no moral status and, therefore, is only an object that can be bought, exchanged, manipulated and experimented on without a due consideration of its rights.

My own thinking about moral and ethical standing is greatly influenced by the philosopher Mary Ann Warren. In her book, *Moral Status*, Warren begins examining three critical unicriterial

theories of moral status that focus on single intrinsic properties: life, sentience and personhood respectively, each of which has been claimed to be the single necessary and sufficient condition for the procession of moral status. Time does not allow me to go through the argument, but in short I am convinced that an embryo, no matter how small or how early in its development stage, passes at least one of three criteria and, therefore, warrants moral status. In addition, given the right environment such as a womb and the benefit of time, an embryo or its later phase will past all the benchmark criteria—the same moral status just like those bestowed on any honourable members of this House, the same moral status granted to every so-called citizen outside this House and, more importantly, the same moral status as that given to a prisoner on death row to deserve to be heard, represented and have his or her rights protected. Anything with a moral status deserves one thing and that is to be respected and given dignity. The human embryo research panel declared that the embryo, even before the development of the primitive streak, which is around 14 days after fertilisation, nonetheless deserves to be respected.

The meaning of respect includes both an attitude and a moral norm. As an attitude, it implies thinking that something is valuable and should be cherished regardless of the status or our understanding. For example, the notion of multiculturalism is the outcome of an attitude of respect—respecting people for who they are and what they are and cherishing their being regardless of their status even if we do not understand them. As a moral norm, it means treating a person as an end and not merely as a means or something useful for our own ends or purpose no matter how noble that end is. This is clearly a case of the end does not justify the means.

The third argument was that embryos are surplus and will be allowed to die anyway and that we should at least put them to good use so that people suffering from Alzheimer's and Parkinson's disease may get a chance to recover. On the surface, it is a compelling argument. But when we think about it, are there such things such as surplus embryos? There are surplus chairs. There is surplus food. There may even be a surplus budget for the education and health portfolios, but surplus embryos? One must remember that there are 70,000 surplus embryos from the IVF program in Australia alone because this institution and other similar institutions allowed that to happened. It is surplus because we make it a surplus. I fully support the IVF principle, but I do not support the creation of excessive embryos. I have three children and to say that I understand how someone feels after trying over many years to have children without success would be an insult to them. I therefore support IVF principles in that we use science to assist them, provided that other moral and ethic principles are not compromised. I believe embryos must be created and implanted one at a time. I know it is expensive, even painful and inconvenient. But they are all expediency arguments. When I compare the dignity of human life to economic and expedient prepositions, I know which one will get my tick.

Two wrongs do not make one right. After having created so-called surplus embryos, we must not allow the destruction of them, no matter what perceived benefits there are to society. In fact, I felt a cold chill up my spine every time I heard that phrase 'surplus embryos'. It reminded me of an article I read many years ago about a population explosion in China. The article spoke of 'surplus' citizens and how society at large would benefit from a smaller population. One wonders whether that was the pretext of the awful government policies in the past of forced abortions. Some argue that it is still being practised today. During the Second World War the Nazis also spoke about the excessive Jews in Germany. The film *Judgment at Nuremberg* was shown to final year law students at the ANU two years ago. The climax of the film, about members of the German judiciary who served under the Nazi regime, comes when a repentant judge struggles to put into words his bewilderment about how the German justice system has failed the innocent on such a massive scale. The presiding judge, played by Spencer Tracey, replies that the whole system fell that 'very first time you failed to uphold justice, truth and the value of a single human being'. An embryo has a moral status and, as such, is an underdeveloped human being.

Many of my learned colleagues have indicated that they are passing this bill because they want to see the end of suffering for our sick and disabled. I can fully understand that. Karl Barth, who I considered to be one of the greatest theologians, said—

No community, whether family, village or state, is really strong if it will not carry its weak and even its very weakest member.

However, just because embryos are so small that we cannot see them does not diminish their right to be protected. In fact, I would argue that they are the most vulnerable members of our society. It is a matter of totally out of sight, out of mind. The member for Callide said in his speech that he could not look into someone eyes with a disability if he does not pass this bill. Has anyone

asked the embryo, who is about to be killed for an experiment, admittedly for a noble cause, whether he or she is willing to be killed for that sacrifice? The inability to consent does not moralise nor legalise the decision.

In his *60 Minutes* interview Christopher Reeve challenged viewers to sit in his wheelchair for a day before opposing embryonic stem cell research. It was also a powerful argument. By the same token, it can be argued that those supporting embryonic stem cell research should imagine themselves in a Petri dish, not able to protest at all. Con Sciacca, the federal member for Bowman, lost his son Sam several years ago. There was nothing he was not prepared to sacrifice to save him at the time. I believe that if it were at all possible he would have taken his place instead. In his speech to the House of Representatives, he said—

I take strong exception to those that, by implication, suggest that those of us who will be voting against this bill are in some way uncaring and not compassionate. If you were to use that sort of argument, you could easily turn it around and say that those who highlight all the cases of people with disabilities who would love to have a cure, and hold out for what I consider to be in many respects false hope, can also be construed, if you use that argument, as being uncaring.

I appreciate that my colleagues who have alluded to this point probably did not mean any offence and I accept that, but they should think carefully before they make these aspersions. No-one has a mortgage on compassion. All of us would like to see breakthroughs in medical research which could find cures for any number of diseases—Alzheimer's, epilepsy, cancers, motor-neurone diseases, multiple sclerosis and so on. Those of us like me, the Deputy Prime Minister and others who have lost loved ones in the prime of their life know only too well that if there were some possible way to keep them alive you would do so. You would look for anything and you would do anything you could to preserve that life.

I believe that as humans we are less likely to look for an alternative solution if we are told beforehand that there can be none or we have made advance provision for an easy one. Only by declining to use embryos for this research do we awaken our imagination and force ourselves to seek other alternatives, including adult stem cell research. I believe an alternative will be found without compromising universal medical research principles and the killing of innocent embryos.

In closing, I refer to what C.S. Lewis said—

We reduce things to mere Nature in order that we may 'conquer' them. We are always conquering Nature, because 'Nature' is the name for what we have to some extent conquered. The price of conquer is to treat a thing as mere Nature ... The stars do not become Nature till we can weigh and measure them: the soul does not become nature until we can psycho-analyse her. The wresting of powers from Nature is also the surrendering of things to Nature. As long as this process stops short of the final stage we may well hold the view that the gain outweighs the loss.

But as soon as we take the final step of reducing our own species to the level of mere Nature, the whole process is stultified, for this time the being who stood to gain and the being who has been sacrificed are one and the same. This is one of the many instances where to carry a principle to what seems its logical conclusion produces absurdity. It is like the famous Irishman who found that a certain kind of stove reduced his fuel bill by half and thence concluded that two stoves of the same kind would enable him to warm his house for free. If a man chooses to treat himself as raw material, raw material we will be.

I will be opposing this bill.

**Mr TERRY SULLIVAN** (Stafford—ALP) (2.07 a.m.): I support the ban on human cloning; I oppose the proposed research on human embryos. Therefore, I support the Prohibition of Human Cloning Bill 2003 and oppose the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003. Like all speakers here and most people in the Western world, I see cloning of human beings as totally unethical. It is heartening to know that this parliament has so far spoken with one voice to ban cloning. It is also proper and pleasing that we are debating two bills tonight.

This debate has been held with a high degree of tolerance for the differences that are held between MPs from across the political spectrum and it is a sign of the maturity of this parliament that a significant and emotive issue like this can be debated in a manner which shows respect for opposing views. It is also pleasing that there has been almost no finger pointing and no questioning of other MPs' motives. Local media commentators have got it wrong when they refer to a backbench revolt or dissident MPs. When a conscience vote applies there is no government line to cross. Each MP has the right to make up his or her own mind. I congratulate Premier Peter Beattie for his support for people like myself who hold a view on these bills different to his own. He has been supportive of our differences and that makes our caucus a stronger group where we can freely air our differences both in the party room and in the parliament.

I oppose the human embryonic research bill on three grounds: scientific, the principles of research funding and ethical grounds. My objections on scientific grounds arise from the concerns I have regarding the procedures that have applied in this field of scientific practice. In normal

scientific research, two elements are paramount in the funding of projects—the strict regime of procedures involving scientific research methods and a tight financial scrutiny of the research.

Certain factors have come together which have exempted human embryonic research from these strict processes of scrutiny. I am concerned that personal financial gain for those involved in the commercialisation of embryonic research is a major factor. I am not referring here to the many parliamentarians from all sides of politics who have approached this difficult area with an earnest desire to find the truth. I mean those scientists and businesses involved in making a profit from embryonic research.

We know that Australia's chief proponent of the commercial exploitation of embryonic research, Professor Alan Trounson, has been untruthful in his presentation of the benefits of embryonic research. He was caught out three times in his presentation to the joint party rooms in Canberra, presenting inaccurate or untruthful scientific data. I will leave it to history to judge Trounson's standing as hero or villain in Australia's scientific community.

My second objection arises from the basis of allocating research grants for scientific endeavours. I admit that Professor Trounson and colleagues have won the publicity war hands down and they have convinced the media and Australians in general that embryonic stem cell research holds the answer to solving medical problems. I also acknowledge that the real battle in this war was fought in Canberra last year. In many ways the debate here tonight is a skirmish on the fringes of the main action, but for each of us it is important that we make our own view known.

The tussle for research funding between proponents of adult and embryonic stem cells reminds me of the fight for dominance between Beta and VHS technology. The winner was decided not on the weight of the science but on the effectiveness of the marketing. In normal research processes, embryonic stem cell research would not have received the massive injection of federal government funding that it has received. Many Australian scientists can justifiably feel aggrieved at the funding decisions with regard to the massive grants made to those involved in embryonic stem cell research. It is almost as if the federal legislation was being put in place to justify the federal funding decisions.

A second aspect of normal scientific process in medical research is that 'proof of concept' must first be established in animal models before moving to human subjects. Such proof has not been established in any of the medical conditions being touted as the beneficiaries of embryonic stem cell research. In other words, in all other facets of scientific research strict procedures are in place to assess and monitor the research. These procedures are noticeably absent in embryonic stem cell research. I hold some grave reservations or fears regarding this research. I fear that embryonic stem cell research is being set up to be exploited for the strictly commercial purposes of drug testing.

Finally, I come to the moral aspect of this debate. A moral dilemma is not when we have a choice between good or bad. Occasionally a moral dilemma is when we have to choose between something that is good and some other aspect that is good. But most of our moral dilemmas, like the debate tonight, occur when we have to choose the lesser of two evils. The question here tonight is not so much 'do we value human life?' or 'is the embryo a human life?' but 'do the potential benefits to be gained from embryonic stem cell research outweigh the disadvantage of actively causing the destruction of a human embryo?'

The decision of what to do with frozen embryos is difficult. Many of my colleagues whom I respect enormously and whose views I value have judged that the lesser of two evils is that the excess embryos should be used for embryonic stem cell research. I do not share that view. I believe that at a time when adult stem cell research is currently producing better results than embryonic stem cell research, and while the potential for cures is highly potent in adult stem cell research, we should not proceed with embryonic stem cell research. I will therefore oppose both the second and third readings of the embryo research bill.

My moral dilemma will then come to a focus when the two bills are reconstituted on the vote regarding the title of the bill. My decision is that I will then vote for the overall combined bill. I will do so for two reasons. Firstly, no matter what we do in Queensland federal legislation will come into play and will allow embryonic stem cell research but may leave some areas still unregulated. Secondly, the combined bill will include a clear statement from this parliament that we oppose human cloning, and I want my voice to be part of that clear call to ban human cloning.

It is a rare occurrence for a conscience vote to apply universally in this chamber. The fact that these two bills are being treated in this manner gives some indication of the importance and

gravity of these two bills. In conclusion, I support the bill to ban human cloning and oppose the bill to allow research on human embryos.

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (2.14 a.m.), in reply: I thank all honourable members for their contributions. I have been leader of the Labor Party for seven years and almost one month. This is the first time during that period that I have supported in caucus a conscience vote. I allowed that because I understand the complex nature of this debate and I respect the different views that are held. I am pleased to have the opportunity to respond to the contributions of members in this important debate, and I will do so fully later today.

Debate, on motion of Mr Beattie, adjourned.

### ADJOURNMENT

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (2.15 a.m.): I move—  
That the House do now adjourn.

### Equine Dentistry

**Mr HOPPER** (Darling Downs—NPA) (2.15 a.m.): I rise to speak about equine dentistry. Recently the Academy of Equine Dentistry invited me to the horse equitana held at the Convention Centre in Brisbane to hear what they are achieving in equine dentistry. At first I was reluctant to go because I have always used the local vets and I thought that that was all I needed. On arrival at Equitana I met with Ian and Netta Wharton from Gunnedah, who are the principals of the Academy of Equine Dentistry Australia. Ian gave a presentation on horse dentistry and what they are now achieving. I must say that I was quite taken aback by what I saw that day. I then met with a number of equine dentists and vets. From that, one could only come to the conclusion that these people needed to become a professional entity in their own right.

After that I received in my office an invitation to attend an equine dentistry school which Ian and Netta Wharton run at Gunnedah. I attended this school as an observer in the hope of helping them to become an entity in their own right. There were students there from across the globe and what I saw them achieving was simply amazing.

Basically, to certify a student needs a minimum of 300 hours, which is three classes, 100 hours with a certified dentist, the head and neck portion of the anatomy course, which takes 16 hours, and 125 documented case studies. This generally takes 12 to 18 months to complete. That is 416 classroom hours. To advance certify, a student needs to complete what I have just outlined as well as attend 200 more hours of class, submit a 5,000 word thesis on a selected subject and conduct 50 advance case histories. This will take an additional 18 months to complete and comprises a total of approximately 616 classroom hours. A master certified equine dentist would need to complete everything I have outlined as well as undergo an additional 500 hours of training and teaching and undertake a full body anatomy course, a total of 1,140 classroom hours. Vets can receive anything from very little to 24 hours in equine dental education before they finish university. It depends on where they train.

I have written to the Minister for Primary Industries and asked him to meet with Ian Wharton regarding this matter. So far I have got nowhere. Now I ask the minister if he would please give me and the equine dentists time so he can hear what they have to say as I believe the advice the minister has received is totally inadequate. He is being advised by people who are not practising what is right. Many horses at this very moment are getting their heads chopped off and the racing industry is suffering simply because of their teeth and what is not happening in the equine dentistry world. These people know what is going on. I have had my own horses done and I know that the equine dentists are very good. We have to get them recognised in Queensland.

### Small Business

**Hon. K. W. HAYWARD** (Kallangur—ALP) (2.18 a.m.): Small business is the energy which drives our economy nationally, but more particularly so in Queensland. It is certainly the major driver of employment growth in our state. It is worth thinking about how many myths have been developed about small business enterprises and how those myths have continued to get currency within our community.

When we read a newspaper business article, for example, emphasis is often placed on business failure rates, with all sorts of figures quoted. For example, figures such as 60 per cent of small businesses fail in the first year. The argument is that 20 per cent fail in the second year and so on. So a picture is painted of businesses facing huge risk.

I now question where these figures arise from, because I think all this folklore has the effect of doing is preventing or deterring a person from taking the necessary steps to begin a small business venture. The issue of small business failure is more in the perception rather than the reality. A recent report which has been produced entitled *Business failure and change: an Australian perspective* debunks the myth about small business failure and provides some detailed analysis on the issue.

The figures in the report indicate that about seven and a half per cent of small businesses exit each year. That in itself is a comparatively low figure. Analysis of that figure shines further light on why such businesses do exit each year. Ownership changes constitute about one and a half per cent of those exits, and cessations of business account for the other six per cent. The interesting thing is that the majority of cessations of business involve solvent businesses closing for reasons not related to their financial position, such as an owner retiring or an owner dying or an owner seeking a different lifestyle. In fact, the report shows that only about half a per cent of total business exits each year are related to bankruptcy or liquidation. The interesting factor is that, despite the low level of exits related to bankruptcy and liquidation, insolvent failures account for much of the effort of research into small business in Australia.

As important as this issue is, the report demonstrates that it is not the major reason for business exits. About half a per cent of all businesses in the economy exit—

Time expired.

### Bunya Mountains

**Mrs PRATT** (Nanango—Ind) (2.21 a.m.): I rise to speak on the Bunya Mountains, or SF12 as it is known. The government's decision to classify the area as a national park was in direct opposition to that of the community consultation committee recommendation. The 10-member consultative committee voted nine to one in favour of having the tenure of the park classified as a conservation park. The committee consisted of a broad range of interested parties, including Aboriginal elders from the Kabi Kabi and Jarowair tribes, Agforce, bush walking recreation groups, the National History Association and various councils as stakeholders.

The government espouses how it values community consultation, but the truth more often than not is that the decisions were made long before community consultation took place but the government continued the illusion in going through the motions. I have to ask the government: on what grounds did the minister make the decision to go against the will and input of the community? I bring to the attention of the House the committee's rationale of why the Bunya should be tenured as a conservation park. Firstly, the Kabi Kabi people said in their submission their concerns are—

Respect for the land, looking after the land and respect for graziers. The graziers have worked with the old people and have taken on the care of caretakers, respected the sites of significance and have the same respect for the land as the Aboriginal people. Our thoughts are to let graziers continue to use the land so knowledge is then passed down.

They said they were willing to work with the Parks and Wildlife Service and the graziers to manage the land, and if the graziers lose the land that will not help anyone. The Jarowair people were represented by Paddy Jerome, who submitted—

I am an elder with the Janowair Tribe. Although I am not initiated I hold the knowledge and think the lore should be maintained. I am trying to get this area to be my home for my people. As a chaplain in a prison I have seen my people degenerate and fill with self-denial. I know about Aboriginal and European culture and I am one of two people alive who speak my language. Every time I come up here I feel spiritual belonging. We want to win back the right to this place. This area should be respected. This is the soul of all Jarowair People. It has been the focus of our people for a long time.

What relevance was given to these two different Aboriginal views on the future of the Bunya Mountains? The response from Kevin Quinn of the Queensland Parks and Wildlife Service was that management will have to change, no matter what the tenure. He also said that there is a potential for cattle to impact on Aboriginal cultural sites of significance, and that is not what the Kabi Kabi people believe or said. He also stated that lantana is spreading regardless of the land management. Bravo! At last someone has recognised that, by locking up huge areas like the

Bunyas, weeds and undergrowth build up. This must be accessible to free up the forest before they choke to death by noxious weeds.

Sadly, state forests and national parks are in the same boat. The government policy is to lock up forests, allow bushfire hazards to develop and if that does not get them let the weeds choke them to death. It is the minority groups in our community who appear to make the government's decisions. The bleeding hearts have the government's heart, not the Aboriginals, or more to the point the lobby power to make the government make irrational decisions that affect the majority. The minority groups in general have no idea of the history of the particular piece of land or how to manage it. It is the people who live and work the land who understand its volatile nature and treat it accordingly and with respect. There may not be many votes in that for the government, but if it appeals to the local minority groups it appeals to the government.

### **Mary Liddle**

**Mr PITT** (Mulgrave—ALP) (2.24 a.m.): Recently I had the pleasure of representing the Minister for Emergency Services, the Hon. Mike Reynolds, at the official naming ceremony of the Tully coastguard QF 12 vessel, the *Mary Liddle*. The event held at the flotilla's headquarters at Hull Heads was well attended by the local community as well as by members from a number of visiting north Queensland flotillas. Tully QF 12 commander Rob Burger was MC for the day and he kept the program running smoothly. He was ably supported by deputy commander Denis Godfrey and a dedicated team of men and women who comprise the Tully coastguard. The senior officer at the ceremony was north Queensland squadron Commodore Frank Millican from Townsville.

The decision to name the vessel the *Mary Liddle* is an apt one. It recognises the magnificent support given to the Tully coastguard by the Liddle family over a long period of time. Costing \$160,000, the locally built Cairns custom craft vessel is 8.3 metres in length, powered by twin 200-horsepower outboards and features all the latest in electronic communication and navigation equipment. This new purpose built vessel is a far cry from the early days when volunteers put to sea in a range of small private craft. Prior to the construction of their modern headquarters, the group operated out of a relocated farm building circa 1924.

The Department of Emergency Services provided \$100,000 toward the cost, with the local community digging deep to find the extra \$60,000. One can only wonder how many barbecues were held, how many raffles were conducted and how many local businesses had their arms twisted to come up with the community contribution.

The naming ceremony was held in conjunction with the celebration to commemorate the milestone of 25 years having elapsed since QF 12 received its official charter. Of course, the group had a long history before that, having been formed officially in 1975 after much good early groundwork by people such as Hank Penning, Bill Payne, Jack Barnes and Dick Humphries to name a few. Jim McQuillan was elected flotilla commander and the group set about looking for a suitable home, finally settling for the current spot—a site, might I say, that has a million dollar view.

Some clever negotiation by Commander McQuillan and the lands minister of the day resulted in QF 12 gaining a perpetual lease on the land that was later converted to secure freehold. This is a magnificent achievement as I do not know of any other coastguard group having such a freehold asset. The Tully coastguard has a strong membership base and excellent community support. Its service to the boating public is well recognised and is greatly appreciated by all who enjoy marine recreation. It was a privilege to be but a small part of a significant day in the group's history.

### **Harristown State High School**

**Mr COPELAND** (Cunningham—NPA) (2.27 a.m.): I rise tonight to sing the praises of the Harristown State High School in the electorate of Toowoomba South.

**Mr Lucas:** My wife is an old girl, or past student.

**Mr COPELAND:** Pass on my congratulations to her. Harristown State High School is in the electorate of Toowoomba South, and I know the member for Toowoomba South is exceptionally proud of the school, as am I. Although it is only close by my electorate, many, many students who reside in the electorate of Cunningham attend Harristown State High School, which services in large part the northern sections of the Cunningham electorate.



The Harristown State High School has just been accredited by the European Council of International Schools. Along with Mountain Creek State High School on the Sunshine Coast, it is now part of a group of fewer than 200 schools in the world which have achieved this international standard of quality. That is a huge achievement for the Harristown State High School, and I can say that the school has made enormous gains in reputation and in the standard of education that it has provided in recent years.

It is fair to say that Harristown has not always enjoyed the reputation that it currently enjoys. I know that 20 or so years ago when I was at high school in Toowoomba, which is a frightening number of years ago, Harristown certainly did not enjoy the reputation it now enjoys. But it is without question one of the best high schools not only in Toowoomba but also in the state. Toowoomba and the Darling Downs have a quite justified reputation as being an educational centre of excellence. Because of the high quality of private schools and the high quality of public schools, the competition between those has meant that the standard of education across-the-board is incredibly good. Harristown State High School in particular is providing an education that is turning out well rounded young people with very good training not only on the academic side of education but also sporting and cultural and other extracurricular activities. It is one of the most impressive state high schools that one will ever see and I really do commend the principal Phillip Cook and the deputy principal Carol James who have worked for a number of years to attain this accreditation through the European Council of International Schools. It has not been an easy process. It started off in 2001 and today, now that they have the accreditation, certainly is not the end of the process. It will be an ongoing process to ensure that they keep up that accreditation to ensure that the benchmarks that they have set for their students and for their curriculum continue to be improved. In 2004, a two-year report is to be written and each of the areas of recommendation in the ECIS report need to be addressed. It is obviously going to be a major project for them to continue this accreditation, and I wish them well in their future endeavours.

#### **Rural Water Use Efficiency Initiative Irrigation Awards**

**Ms JARRATT** (Whitsunday—ALP) (2.30 a.m.): Tonight I bring a good news story about initiative, innovation and invention. In February of this year the Minister for Natural Resources, Stephen Robertson, and I had the opportunity to undertake a farm tour to see for ourselves the positive outcomes being achieved in the cane industry by winners of the Rural Water Use Efficiency Initiative Irrigation Awards. Our first stop for the day was at the farm of Lethebrook grower Ian Cowan. Ian uses a combination of laser levelling, green trash blanketing and instruments called tensiometers which measure moisture content in the soil to reduce run-off and determine optimal irrigation practices. Kelsy Creek cane grower, Doug Lee, a winner of the inaugural Rural Water Use Efficiency Initiative Irrigation Award in 2001, uses an innovative low pressure irrigation boom in conjunction with tensiometers to ensure that every drop of water applied to his crop is used to grow cane. Doug is a self-professed computer nut who records every possible variable affecting his crop and uses his computer to crunch the numbers, thereby ensuring that his money and effort are directed to the most profitable ends.

Crystalbrook canegrower Mark Orr has also installed a system of tensiometers to measure soil moisture content and, through a process in which stalk growth is carefully measured, Mark is able to finetune his irrigation efforts to limit water wastage. Like other growers we visited in the Proserpine area, Mark has installed tailings dams which are placed at the lowest drainage points around the farm. These dams serve to collect any run-off that may occur following irrigation, thereby both conserving water and preventing nutrient rich run-off from entering the waterways. This relatively simple and inexpensive innovation goes a long way to ensuring the ultimate quality of water that flows from the land into the nearby reef lagoon.

I was also impressed to learn that local growers are experimenting with the planting of soya bean on a rotational basis with sugar cane. The jury is still out on the ultimate profitability of this cropping technique, but we do know that this type of legume fixes nitrogen into the soil, thereby reducing the need to apply topical fertiliser. This has got to be a win-win result for both the grower and the environment.

The Rural Water Use Efficiency Initiative is having great results in the cane industry thanks largely to the preparedness of cane growers to think outside the square. I must also mention the contribution of irrigation development officers Christine Peterson and Errol Sander and Local Management Group Chairperson Gary Considine who work hard to support the growers in their endeavours. Finally, I want to mention and congratulate fellow 2002 RWUE irrigator award winner Stephen Fordyce who accompanied us on the farm tour and thank grower Reg Muller for his

hospitality on the day. I know that the minister was as impressed as I was with the positive outcomes being achieved and the progressive, can-do attitudes we encountered in the Proserpine cane growing area.

### **Alliance Airlines**

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (2.34 a.m.): Again in central Queensland our second carrier, in this instance Alliance, ceased operations. This affected our travelling community and travel agents, in particular Jetset Gladstone, which has been an independent travel agency and lessee of check-in and ground handling facilities at Gladstone Airport for the last 19 years. They have endured the demise of Air Queensland, Lloyd Air, Norfolk Air, Queensland Pacific, Southern Pacific, Majestic, Flight West and Alliance Airlines in addition to Ansett.

Alliance put up a proposal in cooperation, thankfully, with Qantas for the reaccommodation of displaced passengers until 21 March. Qantas agreed to carry passengers on the face value of the Alliance fares. Beyond that date, passengers must obtain a refund on their Alliance fares and rebook tickets with Qantas at the best available fare at the time. Prior to 5 March there was a full page advertisement taken out by the managing director of Alliance Airlines that stated—

All passengers holding advance bookings for travel after 5 March will be accommodated in one of two ways. We will refund your fare in full or we will arrange alternate air travel with another carrier.

Passengers contacting Jetset were making complaints that this was misleading because the second option, that is alternate bookings with another carrier, did not apply beyond 21 March. Jetset was receiving an unprecedented passenger backlash over the issue and a number of passengers have said that they believe Alliance's moves were a breach of fair trading practices and that Alliance should cover any differences in the fare paid to them and the replacement Qantas fare. In particular, this is affecting passengers who had booked months in advance for Easter and Easter school holidays in the reasonable expectation of the service promise being delivered.

The difference is that Alliance closed its operations in Gladstone and Rockhampton not because it was insolvent but because it was a business decision beneficial to their bottom line. They are disadvantaging people who booked and paid in good faith for airfares on a service they believed would still be in existence. I reiterate—it is not insolvent. Therefore, I believe there is an obligation on the part of Alliance to honour those people who supported them and ensure that they get a service that they paid for and that it is Alliance who covers the difference in the cost with an alternate carrier. As I said, they are not insolvent. It was a bottom line decision. Our residents and many others are disadvantaged to their detriment but to the advantage of Alliance. Alliance has made a commitment to our community. They took the money. They took the bookings. Now they should take responsibility.

### **Neptune Surf Life Saving Club**

**Mrs SMITH** (Burleigh—ALP) (2.37 a.m.): An organisation in my electorate which makes a significant contribution to the community is the Neptune Royal Life Saving Club which recently celebrated its 75th anniversary. The Neptune club is a historic one. It was the first all female life saving club to perform beach patrols. First formed in 1928 in Brisbane, the club operated from the Ithaca baths. The members trained, instructed the community, carried out lifesaving displays, acted as lifeguards at aquatic venues and competed in surf lifesaving carnivals in Queensland and interstate. In 1959 members of the club began regular lifesaving patrols at Tallebudgera Creek on the Gold Coast with the approval of the nearby recreation camp and support from the local community. They were welcome to the Tallebudgera strip and have been an important part of the landscape ever since.

In 1960, land was allocated to the club by the state government. With fundraising from members and help and support from local community organisations such as Rotary and Lions, the Neptune Royal Lifesaving Club was able to build its first clubhouse. Continuing its great tradition of promoting the accomplishments of women, in 1980 Neptune had one of the first six female teams to gain the surf bronze medallion. This was when the Surf Life Saving Association agreed to accept women into its all-male lifesaving clubs. For over 44 years members of Neptunes have patrolled their area of Tallebudgera Creek and have made an estimated 3,000 rescues and emergency first-aid treatments. The backbone of this unique club is Gwen Welford, who has also distinguished herself as the mother of our very own Attorney-General and Minister

for Justice. Gwen has been an active member of the Neptune Royal Lifesaving Club for 56 years and is a vocal and hardworking advocate for the club.

There are many people involved in lifesaving in Burleigh. I have no fewer than seven lifesaving clubs in my electorate. However, I believe that Neptune is unique, not just because of its history but also because of the dedication and devotion shown by its members. Last Saturday we celebrated International Women's Day, recognising the achievements of women and their many and varied contributions to society. In that spirit, think about those women 44 years ago in a male-dominated society patrolling the beach, performing rescues and administering aid. It may not be as glamorous as some of the high-profile women whom we often associate with having made great achievements, but as the first all-female lifesaving club to perform beach patrols they are worthy of congratulation.

#### **Mrs J. Dyer; Mrs L. Scotton; Arts West**

**Mr JOHNSON** (Gregory—NPA) (2.40 a.m.): Tonight I, too, wish to speak about a positive story. This evening I attended the official opening by Arts Minister Matt Foley of an exhibition of fine art by prominent western Queensland artist Mrs Jill Dyer, a member of Arts West's network at Blackall. Mrs Dyer does not live at Blackall but lives further to the north at Aramac. Jill's presentation this evening of her work and the fine pieces she displayed made from bone, horn and silver showed what great work some of the people in the west are doing.

Arts West, in conjunction with Craft Queensland, hosted a class evening of talent—talent that so many of our people have and yet do not know it; they have never been tested in the field of art to know whether or not they have those talents. The display that Jill presented this evening can be seen at 381 Brunswick Street, Fortitude Valley. I urge as many people as possible, if they have the time and are interested, to see it for themselves.

I wish also to congratulate Lindy Scotton from Blackall for the dedication and hard work she has displayed in the promotion of the talents of many of our western Queensland people who have crafted so many beautiful and quality pieces in a variety of different arts. Lindy has coordinated the Arts West group for 10 years and is about to stand down from this position as she and her husband, John, will be moving away from Blackall in the near future to relocate to the coast. It will certainly be a loss to see both of these wonderful people leave Blackall. She has achieved so much and I say: congratulations, Lindy. I also wish to congratulate Shelley Colvin for her rendition of a number of songs this evening, some of which were her own work.

This evening I wish also to put on the record my sincere congratulations to Arts Minister Matt Foley for his ongoing support of arts in western Queensland and funding for Arts West and other organisations throughout the west that enjoy displaying their talents. I know how passionate the minister is about the arts. I thank him for his support and the government's support of arts groups in western Queensland. I believe there are many talented people out there. These organisations have been able to bring to the fore the many talents that some of these people have. In a time of drought and many other setbacks in rural industries many of these people have been able to derive an income from their talents through these different fields.

#### **St Stephen's College, Duke of Edinburgh Award**

**Ms KEECH** (Albert—ALP) (2.43 a.m.): I know there are many members present this morning who, like me, enjoy the excitement of the great outdoors and the challenge of using hard work and commitment to work towards achieving their own personal goals. I am happy to inform the House of a number of students from St Stephen's College at Coomera who also share the same love of a challenge. These students have achieved their personal best by receiving the bronze level in the Duke of Edinburgh Award. I was delighted to be invited to present the students with their certificates at their recent school assembly. I would like to take this opportunity to congratulate Katrina Jones, Mahnee Bottomley, Jacob White, Renee West, Jessica Hill, Stephanie Burnett, Cameron Downing, and also Belinda Brown and Ashleigh Spence from year 12 in 2002.

This is a terrific achievement and these students and their parents have every reason to be very proud. Reaching the bronze level in these awards is no mean feat. In fact, I encourage more young people to get involved in these positive awards. I have always been a very strong supporter of the Duke of Edinburgh Award. It is a fantastic initiative that recognises the achievements of young people in a whole range of areas, including community service, physical

recreation, expeditions and skills. Best of all, it is non-competitive, it offers personal challenges and, most importantly, it is fun. The award has worldwide recognition and is well received by employers who are familiar with the great outcomes the award brings to young people.

I congratulate the principal of the college, Mr Brian Rowe, for his leadership and strong support of these awards. I also recognise Andrew Bell and Lucy Horn, Duke of Edinburgh coordinators at the college, for their passion and commitment to bringing the awards to the students of St Stephen's College. Of course, the students would not have been able to complete the challenges in the four areas alone. In presenting the students with their badges, I highlighted the wonderful work that the teachers, support staff and parents, through a dedicated parents and friends association, are doing not only for these awards but also for the wider college community.

The Beattie government is committed to supporting young people getting more involved in the lives of their local communities. I am proud that St Stephen's College continues to strive to make the Smart State vision an everyday reality for students in Albert.

Motion agreed to.

The House adjourned at 2.46 a.m.(Wednesday)