WEDNESDAY, 12 MARCH 2003

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

PETITION

The following Honourable Member has lodged a Paper Petition for presentation—

"The Settlement", Springbrook

Mrs Reilly from 210 petitioners requesting the House to immediately reopen for public access the existing oval and associated facilities contained within the property known as "The Settlement", located at Springbrook.

MINISTERIAL STATEMENT

Catalyst; Smart State

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.31 a.m.): The countless Queensland men and women who live and breathe innovation are the ultimate salespeople for the Smart State. A small cross-section of their activities features each quarter in *Catalyst*, a publication by the Department of the Premier and Cabinet. Issue no. 5 is hot off the presses and more than 1,200 copies will be posted around Queensland and interstate. I table a copy of it for the information of the House and a copy will be distributed to all members this morning.

I am delighted to summarise its contents to the House, because it is a good illustration of how the Smart State is working. There is an article about Ian Findlay, a scientist based at the Australian Genome Research Facility at the University of Queensland's Institute of Molecular Bioscience. His work on single-cell DNA fingerprinting means that Queensland could become a world centre for fighting terrorism and crime. Dr Findlay's work could render international money laundering much more difficult and make terrorists' money trails easier to trace.

That is the future. But *Catalyst* also gives us a glimpse of the past. The wollemi pine, a botanical dinosaur that was believed to be extinct until found growing near Sydney in 1994, is now being propagated at a secret Smart State location. Wollemi Australia, a joint venture of Birkdale Nursery and the Department of Primary Industries, won a tender to grow and market the trees in 2000. It is on schedule to begin selling Wollemi pines to an eager international market by late 2005 and this could generate millions of export dollars for Australia.

There is no more an important Smart State cause than improving health care for Queenslanders and that is precisely what the Queensland health skills development centre will do. The $13.5 million centre, to be developed at Royal Brisbane Hospital over the next five years, will allow medical staff to perfect their skills on high-tech mannequins and virtual body parts.

Mrs Edmond: Hear, hear!

Mr BEATTIE: The Minister for Health finds that exciting.

Mrs Edmond: I do find that exciting.

Mr BEATTIE: Health Ministers are like that. We get on to body parts and they get excited. Also improving Queenslanders' health is a CD-ROM first-aid training package developed by a former Queensland Ambulance Service officer, Craig Whatnall.

In addition, *Catalyst* describes how the largest power generator in the United States has engaged a Queensland company, Synengco, to install its software in US power stations. I am delighted that the government was able to help Synengco with market research and to link the company with markets in the USA.

The Cooperative Research Centre for Railway Engineering and Technologies at the Central Queensland University is developing Smart Train products and systems to improve rail safety and efficiency. And the back page of Catalyst—where all good sports news belong—recounts how a prawn farming trial near Maryborough could lead to a new inland industry. The trial, on the farm of Wayne and Donna Hellmutt, was funded by the Department of Primary Industries.

Catalyst also has articles about Kathryn Radford, Chief Executive Officer of the $100 million Queensland BioCapital Fund and about the Smart Awards, which I launched last month. It is a great read and it is also available at www.thepremier.qld.gov.au/smartstate/index.htm. I make a point of taking more than 100 copies of *Catalyst* on overseas trade and investment missions. I urge all members to use it to promote the Smart State, because the Smart State is happening and we can see that by *Catalyst*'s illustrations.

MINISTERIAL STATEMENT

Smart State: Smart Stories Web Site

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 a.m.): The next ministerial statement I want to make also refers to what is happening in the Smart State research area. The transferring of kangaroo gut bacteria to sheep and cattle may not be everyone's idea of clever thinking, but for Brisbane based scientist, Dr Athol Klieve, it is seen as a way to help farmers raise productivity and reduce the environmental impact which sheep and cattle have on grazing land.

Mr Robertson: Are they going to graze haggis?

Mr BEATTIE: Those Scots are all the same. A man talking about haggis! I have Scottish ancestors. I love haggis, too. But I did not quite see that in the script. Just because the minister was born in Scotland—

Mr Springborg: Is this genetically modified haggis?

Mr BEATTIE: I will give the member a feed of haggis if he does not behave himself. This Smart State story of research and endeavour in helping rural Queenslanders is among the latest being considered for the government's Smart State: Smart Stories project. It, like the others being considered, shows my government's fixation as the Smart State gains momentum by the day. Members might recall that the Smart State: Smart Stories project was launched on Wednesday, 13 November 2002. The project aims to uncover stories of innovation from all over Queensland and encourages citizens to provide their views about what the Smart State means to them now and their ideas for the future.

Another fine example is a Toowoomba resident providing solutions to water shortage problems and developing weapons to combat the effects of drought. Toowoomba resident Chris Lock has a research project called Recycling around the Home. Two years ago, Chris embarked on a project to develop solutions to problems caused by dry conditions with a specific focus on water recycling. Recycling around the Home recycles water for toilet use, general irrigation and experimental hydroponics, and processes all solid and liquid waste into a by-product which can be used as a soil conditioner in the garden.

Just like the two new ones that I have detailed, I am delighted to inform all present that more than 260 stories have been received since the November launch. Each story is being assessed based on criteria developed for the project and edited by the Community Engagement Division staff to suit the web site environment. To date, we have approved 19 stories for placement on the Smart State: Smart Stories web site. Some have final agreements with authors pending and thus far eight are now on the web site with 11 more likely to be posted within days.

Among the 11 are David Heckendorf from the Sunshine Coast and his high-speed multibladed grader; Toowoomba City Council's Matt Andreatta, a council technical officer, developing a smart geographical information system—GIS—that simplifies road and pavement inspections; and Rachel Topp of the Dawson Catchment Coordinating Association, who will detail how they are establishing an incentive scheme to provide fencing and off-stream watering systems to improve biodiversity, achieve better water quality, reduce erosion and gain control over grazing. Others include some smart cyclists discovering Queensland by the seat of their pants; the Sunshine Coast Croquet Club thinking outside the square to give their sport a boost, and I know that the Leader of the House would agree with that; and another innovative design, weatherproofing black polypipe linking a mine and a water source.

It is by this Smart State sharing of such stories that Queenslanders are energising each other with innovation and advancement. It is simple: we have a Smart State ethos developing. The support for this project shows that enthusiasm is infectious. Smart State enthusiasm is what will give our children the new jobs of the future. This is about developing a culture of innovation and it is working.

MINISTERIAL STATEMENT

Tree Clearing

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): One of the weightiest responsibilities on government is the sustainable management of our natural environment balanced with the management of grazing and agricultural lands. For years now we have been engaged in negotiations with the federal government about the future of vegetation management in Queensland and at the same time we have been working with land-holders through regional vegetation management committees. I thank the Minister for Natural Resources, Stephen Robertson, for his hard work in this area, and he has been supported by the Minister for Primary Industries. Our negotiations with the Commonwealth are continuing as are our partnerships with regional vegetation management committees. I am more determined than ever, as are my ministers, that our negotiations with Canberra will end in an agreement that is good for all Queenslanders. I want a win for land-holders and a win for a sustainable environment for our children.

The state government has acted unilaterally as far as it can to improve vegetation management. There is legislation before the House to address illegal tree clearing, which I will not go into, but I hope that that legislation will be supported by all members. But to go further, we need a state-federal funding package. The federal government has signalled that it wishes to go further and we have indicated that we are willing to cooperate. The ball is in the Commonwealth's court and has been for some time. There are no secrets here. Reams of newsprint and hours of airtime have been exhausted on this issue. Therefore, I was intrigued by an open letter to Prime Minister John Howard and I from Agforce General President Larry Acton in last week's edition of *Queensland Country Life*. Agforce is perfectly entitled to take out this paid advertisement, and I personally have some time for Larry Acton. I only hope that it does not act as an open invitation to land-holders to accelerate tree clearing rates. This would be counterproductive in the extreme and I am sure it is not Mr Acton's intention.

However, the risk that this advertisement could be interpreted as a call to action for would-be land clearers reinforces the need for the Queensland and federal governments to reach an agreement sooner rather than later that includes fair terms for land-holders. Our negotiations with the Commonwealth are in line with the wishes of the regional vegetation management committees. The committees want us to expedite negotiations about an integrated package of structural adjustment arrangements, and that is exactly what we are doing. The government has received 13 draft plans from the committees and a number of them echo the sentiment that we should 'expedite negotiations for the provision of incentives and adjustment arrangements for land-holders disproportionately affected by controls applied or required by the plans'. I do not wish to raise expectations by attempting to detail an agreement that does not even exist. However, the talks are progressing well and I am keen to meet personally with the Prime Minister. I want to keep the discussions on track so we can give Queensland an agreement that addresses the needs of land-holders and delivers the imperative of sustainable land use. To do less would be irresponsible government.

In terms of Larry Acton and Agforce, of course at the appropriate time the minister and indeed, if necessary, myself will ensure that Larry is fully briefed on any of the detail. We are about including people, but this negotiation with the Commonwealth needs to be resolved between the two governments. This has gone on like *Blue Hills*. We are desperate to get a resolution in the interests of Queensland. I would urge every one of the parties involved—the federal government, federal bureaucrats, our own bureaucrats here, because I know the government is committed, environmentalists as well as the landowners and Agforce—to have one objective in mind, and that is an agreement, an outcome. The longer this goes on the more uncertainty that will continue. We are doing our best to fix it. We need the parties to play a positive role.

MINISTERIAL STATEMENT

Secondary Schools Renewal Program

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (9.43 a.m.): Over the past three years the Beattie government has undertaken a multimillion-dollar upgrade of some of Queensland's oldest state high schools. The Secondary Schools Renewal Program is a $141 million initiative targeting 63 state high schools which were built before 1975, had retention rates well below the government's target of 88 per cent and were losing students to the non-

government sector. Under the program, 38 schools were identified for major upgrades valued between $3 million and $6 million and 25 high schools were selected for $700,000 worth of refurbishment work. The majority of the 63 projects have been completed and the remaining works are expected to finish by September. This renewal program is not just about slapping on a fresh coat of paint or planting new trees. It is much more than that. To be eligible for the major works funding, each of the 38 schools had to evaluate their current programs and develop new directions for the future.

The transformation that this renewal program has brought about in secondary school communities is stunning. As well as boosting community pride in their school, it has also put a number of schools at the forefront of education innovation and reform. For example, let us take Cavendish Road State High School on Brisbane's south side. This school now boasts Australia's first school bioscience complex with biotechnology and kinesiology laboratories which allow students to undertake specialised studies in biotechnology and biomechanics. The school has established a unique partnership with Griffith University which allows its year 11 and 12 students who study biology, chemistry and biotechnology to receive credit towards their future science degrees. North of Brisbane, Redcliffe State High School in the electorate of Mr Speaker is the first Queensland school to build a visual arts centre which allows fine arts students to watch and learn from local artists while they work. There is also a gallery space in the centre for the display and sale of artwork. These are just a few examples of the rejuvenation program and the results are attracting significant interest.

Parents are voting with their feet. There has been strong growth in enrolments at the majority of schools where work has been completed. There has also been a turnaround in enrolments at schools where student numbers were in decline and these enrolments have now stabilised. At Southport State High School on the Gold Coast, which received a $3 million injection under the program to build a multipurpose sports hall and refurbish existing facilities, there has been a 46 per cent increase in enrolments between 1999 and this year. I was pleased to join the member for Southport in the opening of the facilities last week and I have to say that we were treated to entertainment from a very stunning and talented group of young Queenslanders. Redcliffe State High School has recorded about a 44 per cent increase over the same period, while Cavendish Road State High School reported a 33 per cent jump in student numbers.

Students are also staying in school longer. According to 2002 figures, the percentage of students staying on to complete year 12 is just over 87 per cent at the schools where work has been completed. This is about 11 per cent higher than the state average and a wonderful outcome. As members have heard, this program is not just about bricks and mortar. It is a great example of capital investment bearing fruit in educational outcomes. I pay tribute to the work not only of Education Queensland but also of Project Services in the portfolio of my colleague the Minister for Public Works. It has been a great team. It is making a real difference to the lives of young people across Queensland. It is bringing the Smart State to life for families and communities across the state.

MINISTERIAL STATEMENT

Youth Access Program

Hon. M. J. FOLEY (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (9.46 a.m.): Some 10,000 young Queenslanders aged 15 to 17 are out of school, out of work and out of training. This is a scandal and we need to remedy it. Our education system is too school-centric. We need to reconnect it with the world of work and the training pathways that lead to work. The Labor government's Youth Access Program has been providing alternative pathways for secondary school students at risk of dropping out of school since it began as a pilot program in 1999. The aim of the program is to provide employment and training opportunities for students who have shown poor educational achievement and would normally have difficulty in securing further education, training or employment. I can announce today that the Queensland government has allocated $2.42 million to 29 training organisations across Queensland under the Youth Access Program.

Participants in this year's program were selected from schools within educational districts identified as having low student retention rates. In particular, students facing obstacles that prevented them from learning, such as behavioural or family problems, were given preference. From this year's allocation of funding, 869 school students will benefit from the program and will

gain valuable training they might otherwise have missed out on. It will also ensure that these students are better prepared for entering apprenticeships and traineeships, resulting in improved employment opportunities. The Youth Access Program clearly fits very well with the Labor government's Education and Training Reforms for the Future.

The Youth Access Program offers young people an alternative opportunity to explore vocational education and training pathways in an area that interests them or that may lead to sustainable employment. It also offers an opportunity for them to receive additional support and encouragement before they enter their working lives. Collectively, Cooloola Sunshine, Logan, Gold Coast, Brisbane Northpoint, Mount Isa, Central Queensland, Southern Queensland, Tropical North Queensland, Wide Bay, Barrier Reef, and the Bremer institutes of TAFE have been allocated more than $1.25 million of the program's funds. These TAFE institutes are now providing students in years 9 and 10 with the option of studying a variety of courses, including Certificate I in Workplace Preparation and Practices. This course helps prepare students for entry into the work force by providing them with the confidence and work-ready skills they need.

Three of Queensland's agricultural colleges—Dalby, Longreach Pastoral and Emerald—have also been allocated funding to assist young people in rural Queensland to gain some skills on the land. The remainder of the funding has been allocated to private registered training organisations throughout the state. Over the last few years, schools participating in the program have discovered that the program's training does more than develop essential skills for later life. They have consistently reported an amazing turnaround in students' general attitude to their schooling and their future. It is changing lives for the better.

Mr SPEAKER: Order! Before calling the Minister for Health, I welcome to the public gallery students and teachers from the Southport School in the electorate of Surfers Paradise.

MINISTERIAL STATEMENT

Medicare

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (9.50 a.m.): Over the past few weeks the full extent of the crisis facing Medicare has been highlighted by the national media after the Prime Minister revealed his plans to destroy universal health cover for Australians. Queenslanders, especially Queensland families with children, wear the pain of the federal coalition's destruction of Medicare when they find they cannot get an appointment with a GP or find a doctor who will bulk-bill them. Many members have told me how frustrated their constituents say they are with the GP shortage and their inability to find a doctor who will bulk-bill them.

The problems this cause stretch beyond the damage to family budgets from out-of-pocket costs associated with a visit to the doctor and delays in getting an appointment with the local GP. This deliberate decision by the federal government to wreck Medicare has resulted in large increases in the number of people visiting public hospital emergency departments with minor ailments they would normally go to a GP to treat. That means that Queenslanders pay twice, with the federal government effectively shifting more of the cost of health care on to the state. It also impacts on our emergency departments, where the priority is and must remain the treatment of acute patients.

So far this cost shifting by the federal government has cost Queenslanders more than $43 million over the past three years. The impact on our public hospital emergency departments should not be underestimated. For example, the number of patients with minor, category 5, ailments attending the Logan Hospital emergency department in the December quarter was 197 per cent higher than it was for the same quarter two years ago. At Caboolture the increase was 143 per cent. The Gold Coast had an 88 per cent increase; QEII had a 71 per cent increase; Toowoomba had a 68.6 per cent increase; and Cairns had a 21.4 per cent increase.

Recently the new Opposition Leader has been putting out press releases about delays in emergency departments. I hope that the issues are now a little clearer to him. They should be—I have been talking about this issue for some time now—and I am delighted that he has suddenly noticed them. I also appeal to the member for Southern Downs, if he is serious about wanting to engage in positive politics, to stop the criticism of our public hospital emergency departments and join with me in lobbying his federal coalition colleagues to face up to this problem and address it, and perhaps even get the federal minister to attend a meeting to discuss it.

MINISTERIAL STATEMENT

THQ

Hon. T. A. BARTON (Waterford—ALP) (Minister for State Development) (9.53 a.m.): I am pleased to inform the House that Queensland has recently become the development home to one of the world's largest games developers. US company THQ has chosen Spring Hill as home to its Asia-Pacific development operation. Best of all, by setting up this new operation in Queensland instead of elsewhere, THQ plans to create up to 50 new games development jobs in the next three years—another coup for the Smart State. The opening of THQ's Australian studios is further testament to this and the advances in games development coming out of Queensland.

Queensland has developed a reputation as a leader of games development in the region. In association with Minister Lucas's department of Innovation and Information Economy, the Department of State Development has successfully fostered the growth of the games development sector for the past few years. Queensland is now home to a number of major games development companies, and they are all here for the same reason. They recognise the games development talent coming out of Queensland's universities and the conducive environment the Queensland government has created for smart sectors such as games development.

I am pleased to say that THQ is in good company with other world-class games developers, such as Auran and Electric Arts, which have also made Queensland their homes. I am delighted to welcome THQ to Queensland and congratulate the company on making the right choice for the location of its Asia-Pacific development studio.

Queensland is becoming a real hub for software development and, in particular, games development. Combined with the cost of living, low business operating costs and the central location of Brisbane, Queensland is really a great place to set up production facilities.

THQ develops products for all viable games systems, including the PlayStation 2 computer entertainment system and the PlayStation game console from Sony Computer Entertainment, the Xbox video game system from Microsoft, Nintendo's GameCube and Game Boy Advance and personal computers, as well as wireless devices.

MINISTERIAL STATEMENT

Police Resources, Gold Coast

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (9.55 a.m.): About two weeks ago I announced that a review was being undertaken in relation to Gold Coast police numbers, specifically in the Surfers Paradise area. Since this announcement I have spoken with many of the government's Gold Coast members, who have been forthright and frank about the situation in their area. I thank them for this contribution. It has been constructive and useful and has certainly assisted me in my dealings with the Police Commissioner.

Members may be aware that the Police Union is meeting today to discuss the issue of police numbers on the Gold Coast. Last week I met with all available police officers at Surfers Paradise. They are good, hardworking men and women. However, today no doubt the leadership of the Police Union will again involve themselves in political theatre to the extreme. I expect they will continue their personal, petty and abusive attack on me. If that is their strategy, so be it. In the two years I have been minister I have exercised an open-door policy with this union. They have come in on two occasions and at no time have they raised the issue of police numbers on the Gold Coast or indeed anywhere else in Queensland. I have also been informed it has not raised the issue of Gold Coast police numbers with the commissioner.

Over the last few weeks I have met with the commissioner on a number of occasions to discuss the review and flesh out the relevant issues. I can advise the House today that, following the review by senior police, we have agreed that, in recognition of the added demands in the area, such as peak tourism periods, international events, schoolies and increased night-time events, police numbers needed to be increased. As a consequence, it has been agreed that by 30 September an extra 46 officers will be allocated to the Gold Coast district. This will include an extra 16 officers for the Surfers Paradise police beat, taking its strength to 18 and allowing it to become operational 24 hours a day, seven days a week. On top of this, a further 30 police positions will be allocated to the Gold Coast district by 30 September. This includes seven positions to complete the implementation of the tactical crime squad. As I have mentioned

before, this increase recognises the unique demands placed on the area as one of Australia's most popular tourist destinations.

Let us compare our record with that of the former Borbidge government. The reality is that when the former coalition was in government police numbers across the state were in a much weaker position. The Beattie government has increased police numbers by more than 1,400 officers since coming to government. We have backed this up with massive funding increases since we came to government. The last coalition government promised Queenslanders 695 extra police but delivered 437. What hypocrites they are! I add that this occurred at a time when the then Borbidge government worked hand in hand with the Police Union. The coalition failures are a blight on that union. This alone provides more than sufficient reason for the union to adhere to Fitzgerald's recommendations to stick to industrial issues.

MINISTERIAL STATEMENT

Environmental Conservation Programs

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (9.59 a.m.): The state government has finalised grant allocations for two programs that help community groups continue their good work. Some $450 000 has been allocated to two significant programs: one for environmental conservation projects and the other for cultural heritage projects.

Almost $300,000 has been allocated to 24 environmental organisations across the state. Recipients have included the Queensland Conservation Council, the Wilderness Society, the Wildlife Preservation Society, the National Parks Association of Queensland and a range of regional environment and conservation groups. These grants assist regional communities in achieving environmental outcomes by raising awareness within local communities.

Since this scheme began in 1990, funding through the Environmental Protection Agency has tripled to the current level. The Environmental Protection Agency has also commenced funding allocations under the Queensland Community Cultural Heritage Incentive Program. The state government's initial offer of $140,000 under the 2003 grants program has allocated funding to 21 heritage projects throughout Queensland.

The Heritage Grants Program provides funding for community based heritage projects by helping local government agencies to identify their cultural heritage assets so that they can be protected in council planning schemes. The program also assists indigenous communities for cultural heritage research, oral history recording and documentation of the important relationships between people and places.

In response to the strong regional demand for additional heritage incentive funding, the state government intends making a second round of offers worth $110,000 to bring the total allocation this year to $250,000. Of the 21 projects to be funded in the first round, 17 are outside the south-east Queensland region. This reflects the government's ongoing commitment to regional and rural communities and builds on last year's successful Year of the Outback celebrations.

MINISTERIAL STATEMENT

Child Protection

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) (10.01 a.m.): When this Government came to office the child protection system had been ignored by successive governments for almost 20 years. We have not walked away from the tough issues. We have not walked away from the difficult jobs. We have set about one of the biggest reforms undertaken in the history of the Department of Families.

Let me make it clear: we have committed unprecedented policy and budgetary focus on this area. Let me just outline our record. We have introduced new domestic violence legislation, which the opposition voted against, new juvenile justice legislation is in place, we have rebuilt the youth detention system and the new child protection legislation is in place.

We are overhauling the information and technology system to allow our staff to spend more time in the field. We have developed and are implementing the breakthrough Future Directions package, and we are increasing funding on prevention and early intervention from 13 per cent to 25 per cent of the department's budget. This government has doubled the amount we spend on

child protection to more than $167 million this year. We have increased staffing levels. The number of child protection workers in Queensland is now at record levels.

I attended a managers' workshop last week where we discussed a range of initiatives designed to help our workers, not to increase their workload but to help them work in an extremely tough environment. We are replacing the workload management policy from Easter. We will be dealing with all notifications and replacing the workload management policy with a range of initiatives. We will be replacing our current 'one response fits all' approach with different responses.

The death of a child is a tragedy. It is even more tragic when their death is caused by those who have the responsibility to protect them. In the past week we have seen the consequences of several appalling cases where people have behaved in an unimaginable way. No system, no matter how good, how effective, can predict that some people will step beyond the bounds of reasonable or civilised behaviour.

I find myself in the unusual position of agreeing with the Federal Minister for Children and Youth Affairs, Larry Anthony: governments alone cannot solve the problem. We all have a responsibility to care for and protect our children and young people. This government is committed to rebuilding the child protection system, strengthening Queensland communities and helping Queensland families.

MINISTERIAL STATEMENT

Tail Docking of Dogs

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities) (10.04 a.m.): One of the achievements of this government that distinguishes it from its predecessors is our commitment to animal welfare. Queensland is a national leader in animal welfare and our laws are now regarded as among the most advanced in the world.

A measure of a compassionate society is how it treats animals. I can announce today that the Queensland government intends to show national leadership once again in implementing a national ban on the routine tail docking of dogs for cosmetic purposes. Tail docking is the practice of cutting short a puppy's tail, typically within a week of its birth. A number of breeds of dogs, including boxers, rottweilers and dobermans, have traditionally had their tails docked. My own dogs, Suzi Q and Benson, prior to becoming members of my family had their tails docked.

The RSPCA, the Australian Veterinary Association and animal welfare organisations have expressed their desire for tail docking to be banned by law. They want all dogs to grow up with full tails. They believe that tail docking is cruel. Dog breeders generally do not believe that docking tails is cruel and some even believe that it is important to continue the longstanding tradition of tail docking. However, tail docking is not a mandatory requirement of any breed standard recognised by the Australian National Kennel Council. The breed standard allows tails to be left in a natural state for judging purposes. However, veterinarians would be permitted to remove damaged or diseased tails.

It is important that there is a national approach for the ban to be effective. At the meeting of agricultural ministers last year, all Australian governments have given in principle support for this ban. Only the Australian Capital Territory has so far enacted a ban. In Queensland, the ban would be under the Animal Care and Protection Act 2001.

As a government we have already made the provision for this ban in the legislation. Queensland not only supports the ban but will be working to gather support from all states to ensure that this ban is implemented nationally.

MINISTERIAL STATEMENT

Corporate Governance; Uhrig Review

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (10.06 a.m.): On 14 November the Prime Minister, John Howard, announced the appointment of John Uhrig to conduct a review of corporate governance structures. Queensland consumers and investors who lost out in the huge corporate collapses of recent times—for example, HIH and Ansett—might be tempted to think this is good news. After all, a similar review in the United States in 2001 following the Enron and WorldCom corporate catastrophes led to much greater oversight and greatly increased penalties for corporate felons.

Unfortunately, there is every reason to believe that John Howard has the opposite result in mind. The review, despite its name, has nothing to do with improving the governance of corporations. Its sole focus is on the governance of corporate watchdogs—the ACCC, ASIC, APRA and the ATO. The terms of reference make no mention of improving the operation of these vital national institutions in terms of bringing a halt to the festival of greed exposed in the HIH royal commission. Instead, it is all about putting the watchdogs on a leash and perhaps muzzling them.

Big business, through the Business Council of Australia, has made no secret of its desire to extract the ACCC's teeth. Consumers must be questioning whether their interests will be balanced against the interests of big business and the interests of the Howard government in cuddling up to its corporate sponsors. Just in case Mr Uhrig should miss the point, the terms of reference are chock-a-block full of hints and signals to guide him along John Howard's preferred path. For example, he is instructed to report on 'how statutory authorities and office holders relate to outsiders (including clients and customers) and how internal authority is shared, exercised and appropriately limited'. Again, he is to report on 'the relationship between statutory authorities and office holders and portfolio ministers and departments, the parliament and the public, including business'.

Mr Howard, at his press conference after announcing Mr Uhrig's appointment, made it clear that he wants to have his ministers exercising a great deal more control over corporate watchdogs, saying that accountability direct to parliament is 'in effect no accountability at all'. The ACCC is Australia's most important consumer watchdog. Time and time and time again it has safeguarded consumers' interests against those of big business and the government of the day. If it is made subject to ministerial direction, consumers will lose out. Big business will be less scrutinised. The greedy and the unscrupulous will be rewarded.

Just have a look at John Howard's record. When he was Treasurer in the Fraser Government, he disregarded contrary departmental advice and used his ministerial discretion to grant Larry Adler a licence to conduct insurance business. Early in the life of the Howard Government he abolished the Insurance and Superannuation Commission, which had been tasked with oversight of the insurance industry, and created the massively underresourced APRA in its place—and was that not a good decision for consumers! It has cost Queensland taxpayers $400 million.

We do not need a crystal ball to predict that the Uhrig review will recommend making the ACCC subject to ministerial control. Consumers might very well wonder how this could affect the priority currently afforded to consumer interests.

MINISTERIAL STATEMENT

Rural Water Use Efficiency Initiative

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (10.10 a.m.): The Beattie government is proud of the lead role it plays in developing Smart State initiatives that encourage more efficient management and use of water. Water is our most precious and finite resource, yet water consumption in Queensland has more than doubled in the past decade. Queenslanders need no further proof than the current drought to realise we all must manage our water more efficiently by ensuring we get value out of every drop we use. This approach is essential if we are to guarantee a future for our communities and industries and to protect the environment from further degradation and the scourge of rising salinity. One way we can achieve these objectives is by ensuring primary producers use water in the most cost-effective and efficient way within their water allocations.

The government is driving a number of programs and research initiatives to improve rural water use efficiently by reducing the amount of water lost through evaporation, by giving farmers access to the latest irrigation technology, and by developing new ideas and technology to improve on-farm management of water. For example, the Department of Natural Resources and Mines is involved with the University of Southern Queensland and land-holders in pilot trials testing new dam covers to help reduce the 40 per cent of water lost each year from on-farm storages. The government is also providing more than $5.2 million in funding and resources to the new Cooperative Research Centre for Irrigation Futures (CRC-IF), which begins operations in Toowoomba in July.

CRC-IF will become a national centre for research excellence in water use efficiency and irrigation practices and will provide significant expertise to government and the irrigation sector to

cut water use and wastage. The flagship of our Smart State approach to better water management remains, however, the Beattie government's $41 million Rural Water Use Efficiency Initiative. Under the program, financial assistance is being made available to primary producers through their industry organisations to purchase water equipment, technology and services to achieve best practice in irrigation water management. The resultant efficiencies in water use will help irrigators increase productivity, produce a higher quality product and increase their yield, while reducing operating costs, water wastage and the impact on the environment.

The Rural Water Use Efficiency Initiative has been a runaway success with primary producers and is on target to achieve it key goals of providing the equivalent of an extra 180,000 megalitres of irrigation water per year and increasing the value of agricultural production by $280 million per year by June 2003. To date, there have been over 3,500 approved applications under the Financial Incentives Scheme accessing $10.5 million in government funds, while irrigators have invested a further $31.5 million to date under the scheme. The four year RWUE program is due to finish in June, but I am pleased to announce today that the government has decided to extend this highly successful program by a further six months until December 2003. This extension gives certainty for short-term funding to assist rural producers while the government assesses the long-term future of this program that has proved so very successful in helping farmers use their water more efficiently.

SITTING HOURS; ORDER OF BUSINESS

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.13 a.m.): I advise honourable members that the House will continue to meet past 7.30 p.m. this day. The House can break for dinner at 7 p.m. and resume its sitting at 8.30 p.m. The order of business shall then be general business followed by a 30-minute adjournment debate.

NOTICE OF MOTION

Queensland Health

Ms LEE LONG (Tablelands—ONP) (10.13 a.m.): I give notice that I shall move—

That this House calls for an independent inquiry to investigate the state of Queensland Health and the vast disparity between service delivery as described by this government and its Health Minister and the reality as faced by Queenslanders across the state.

CRIMINAL CODE (PALLIATIVE CARE) AMENDMENT BILL

Mr WELLINGTON (Nicklin—Ind) (10.15 a.m.), by leave, without notice, I move—

That leave be granted to bring in a bill for an act to amend the Criminal Code to provide a statutory enactment of the double effect principle for palliative care.

Motion agreed to.

First Reading

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

Second Reading

Mr WELLINGTON (Nicklin—Ind) (10.15 a.m.) I move—

That the bill be now read a second time.

In June last year I introduced the Care of Terminally Ill Patients Bill to this House. Today I formally withdraw that bill from the *Notice Paper* and in its place introduce the Criminal Code (Palliative Care) Amendment Bill 2003. The object of this bill is in substance the same as that contained in the Care of Terminally Ill Patients Bill introduced last year. The major difference between the two bills is in the drafting. As I explained in the second reading speech to that earlier bill, its purpose was to erase doubts in a grey area of health care law where the Criminal Code could possibly apply criminal penalties to doctors (and nurses and other people acting under the direction of doctors) who administer palliative care to patients who are dying in pain. In the case of patients suffering severe pain, especially from the terminal stages of cancer, the dosage that is necessary to prevent pain may suppress the patient's breathing and hasten the patient's death—maybe only by hours, or by days or weeks. If the only purpose of the doctor in prescribing the drugs is to

alleviate the patient's suffering, then both the common law and the moral philosophy adhered to by most churches agree that the doctor is not to be held responsible for causing the patient's death. Yet in Queensland, where the drafting of the Criminal Code does not reflect the common law in this respect, it seems that the people administering the drugs may have been technically guilty of unlawfully killing the patient.

In South Australia, which has a Criminal Code similar to ours, this problem has been remedied by the inclusion in the Consent to Medical Treatment and Palliative Care Act 1995 of a section that provides that a doctor who administers medical treatment with the intention of relieving pain or distress, with the appropriate consent, in good faith and without negligence, and in accordance with proper professional standards of palliative care, incurs no legal liability. The bill that I submitted last June was based on that act. That bill would have created a freestanding act which would have qualified the operation of the Queensland Criminal Code. It included cross-references both to the code and the Guardianship and Administration Act 2000.

The Attorney-General advised that while the government was sympathetic to the aims of the bill, it was not happy with its drafting. I have therefore withdrawn the original bill and now present this new one, which is designed to achieve the same effect more simply, by inserting a new section in the Criminal Code. I thank the Attorney-General for his cooperation in this matter. I also thank his staff and the staff of the Office of Queensland Parliamentary Counsel for help in the drafting of the bill over the past eight months. That assistance is certainly appreciated.

The bill is, I must say, simpler and shorter than the one I presented in June last year. As I said, it inserts a new section in the Criminal Code. Chapter 26 of the Code is headed: 'Assaults and Violence to the Person Generally—Justification and Excuse'. This bill will add one more justification or excuse. The existing section 282 applies to surgical operations and provides that a person is not criminally responsible for performing a surgical operation in good faith and with reasonable care and skill, if the performance of the operation is reasonable. The appropriate place to insert a new section dealing with palliative care is clearly right after that section. Consequently, this bill inserts a new section 282A headed 'Palliative care'.

The effect of the new section can be seen by collapsing the proposed subsections (1), (2) and (4) together to produce—

A doctor, or a person providing care ordered by a doctor, is not criminally responsible for providing palliative care to another person if the person provides it] in good faith and with reasonable care and skill; and its] provision ... is reasonable, having regard to the person's state at the time and all the circumstances of the case, even if an incidental effect of providing the palliative care is to hasten the person's death.

In its overall aim this bill is very similar to the one that I presented last June, and I will make a few of the same points here that I made about that bill in my second reading speech.

This bill is in accordance with both the common law and moral philosophy of at least the Catholic Church and possibly other churches. As to the common law, in the English case of R. v Adams [1957] CLR, p. 365, Lord Devlin directed the jury that a doctor 'is entitled to do all that is proper and necessary to relieve pain and suffering, even if the measures he takes incidentally shorten life'. Unfortunately, that ruling does not necessarily apply here because of our codified criminal law. Section 296 of the Queensland Criminal Code provides that—

A person who does any act or makes any omission which hastens the death of another person who, when the act is done or the omission is made, is labouring under some disorder or disease arising from another cause, is deemed to have killed that other person.

This section makes no reference to the intention of the person. Therefore, it seems that a doctor whose prescription of medicine hastens the death of a patient, even by seconds, is technically guilty of an unlawful killing, regardless of concern for the best interests of the patient, lack of intention to kill, lack of foreseeability, compliance with best medical practice or any other factor. It had been argued, when I was foreshadowing my intention of presenting my original bill, that doctors are in no danger of prosecution under the present law in Queensland, as we could trust to the good sense and discretion of the Office of the Director of Public Prosecutions. That may well be true, but it is a serious breach of the ideal of the rule of law to have criminal statutes that potentially apply to an unreasonably wide range of situations, and then to leave the decision whether to prosecute or not to some official's arbitrary choice. As long as something that is sound medical and ethical practice is a technical breach of the Criminal Code, some doctors will be unwilling to trust to the prosectors' exercise of discretion and will hold back from prescribing enough medication to effectively relieve pain in the terminally ill. In fact, I have been told that, under the current understanding of the law, many doctors in Queensland do in fact hold back from prescribing enough medication. This in turn has been causing many people with terminal

illness to spend their final moments in acute agony, which also causes intense distress to their loved ones. Therefore, unless we wish the law here to be harsher than in common law jurisdictions, an express reference to the Adams principle needs to be incorporated into the Queensland Criminal Code.

The bill is also in accordance with the doctrine of double effect in moral philosophy. This is a doctrine of Catholic origin, but non-Catholic philosophers are now paying more attention to it as well. It states that an action that has both a good effect and a bad effect is permissible if, and only if, it is not wrong in itself and if the evil result is not directly intended. Members will note that the long title of the bill specifically mentions that the purpose of this bill is to provide a statutory enactment of this principle. In my second reading speech in June last year I mentioned a couple of web sites, one from a palliative care doctor and one from a Catholic source, on which members could read more about this principle. I can now refer members to the excellent research brief No. 2002/39 on the earlier bill by Wayne Jarred of our Parliamentary Library, which provides the full text of both of those documents.

As I noted in my speech on the earlier bill, I have consulted with pro-life and palliative care organisations before tabling that bill. As to this revised version, I have had further discussions with Dr Russell Stitz, President of the Queensland Branch of the Australian Medical Association; with Ray Campbell, adviser to Archbishop John Bathersby; Judith Simpson, legal adviser to the Queensland Nurses Union; Stephanie Fox-Young, acting Executive Officer of the Queensland Nursing Council; with representatives from the Queensland Palliative Care Association; with members of the Sunshine Coast Ministers Fraternal; as well as with professionals working with the terminally ill and with the terminally ill themselves.

To return to the details, subsections (1), (2) and (4) of the proposed new section mean what they say, and no more than what they say; that a doctor, or someone administering care ordered by a doctor, who provides palliative care in good faith and with reasonable care and skill, where the provision of the palliative care is reasonable, in the context of good medical practice, having regard to the person's state at the time and all the circumstances of the case, is not criminally responsible even if an incidental effect of the treatment is to hasten the patient's death.

One difference from the previous bill is that this one does not refer expressly to the need for the patient or a representative to consent to the treatment. This does not mean that a doctor can administer palliative care without the appropriate consent. Subsection (4) sets out clearly that the provision of palliative care is reasonable only—and I stress 'only'—if it is reasonable in the context of good medical practice in Australia, and doctors and hospital administrators must be aware of the provisions of the Guardianship and Administration Act 2000 with respect to consent to treatment.

This bill does not expressly limit its application to the provision of care to a 'terminally ill' patient because it is almost impossible to be dogmatic about defining terminal illness. However subsection (3) of this bill makes it crystal clear that 'nothing in this section authorises, justifies or excuses—(a) an act done or omission made with intent to kill another person; or (b) aiding another person to kill himself or herself'.

The administration of care must be reasonable in the light of good medical practice in Australia. This would be proved by expert evidence of other doctors, not doctors from somewhere where euthanasia is taken to be good practice, but Australian doctors testifying about good Australian practice. Good Australian practice does not countenance the administration of dangerous doses of narcotics to people who are simply tired of it all, or whose care is expensive. As law-makers, we must be careful to tread the right path between dictating good medical practice to doctors and letting the medical community work out their standards for themselves. In this bill, we do some dictating, just in case it is not obvious from subsections (1), (2) and (4). We provide, in proposed subsection (3), that the bill provides no defence to someone who intends to kill another person, or assists another person to kill himself or herself. In these situations, the full rigour of the Queensland Criminal Code would still apply. In particular, a doctor or family member who gave a patient an overdose of pain-killers—that is, more than the suppression of the pain required—to hasten death in order to receive a benefit under the patient's will or to save on the cost of treating the patient would still be guilty of murder. A doctor or family member who gave a patient an overdose at the patient's request would also be guilty of murder. A doctor who administered drugs in a way that was not in accordance with the current best standards of palliative care would in all probability be guilty of manslaughter.

Apart from the limits in proposed subsection (3), we leave the boundaries in the administration of palliative care to be worked out within the medical community. I am confident that doctors' idea of good practice will not slide down some slippery slope towards the over-ready elimination of patients. If there was ever the faintest sign of the beginning of such a development, parliament could step in and immediately amend the law.

I hope that the situations where this bill will apply will become less common in future as advances are made both in the treatment of fatal disease and in the treatment of pain with drugs that operate on the pain-transmitting nerves more selectively, without the uncomfortable and depressing side-effects such as constipation and deadly ones such as the suppression of the breathing reflex. Some of these drugs are already making their appearance, but so far they have undesirable side-effects, so they have not displaced the standard drugs yet.

I also hope and expect that the reference in the bill to 'recognised medical standards, practices and procedures', may give doctors a signal that they must keep themselves up-to-date with these developments, and should warn doctors who are not up-to-date to keep right away from the administration of pain-relieving drugs in dangerous doses. However, until no patient is in danger of dying in pain which can only be treated with large doses of narcotics or other drugs with dangerous side-effects, this bill should save doctors who do know what the standards are from having to make a choice between allowing a patient to die in pain and risking a technical breach of the law. I commend this bill to the House.

Debate, on motion of Mr Welford, adjourned.

CARE OF TERMINALLY-ILL PATIENTS BILL

Withdrawal

On the order of the day being discharged, the bill was withdrawn.

QUESTIONS WITHOUT NOTICE

Minister for Police, Media Comments

Mr SPRINGBORG: (10.30 a.m.): I direct a question to the Honourable Minister for Police and Corrective Services. Yesterday in this House the minister cast doubt on a media report that he had called police officers on the Gold Coast liars and cowards. The minister told the House, 'They are their words, not necessarily mine'. I ask the minister: did he or did he not call police officers on the Gold Coast cowards and liars in an interview with *Gold Coast Sun* journalist Merilyn MacKenzie?

Mr McGRADY: I thank the Leader of the Opposition for the question. The situation was that that publication on the Gold Coast had, from memory, published a three-page attack on the Queensland Police Service. I took objection to the fact that the article was printed and published without any reference at all to my office or, indeed, to me. The practice and culture of the Queensland media is that when they are running a story, the vast majority of the journalists, whether we like the comments they make or otherwise, give the other side equal opportunity to respond and reply. This publication did not do that.

As I said yesterday, I have spent the last two years praising, complimenting, promoting and defending the men and women who work in the Queensland Police Service. I have said on many occasions—and I said it yesterday—that the Queensland Police Service is the most professional in the whole of the Commonwealth and is equal to any in the world.

Last week, I travelled to Surfers Paradise and I met with all available police officers. When I concluded my address, I asked if there were any questions. There were a number of questions—very sensible questions. I then offered to meet any individuals on any aspect of Queensland policing or, indeed, meet them as an individual or as a group. The meeting was very frank and very friendly and again I compliment the men and women of the Gold Coast Police Service.

I said yesterday in this parliament that the words in that were the words of the journalist and not necessarily mine. I have never at any time made a blanket criticism of the Queensland Police Service. On the contrary, as I have just said before, for the past two years I have been lavishing praise on them because praise was justified. I do not think that I have to stand here and say whether or not I inserted full stops, commas or anything else.

Police Service Amalgamation

Mr SPRINGBORG: I table a transcript of an interview between the Police Minister and the *Gold Coast Sun* journalist. I refer the Minister for Police and Corrective Services to the government's plans to amalgamate support services for a number of Public Service departments under one host department, specifically, to put the Queensland Police Service under the umbrella of the Justice Department. I ask the minister: can he guarantee the safety and security of police informants when details of payments will reside within another department? Can the minister guarantee the safety and security of undercover police officers when details, including names, addresses, pay arrangements, et cetera, will reside with another department? Can the minister guarantee the security of details of the imprest account which is used by police to fund covert drug dealings when details are held by another department? Can the minister confirm that senior police officers in Queensland have raised these concerns with him? What is the minister proposing to do to address those concerns to ensure security for police officers and their informants?

Mr McGRADY: I again thank the Leader of the Opposition for the question. I think that it is quite well known around government circles that the government is looking at a whole-of-government approach to try to make the state government more efficient. At a time such as this, many discussions take place between all portfolios to see what their views are on any proposal and if there appears to be any concerns. Those concerns throughout the deliberations and the negotiations are taken on board. I and the Police Commissioner are obviously well briefed and participate in all of those discussions. I would do nothing or agree to nothing that would have any detrimental effect on the men and women who work for the Queensland Police Service.

Mr SPEAKER: Before calling the member for Algester, could I welcome to the public gallery students and teachers from Indooroopilly State School in the electorate of Indooroopilly.

Refugees

Ms STRUTHERS: I direct a question to the Premier. In June 2002, the Premier warned that there was growing community concern about the Commonwealth government's introduction of a temporary protection visa policy. He pointed out that the federal government's handling of these refugees was a device to shift the cost of service provision to the states and the already stretched community sector. I ask the Premier: was his warning justified? What has the state government done to help these refugees?

Mr BEATTIE: I thank the honourable member for Algester for raising this issue. My government is providing extra funding of $10,000 to help Lifeline manage the rearrangement of services in Brisbane for refugees awarded temporary protection visas by the Commonwealth government. I will be writing to Ken Richardson, the general manager, advising him of that today. I table a copy of that letter for the House together with a release that will go with it. I want to acknowledge not only the interest of the member for Algester in this matter but also the interest of the Minister for Employment, Matt Foley, who have lobbied me on this issue, as has Anna Bligh, the local member.

Since 1999 I have authorised Multicultural Affairs Queensland, for which I am the minister and Darryl Briskey is my parliamentary secretary, to provide $100,000 to the Romero Centre to help these visa holders who were abandoned by the Commonwealth government. What the Commonwealth government has done is an absolute disgrace. These people are humans beings. The Commonwealth government has dumped them onto the states and they have left us to carry the burden. That is lacking in humanity. These people are human beings.

Large numbers of these refugees have arrived in Brisbane without access to essential Commonwealth services in areas—and I ask members just to think about this—such as accommodation, employment and language classes that usually refugees receive. It is obvious that the money for these Commonwealth services should have been supplied by the Commonwealth government. Why should we have to carry the burden? We have put up the money because we are committed to some human decency. The Queensland government was the first to establish a policy of providing services to these visa holders at a similar level to that which is provided to permanent refugees. So Queensland taxpayers have had to pay for Prime Minister Howard's heartless approach to refugees. Let me be very clear: that is what it is.

The $100,000 has helped the Catholic Church and, more recently, Lifeline to administer the necessary services through the Romero Centre. But after 1,864 of these refugees arrived in Brisbane between 1999 and July last year, there has been only one new arrival since July. I

understand that although some Lifeline workers want the Romero Centre to continue, Lifeline has decided that the Romero Centre should be closed and the remaining refugees who still require help should be put in touch with other services. It is not Lifeline's fault, but where do these people go? I have asked my department to examine ways in which the Queensland government could provide additional support with a particular emphasis on considering the job prospects facing these people.

Lifeline has advised me it is examining the needs of the final 350 visa holders in Brisbane and is identifying services from other providers which could address their needs. This is a crisis. It is a crisis confronting people who are being abandoned by the national government and dumped onto the states. Community groups are now forced to find whatever means they can to support these people. Lifeline, the Catholic Church and great organisations are fighting to pick up the pieces. I just say this to the federal government: for heaven's sake, you have to show some heart here. You have to fund it. You have to show some decency, and that is what is missing.

Ambulance Levy

Mr SEENEY: My question is to the Minister for energy. I refer to the announcement his government has made in relation to the ambulance tax being collected through a quarterly payment on electricity accounts. I refer specifically to the unfair and unjust impact on small businesspeople, many of whom will be required to pay the levy three, four, five or, in some cases, six times as they have a number of electricity connections. I ask: what enforcement mechanisms will Ergon and Energex be able to use to force Queenslanders to pay this levy three, four, five or six times? Is it possible that their electricity supply will be disconnected if a person pays their power bill in full but refuses to pay the ambulance levy more than once?

Mr Mackenroth: The first part of the bill they have to pay the ambulance part. Work it out from there.

Opposition members interjected.

Mr SPEAKER: I call the Minister for Innovation and Information Economy.

Mr LUCAS: Thank you, Mr Speaker.

Honourable members interjected.

Mr Seeney: Mr Speaker, I realise that I must have asked the wrong minister. The Treasurer has already provided the House with the answer. Perhaps he should answer—

Mr SPEAKER: Order! The member has asked his question.

Mr Seeney interjected.

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

Mr LUCAS: The member said that he was happy with the answer from the Treasurer. In those circumstances, I am not going to waste the time of the House anymore.

Honourable members interjected.

Mr SPEAKER: Order! The minister will withdraw that.

Mr SCHWARTEN: I withdraw.

Fisheries Patrol Vessel, *Flinders*

Mrs CARRYN SULLIVAN: I refer the Premier to the fact that much has been made of the launch of the state's latest fisheries patrol vessel, *Flinders*. At last Thursday's launch ceremony the Premier was somewhat upstaged by other events and comments made at the time. I ask: can the Premier detail to the House the attributes of this magnificent vessel?

Mr BEATTIE: I can and I thank the member for Pumicestone for the question. The member for Pumicestone shares the government's view of the need to protect our fish stocks. That is why this new vessel has been put in place. The state's newest $1.7 million high-tech fisheries enforcement vessel, *Flinders*, will patrol between Bundaberg and the New South Wales border. It will take in the member's electorate. I joined the Primary Industries Minister, Henry Palaszczuk, and the member for Clayfield, Liddy Clark, at the vessel's commissioning last week.

The 17.9 metre *Flinders* will be based at Pinkenba and replace the much smaller *Murchison II*. This new vessel will give our fisheries and boating enforcement officers a greater presence, but its links to satellite and the exact location of the commercial trawl fleet virtually gives it eyes in the

sky. In other words, it is a lot more efficient and a lot more effective. The vessel takes her name from explorer Matthew Flinders and also Flinders Reef, a popular fishing spot north of Moreton Island and within the patrol area of the vessel. Built here in Brisbane by the BSC Marine Group, *Flinders* will have the capacity to remain at sea for 10 days at a time with accommodation for up to eight staff. It also boasts a larger secondary boat of 4.3 metres for launch and retrieval at sea. Henry, Liddy and I were lucky enough to be able to be part of a controlled release and reconnection of this smaller vessel in the Brisbane River. *Flinders* has a range of 600 nautical miles—

Mr Palaszczuk interjected.

Mr BEATTIE: I think it was good luck, Henry. *Flinders* has a range of 600 nautical miles, a top speed of 18 knots as well as the latest navigational and satellite-linked radar technology.

The majority of commercial and recreational fishers abide by the law, and I want to make that very clear. But for the minority we have new laws and a new and advanced enforcer on the beat. Our fisheries are important and must be protected not just now but for future generations. As a government we have introduced wide-ranging reforms to the management of our fisheries to ensure their long-term sustainability. If we shy away from taking those decisions and introducing tougher laws, we could not guarantee the continued access to our fisheries by future generations of Queenslanders. The commissioning of *Flinders* is among a number of innovations introduced to the Queensland Boating and Fisheries Patrol to give it greater coverage of Queensland waters.

This government has overseen the roll-out of the satellite based vessel monitoring system to the commercial trawling fleet. In addition, we have introduced on-the-spot fines so our patrol officers can spend more time in the field rather than in the courts. The patrol has developed a cooperative role with Water Police and the Queensland Parks and Wildlife Service. Also, the patrol works in partnership and on behalf of Queensland Transport, the Environmental Protection Agency as well as Commonwealth agencies such as the Australian Fisheries Management Authority and the Great Barrier Reef Marine Park Authority. Fishcare volunteers continue to play an important role in educating our fishers about their responsibilities and all QBFP officers are now on the technical stream of the Public Service and each officer requires tertiary qualifications to join it. I especially want to thank the Reverend William R. Pearson of the Mission to Seafarers for his services as part of the launch.

Gold Coast Indy

Mr BELL: I refer the Deputy Premier and Treasurer to the Gold Coast Indy race, which is conducted in the electorate of Surfers Paradise. As part of the crowd entertainment there is generally a spectacular aeronautical display. High-rise residents are extremely concerned at the prospect of aircraft crashing into their buildings as a result of human error or terrorism. Submissions by residents to the Gold Coast Indy company and to the Gold Coast City Council have yielded no result. I ask: is the minister able to intervene so that changes can be made to address the fears of the residents?

Mr MACKENROTH: The entertainment at the Gold Coast Indy is put together by the Gold Coast Motor Racing Events Company, and of course the government owns 50 per cent of that company. But IMG, which is the other 50 per cent owner, has full responsibility for putting together the total package of entertainment. It is its responsibility. Let me assure the member though that the aeronautical display which is run in conjunction with the Indy is done with the full approval of all of the aviation authorities that need to give that approval. The pilots ensure that they do fly within the safety limits that are set for the types of displays that they do. I guess the one that residents would be most concerned about would be the F-111s, which probably make the most noise and probably come down the lowest. I am sure that we do not have any terrorists in the Air Force and if somebody was to get hold of an aircraft they would not come and do a display at Indy.

Communication Technology, Distance Education

Mrs CHRISTINE SCOTT: I ask the Minister for Education: would the minister please advise members on any progress to date from the Commonwealth regarding her proposal for a joint state-Commonwealth project to extend information communication technologies infrastructure and services to all home based distance education families in the bush no matter where they live?

Ms BLIGH: I thank the member for her question. Sadly, I do have some progress to report but it is not a happy story. Last week the federal Education Minister, Brendan Nelson, made a laughing-stock of himself in the federal parliament pretending to be Eddie McGuire from *Who Wants to be a Millionaire*. He would be a joke if education was not such a serious issue on the national and state agenda. Not only has the federal minister gone missing in action when our universities, particularly our regional universities, need a champion; I have to report that he is failing utterly on some of the simple bread and butter issues of education. I approached the Commonwealth minister last year personally and put a proposal to him for a bipartisan partnership to improve access to information and communication technology for all of the 900 Queensland families who are enrolled in schools of distance education. The proposal does not involve the world. We are not asking for something beyond the scope of the Commonwealth.

About 32 per cent of distance education students around Queensland do not live in Telstra's extended zone. That is about 288 families. In the Charters Towers area, for example, of the 249 families enrolled at the school of distance education 57 live outside the zone and are therefore not entitled to a free satellite dish and access to broadband Internet services at subsidised rates.

I put it to the Commonwealth that if the Commonwealth would come to the party and provide to every family enrolled in a school of distance education access to the same package as those in the extended zone, then Queensland would be in a position to subsidise home based families for the cost of using the service, including hardware, monthly access and download costs. We cannot move forward with ICTs for distance education learners unless everybody is part of it.

This is a clear example of an issue that requires bipartisan support between the Commonwealth and the states. Frankly, it is an issue on which we ought to be able to find an agreement. I personally approached the federal minister in October last year and said, 'I know that this is an issue that requires assistance from across a number of federal agencies, but it needs someone to run it through those agencies and it needs a champion.'

Queensland has put its dollars on the table. We have put $1 million into digitising the delivery of student assignments, provided $1 million over two years to convert those schools using radio to telephone teaching and provided $300,000 annually to subsidise hardware and software for these remote children.

Queensland's bush kids deserve better than Brendan Nelson is serving up to them. He ought to be delivering that package to the 288 Queensland families who are outside the extended zone. Then they can access the resources we are putting on the table to make it possible for every one of those children to learn through computers, just like those kids who are in classrooms. It is time he did it.

Mr B. Bradford

Miss SIMPSON: My question is directed to the Minister for Health. I table a letter the minister has received from Dawn Bradford, the widow of Brian Bradford, who died while waiting for an angiogram from Townsville General Hospital. Mrs Bradford is still waiting for answers to questions she has asked the minister in relation to her husband's premature death. Considering that the minister has been exposed as having left out vital information about a bungle that led to Brian Bradford's death, will she finally put his widow's mind at ease and answer her remaining questions, outlined in this letter?

Mrs EDMOND: My understanding is that Mrs Bradford has asked for a report from the Health Rights Commission, an independent body set up by the Labor government. That report is being prepared. My understanding is that an appointment was made with Mrs Bradford by the Townsville executive to talk to her. That was postponed because the Health Rights Commission informed them that the matter was under conciliation. Mrs Bradford will receive that report at the time it is completed.

Queensland Rail

Mr PEARCE: I refer the Minister for Transport and Minister for Main Roads to the increasingly competitive rail environment confronting the nation's only remaining fully government owned railway. What recent success has QR had in meeting the challenges of the competitive environment?

Mr BREDHAUER: I thank the honourable member for the question. He, among many members of this House, particularly on this side, has been a strong advocate of QR and works

very hard to represent the QR workers in his area, as does the member for Rockhampton. When I was in Rockhampton late last year, both of the honourable members came along to help me celebrate some additional work there and the apprentices we are putting on.

I am very pleased to advise the House that last week Mount Isa Mines indicated that QR had won preferred tenderer status for the construction of a new 100 kilometre track to its new coalmine at Rolleston and that QR had also won the contract to cart up to eight million tonnes of coal per year to Gladstone from that mine. It is a great success story for QR and one of which I as minister and everyone in this House should be very proud.

It has been one of the first real tests of QR in a competitive environment, now that we have a fully accessible rail network under the national competition arrangements and third party access to our rail network. Yesterday I met with the chair of the board and the CEO, Bronwyn Morris and Bob Scheuber, and I asked them to convey to the team that negotiated that successful contract my appreciation and that of the government for the efforts they put in.

That demonstrates that QR, as a totally publicly owned government owned corporation, does have the capacity to compete with the private sector on even terms and to bring home successful business. It backs up an announcement I made about two weeks ago with the CEO of QR, Bob Scheuber, that we have won our first contract for coal haulage in the Hunter Valley. That demonstrates that QR is not just about running its core businesses, in coal freight particularly here in Queensland, but also is a competitor on the national stage.

Last year QR carried 135 million tonnes of coal, which is a record. We will work very hard to retain all of that business. On Saturday I was pleased to announce that Siemens Transportation Pty Ltd had won a $41 million contract, with work to be undertaken at Goninan's manufacturing works in Townsville in the electorate of the Minister for Emergency Services. That will upgrade the coal locomotive fleet. I am very proud of those three recent instances of QR delivering jobs, economic development and regional employment opportunities for people in the state of Queensland.

Police Resources, Gold Coast

Mr QUINN: My question is directed to the Minister for Police and Corrective Services. As the minister's statement to the House this morning confirms the shortage of police on the Gold Coast, I ask: will the minister now admit that all Gold Coast police stations have been instructed to provide officers to supplement the Surfers Paradise Police Station because of staff shortages and excess levels of night work? Will he also admit that support squads such as the Gold Coast and Logan tactical crime squads, the Gold Coast traffic branch and the Gold Coast scenes of crime squad have had their rosters changed so that their members could walk the beat in Surfers Paradise over the weekends that state government ministers were on the Gold Coast? Has the tactical crime squad previously been deployed at such events as professional surfing contests and the Southport Beer Festival? Finally, will the minister now admit that these redeployments were designed simply to give a false impression that there was nothing wrong with the police staffing levels on the Gold Coast and in Surfers Paradise in particular?

Mr McGRADY: I thank the member for the question. Try as I might, I cannot seem to get across to the opposition what the role of a Police Minister is and what are the roles of a commissioner for police and assistant commissioners for police. Would anybody in this place, other than the opposition, really believe that not only do I sign the overtime sheets for police officers but also I do the rosters? I do not have time to do the rosters. It may have been Mr Foley. Can anybody other than the opposition really believe that I get a diary of every meeting and every surf carnival which has taken place on the Gold Coast?

Mr Springborg: What do you do?

Mr McGRADY: I will tell Mr Springborg what I do. I have been having meetings since 6.30 this morning. I will tell Mr Springborg what I do. I ensure that the Queensland Police Service gets an additional 300 officers every year—this year 307. I will tell Mr Springborg what I do. I ensure that the Queensland Police Service gets record budgets every year. I will tell Mr Springborg what I do. I ensure that we build police beats right around the state—far more than we said we would. I will tell Mr Springborg what we do. We go around and build new police stations in Toowoomba, in Rockhampton—the length and breadth of Queensland. That is what I do.

I am proud of the record of this government. We are doing a good job for the Queensland Police Service, and I believe the vast majority of the men and women who work for the Police

Service appreciate what we do. Let me tell those opposite what else we do. We bring legislation in here which is really fighting the hooning problem, and if they had been watching the television last night the members opposite would have seen what we do.

Royal Children's Hospital

Mr WILSON: My question is directed to the Minister for Health. Monday marked the start of a major initiative in child health, with the school meningococcal campaign launched at Springwood State High. What other important milestones have there been in improving the health of Queensland children?

Mrs EDMOND: Today is a very special day for Queensland Health, and it is a day on which I join with most members in this chamber in wishing a happy 125th birthday to the Royal Children's Hospital.

Mr Beattie: In my electorate, too.

Mrs EDMOND: And in the Premier's electorate.

The first hospital for children in Queensland opened in March 1878 after a group of women led by Mrs Mary McConnell raised the funds to purchase a property in Leichhardt Street, Spring Hill. In its first year of operation the Hospital for Sick Children, as it was then named, admitted 105 children, of whom 17 sadly died.

Prior to the opening of the Hospital for Sick Children in 1878, children under the age of five were not admitted to hospital. What a long way we have come since then. The hospital was moved the following year to a house in Warren Street, Fortitude Valley and from there it moved to the current site at Herston in 1883. The move coincided with a typhoid epidemic that summer, and 30 of the 190 children admitted that year died. It is easy for us to forget in this day of antibiotics and immunisation the devastating impact of infections diseases on children.

It is also worth noting that in the annual report of the hospital for 1888 nurses had four hours off duty each day alternating between morning and evening and a whole Sunday off once a month. The annual report for 1906 showed 94 children admitted with diphtheria, of whom nine died. It is worth noting that the diphtheria antiserum required to treat these children cost a princely sum of 114,000 pounds, which if nothing else shows that good health has always been expensive.

In 1943 the Hospital for Sick Children became the Brisbane Children's Hospital and in 1967 it was further renamed the Royal Children's Hospital. The hospital has continued to grow and has developed into a teaching centre of international standing for liver transplants and a site of excellence for a wide range of tertiary care.

In my other capacity as Minister Assisting the Premier on Women's Policy, it is important that I acknowledge the contribution made by the women of Brisbane in the establishment of a hospital for children. The first report of the hospital noted that its committee comprised 12 women supported by a subcommittee of gentlemen. That is a management structure we could apply in many places in this day and age, but at that time it was well ahead of its time.

The work of Mary McConnell and her fellow women in establishing the hospital for children continues to be recognised today through the Cressbrook Committee, named after the McConnell's property in the Brisbane Valley, a group of women volunteers who continue to work tirelessly for the hospital.

I am sure that the House will join with me in wishing the Royal Children's Hospital and its patients all the best on this important milestone and a very happy anniversary.

Mr SPEAKER: Order! I welcome a second group of students from Indooroopilly State School in the electorate of Indooroopilly.

Private Training Providers

Mr MALONE: My question is directed to the Minister for Employment and Training. I refer to the minister's disastrous decision to cap funding to private training providers under the user choice training system, and I ask: can he guarantee, in the advent of a private training provider being unable to offer a particular certificate in training because of a lack of funding, that the potential trainee would be able to obtain the same certificate either through TAFE or another training provider?

Mr FOLEY: The simple fact of the matter is that user choice funding for training is at record levels. The second fact is that traineeships and apprenticeships are at record levels. What is in issue, though, is how we should apply that user choice funding. Should it continue to be applied without a set of priorities, for example, in the training of people boning in the meatworks, or should it be applied in areas of skill shortages such as in the construction area, the manufacturing area or the engineering area? That is the issue.

Let me make it very clear what the priorities of this government are. They are that the user choice funding should be directed to areas of skill shortage. It makes absolutely no sense for the honourable gentleman to come into the House to be an advocate on behalf of private training organisations that would seek a situation where there is no prioritisation, where the public purse is simply controlled without regulation as to the number of persons who are employed as trainees or apprentices in areas where there are no skills shortages while at the same time other areas languish.

Let the honourable gentleman go, for example, to central Queensland and look at the skill shortages that could emerge in the areas of development with the magnesium plant or with the aluminium plant. Those areas are important areas which we target. I am proud of the fact that we have record levels of traineeships and apprenticeships. That is all together a good thing.

I also want to make it clear to all private training organisations that, when they enter into contracts for the provision of training, those are indeed contracts. They are not merely a passport to unlimited access to the public purse. They are an arrangement into which they enter for which funds are provided for a public purpose.

The priorities of the government are very plain: addressing skill shortages, the provision of assistance for young people to access the school to work transition, and the provision of assistance to those persons who are disadvantaged in the labour market. They are the priorities on which public funds will be made available through user choice and elsewhere, and that is the basis on which we will approach the expenditure of funds in user choice training.

WorkCover Premiums, Construction Industry

Mr PURCELL: I have a question for the Minister for Industrial Relations. I refer the minister to the government's offer to employers in the building and construction industry to properly insure their workers without penalty. I ask: can the minister update the House on the results of this WorkCover amnesty?

Mr NUTTALL: I thank the honourable member for Bulimba for the question. As most honourable members in the chamber would know, the honourable member in his past life was a strong advocate for workers' rights and he continues that work in the chamber.

Can I say up front that the response to the WorkCover amnesty has exceeded all expectations. Every year some employers in the building and construction industry have no insurance cover because they fail to register with WorkCover or because try to reduce their premium costs by declaring far fewer workers than they actually have on the books. While there are processes in place to find and fine the companies in this position, this government made a decision last month to offer employers in the building and construction industry a four-week amnesty from 1 February. In return for coming forward and rectifying their insurance, we would agree to lift the hefty penalties that are usually imposed. As a result, thousands more workers around Queensland are now properly insured. Some 503 employers have so far come forward to rectify their insurance, 235 to register with WorkCover for the very first time and 268 to declare more workers than they are currently paying for.

More than $25 million has been declared in estimated wages for these uninsured or underinsured employers. That means that almost $1 million has been recouped in previously unpaid WorkCover premiums. This result has been overwhelming, and we have decided to extend the amnesty for a further two weeks from 1 March until 14 March. This olive branch, however, is a two-edged sword. As of the close of business 14 March, any employer in the building and construction industry caught without WorkCover insurance or caught underinsuring its employees will be hit with the maximum penalty. In all cases after that date, those employers found doing the wrong thing will pay double the amount of premium due and one-and-a-half times the cost of any claims. These people are taking an unacceptable risk by failing to fulfil their insurance obligations. They also regularly use their insurance savings to undercut quotes and tenders by the majority of employers who properly insure their workers.

I urge all employers in the building and construction industry to take advantage of this one-time offer to make sure that all Queensland workers are properly insured.

Queensland Forestry Research Institute

Mrs PRATT: My question is to the Minister for Primary Industries. Minister, I refer to the joint forestry ventures made two years ago between the government and private landowners in which the Queensland Forestry Research Institute undertook research to look at up to 24 new types of tree species for plantations to investigate overcoming varying conditions such as drought, frost and different species' sustainability and to offset the impact of the south-east regional forestry agreement to phase out private logging and replace it with these plantation timbers. How many officers from the Queensland Forestry Research Institute have been reassigned or made redundant, and how many research staff remain to assist property owners who have made their land available for these species trials and who now feel that they have been abandoned and left to manage these trial plantations with very little knowledge? Were these lay-offs, as alleged by forestry employees, due to a lack of funds?

Mr PALASZCZUK: The issues raised by the member are very serious. Let me first say that our hardwood plantations program that was initiated three or four years ago to assist the government phase out native logging within our native forests has been extremely successful. As a matter of fact, I can inform the House that the full 5,000 hectare target that was assigned for hardwood plantations has now been achieved. Secondly, the private sector is also doing its bit. This program has been a program that for all intents and purposes—

An opposition member interjected.

Mr PALASZCZUK: Pardon? Don't you want to hear what I am saying? When we come to the issue of research—and that is the basis of what the member has referred to—

Opposition members interjected

Mr PALASZCZUK: Yes, it is. I am very pleased with the research that is being done by our forestry institute.

Mrs PRATT: I rise to a point of order. I am well aware of the research. I was asking about the number of employees who have been laid off, made redundant or transferred.

Mr PALASZCZUK: Mr Speaker, in terms of the implementation of the program, the work that has gone on between DPI forestry staff and private land-holders and the research being done is extremely successful. If the member is concerned about staffing and so on, I will get those figures for her and speak to her at a later stage.

Internet Access, Public Buildings

Mr REEVES: My question is directed to the Minister for Innovation and Information Economy. I have heard that the minister's department is going to trial new technology that will allow people to log on to the Internet while in government buildings and train stations—and, hopefully, busway stations. Can the minister tell the House what benefits this technology will bring to the people of Brisbane and whether or not regional residents will also benefit?

Mr LUCAS: I thank the member for a very positive question.

An opposition member interjected.

Mr LUCAS: No, I am not like the member for Callide. I do not claim to ask questions that I know the answers of immediately. I am happy to answer questions when people ask them. I am not an expert like the member, who clearly knows what answer he wants before he asks the question.

Mr Seeney interjected.

Mr SPEAKER: Order! The member for Callide, you are testing my patience.

An opposition member interjected.

Mr SPEAKER: Order! I now call the minister. The House will come to order.

Mr Seeney interjected.

Mr SPEAKER: The member for Callide, I now warn you. I call the minister.

Mr LUCAS: Thank you, Mr Speaker. Things are about to hot up in the CBD of Brisbane and it is great news for people with high-tech wireless solutions for computer hot spots. This is about making technology more accessible to people. It is about being able to log on at half-time at a football match to check the footy scores or to be at the cricket on a Friday afternoon, log into work and send a few emails to correspond with one's clients. It is about commuters waiting for their next train. It is about people waiting in government building foyers for a meeting.

My department has just issued an expression of interest for up to 20 state government sites in the Brisbane area, such as Suncorp Stadium, Roma Street, the Convention Centre and our government buildings, for the purposes of testing Wi Fi technology with palm pilots and things like that and laptop technology. This is about people having the capacity to log on and do business wherever they are. Sometimes people say that computers in fact make people work harder and that they have less time for leisure. What they really do in fact is allow them to use their time more effectively, work from home, work while they are on the way to work and therefore spend more time actually commuting rather than having to be a slave at the office desk. That is a wonderful opportunity.

What can we as a government do about that? Importantly, we have far more building sites in Brisbane than anyone else and we have locations that we can make available to people at a very reasonable rate, maybe with some return to the taxpayer, maybe at a concessional rate. Maybe there will not be a case for that, but this is what we are trialling with this trial of 20 sites where we can have Wi Fi technology set up. It will be a bit like a mobile phone ringing up, except there will be roaming. We will be able to go into a government building, log on to the Internet and do business much like we do at airports now. It is about driving taxpayers' dollars further without having to ask them for any further money to do it. It is about the Smart State assisting business, and that is a very important thing. Members on the other side would do well to focus on technology and how it can assist people, because it can assist people on farms, in the bush, in regional Queensland and in the cities as they go to work, are at leisure or at play just as much as it can assist people at the workface.

Dairy Industry

Mr HOPPER: My question is to the Minister for Primary Industries. Will the minister explain why, after the dairy industry delivered a clear message that the proposed Safe Food fees were far too high, the Beattie government passed a regulation just before Christmas to charge dairy farming families over $620 for a Safe Food audit and accreditation requirements when in Victoria dairy farmers will only pay on average between $100 and $120 for accreditation? Why are Queensland farmers being charged such a high cost of $250 for a Safe Food accreditation which is two-and-a-half times more than what dairy farmers are charged in Victoria and New South Wales for the very same licence?

Mr PALASZCZUK: I thank the member for question. At the outset, I say that the question is based on a false premise in comparing the fees charged in Queensland with those charged in Victoria. In Victoria, the processors pay quite a deal of the fees for our primary producers, as is also the case in New South Wales. I suggest that the opposition work in with the government to convince the processors to put their hands in their pockets and help our dairy farmers in exactly the same way as the same processors are doing in New South Wales and Victoria.

Opposition members interjected

Mr SPEAKER: Order!

Mr PALASZCZUK: Work in with us—that is all I am asking. Work in with us to make those representations.

Seniors

Mrs DESLEY SCOTT: I ask the Minister for Families and the Minister for Seniors: can she please inform the House about what the Beattie government is doing to effectively plan for the ageing population in this state?

Ms SPENCE: Earlier this morning the Leader of the Opposition asked: what do ministers do? Very early this morning I launched the Australasian Centre on Ageing Colloquia Series 2003 and a research paper titled *Linking the ageing research and policy agenda: towards a strategy for Queensland*. It is no secret that Australian society is ageing. Indeed, Queensland is ageing at a faster rate than any other state in Australia. For all of those reasons it is important that we plan for

our ageing population. The Seniors Interests Unit in the Department of Families is being given the important task of compiling a major document on behalf of the government called *Our shared future—2020*. It will be the first time that a government in this state has really done some long-term planning for our ageing population.

Today I read a headline in the *Courier-Mail* 'Plans under way for a rise in retirement age'. The article suggested that people will no longer be able to retire at the age of 65 years. I am sure that most of us in this House would oppose that. That is why it is important that we plan properly for our ageing population.

Mr Schwarten: Are you getting a bit long in the tooth yourself?

Ms SPENCE: I understand that some members are looking forward to retirement at the next election and would feel in great sympathy with those who feel the need to retire at age 65. We are very lucky that we can retire with some superannuation to look forward to, but pensioners do not necessarily have that. I for one do not think they should be forced to work past 65 years of age.

It is important that we formulate our planning for ageing on some sound research and evidence based policy. That is why we are working with the Australasian Centre on Ageing established at the University of Queensland. We are very lucky in this state to have a centre such as this, which is a world-class facility, to help us with this population planning. I congratulate the Australasian Centre on Ageing and all of the officers involved in the Department of Families and the Department of the Premier and Cabinet on the important research they have put into this document that I launched this morning.

General Agreement on Trade in Services

Ms LEE LONG: The Premier and Minister for Trade well knows my interest in agreements signed between the states and the federal government. Intergovernmental agreements such as national competition policy have had a huge effect on our lifestyles, especially in rural Queensland. Likewise, I and many others have concerns over international agreements, such as GATT, the General Agreement on Tariffs and Trade, and GATS, the General Agreement on Trade in Services, which also greatly impacts on our lives. As the closing date for submissions to the federal government regarding the second round of GATS has passed, I again ask: has the Queensland government made a submission and, if so, what did it say, and will he table the document?

Mr BEATTIE: I thank the member for Tablelands for her question. She will recall that when we met last time she asked me about this. While the Commonwealth has sought a response on the proposed negotiating position by 3 March, I have advised the Commonwealth Minister for Trade that I wish to present the matter to cabinet prior to responding. So, no, but we will. As I indicated last time—

An opposition member: Can we get a copy?

Mr BEATTIE: Let us see what cabinet decides. As I indicated last time, I want to take the matter to cabinet. What I said last time stands. Cabinet will need to discuss the release of material. I am just one humble member. Cabinet itself will have to make those sorts of decisions. Can I make the very important point—

An honourable member interjected.

Mr BEATTIE: I know that but that is their timetable. That does not necessarily mean that we have to comply with their timetable. I do not believe that adequate time has been given. That is exactly why I have written to the Commonwealth indicating that we will take our appropriate time to give it due consideration. Therefore, when cabinet considers it—and I do not discuss when matters are going to go to cabinet, but you do not need to be a rocket scientist to work out that this will be very soon—and when cabinet has made a decision then we will make a submission.

I have said this before and I will say it again: we are sensitive about preserving our autonomy, which is at the heart of the issue that the member is raising. In the end the Commonwealth makes these determinations with or without the state's approval, as the member well knows. I have made it clear that under the constitution of this country it is the appropriate legal body to make the decision. I have indicated that we have certain issues that we have reservations about. As I said, we will consider it in cabinet and then make the appropriate response. However, as I indicated to the member last time she raised this issue, when I was in

Singapore recently I had discussions with their Prime Minister and Deputy Prime Minister about the free trade agreement between Australia and Singapore.

Mr Rowell interjected.

Mr BEATTIE: By the way—just before the member gets too cute about this—the minister responsible is National Party minister Mark Vaile, who is very committed to advancing these issues. We want to work with him in partnership on preserving our services and the autonomy that goes with it, but we also wish to access other markets. We cannot have it both ways. We have to find a balance. Unless we sell our goods and services to the world, people in the member's electorate will go broke and lose jobs. The member comes from an electorate which I grew up in and which exports to the world. Exports are a key part of it, and that includes services as well as goods—everything from mangoes to health and education services. We have to protect, as much as we can, our own services at home. We have to have the autonomy to make determinations, which we do within government, but we also have to access other markets. We cannot be luddites about this. We have to go to the world to get the jobs of tomorrow, otherwise we will not have any.

Road Safety

Ms STONE: I ask the Minister for Police and Corrective Services: can he outline the benefits to the House of the government's road safety initiatives?

Mr McGRADY: I thank the member for the question. I note her ongoing interest in road safety and in particular the work that she has been doing as chair of a recent task force we set up to investigate a number of issues.

Road safety is all about saving lives. I am sure that everybody in this community and certainly honourable members would support traffic enforcement and public awareness campaigns, which we as a government organise from time to time. It is an approach which I believe is worthy of the support of the whole community. I know the new opposition spokesman for police, the member for Gregory, will share my view that government has an obligation to do all it can to help reduce deaths on our roads. He should share this view, because he was the minister who introduced speed cameras into the state. I do get surprised, however, that in recent times he has persisted in criticising the efforts of police to reduce road deaths and stop people speeding on our roads through the use of such things as speed cameras. It is estimated that speed cameras have saved an average of 75 lives a year since their introduction in May 1997. Evaluations of the program clearly show that speed cameras are making a significant contribution to reducing road trauma in our state. In May 1998, when Mr Johnson was Transport Minister, he told the parliament the following in response to a question without notice—

> This Government does not walk away from hard decisions. I might tell my friend, the member for Capalaba, that if it is hard, mate, we will do it. Remember what we did with speed cameras. When we came to Government the issue of speed cameras had been lying on the honourable member's desk because it was too hard for him. We put that in practice and now it is paying dividends to the motorists of Queensland. The road toll is 49 below what it was at this time last year. It took a little bit of guts and determination on the part of this Government to do the hard yards and put the hard measures in place. We have policies that will protect the people of Queensland from the idiots on our roads.

All I say to the honourable member for Gregory, who is a good friend of mine, is that it is high time he stopped his political games and showed some real leadership on this issue. He should get behind our police and assist them in doing all they can to reduce the carnage on our roads. He should get up and support the legislation which this parliament carried some months ago, whereby to date we have impounded over 300 vehicles from the hoons of Queensland.

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

GOVERNORS (SALARY AND PENSIONS) BILL

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.29 a.m.), by leave, without notice: I move—

> That leave be granted to bring in a bill for an act to provide for the salary payable to a person holding the office of Governor of the State of Queensland, the pensions payable to former Governors and their surviving partners, the ending of entitlements to pensions, and for related purposes.

Motion agreed to.

Mr SPEAKER read a message from His Excellency the Governor recommending the necessary appropriation.

First Reading

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

Second Reading

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.30 a.m.): I move—

That the bill be now read a second time.

Following my announcement of Ms Quentin Bryce as Governor designate, I introduce the Governors (Salary and Pensions) Bill 2003. In other words, now that we have appointed her, we are going to make her pay tax. The bill modernises and restates acts relating to the salary and pension of the Governor, and accommodates the removal by the Commonwealth of the vice-regal income tax exemption.

Before explaining the bill's objectives, I will outline the background to its introduction. The official salary of the current Governor of Queensland is exempt from income tax under the Income Tax Assessment Act 1997 under the Commonwealth. This exemption was repealed in 2001 to take effect from the appointment of the next vice-regal representative in each jurisdiction. Consequently, it is necessary to amend the Governors' Pensions Act 1977 to ensure the pension entitlement for future Governors remains in similar proportion to salary. So the Governor is not going to be worse off.

I am also taking the opportunity to modernise and restate the legislation relating to Governors' salary and pension entitlements into one act, and to ensure it is consistent with other legislation. This bill will not affect the salary and pension entitlements of the current Governor or pensions paid to former Governors and their surviving spouses. In my view, that would be inappropriate.

I now turn to the provisions of the bill. The Governors (Salary and Pensions) Bill 2003 clarifies a number of issues relating to the pension eligibility of a Governor's spouse or partner. The bill provides that the surviving partner of a deceased Governor is entitled to a lifetime pension. Importantly, the bill extends the definition of 'surviving partner' to include a de facto partner in certain circumstances. That is the heart of it. This is consistent with recent amendments to the Acts Interpretation Act 1957 contained in the Discrimination Law Amendment Act 2002.

The bill also ensures that only one total pension is payable if a deceased Governor is survived by more than one partner. The minister apportions the pension between the surviving partners by the minister. This is in keeping with similar provisions for the surviving partners of judges and members of parliament. Under the Governors' Pensions Act 1977, pensions paid to widows of former Governors cease upon the remarriage of the widow. This bill removes the requirement for a surviving partner's pension to cease if she or he remarries. It ensures a surviving partner who remarries is not disadvantaged when compared to a surviving partner in a de facto relationship. The irony existing is that a person could be in a de facto relationship and keep the pension. Clearly, we needed to fix that. This is consistent with provisions covering the partners of judges and members of parliament. In a nutshell: we are bringing pension arrangements for Governors' partners into the 21st century.

In the Governors' Pensions Act 1977, the rate of pension for the Governor is set at 60 per cent of salary. The bill adjusts the pension rate to ensure that, after income tax is deducted, the pension remains in a similar proportion to the Governor's net salary. This ensures future Governors will receive a pension that is similar, in proportion to net salary, to that received by former Governors and the benefit which will accrue to the current Governor. This bill amends the indexation of pension entitlements in line with the Judges (Pensions and Long Leave) Act 1957 and the Parliamentary Contributory Superannuation Act 1970.

In line with the government's objective of modernising the legislation, the bill sets the Governor's salary by regulation, instead of by order in council. The mechanism of an order in council is an antiquated governance tool which has been removed from most Queensland legislation. Setting the Governor's salary by regulation promotes accountability, because a regulation is disallowable before the assembly. In other words, it takes the salary back to the people. It enables this parliament to have a role. That I believe is democratic, fair and accountable.

Another important feature of this bill relates to the pension entitlement of a Governor who holds office for less than five years. To ensure consistency with similar provisions for judges, the bill provides that if a Governor leaves office before serving a full five-year term, the minister can

declare the person is entitled to a pension if satisfied that the person ceased to hold office because of some incapacity to perform the duties of the office. This measure allows the minister to consider a wide range of circumstances relevant to the declaration of a pension entitlement.

The bill also provides for the removal of a former Governor's pension entitlement in certain circumstances. The Legislative Assembly can remove a former Governor's pension entitlement if it accepts the findings of a tribunal of former judges that a former Governor's misbehaviour justifies ceasing the pension. The provision allows the tribunal of former judges to weigh, on the balance of probabilities, a range of relevant social, ethical, legal and moral issues in making its determination. This is consistent with provisions for the removal of judges' entitlements on grounds of misbehaviour. The provision does not preclude a former Governor from receiving superannuation from other sources.

With Ms Bryce to be appointed the 24th Governor of Queensland in July this year, the Governors (Salary and Pensions) Bill 2003 is a timely piece of legislation. What we are doing is, in fact, arranging for the new Governor to pay tax. This has now been adopted by the federal government and other state jurisdictions. I support that measure. I think that the Governor should pay tax and I believe that Queenslanders will support the fact that the Governor should pay tax. However, I think that it is important that the appropriate adjustments be made so that this will come into effect with the new Governor when she takes up office in July. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

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

Second Reading (Cognate Debate)

Resumed from 11 March (see p. 476).

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.38 a.m.), continuing in reply: I think that it is really important right at the outset that I establish one very important point. If this bill is not supported, it will result in a deregulated environment with regard to research on excess IVF embryos. It will mean no consistent regulation at all. This bill imposes a strict regulatory regime in an area where there is currently none. If the bill is not supported, Queensland individuals and researchers and scientists in universities will not be covered by the national scheme. However, corporations operating in Queensland will be required to obtain a licence under the Commonwealth legislation to undertake research on excess IVF embryos.

This sets a double standard and is unethical, treating one section of the community differently to another. In effect, not passing this bill will leave Queensland with a deregulated market. I want to make it absolutely clear that every member in this House should understand that. Every member in this House should understand that if we do not pass this legislation we will end up with a deregulated market. This would render Queensland a haven for unethical research practices which may not be undertaken for the purpose of advancement in science and medicine, issues that speakers opposing the bill have raised as key concerns. If they oppose the bill, what they are concerned about will happen, and no-one should be in any doubt about that. As the Leader of the Opposition has correctly pointed out, this bill imposes restrictions on research activities which are more stringent than those in place in many countries overseas including the UK and Italy. Let us get that point clearly understood at the outset.

This bill is the result of Australian governments conscientiously engaging with this complex issue to ensure that a nationally consistent regulatory regime can deliver the right balance between exploring the potential of these new therapies and providing the right safeguards on research. The partnership approach taken in the development of this regulatory scheme will ensure our researchers face a level playing field and that community values are upheld through strict oversight and strong monitoring and enforcement powers. This legislation is needed to guarantee ethical and appropriate behaviour and to ensure that we have a regulated market. Without it, we will have a deregulated market. I respect people's rights to have very strong views on these issues, and I am not surprised by the contribution of many members. I did indicate at the beginning that in my view, as this was such an important matter, members on my side of the House should have a conscience vote. Indeed, that has been universally accepted. But let us get a couple of points very clearly on the table.

I was on ABC Radio talkback last Friday and a couple of callers rang in who were opposed to this legislation. When I asked one of them—and I applaud her honesty for this—if she was in

favour of IVF, the answer was no. The reality is that what we are doing here is bringing in a regulatory regime that enables surplus embryos, which are about the size of a pinhead—surplus embryos that would die anyway; surplus embryos to IVF—to be used for research that could, and I believe will, prolong life and save life. What happens to these embryos surplus to IVF if they are not used for this research with the consent of the donors, and I will come back to that issue later? What happens? They die. The very delicate word that is used is that they succumb. That is the delicate word that is used. What it means is that they die. That is what happens to surplus embryos from IVF. They die.

This legislation prevents the creation of one additional embryo, or any embryos, specifically for research. These are surplus embryos created before a particular date. Let us be very clear about this. What happens to these embryos right now? They die. The word is that they succumb, but in effect it means that they die. So let us be very clear about all this. Let us be very, very clear about where we are. It does not matter if people want to run away from some of these issues. I will not. I will deal with them head on. Those surplus embryos die right now. That is what happens. We are talking about using them for research that will prolong life. I think the issues here are very clear. This is about a regulated market. This is about ensuring that we protect those who are donors and seek their consent, but this is all about prolonging life and saving lives.

I have read a number of contributions that members have made and I will deal with some of them fairly quickly. I thank all members for their contributions. The member for Southern Downs asked the rhetorical question as to how many embryos will be made available for research. The answer is that about 70,000 embryos were created after April 2002. They are in storage, but the parents have to give consent in order for them to be made available for research and no-one knows how many will. The member for Southern Downs is not averse to considering therapeutic cloning in the future. That is just his view. So the answer to his question is 70,000. The member for Bulimba is concerned about IVF creating so many surplus embryos. The response is that treatment technologies have improved. The extraction procedure is extremely invasive for the parents so eggs are harvested less often and stored if treatment is unsuccessful. That is why we have a surplus and that is why we are having this debate today.

The member for Bulimba was also concerned that embryo stem cell research will take funding from adult stem cells where research has runs on the board. The response is that adult stem cell research is much further advanced, but embryonic stem cells are far more versatile and therefore more useful in some areas, and I will come back to that. The member for Kawana raised a number of issues. He said that he does not support research. He said that he believes that life is a special gift, as a client of IVF. The response to his point is that the legislation recognises the need for strict consent. As a client of IVF, he has every right to refuse consent. I respect that this is very much a personal thing, but I just want to make that point. In terms of the contributions by many other members, the issues that I will raise in a minute will cover their concerns. There were no other particular standout issues which I will deal with.

Let me now deal with some issues raised by amendments that will be moved by Fiona Simpson, and they have been distributed. I want to deal with those because I think they can be explained very quickly. Fiona Simpson will move an amendment to insert a new clause 32A, 'When proper consent taken not to be given'. Let me go through and explain this. The Commonwealth legislation does not contain this clause. The adoption of this clause would create different procedures and standards for individual researchers and universities in Queensland compared to corporations covered by the Commonwealth legislation. It is not in the Commonwealth legislation. Frankly, if it is not, we do not need it. Proper consent, including the option of donation to another couple's treatment, is already addressed in the bill and the Commonwealth legislation, so it is already there. The bill defines 'proper consent' in clause 21 to mean—

... consent obtained in accordance with the Ethical Guidelines on Assisted Reproductive Technology (1996) issued by the NHMRC.

This reflects the Commonwealth legislation. When those guidelines are reissued after the current review by the National Health and Medical Research Council, new guidelines will be subject to parliamentary scrutiny following amendment in the Senate to ensure that the NHMRC guidelines would be prescribed in regulations. It is expected that the ethical guidelines on assisted reproductive technology will be prescribed under the legislation. Those guidelines already specify that a couple about to have fertility treatment must give consent in writing to the use of an embryo created for them. They must give consent in writing. They must specify the purpose for which the embryo may be used. The purposes could be for their fertility treatment, donation for

another couple's fertility treatment or specified research. Consent must be obtained only after the provision of information and adequate opportunities for personal preparation.

The proposed amendment requires the licence holder to advise a couple in writing of the option of donating that embryo to an infertile couple. This could be a source of considerable distress for couples who would have already made a decision and given or withheld consent some time earlier. So it has already been dealt with. This amendment is not required and could cause unnecessary distress. I do not believe people should be put through this process twice. It has already been done. We are consistent with the federal legislation. This amendment is not necessary and could be painful and harmful.

Fiona Simpson will move an amendment to insert clause 49A, 'Person may refuse to participate in research etc. involving human embryos on conscientious grounds'. The Commonwealth legislation does not contain this clause. The NHMRC ethical guidelines on assisted reproductive technology currently require that staff who conscientiously object to research projects or therapeutic programs should not be obliged to participate and should not be put at a disadvantage because of their objections. The Commonwealth legislation and the bill require the NHMRC licensing committee when deciding an application for a licence to have regard to any relevant NHMRC guidelines which have been prescribed for the purpose of clause 29. The NHMRC guidelines were included in a regulation tabled in the Commonwealth parliament on 3 March 2003. It is expected that the guidelines will be prescribed under state legislation providing a statutory basis for the requirements about conscientious objection to participation in research.

In terms of subclause (2), the other amendment that will be moved by Fiona Simpson, the Commonwealth legislation does not contain this clause. The proposed amendment is beyond the scope of the bill.

The amendment provides that a professional would not be guilty of unprofessional conduct because of his or her conscientious refusal to participate in research involving embryos. As noted earlier, the NHMRC ethical guidelines on assisted reproductive technology currently require that staff who conscientiously object to research projects should not be obliged to participate and should not be put at disadvantage because of their objection. Licences are issued only after the licensing committee has had regard to those guidelines. The NHMRC ethical guidelines on assisted reproductive technology have been included in a Commonwealth regulation which was tabled on 3 March 2003.

Unprofessional conduct of health practitioners is regulated in health practitioners registration acts, for example the Medical Practitioners Registration Act 2001 and the Health Practitioners (Professional Standards) Act 1999. It is therefore not appropriate to duplicate regulation of professional conduct for health professionals. In other words, I oppose those amendments being included in the bill because they are either covered by the guidelines or covered in other parts of legislation in a general sense.

I table for the information of the House the existing ethical guidelines on assisted reproductive technology. I also table the draft ethical guidelines on the use of reproductive technology in clinical practice and research. These are in draft for public consultation and are dated February 2003. These draft guidelines cover the amendments suggested by Fiona Simpson and I suggest that they are worth consideration by all members. I refer to some particular clauses in the draft guidelines. Clauses 6.14 and 6.15 state—

6.14 At the appropriate times, separate consent forms should be provided, if required, for gamete providers and their spouses and partners to consent to:

6.14.1 storage of their gametes (see Chapter 9); and

6.14.2 donation of their gametes for the treatment of others (see Chapter 10).

6.15 At the appropriate times, separate consent forms should be provided to persons for whom an embryo is to be used in treatment to consent to storage of their embryos (see Chapter 9), or donation of their embryos for the treatment of others (see Chapter 11).

Clause 6.19 also points out—

With the exception of some specific issues relating to the donation of gametes and embryos, consent can be withdrawn at any time.

If we go through these details—I do not intend to read them all—we find that there are appropriate opportunities for people to be consulted and appropriate opportunities for people to give consent. I believe that the safeguards are appropriate and that they more than cover the situation to protect people's individual rights.

I will make some comments in relation to what Michael Good has said in his letter and I will make some comments about adult stem cells versus embryonic stem cells generally. I will come

back to those issues in a moment. I now turn to some issues raised by the member for Nicklin. I will deal with them because I think I have covered the matters raised by members in general debate. I will deal with the matters raised by the member at some length, because they are relevant to how he intends to vote on the legislation.

I have paraphrased the questions, so if I have got something wrong the member might take the liberty to interject and correct me. I am quite happy to be corrected. First he asked: who attended the Council of Australian Governments meetings for the government? As Premier of the state of Queensland I attended the Council of Australian Governments meeting. I always attend, representing the state.

The second question was: what decision was taken? The decision to work towards a nationally consistent legislative framework to prohibit human cloning and regulate research on excess human embryos was first considered by COAG in June 2001. I digress. I understand that a couple of members, including the member for Keppel, are opposed to the human cloning bill. I do not know whether that means—

Mr Lester: I have clarified the record.

Mr BEATTIE: The member has corrected that. I was a bit worried that the member for Keppel wanted to be cloned. I accept that he does not want to be cloned. I accept that he has corrected the record and I take that on face value. I just wanted the member for Keppel to understand that what we are doing here is actually banning human cloning. I am delighted that he has corrected the record.

I return to the question about what decision was taken. Discussions between Australian jurisdictions on the need to work cooperatively to regulate the emerging science of human embryonic stem cell research began much earlier. There was a growing recognition by all Australian governments that effective regulation depended on cooperation between jurisdictions to introduce a nationally consistent scheme. Both Commonwealth and state laws are required to ensure regulatory coverage of the field and that there are no loopholes, safe havens or unacceptable practices. That is what will happen unless we regulate. At the June 2001 meeting COAG committed itself to achieve the nationally consistent framework. COAG sought a report from health ministers by the end of 2001 with the aim of a nationally consistent approach being in place in all jurisdictions by June 2002.

On 5 April 2002, COAG considered the report drafted cooperatively by all Australian jurisdictions and agreed to the following: that nationally consistent legislation would be introduced to ban human cloning and other unacceptable practices; that a strict regulatory regime would be established to govern research on excess IVF embryos, particularly research which damages or destroys the embryos; that such research could only be done on embryos that were in existence at 5 April 2002—that is the operational date—to prevent the commodification or commercialisation of embryos; that the National Health and Medical Research Council would administer a strict regulatory regime for research on excess IVF embryos; that donors must give consent, which could place restrictions on the research use of the embryos; that the regulatory regime for research on excess IVF embryos be reviewed in three years; that an ethics committee be established to report to COAG within 12 months on protocols to preclude the creation of embryos specifically for research purposes with a view to retaining the 5 April 2002 restriction; that the NHMRC be asked to report within 12 months on the adequacy of supply and distribution for research on excess IVF embryos which would otherwise have been destroyed; that the 5 April 2002 restriction would cease to have effect in three years' time unless COAG agreed on an earlier date; that accreditation by the Reproductive Technology Accreditation Committee, the RTAC, of the Fertility Society of Australia should provide the basis of a nationally consistent approach to the oversight of assisted reproductive technology clinical practice; and that individual jurisdictions could choose whether to mandate RTAC accreditation or supplement RTAC accreditation with an additional layer of oversight, for example through licensing IVF service providers.

COAG also noted the Commonwealth intention to introduce the new legislation by June 2002. To recognise this commitment to prohibit human cloning, the Minister for Health and Minister Assisting the Premier on Women's Policy introduced the Cloning of Humans (Prohibition) Bill 2001 into the Legislative Assembly on 27 November 2001. This bill now replaces the Cloning of Humans (Prohibition) Bill 2001.

The next question is: what advice was relied upon to contribute to the COAG decision? In late 2001 a national COAG implementation working group was formed to prepare the national report on behalf of health ministers required by COAG. Members of this group consisted of

officials from the Department of the Prime Minister and Cabinet, premiers' and chief ministers' departments, state and territory health authorities and the Commonwealth Department of Health and Ageing. Queensland membership consisted of officials from the Department of the Premier and Cabinet, Queensland Health and the Department of Innovation and Information Economy.

The Queensland cabinet considered and endorsed *Human Cloning, Assisted Reproductive Technology and Related Matters* in February 2001. In reaching a policy position on these matters, cabinet considered consultation undertaken with key Queensland and Australian scientific technical and ethical experts in the development of a policy approach to the report *Human Cloning, Assisted Reproductive Technology and Related Matters*. *Human Cloning, Assisted Reproductive Technology and Related Matters* was endorsed out of session by the Australian Health Ministers Conference prior to consideration by the Council of Australian Governments on 5 April 2002.

The next question is: what commitments did the Premier give? Are the commitments binding on the state government? As leader of the Queensland government, I gave a commitment to work collaboratively with the Commonwealth and all other states and territories to progress the COAG commitment in the context of Queensland's legislative and parliamentary system, which is why the bills are here. Legislation before the House represents that commitment to regulate those issues within our constitutional responsibilities.

It is important to note that the Commonwealth legislation on research involving excess IVF embryos was already binding on corporations within the state because of the Corporations Law. Our jurisdiction, like other states and territories, is working towards the national scheme.

The member's next question was: what was the process following COAG's decision? Since COAG's decision on 5 April 2002, officials from all jurisdictions have been consulted in the development of the draft Commonwealth legislation on human cloning, other unacceptable practices associated with assisted reproductive technology and research involving embryos. In May 2002 the Commonwealth conducted a targeted consultation on an exposure draft to the Commonwealth bills with Queensland representatives of the Catholic, Anglican and Uniting churches, key scientists, researchers and ethicists working in the field of technology and IVF clinicians.

The Prime Minister introduced the Commonwealth bill on 27 June 2002, urging all jurisdictions to introduce complementary legislation as soon as possible to give effect to the national scheme. This legislation received royal assent on 19 December 2002. My view on these issues is the same as the Prime Minister and the other premiers. I share the Prime Minister's view. This is a non-partisan issue as far as we are concerned. We have a Liberal Prime Minister and a Labor Premier agreeing.

The member's next question concerns section 40, division 6: what happens if the Commonwealth does not create regulations either within a reasonable time period or to enable eligible persons to seek review of decisions of the NHMRC licensing committee? The Commonwealth through COAG has made a commitment to putting in place a nationally consistent regulatory framework. As part of demonstrating that commitment, the Commonwealth has worked closely with the states to put in place the Commonwealth acts and is consulting with states on relevant draft regulations.

I am confident the Commonwealth fully intends to establish the regulatory framework as prescribed in the acts. The Commonwealth has reflected this in the provisions allowing for a reviewable state decision to be prescribed in the regulations. Consistent with the COAG decision to have a national scheme, should regulations not be enacted in a reasonable time frame the state government would be making representations together with other jurisdictions to the Prime Minister.

If that proves to be unsuccessful, then Queensland can amend the legislation to provide for review of those decisions in Queensland in line with judicial review principles. Ultimately, the worst consequences of not having review regulations in place is that Queensland based scientists that are not corporations would need to seek review of any NHMRC licensing committee decisions under existing judicial review procedures in the Queensland Judicial Review Act instead of the Administrative Appeals Tribunal.

Another question by the member for Nicklin was: section 2(1) states that the act other than part 6 commences on a day to be fixed by proclamation. Section 2(2) states that part 6

commences on whichever of the following days applies: (a) 5 April 2005 or (b) if the Council of Australian Governments declares an earlier day by notice in the gazette, that earlier day.

On 5 April 2002—here is the answer to the member's question—COAG agreed to implement nationally consistent legislation that restricted the use of excess Assisted Reproductive Technology embryos for research to those created before 5 April 2002 for a period of three years only. This was to ensure that, if during the transitional period of COAG's decision and the new legislation being enacted, scientists decided to create excess ART embryos for research purposes, they could not be used for stem cell research under the proposed regulatory regime. This was intended to be a disincentive during what was always proposed to be a transitional period to the national regulatory regime. This transitional restriction is enacted in the Commonwealth Research Involving Human Embryos Act 2002 and reflected for national consistency in the Queensland bill.

At the same time as that decision was made, COAG requested that an ethics committee report back to it within 12 months of their 5 April 2002 decision on protocols to preclude the creation of embryos for research purposes. They also requested a report on the availability and distribution of excess assisted reproductive technology embryos in Australia. If those reports demonstrate that, one, there are insufficient excess ART embryos created prior to 5 April 2002 which could be made available for stem cell research to occur in Australia under strict conditions and, two, there are protocols which would preclude the creation of a human embryo for research purposes prior to 5 April 2005, then the legislation provides for COAG to lift that restriction prior to 5 April 2005.

This approach has been enacted in the Commonwealth legislation. The Queensland bill mirrors this approach for national consistency of the operation of both state and Commonwealth legislation in Queensland. I think I have answered every one of the member for Nicklin's questions in some detail. I thank him for the courtesy in the way he asked them.

The member for Indooroopilly raised a number of issues. I intend to deal with some of them because I think I have already covered some of the issues that he raised. The member for Indooroopilly raised some issues in relation to a document circulated by two of my ministers. I need to say very clearly that, in an attempt to simplify a very complex subject to enable members of caucus to understand the issue, some questions and answers were compiled and circulated. Scientist Michael Good, who has deep convictions against embryonic stem cell research, wrote to the member for Indooroopilly regarding this document.

In a document of more than 6,000 words he picked on a simplification comprising two sentences and attacked this simplification as if it were a scientific finding. The member for Indooroopilly has suggested that this is a major flaw in the argument for stem cell research. The simplification was designed to explain the difference between multipotent cells and pluripotent cells. The information Michael Good is complaining about was designed to explain how embryonic stem cells can be programmed to grow into any body cells and are far more adaptable than adult stem cells.

This, despite an oversimplification, remains the case. In other words, embryonic stem cells are likely to be far more useful than adult stem cells. If members have any doubts about this, they might like to read a letter signed by 80 Nobel laureates urging funding for research on human embryo cells. The document which the member for Indooroopilly referred to was first circulated on 4 June 2002. It has been updated since but the contents are the same. I want to table that document from the 80 Nobel laureates, because I think it spells out clearly and deals with the issue of adult stem cells. In fact, I will read part of the document. It basically says—

> Some have suggested that adult stem cells may be sufficient to pursue all treatments for human disease. It is premature to conclude that adult stem cells have the same potential as embryonic stem cells—and that potential will almost certainly vary from disease to disease. Current evidence suggests that adult stem cells have markedly restricted differentiation potential. Therefore, for disorders that prove not to be treatable with adult stem cells, impeding human pluripotent stem cell research risks unnecessary delays for millions of patients who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

That is from 80 nobel laureates, and I think that is fairly clear.

The other point I want to deal with relates to other scientists. Many of the members opposing embryonic stem cell research focused on the merits of adult stem cell research. Scientists from Edinburgh and Gainesville said it was essential that work continue on embryonic sources of the special cells to see if they had better potential. I want to table that document and associated material for the information of the House. I think that answers the issue about adult stem cells.

I have rushed through as many issues as I can to respond to matters that have been raised by members. I believe that, since this legislation is being adopted and supported nationally, we are about being part of a national regime to regulate and control the research. I do not think we can do this any other way.

There is one other point I need to make before I conclude. In my response to the question of the member for Southern Downs on how many embryos would be available for research, I said 70,000 embryos were created after 5 April 2002. Of course, I meant before 5 April 2002.

I know that these issues can be emotive. I know that they can be difficult, but we have to face up to the practical reality that surplus embryos are currently dying. To use them for research under very strict guidelines with the consent of the donors in my view is sensible. There are a number of other issues that I could deal with. I do not intend to go through them because of time constraints. There were a couple of other points in relation to matters raised by the member for Indooroopilly. As I do not have time to complete them, I seek leave to incorporate those remarks in *Hansard*.

Leave granted.

Further general answers to Indooroopilly.

Many eminent scientists believe that embryonic stem cell research has enormous potential in saving and enhancing life.

The member for Indooroopilly introduced his contribution to the debate by saying he believed the Bill before the House—which makes that research possible—is an assault on the moral foundations of democratic life.

I do not believe that language like that contributes to the debate.

80 Nobel Laureates wrote to President Bush saying that impeding pluripotent stem cell research (and embryonic stem cells are pluripotent stem cells) risks unnecessary delay for millions of patients who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

They said that the therapeutic promise of pluripotent stem cells is based on more than two decades of research in mice and other animal orders.

The member for Indooroopilly made much of comments made by Professor Alan Trounson, saying that he was thoroughly surprised he was not in jail for fraud.

Very emotive language.

For the purposes of this debate, we can ignore Professor Trounson.

The fact is, Professor Trounson is only one of many scientists whose work demonstrates the worth of embryonic stem cell research.

Mr BEATTIE: I have done that for the member for Indooroopilly so that I can respond to issues which he has raised in a very helpful way.

Can I thank members for being positive and constructive in how they have handled this debate. I know there are strongly held views about it. The only way we can do this is by sensible debate. Mr Speaker, when debating the clauses, I will be supported, with your permission, by the Minister for Health and the Minister for Innovation in dealing with questions because of some other commitments I have. I commend the bills to the House.

Prohibition of Human Cloning Bill

Motion agreed to.

Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill

Question—That the bill be read a second time—put; and the House divided—

AYES, 61—Attwood, Barry, Barton, Beattie, Boyle, Bredhauer, Briskey, E. Clark, L. Clark, Croft, J. Cunningham, Edmond, Foley, Fouras, Hayward, Hobbs, Jarratt, Keech, Lavarch, Lawlor, Lingard, Livingstone, Lucas, Mackenroth, Male, Malone, McGrady, McNamara, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Phillips, Poole, Quinn, Reilly, Reynolds, E. Roberts, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Seeney, Sheldon, Spence, Stone, Strong, Struthers, C. Sullivan, Watson, Welford, Wellington, Wells. Tellers: Springborg, Reeves.

NOES, 22—Bell, Choi, Copeland, Cummins, E. Cunningham, Flynn, Hopper, Horan, Johnson, Lee, Lee Long, Mickel, Pitt, Pratt, Purcell, Rowell, Shine, Simpson, Smith, Wilson. Tellers: Lester, T. Sullivan.

Resolved in the **affirmative**.

Prohibition of Human Cloning Bill

Committee

Clauses 1 to 59, and schedule, as read, agreed to.

Bill reported, without amendment.

Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill

Committee

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) in charge of the bill.

Clause 1—

Mr TERRY SULLIVAN (12.21 p.m.): For someone like me who opposes the use of embryonic stem cell research, this committee stage creates a particular predicament. A strictly logical approach could suggest that a person with my reservations about embryonic stem cell research should oppose each and every clause in the bill, yet close scrutiny of the bill shows that some clauses, such as those which specify certain offences, accord with my views to outlaw certain embryonic stem cell research practices and therefore deserve my support. Other clauses which put in place licensing and monitoring procedures are sensible once the original decision to progress down this path has been agreed to. I therefore wish to put on the *Hansard* record that, for people like me who oppose the basic principle of embryonic stem cell research, my voting pattern in the clauses may contain an apparent inconsistency. This possible contradiction could apply throughout the whole bill. It should not be taken, however, as my support for something which in my second reading speech I clearly opposed. I thank the committee in anticipation of the understanding which I am certain will be readily forthcoming.

Mr SHINE: I would like to rely on the remarks of the honourable member for Stafford as applying equally to me.

Clause 1, as read, agreed to.

Clauses 2 to 23, as read, agreed to.

Clause 24—

Mrs LIZ CUNNINGHAM (12.24 p.m.): Much has been said in the debate about this legislation being restricted to what has been called 'excess'—as I said, I find that term offensive—embryos that are not going to be used by donors for the purposes for which they were collected. This clause creates an offence for a person who intentionally uses outside the body of a woman a human embryo that is not an excess ART embryo. Given some of the outspoken comments by people who are keen to see embryonic stem cell research grow into the future for both medical and commercial reasons, I have two questions: firstly, how will the judgment of 'intentionally' be determined? It could be very subjective, as in, 'I'm sorry. I made a mistake.' I can understand a mistake could be made where a wrong straw or tube is drawn. That would be tragic. How will that intentional use be adjudged? Secondly, how will it be policed?

Mr LUCAS: Firstly, in relation to intention, it is essentially a standard provision creating a criminal offence. Intention is inferred from the circumstances under which the acts complained of are committed. So we need to infer it from the facts and circumstances of the case. A jury and a court commonly assesses whether something done by somebody was done intentionally. For example, if I crashed into a car intentionally, I commit an offence; if I do so unintentionally, unless I do so grossly negligently, I do not commit one. Those are things that courts assess all of the time.

In relation to the programs themselves, I suppose it is a reasonable question as to whether people are reckless or do not pay much attention to labelling. I inform the House that currently ART programs are accredited with the Reproductive Technology Accreditation Committee of the Fertility Society of Australia. Adherence to its code of practice for centres using assisted technology is the basis for accreditation and it is anticipated that that would be prescribed in a regulation subject to Commonwealth disallowance. I should indicate as well that we have our biotechnology code of conduct in Queensland as well as this Commonwealth-state legislation. Basically, intention is something that is inferred from the conduct.

Mrs Liz Cunningham: What about policing?

Mr LUCAS: I am not sure that it is something that we would necessarily know except through audits. I am advised that in the bill also there is provision for inspection by licensed inspectors appointed pursuant to the legislation. I will get the member the clause reference for that in a second.

Clause 24, as read, agreed to.

Clauses 25 to 32, as read, agreed to.

Insertion of new clause 32A—

Miss SIMPSON (12.28 p.m.): I move amendment No. 1—

1 Insertion of new clause 32A—

At page 15, after line 29—

insert—

'32A When proper consent taken not to be given

'For section 32(1)(a), a responsible person is taken not to have given proper consent in relation to the use of an excess ART embryo unless, before the consent is given, the person has been advised in writing by the licence holder of the option of donating the embryo to an infertile couple for the purpose of achieving pregnancy in the woman who is one of the couple.'.

I thank the Premier and Minister Lucas for the copy of the relevant section of draft changes to the NHMRC guidelines and their stated commitment to addressing this matter. I move this amendment because it is about enhancing the informed consent process for couples with so-called excess ART embryos by ensuring that they must be notified by a licensee about options of donating those embryos to other infertile couples. It does not mandate that they should donate the embryos, but it does seek to ensure that this important and ethical alternative for the use of such embryos has greater weight in the eyes of the law and in public awareness.

Much has been made concerning human embryos dying if left to succumb away from the freezer. Donating an embryo is the most profound way of promoting and prolonging life. Giving an embryo and an adoptive family the option of becoming a family is a wonderful gift. Some people use the phrase 'embryo adoption' interchangeably with embryo donation when talking about receiving or giving an embryo. That is a useful term. However, for clarity of definition in this amendment I will state today that I am not proposing an adoption regime for embryos such as operates in some jurisdictions in the USA; I am proposing an improved consent regime to specifically address the issue of donating surplus ART embryos to couples who are infertile.

There are 70,000 embryos on ice in Australia allegedly surplus to the primary purpose of creating a child. There are very few embryos available to infertile couples who wish to receive embryos for implantation. While not every couple may wish to donate their excess embryos to others, I am sure that more people would give this incredible gift if the options were more readily publicised and supported.

While the issue of proper consent is covered in the bill before this place, it defers to the NHMRC guidelines, which currently do not cover specifically the issue of informing couples of choices such as donating their unwanted embryo. The consent issues in the ethical guidelines on assisted reproductive technology mainly cover the issues of treatment of the donor, or the recipient, or the child. The guidelines do not cover people being given written advice about their options to include donor adoption. However, as I have acknowledged that there are some draft amendments which still have to have the force of law, I would urge every support in that process, because this is too important an issue to let slip.

One gynaecologist told me of the joy a couple who could not conceive a child naturally had when they were able to receive a donor embryo. They had a problem with the ethical issues of using donor sperm, but they saw the receipt of the donor embryo from another couple to be like adoption—belonging to neither of their genetic material but able to provide a child with a family and fulfilling their deep longing for a child. Embryo donation to infertile couples also addresses the ethical issues for couples who do not want to create and destroy excess embryos as part of their pursuit of an IVF baby. If there are surplus embryos from their implantation, they are able to donate them to another couple to create a family.

The Premier said that if people had already made their choice about what to do with their excess embryos—and I hope that I am quoting the Premier correctly—it may be distressing for them to have to go back and consider these issues. I think that the parliament should never be

scared of advocating for properly informed consent. Furthermore, people's choices change and this is extremely relevant in regard to this issue. I refer to a study that was presented at the annual conference of the American Society of Reproductive Medicine, as quoted in an ABC 7 news site. This study stated that, among 41 couples interviewed who had made a pretreatment and post-treatment decision about what to do with the embryos, only 29 per cent kept the same choice. This article does not go on to outline what those choices were and how they changed, but I think that we should realise that, as people go through the experience of the IVF program and other issues in life, the choices that they may have made initially on entering the program may have changed upon exiting. Certainly, I believe that it is beholden on us as parliamentarians to also talk positively about the options of so-called surplus embryos from the IVF program being able to be made available to those couples who are unable to adopt.

I commend to the members the need to promote this as an option, because currently we have 70,000 embryos on ice in this country and very few embryos available for donation. Some couples have issues where they do not feel comfortable about pursuing that option, but it can also provide a wonderful opportunity if people just realised the joy that it brings to another infertile couple to be able to give a human embryo a home and create a family.

The CHAIRMAN: Order! Before calling the member for Caloundra, I suggest to the member for Maroochydore that she seek leave to table the explanatory notes to both her amendments. If they were accepted, we would need to have those notes for the record of the parliament.

Miss SIMPSON: I will table this document.

The CHAIRMAN: I think that it is unusual, but the member for Caloundra wants to ask a question of the member for Maroochydore. I am going to allow it to happen, because it is the member's amendment.

Mrs SHELDON: This is an unusual debate. I have a concern about the way this amendment is worded. It states that a responsible person is taken not to have given proper consent in relation to the use of an excess embryo unless they have been advised of the option in writing by the licence holder. That seems to put a great burden on the couple or the people who are giving the consent for their embryo to be used.

I understand that in IVF programs in all cases the options are discussed clearly with the couple whose embryos are being stored. Naturally, their consent was given to whatever options existed before the legislation was passed; in other words, when the time came the excess embryos were destroyed because of an age termination process.

The question of donating the embryo to an infertile couple is a very difficult question. I think that it is a wonderful thing if people decided to do that, but as the member well knows, that couple are going to see the sibling of their own child in another family. So I have a concern that we are putting the responsibility on the donating parent of the embryo. I think that it should be that all people and licence holders involved in this whole IVF process advise their patients of all of the options. But the onus is on the parents of the embryo. As I see it, under the legislation their consent is not given if they have not advised in writing. That creates a concern for me.

Miss SIMPSON: I am happy to address that issue and to clarify it. The onus is on the licensee, not the donating couple, in regard to the written information being provided. The onus is already on the licensee under their licence to pursue informed or proper consent. This amendment seeks to make the licensee, that is the fertility clinic, part of that informed consent, in order to make sure that they also provide information in regard to the donation of embryos to another couple. In other words, it is not the onus being on the couple; the onus is on the licensee to provide that information. The onus is already on the licensee to ensure that they gain proper consent. This amendment makes the licensee, as part of that consent process, also include information in regard to the donation of an embryo.

Mr WILSON: I wish to indicate that as a consequence of the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 having been carried in the vote on the second reading, I propose to vote in the committee stage in support of all clauses. I do not wish this approach to in any way undermine the position that I have taken in the second reading debate. I have chosen to vote this way in the committee stage in the recognition that the bill had the majority support in the House and that it is important that the legislation, actually carried by the House, should follow the national template to ensure a nationally consistent scheme without variation.

Mr LEE: I rise to put on record my support for this amendment. A great deal of the debate during the second reading debate of this bill surrounded the argument that these so-called surplus ART embryos would die anyway and therefore we should strip them for spare parts. I think that this provides us with an opportunity to give greater legislative weight to a situation where the licensee should be obliged to inform participants in IVF when they exit the process that there is an opportunity to have any of their unwanted embryos adopted by a family which perhaps is similarly afflicted with the pain of infertility. I think it is an entirely appropriate amendment and I will strongly support it.

Mr CUMMINS: I, too, share the position outlined by the member for Ferny Grove with regards to the clauses. I also give support for the amendment moved by the member for Maroochydore. I feel that I should support it, because records should be kept. The Premier said that it could be more painful to go back a second time, or something similar. I do feel that people, if they are given the choice, may not wish to know straight away, but the adoption process that we have had for decades with children has raised various issues where both parents have adopted children out and children who have been adopted want to find, for various reasons—family reasons or often genetic reasons—their natural parents.

We should be trying to address this issue now, because similar things could happen with the IVF process down the track. While we may not wish the pain of knowing if the donated embryos are experimented on in the short term, in years to come we may wish to know whether they have been donated to infertile couples or whether in fact they have died. The people involved in the process should be taking a very compassionate view, and I do know that they are very compassionate people. They work in a marvellous industry, the IVF industry, giving people the ability of life and allowing couples to share the ability of procreation and life of children. In years to come the point that the Premier made is valid, but the pain could be far greater in years to come where people never know what actually happened. I support the member for Maroochydore's amendment.

Mrs LIZ CUNNINGHAM: With respect, if the minister is intending to respond to the previous speaker, it may be timely to do that now before I speak.

Mrs EDMOND: The government opposes this amendment on the basis that the Premier outlined before. We believe the issue of informed consent is well and truly covered in both the legislation and the guidelines being given. Of course, in terms of the guidelines to be given, the intention is that they will be prescribed under the legislation which would mean that they would have carriage over any Queensland legislation in place. The guidelines actually spend a lot of time detailing the conditions and what should happen in the informed consent process. As a government we of course do insist on and support informed consent.

The member for Caloundra is absolutely right: this already happens. It is in the existing guidelines for participants in reproductive procedures. It is expanded in the draft guidelines that are out for circulation at the moment, and I would encourage members that if they think they have something to add to those guidelines they should take the opportunity to respond. They go through all of the areas that should be covered, including—and I am actually pleased about this—the relevant success and failure of IVF, something that I sometimes think is not spelled out well enough in debates on these issues. They talk about informing people about the significant risks involved in the process and the likelihood and significance of potential short-term physical and psychosocial complications. They say that at the start of treatment—not at the end of treatment—information should be provided on options for storage and later use and disposal of cryo-stored gametes and embryos.

The guidelines say that informed consent should be obtained from all participants and their spouses or partners before participating in any reproductive procedures. They say that consent should be given in writing following the provision of information, adequate time for consideration, a cooling-off period and adequate opportunities for personal preparation. They also talk about the need for counselling, which I think is extremely important so we do not leave vulnerable people to make these decisions on their own without the ability to get counselling. They talk about the appropriate arrangements for storage and time lines for storage of the gametes and the donation of their gametes for the treatment of others. They talk about the separate consent forms that may be needed for different partners and donors in the process. They also say that written consent forms should include a statement that the participant consents to the proposed procedures but also that they have received and understood the information. They really spell out in enormous

detail what they have to do—it is hard to believe that anything more could be done—and a statement that counselling has been offered.

They give full details of the agreed arrangements for any treatment involving donated gametes or embryos. Again, as the Premier said, with the exception of some specific issues relating to the donation of gametes and embryos, consent can be withdrawn at any time. The chapter dealing with donations of embryos actually spells out why that might be the case. There might be some times when one cannot withdraw that consent. It says that at any time before transfer of a donated embryo into a recipient woman's uterus the donors may vary or withdraw their consent to the embryo donation. That is for the simple reason that we do not want them withdrawing that permission after a woman has become well and truly established as pregnant as a result of that. The guidelines also stipulate that people who have completed their own treatment should be given information about the options of donating their embryos to other people or allowing them to be used for research. They spell it out very clearly. That is why we do not believe that this amendment adds anything to the legislation.

Mrs LIZ CUNNINGHAM: I rise to support this amendment and possibly even more so because of the information that has just been passed on. My initial comment was that it is appropriate for the licence holder to be given the responsibility to obtain consent from the donor couple just prior to the use of that embryo for alternative purposes.

In answering my question about clause 24 the Minister for Innovation and Information Economy said—I may have misinterpreted him—that there was not necessarily an active policing, if you like, of the use of embryos. An audit process is followed and officers are appointed under this act to audit and to follow through on the use of the embryos.

The clauses that relate to offence provisions in this act—whilst they are in place, I do not know how effective they will be because we have not started this process—leave me with some concern because of the statements that have been made over a decade not by people who are interested in embryo technology stem cell research for clinical reasons—that is, to have paraplegics up and walking or to have people with degenerative diseases cured—but by people who clearly have in their minds an extension of embryo stem cell technology for the purposes of testing toxins and pharmaceutical goods. It will be even more important to watch the actions of those people because this new legal ability to use embryos for research purposes will be introduced.

In responding to the member for Kawana the minister said that part of the reason the government will not support this is that at the start of IVF treatment all parties are given counselling, are assessed and have to give their consent for the process they are about to embark on. That is entirely appropriate and necessary. However, any of us here who have been through even a normal pregnancy and childbirth—I am not meaning to cut the blokes out because they are involved in different ways as fathers—know how much we change during the process of pregnancy. The reality of that child changes. It moves from the relationship of love and affection that you have with your partner to the reality of a child that you are carrying.

I would believe that the attitude of participants in IVF treatment not only may change but does change. Particularly if miscarriages are suffered in the IVF process—it often happens—the reality of that child is reinforced. On that basis, opinions should be sought not only at the start of treatment but also at the conclusion of treatment, when the decision has been made by a couple not to proceed any more. Many do, because it is a dehumanising process. It is very clinical, and it has to be because of the medical procedures. But the couple will change and they should be given an opportunity, as this amendment offers, to re-examine what they want done with those potential young men and women. I believe this is necessary. Whilst I know that the mover's intention may not be to divide on this amendment, it is mine.

Miss SIMPSON: From listening to the Minister for Health, one would think some of these consent provisions are already in current guidelines. They are not in regard to the issue specifically of donation, that is, as far as making sure the licensee must provide information about donor adoption. Let us try to look at this issue and understand. There are a range of things that consent—

Mr Lucas: It is in clause 11.2.

Miss SIMPSON: The new guidelines are different from the current guidelines, but the new guidelines have not been adopted yet. They are not yet law. The current ethical guidelines on assisted reproductive technology cover informed consent in a range of areas, such as advising

people as to the effect of treatment on their bodies and what may occur with the child. But they do not specifically address the issue of ensuring that informed consent also involves the couple having to be advised that there are a range of options for the use of the excess embryos, one of which is being a donor to an infertile couple. We have to be clear about that. The current guidelines do not specifically ensure that the licensee must provide information about that being an option.

If the couple were to proceed with donor adoption then they would have to give consent. This is where I think a bit of confusion enters into the debate. But there is not the requirement upon the fertility clinic to advise couples that adoption of the excess embryo is an option.

Mrs Edmond: That is not true.

Miss SIMPSON: The new guidelines specifically address this issue. Much has been made in this debate of people making a choice and that being it. I think the member for Gladstone well addressed this issue. I have a concern arising from the address of the minister that somebody may not have the same range of choices about withdrawing or revoking consent. We need to be clear about people being able to revoke or change the level of their consent because people's choices do change. The Premier did say, 'People don't want to go through this process again.' As I have already mentioned in the debate, some of the associations for reproductive medicine have found that people's choices can significantly change. This is about allowing people to have access to that information and recognising that there are alternatives other than the destructive use of embryos in research.

Mrs SHELDON: The minister gave some information about guidelines and I spoke to the member for Gladstone a moment ago. Could the minister clarify when consent is given? If a couple goes through the IVF situation, there are excess embryos and they have decided that they do not want the use of these embryos, the question then arises: what will happen to those embryos?

Mr Lucas: At the beginning and at the end.

Mrs SHELDON: That is what I wanted clarified.

Mr Lucas: At the beginning, clause 6.2, and at the end, clause 11.2.

Mr CHOI: I would like to echo the comments made by the members for Ferny Grove and Stafford. I, too, have a very strong opinion and doubt about this bill. However, at the committee stage I take the view that this bill has passed the second reading stage with the majority support of honourable members of this House. Therefore, I will not be voting against any of the clauses because to do so means I have to vote against almost 80 per cent of the clauses in this bill. This is not to be taken in any way as a diminution of my objection to this bill.

Mr LUCAS: I will respond to a number of things. The member for Gladstone indicated that there may be a situation whereby initially someone undertakes the IVF program and they have a change of attitudes, maybe as a result of experiences in pregnancy. I can understand that that may indeed be the case. That is why the guidelines specifically allow for that fact. Clause 6.2 of the draft guidelines state—

All potential participants should be provided with adequate information about the proposed procedures …

Clause 6.3 states—

… information should be provided on options for storage and later use and disposal …

So that is at the beginning. Then we go to the end. Clause 11.2 states—

People who have completed their own treatment should be given information about the options of donating their embryos to other people or allowing them to be used for research.

Miss Simpson: That is in new guidelines, though.

Mr LUCAS: Yes. The member should just bear with me. They are the ones that are going to be the l-a-w, law. Then when we look at the situation of people changing their mind, clause 6.19 states—

With the exception of some specific issues relating to the donation of gametes and embryos, consent can be withdrawn at any time.

Once it is implanted, of course, you cannot change your mind. So that is before, during and after. The next thing I wanted to canvass—

Mrs Sheldon: And they will be advised of that?

Mr LUCAS: Yes. For example, clause 11.2 states—

People who have completed their own treatment should be given information about the options of donating their embryos to other people—

Mrs Sheldon: 'Should.'

Mrs Edmond: If they don't comply, they don't get a licence. That is the issue. They have to comply with the regulations or they don't get a licence.

Mr LUCAS: That is the situation as it is. I respectfully disagree with the member for Maroochydore. Clause 3.2.5 of the current guidelines states—

The gamete provider, and any spouse or partner of that person, must give consent to the keeping or use of any gametes, and if the intention is to create an embryo or embryos outside the body, the consent must specify the purpose or purposes for which that embryo or embryos may be used, namely

to provide treatment for the provider or the provider and a named partner;

to provide treatment for others;

So it is not correct to say that that is not there at present.

Miss Simpson: It doesn't actually say specifically 'donation of embryos to somebody else'. So that is the matter of clarity I was talking about.

Mr LUCAS: I accept the legitimacy of the point the member is making. The new guidelines clearly cover it. The current ones refer to providing treatment for others. 'Treatment' is the method they use for describing IVF. With respect, I think it does cover it, but insofar as the member says that it is much more clear now, it clearly is—and it ought be clearer.

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

Mr LUCAS, continuing: I understand members have a few more questions. I might sit down and let those questions be put, and then I will deal with the bills in a little more detail.

Mr CUMMINS: I would like to thank the minister for clarifying during the lunch break a lot of issues which I had in relation to this legislation. My mind has been put at ease on a lot of issues. I would like to place on record one point that I believe will come up at a future date, and that is adoption processes. We now know that if a child is adopted out in 18 years time, the Families Department has the ability to access the records. I think adopted children born from this embryo process will not have this right in the future. I think genetically and morally there will be a lot of issues raised in the coming years. This is probably not something to be addressed here and now, but it is something that we will have to look at. I commend and thank the ministers for their assistance in this process.

Mr SHINE: With the leave of the committee—and I have discussed this with the minister—I ask that some words be inserted in clause 32. The meaning of the words—

The CHAIRMAN: I cannot allow that. The committee has already adopted clause 32.

Mr SHINE: That is true. It may well be that the minister might have an opportunity later on to address my queries, as I have asked him to do.

Mr LUCAS: I will just go through a couple of issues again. I would ask those members who have the current draft guidelines in front of them to turn them up because I will spend a little time going through them. The amendment moved by the member for Maroochydore, as I read it, seeks to operate that at the time a person provides consent for use of an excess ART embryo, whether that be excess use for extraction of stem cell or indeed any other purpose, they must be given notice in writing about the possibility of it being used for the implantation and creation of a child, which is a very admirable use, in my opinion.

With due respect to the member, the draft guidelines are substantially more detailed than what she is proposing. I will go into it in a little bit more detail for the benefit of the chamber. The position we have before consent is given is found in clauses 6.2 and onwards. I will read the main point of clause 6.2—

All potential participants should be provided with adequate information about the proposed procedures, including an accurate account of the relevant success and failure rates ... an accurate account of any significant risks involved in the proposed procedures ... the likelihood and significance of potential short-term physical and psychosocial complications, including any risk of an adverse outcome for the participant and any person concerned ...

Clause 6.3 states—

At the start of treatment, information should be provided on options for storage and later use and disposal of cryostored gametes and embryos ...

So that is at the beginning. I did not read this before lunch, but I think members would be interested in it. I know the member for Indooroopilly and the member for Maroochydore were quite clear on their desire in this area. Clause 6.5 states—

All information should initially be provided verbally and supported by written information in plain language.

It goes on to say in 6.6—

The information should be given with sensitivity to cultural diversity and accessibility to those with low literacy, or disability, and/or whose first language is not English. It should also be given in a way that avoids any coercion, inducement, or influence that would impair the voluntary nature of the consent process (for example, the use of emotive imagery and language, particularly images of babies and young children).

So it is quite clear on how the information should be given. Indeed, if we go to section 17.3 and look at what rules a human research ethics committee should apply before allowing embryos to be used for the extraction of stem cells, it says—

If there are any doubts about the origin of a human embryonal stem cell line—

and the member for Gladstone asked me about this earlier in the debate, raising the issue of people's negligence in looking after it—

about the information provided to the persons who were responsible for the embryo and consented to its use in research or about the consent given, or if any other requirements of these guidelines cannot be satisfied, then the research should not be approved.

That is an extra layer. All the proof has to be there and, if there are any doubts, the ethics committee cannot approve it. That is the beginning.

If members change their minds, clause 6.19 deals with that situation. That is—

With the exception of some specific issues relating to the donation of gametes and embryos, consent can be withdrawn at any time.

At the end, clause 11.2 says—

People who have completed their own treatment should be given information about the options of donating their embryos to other people or allowing them to be used for research.

So that is what is proposed to be laid before the Commonwealth parliament, and that is subject to disallowance. I was told originally that it was not going to be a regulation, but the amendments to the Commonwealth parliament then made it to be a Commonwealth regulation subject to the date and disallowance in the Commonwealth parliament. So that is a fairly high degree of certainty, and it has the force of Commonwealth law.

The amendment moved by the member for Maroochydore is extremely well intentioned, but to the extent that it is not on all fours with the federal legislation it will be overridden by it. I do not think it is helpful to be creating legislation which, first of all, I do not think is as strong but which, secondly, will be overridden by the federal legislation.

The member for Kawana raised the issue of the counselling that is available to people. I will answer him in these terms. Section 10.3 says—

Voluntary exchange of information between gamete donors, gamete recipients and any persons conceived using donated gametes, with the consent of all parties, is desirable ... Access to further information may occur only with the consent of all parties involved or in accordance with the law.

Clearly there will be issues down the track involving children which the law will have to regulate. Clause 10.8 states—

Prospective recipients of donated gametes should be advised that any persons born from the program are entitled to know their genetic parents and siblings and that they should therefore tell their children about their origins.

So there is very detailed material in clause 10 about the nature of donated gametes and the detailed procedures that one needs to follow through.

Finally, in relation to records, it is important that records be kept. Clause 7.3 deals with detailed clinical and laboratory records. Clause 7.4 enables staff in the clinic to trace what happens to an individual embryo, egg or sperm. Again, records must be kept of this. If there are any doubts over ethics, we can then go to the other provision which says that it cannot be used. So that folds in with that.

Clause 7.8 states—

All records should be maintained indefinitely and in accordance with the requirements for retention of obstetric records in each jurisdiction.

Clause 7.9 states—

...information about...reproductive procedure involving...use of donated gametes...should be stored in a way that is secure but accessible to...participants and persons...

So, there are very stringent records there. Further, there are significant inspector powers in part 4 of our bill, including clause 44. There are quite detailed provisions in the act that give the inspector those powers to enforce such issues. In conclusion, there are very detailed provisions here. I take on board the sentiments expressed by members. I thank those members who indicated that they have a view on these clauses but who do not want to go into each individual clause. Their point of view is taken, understood and noted by the Committee. I thank those members who contributed to the debate on this clause. But can I quite genuinely assure them that the provisions are more stringent than the provision sought to be included by the member for Maroochydore.

Mrs LIZ CUNNINGHAM: I thank Minister Lucas for the copy of the draft public consultation paper on the ethical guidelines. That document clarifies that the issue of consent and use of embryos does not occur, as I understood, only at the beginning of the IVF process but also at the conclusion of the process where the couple have decided not to proceed any further. It is discussed and their consent has to be regained regarding the future use of embryos. I thank the minister for that. I said that I was going to seek a division, but on the basis of the information provided I will not.

Amendment negatived.

Clause 33—

Mr SHINE (2.42 p.m.): I have a question in relation to clause 33(3) where it refers to additional conditions. Could the minister give some examples of what he envisages those conditions might be?

Mr LUCAS: According to the information I have been provided with, clause 33 provides powers on the NHMRC licensing committee to vary a licence. There are two possible circumstances in which it may need to be varied: on request from the licence holder—for example, if the licence holder wishes to change administrative details on the licence such as contact or more significant details such as the duration of the licence; and, secondly, when the NHMRC licensing committee considers it necessary or desirable to vary a condition of licence—for example, they may wish to add conditions, change the wording of existing conditions or delete existing conditions of a licence. Maybe contemporary practice has indicated that matters ought be varied in relation to research practices. It just gives them the power to do that. I indicate that prior to granting the licence there is a requirement for a health ethics committee to provide the information. That is actually in the bill in clause 29(3)(c). In this respect, an ethics committee often has ministers or men or women of religion involved in them. It needs to go through that process as well. Subparagraph (4) provides—

In deciding whether to issue the licence—

and I imagine this would be the same with variation—

...the likelihood of significant advance in knowledge or improvement in technologies for treatment as a result of the use of excess...embryos...restricting the number of excess... embryos to that likely to be necessary to achieve the goals.

That is in clause 29.

Clause 33, as read, agreed to.

Clauses 34 to 37, as read, agreed to.

Clause 38—

Mrs LIZ CUNNINGHAM: (2.45 p.m.): At the risk of probably annoying some members, I wanted to raise an issue that stems from my fundamental scepticism about some of the motives of people involved in this stem cell research, particularly those on the profit making end. There is also my belief, sadly, that history will show that, in spite of the most carefully drawn provisions to protect the wrong use of embryonic stem cells, people and embryos have been dealt with in an inappropriate, and indeed illegal, manner. I am firmly of that view. I am opposed completely to what is in this bill and echo the sentiments of many who have already spoken here and who said that ideally we would have opposed every clause in this legislation. It would have been almost rhetorical, but that is the strength of my opposition to the intent of this human embryo experimentation. However, clause 38 relates to confidential commercial information. I ask this

question not because it is the Labor Party that is in government, because I think it probably will occur—

Mr Lucas: We are not federally.

Mrs LIZ CUNNINGHAM: Actually that is a good response, because there is federal conservative government and a Labor government in this state. Governments are wont, irrespective of their philosophy, at times to remove accountability by the use of commercial-in-confidence. They are able to remove scrutiny by the community and indeed by some legally constituted bodies given the task to oversee government in terms of its accountability, transparency and the use of its resources and powers. This bill implements a commercial confidentiality clause. I am concerned at the possibility of that commercial-in-confidence being used to mask not inappropriate use, because I know the minister's response will be 'but they will have breached the legislation', but marginal uses. I am prompted by the comments from the member for Logan whose contribution last night I valued greatly. People in this new area of research are wont to push the boundaries. At times they do it knowingly and in some instances they do it unknowingly. I wanted the minister's comments on the probability or the possibility of that commercial-in-confidence being used to mask marginal uses of embryos, given that in the definitions commercial confidential information means information that has a commercial or other value that would be or could reasonably be expected to be destroyed or diminished if the information were disclosed.

I hope I am not making too big a jump. We have some fundamental ethical issues that should override every other contingency in the application of the safeguards in this legislation. Will commercial-in-confidence be able to be used to mask/avoid appropriate scrutiny from either the public or other appropriate entities and allow researchers/experimenters to undertake activities that are not the intent of this legislation?

Mr SHINE: I would like to support the concerns raised by the member for Gladstone. Could this provision prevent whistleblowers from bringing to light any misuse of the process?

Mr LUCAS: I certainly would hope it would not be. I think we need to read it in the context of the rest of the bill. Clause 37 states that the licensing committee must—

maintain a database containing the following information in relation to each licence …

(a) the name of the person …

(b) a short statement about the nature of the uses of excess ART embryos …

(c) any conditions …

(d) the number of excess ART embryos …

(e) the date on which the licence was issued …

(f) the period throughout which the licence is to remain in force.

(2) The database is to be made publicly available.

There will be no secrets about who is using excess ART embryos or how many they are using. That will be publicly available. It continues—

(4) Information mentioned in subsection (1) must not be such as to disclose confidential information.

It is publicly available, but it will not contain commercial-in-confidence information. It states very clearly what it will have. The database must be kept and be made publicly available in electronic form.

That is not to say that sensitive commercial information will not be available. This is about the publication of it as distinct from the use of it by inspectors. I indicated earlier what the inspectors' powers were. Those powers are unabated. Clearly, in any research there are certain aspects that are commercial-in-confidence. Anyone who knows anything about universities knows that sometimes lecturers have conducted a public seminar about work they are doing and have blown their rights to intellectual property protection because they have published it in the public domain and cannot claim protection for their great innovation or drug. People sometimes say, 'That is probably not too bad, because that is in the public domain.' But sometimes to develop a drug one needs have some sort of exclusivity to it, because it is so expense to develop it that no-one would be able to develop it on the basis that they did not have it.

What I am saying is that there are reasons to have confidentiality. I would be outraged if that were used as a means of avoiding proper accountability. I do not think that will be the case. I certainly would have no truck with that being the case. But confidential commercial information will be available. Clause 38 does not stop the disclosure being made for the purposes of the act to a

state agency, the Commonwealth or a Commonwealth authority or with the consent of each person. There are a number of exceptions to it. As I indicated, there will be publicly available information as well.

Clause 38, as read, agreed to.

Clauses 39 to 49, as read, agreed to.

Insertion of new clause 49A—

Miss SIMPSON (2.53 p.m.): I move amendment No. 2—

2 Insertion of new pt 5, div 1A

At page 25, after line 3—

insert—

'Division 1A—Matters of conscience

'49A Person may refuse to participate in research etc. involving human embryos on conscientious grounds

'(1) A person must not cause a detriment to another person merely because the other person refuses, on conscientious grounds, to participate in any way in research involving the use of a human embryo.

Maximum penalty—45 penalty units or 3 months imprisonment.

'(2) A person must not cause a detriment to another person merely because the other person refuses, on conscientious grounds, to dispense, prescribe or sell, or take part in dispensing or selling, a product that the person reasonably believes has, or may have, been developed as a result of research involving the use of a human embryo.

Maximum penalty—45 penalty units or 3 months imprisonment.

'(3) A professional is not guilty of unprofessional conduct merely because the professional—

(a) refuses, on conscientious grounds, to participate in any way in research involving the use of a human embryo; or

(b) refuses, on conscientious grounds, to dispense, prescribe or sell, or take part in dispensing or selling, a product that the person reasonably believes has, or may have, been developed as a result of research involving the use of a human embryo.

'(4) In this section—

"as a result" includes from.

"cause a detriment", to a person, includes—

(a) dismissing the person from the person's employment; and

(b) cancelling the enrolment of a person who is a student.

"developed" means developed in whole or part.

"product" includes a pharmaceutical product and a cosmetic.

"refuses" includes fails.

"research" includes testing.'.

This parliament has had the opportunity for a conscience vote on the issues of embryonic stem cell research. However, the issue as to whether scientists have the opportunity for exercising their conscience in the areas where they undertake research is an extremely moot point. I have heard government ministers claim they have protection. However, this bill does not provide an express protection. There are a lot of question marks as to the extent of the protection provided to scientists and other workers who might potentially find an issue of conscience arising if they are asked to be involved in this type of research, which may be contrary to their ethical beliefs. The NHMRC Ethical Guidelines on Assisted Reproductive Technology state under 'conscientious objection'—

Those staff who conscientiously object to research projects or therapeutic programs conducted by institutions that employ them should not be obliged to participate in those projects or programs to which they object and they should not be put at a disadvantage because of their objection.

So it is agreed to in principle through those guidelines. While the legislation before the House is seeking to give more standing in law to the NHMRC ethical guidelines in a number of areas, it does not clearly state what the protection is in regard to scientists and what punitive action will come to bear against those who seek to discriminate against them. This is the issue. We have a number of punitive provisions in the act dealing with specific offences such as somebody who is seeking to use an embryo in a particular way and other ethical issues outlined in the guidelines. But the mechanism for how we ensure someone is not discriminated against in the workplace is not so clear-cut. There is a question mark as to whether it is in fact appropriate if the main mechanism is to say, 'This issue comes up for review through the licensing mechanism.' While

there are obviously issues that can be and should be dealt with through the licensing mechanism as far as withdrawal of a licence, restrictions upon a licence or the refusal of a licence, the shades of appropriate action and the flexibility to apply that action in a timely way would raise a concern as to whether it is sufficient to rely on the mechanisms that have been stated today by the ministers. This is why it is obvious that there needs to be a more express provision given in legislation for protection of those who in all good conscience cannot support embryonic stem cell research or have ethical issues with that.

We know that there are some very strong proponents on either side of this debate. We as parliamentarians have had the opportunity, and will probably do so again in a few minutes, to exercise our conscience as to which provisions of these bills we can or cannot support. Why can't the scientists operating in this fascinating field of new breakthroughs also similarly be able to exercise their conscience? It would be wrong if we in any way sought to underestimate the concerns there are with scientists, who have very different ethical backgrounds and belief sets. I believe that if we are going to have the opportunity as a parliament to exercise our conscience on this issue we should also expressly afford that opportunity to the scientists.

Let us be clear about this: we are talking about research. This amendment has been very narrowly focused to emphasise that it is research that we are talking about. I would urge the parliament to support this amendment. We need to ensure that the stated guidelines of the NHMRC have a range of provisions in Queensland acts to ensure that there is not discrimination in the work force.

Earlier the Premier tried to argue that this was not done federally and therefore this is not something we can do here. That is incorrect, because this is not incompatible with the federal law. I think it is beholden on us to ensure those in a range of research areas have the opportunity to exercise their conscience and that the parliament is not seen to be taking that right away from them.

Ms BARRY: Could I just interrupt this stage of the debate, having supported the bill in the second reading stage and, in doing so, endorsed the Premier's comments on both bills? I am concerned about the nuts and bolts of this amendment. It is really important that legislation is considered and consistent. I have a number of questions for the member for Maroochydore. I am particularly concerned about the broad implications of the amendment in its application. I will confess to being a little confused—and I do not wish to have the chamber think that I am easily confused. My background before coming to this place was that I was the Queensland Nurses Union's professional officer for six years—

An honourable member: And very professional you were, too.

Ms BARRY: I thank the member. The job of a professional officer is to assist nurses in defending and progressing matters of misconduct in front of the Queensland Nursing Council and to assist them during the various court proceedings and other matters in which their conduct is under question. So when I read this amendment I thought to myself, 'There is a capacity in my view for this amendment to impact negatively on health practitioner boards' conduct and investigation into unprofessional conduct and misconduct by persons under their jurisdiction.' The member for Maroochydore wavered between scientists and other workers. So one can only assume that 'other workers' will include a range of health professionals and, most certainly, a range of health professionals are those other workers who are indeed involved in activities or research involving the use of human embryos.

I believe that the presence of this clause could potentially deny health practitioner boards fulsomely investigating or making findings against a health professional whose conduct may indeed be unprofessional or amount to misconduct, because that person may be able to claim immunity under the conscientious objection provision. I ask the member for Maroochydore whether she has consulted the relevant health practitioner boards in relation to the broader implications of this clause in the first instance.

I also have an issue with the comparison of the conscience vote in the House and conscientious objection for a health professional. Quite frankly, they are two different things. I am interested in the member for Maroochydore's understanding of conscientious objection and how it would apply in these circumstances.

In terms of inconsistency, I am just a little bit confused. Clause 49A refers to research, but the explanatory notes state—

This amendment provides protection from discrimination for workers who may refuse to participate in research and other activities involving the use of a human embryo on conscientious grounds.

I would like to ask the member for Maroochydore why the 'other activities' outlined in the explanatory notes are not dealt with in the clause, because it bothers me that there is inconsistency with respect to what 'other activities' means. I put those questions to the member for Maroochydore and I hope that she can answer them.

The CHAIRMAN: This is again something unusual, but I am quite happy to allow it. It is quite unusual to have members asking a non-minister questions. But I allowed it this morning for the member for Caloundra; I will allow it again. If the member wishes to answer it, I am happy for her to do so.

Miss SIMPSON: I am happy to do so. First of all, I will start with the final point that the member made, which related to the explanatory notes. I am quite happy to provide clarification. That is a drafting error. That was supposed to be omitted after an earlier draft, because the original amendment had some other provisions in regard to what could constitute conscientious objection. So the other section should not be in the explanatory notes. I thank the member for drawing attention to that. It is what the member sees within the amendment that is obviously the substantive issue. As we know, explanatory notes are explanatory notes, but the substantive issue is the amendment that is before the chamber.

I want to address the NHMRC guidelines, which I think explain the issue of why it is important that the workers—and I am talking about workers who are involved in research who may be from a range of professional backgrounds, whether they be nurses or doctors, but workers involved in research—have some protection. The NHMRC guidelines look at this issue about the need to provide protection for workers who have conscientious objections to certain types of research. So the principle itself cannot be disputed.

By bringing before the parliament this amendment, we are asking how we ensure that the principle is upheld in law. That should not be inconsistent with the dealings of professional boards when they are considering issues of misconduct. In fact, I would think that a provision such as this one in the bill would give instruction as to the intention of the parliament to ensure that we are clear that those who have conscientious objections with this type of research have the opportunity not to be discriminated against in the work force.

The reason why it has come forward in an amendment such as this one is that there is a need for this issue to be addressed and not allowed simply to be attached to a licensing regime. We must ensure first and foremost in this amendment that we are considering the interests of researchers, of people who are involved in work associated with research, and that they do not find themselves put in an ethical bind and in a position where they do not have the weight of some protection of law to exercise their conscience on such critical issues. I believe that answers the questions that were asked.

The CHAIRMAN: Just to clarify for the chamber, is the member for Maroochydore saying quite clearly that the explanatory notes tabled with the first amendment with regard to clause 49A are not correct and should have been interpreted in the way in which she indicated when she gave that answer? Is that what the member is saying?

Miss SIMPSON: The only drafting error in the explanatory notes is where the member for Aspley mentioned 'other activities'. 'Other activities' should not be in that amendment. The amendment should reflect the stated clause that has actually been circulated and tabled in the House as the amendment.

Ms BARRY: In response to the member for Maroochydore, what I understood the member to say was that this amendment would provide instruction potentially for health practitioner boards and therein lies my great fear. Indeed, the instruction that may very well be given to such health practitioner boards is that immunity must be given as a consequence of this particular clause. The whole issue of misconduct is quite complex. Indeed, the whole issue of conscientious objection in a health professional is quite complex. People simply cannot conscientiously object when they are in the middle of providing emergency care for a leukaemia patient—whose life might hang in the balance—because they suddenly feel that they might in some way be dealing with a product of human embryo research.

The bill that we are talking about has the potential for a whole range of things to happen over the next three years. Conscientious objection has to be applied and people have to be answerable when they conscientiously object. After listening to the member's answer with respect

to the guidance and instruction that this clause would give a health practitioners board, I am even more fearful than I was.

The other thing that bothers me is the notion that the National Health and Medical Research Council guidelines are for the protection of workers. That is quite correct, but health practitioner boards are there to protect the public. It bothers me that they would be hampered by the presence of this clause. I think the answer that the member gave me was that, no, she had not consulted with those health practitioner boards. On that basis, I would suggest that honourable members should reject the amendment.

Mr LEE: I say at the outset that I actually support the arguments put forward in favour of this amendment. I have a great deal of sympathy for the member for Maroochydore because of the difficulty in getting an amendment drafted in the short time frame we have had within which to view the current bill. We have to consider that the debate we are having in the House this week is of an incredibly complex and quite technical nature. The fact that so many members have asked so many questions of the ministers clearly indicates exactly how complex the debate is. When we consider that and the fact that most members would have probably seen the actual bill that we are debating in the House today for the first time a little over a fortnight ago, it is entirely understandable that there would be drafting errors in proposed amendments.

It is important to provide some legislative backing to persons who wish to conscientiously object to participating in either research or study or various things that involve the destructive research upon human embryos. I want to talk about the difficulties that a number of students have had with the University of Queensland when they sought to conscientiously object. I understand that veterinary science students had some difficulties in conscientiously objecting to dissecting animals as part of their course. Their belief was that they should not be obliged to unnecessarily kill an animal in order to study it. They had some real difficulties in working through that issue with the university. These days there is a great capacity for educational institutions, particularly world-leading universities like UQ, to provide computer models and actual physical models for students such as those. In light of that, it ought to bring home to this House the difficulties people will have when they seek to conscientiously object.

The difficulty a person has immediately when they are the person who seeks to conscientiously object and they seek to object to something on the basis of their conscience not allowing them to participate in it is the fact that being put in the position where they feel they need to do that almost necessarily implies that the majority of people feel that their conscience is wrong. I think that that is an important point we ought to consider. It is not for anyone in this House and it is not for anyone in the community to suggest to an individual—whether they are a doctor, a student, a nurse, a pharmacist or a private citizen—that their conscience is wrong and that they should be forced to participate in something that they do not want to.

It is also worth noting that people have suggested that there has been a full and quite comprehensive debate about all issues associated with this bill in the federal parliament. A number—probably a dozen or more—of speakers who spoke in the debate last night and the Premier again today suggested that there was a full and comprehensive debate in the federal parliament about all issues associated with this bill, yet what I find absolutely fascinating is that we can stand here today and an issue can be raised that we can start to debate and no-one is referring us to the federal *Hansard* from either the Senate or the House of Representatives and no-one is saying that it was comprehensively canvassed in the community and that people were given an opportunity to put a view. It is for these reasons that I will support this amendment.

Mrs LIZ CUNNINGHAM: I also rise to support the amendment and again express a growing concern about the impact and import of this legislation when it actually is put into place. When I read the amendment and the explanatory notes, albeit briefly, it appeared clear to me in terms of people in the field of research involving human embryos. The member for Aspley raised the issue of—and I assume this is what she means—somebody who in a continuum of their professional life is challenged about unprofessional conduct or misconduct claims immunity from examination by a tribunal on the basis that they are conscientious objectors. My experience—and I have to say that it is not very great at all—is that a person who strongly holds a view in the area of human embryos that this is particularly destructive research on embryos would state their opposition at the start. They would not begin the process and then suddenly go, 'Whoops, I don't like this. I want to claim conscientious objection status and step back from the process.' This gives people who have a fundamental opposition to the handling as a commodity of young human life the opportunity without fear of repercussion, whether that is professional repercussion or intellectual

repercussion—that is, expelling or demotion in an institution of study—to say that they refuse to be involved, and they deserve that immunity. I would be surprised if there were not ways of showing a person's lack of sincerity if part way through the process they claimed conscientious objection, unless of course they could show that they were unaware that the material with which they were engaged was human.

My other reason for supporting this amendment is that throughout this debate there has been significant mention made to the fact that some 77,000 human embryos are about to reach the time when they must be lost—must be killed. The guidelines talk about people who are given the opportunity because they have decided not to proceed with the IVF program. The guidelines state that the person for whom the embryo is stored must not be approached to consider allowing their embryo to be used for research or other activities until after the embryo has been stored for at least one year. So we are talking about embryos that are quite young in terms of their storage and possible future use. They are not all embryos that have been in storage for 10 years that are almost to the point where they must be defrosted and disposed of. There are some young and very viable embryos with the potential for future life and human experience that will be subject to this research and testing. It is not just those that are about to expire.

For people working in the area, it is a significant consideration for them to make—that is, they are not just working on almost expired embryos because they are going to be flushed anyway but on embryos that have at least nine more years of viability to reach their human potential but are instead used for research. These workers need this protection. I do believe that it is aimed predominantly at the research side of things. I also believe that those who have conscientious grounds for objection would do so at the beginning of the process, not in the middle or at the end of it.

Mrs EDMOND: May I address the member for Gladstone first, because she is very confused about the process. It is not a case of a whole store of embryos with a best used before such and such a date on the bottom standing in the fridge and getting to their expiry date. Rather, it is a case of when people sign up for an IVF or ART program they indicate what is to happen to their embryos. They might say, 'I have no children. I would like to have three children and at the end of that time if it's successful or not I want this to happen to my embryos.' In Victoria the time line for which they are stored before disposal is five years. I am not sure if other states have 10 years, but I know some countries store them for five, 10 or two years depending on the number of people involved.

People come to the end of a time line for a number of reasons. One is that the family belonging to those embryos decide they have enough children from the program, whether that be one, two, 10 or whatever. Some people make a decision that because they have had quite a number of unsuccessful attempts—these are quite traumatic episodes in particularly the woman's life—or even one treatment, they will never go through that again. People may reach a time when they decide for one reason or another to opt out of the program, and at that point they make a decision.

So it is not a case of having lots that will 'run out'. As long as they are frozen, I guess theoretically in 100 years time you could thaw one out and process it. But that would mean that someone might have their great-great-grandmother setting next to them at school. It is science fiction stuff and no-one has suggested that. That is why time lines are put in place—not because of an expiry date but because these are realistic family type guidelines for the practical and, I guess, socially conscious way of using these embryos.

The government will not be supporting the amendment. We believe the issue is covered in the guidelines under section 13.17. However, having listened to the arguments we have indicated that we will be making a submission to the public consultation process on the guidelines. That submission of course will go via cabinet, which will look at the issues that have been raised as part of that process. Some members do not seem to be aware of what the guideline actually says, so I will read it. It states—

> In this, as in other experimental fields, those who conscientiously object to research projects or therapeutic programs conducted by institutions that employ them should not be obliged to participate in those projects or programs to which they object, nor should they be put at a disadvantage because of their objection.

I think that spells out that people cannot be disadvantaged because of their beliefs. I support the member for Aspley because she has raised a very valid point. We are talking about research and the products of that research flow on to other people. Most of this research is taking place in

areas of extreme difficulty—cancer research, leukaemia research and research into things such as cystic fibrosis and multiple sclerosis.

In an area that treats patients with an incurable illness on a regular basis, a last attempt could be to use an experimental drug. That experimental drug may come from such experimentation in the future. I do not know of any possibilities at this moment, but in the future it may well be the case that an experimental drug could stop a cerebral haemorrhagic event in a young person that would otherwise be fatal. In that instance the medical professionals might decide to trial a drug as a last ditch effort and someone may say, 'Sorry, I don't like that. I'm not going to do that.' Then the difficulty arises of whether that person could be seen to have committed misconduct according to professional standards. The professional standards lay another responsibility on that professional; that is, to look after the patient. Then there would be a conflict between different standards.

I am pleased that people have raised this, because it alerted me to what I think is a much more likely possibility. That is, a senior person in a research institute, a director of a research institute, or somebody who has the ability to make decisions about a research institute may decide that they do not support researchers who do want to conduct embryonic research. I think we also have to ensure the corollary applies—that those who do wish to participate in research should have the opportunity, without that being used against them and without them being disadvantaged because of that objection.

Most researchers go through a process of applying for grants. The way they get funding for their research is to apply for grants. These grants have to be approved under the national health and medical research guidelines. These are highly sought after grants. There is a lot of competition. Not everybody gets one. Can members imagine a researcher who is really keen to follow up an exciting lead into cancer research utilising embryonic stem cells being told that the director of their institute does not support research into embryonic research? That would mean they would have Buckley's of getting a grant that would enable them to participate.

Members could also see—I say this with every well meaning to the institutes—that institutes such as the Mater research institute may decide that they do not want to pursue or to encourage researchers to pursue research in this area. My understanding is that that institute does not pursue IVF programs or ART research. I am quite comfortable with that. I accept that. That is their decision. In expanding the antidiscrimination actions, we should include a provision such that people who want to work at the Mater research institute and want to do research in these areas are allowed to. Otherwise that process is discriminatory.

We have always allowed that as a conscience decision—I have never objected to it—but when we start forcing this issue we see that there are a whole range of different aspects that need to be concluded. I think the most likely situation to arise would be where the director of an institute could influence, not employ or dissuade, researchers from pursuing research that they do not personally support. I think that could have a major impact on those researchers' career options, prospects and so on.

I think members opposite must mix with a different range of researchers than I do. We have the image of avid, greedy, venial researchers who are just looking for the money in this. Most of the researchers I know are dedicated, very caring individuals who could earn far more money if they got a 'real job' rather than research. Many of them are medical practitioners as well. They could probably earn three times as much being a GP as they do as a researcher.

These people do the research because of their strong wish to do good by mankind and to pursue these interests. It is not because of the venial aspects of research and the funding they are going to get out of it. Most of them only dream about that. I know that some of them would like to make their mark and have some discovery named after them or indeed be awarded a Nobel prize at the end of it, but that is a very unlikely event, in all honesty. There are not that many handed out. I actually cannot think of a researcher who has ever said to me, 'I'm in this for the money and I am looking to make a lot of money out of it.' Mostly it is the opposite. Their work in research areas, their dedication to research, is what keeps them poor.

Mr LEE: Another one of my concerns involved how this relates to students. For instance, a science student might find that a compulsory unit of their course involves participating in destructive research on human embryos. I would like to see some sort of commitment that they would have the ability to conscientiously object and to not participate in that course of study and not be penalised in the attainment of their degree.

Mrs EDMOND: That would be covered in education legislation. I would be surprised if it is not already, but I am happy for the member to seek advice and inform us of it.

Mrs LIZ CUNNINGHAM: The minister has stated that she feels I am confused and that is fine, but I am not confused in the impression we were given that, whether a state sets two years, five years or 10 years as the time within which embryos will be stored, there is a point in time when the destruction of those embryos or, as I would prefer, the point in time when those embryos are allowed to die is reached.

The clear impression has been given that this legislation was brought in because since the beginning of the IVF program that sunset is approaching. Therefore, the impression that was given and the intent of some of the comments that were made, including comments by the Premier, was that without this legislation these embryos were going to be flushed and that we might as well use them for something good.

Whether or not it is a time line that is imposed by the state, people will have stronger concerns where the viability of those embryos has longer to run. I do not know how many children a person is allowed under IVF. I do not think it is 10, but certainly I believe people in the research area could hold very strong, very palpable personal convictions about being involved in this area, and the amendment moved by the member for Maroochydore is intended to address that.

I agree with the Minister for Health: most researchers are not avid and greedy. Most are dedicated professional people, doctors and scientists. Most of them are very dedicated to the cause. From my perspective, it takes only one who in their research, lifestyle and attitude portrays an ethos of profit before human dignity and human value. That one will be sufficient to create a situation where many, many people will be affected by their actions.

We are not talking about getting legislation right here almost or fairly sure we have everything covered. It has to deal with the issues of concern because we are dealing with human life. I reiterate: I do not believe we have got it right. There are always errors in the legislation which we draft. We come back and we amend it because something has been shown to be a loophole or some smart alec develops a way of getting around the legislation.

There have been people in positions of experimentation who in the past decade or a little over have stated that they can see the economic benefits of embryonic research. Those statements alone are sufficient to make me very, very concerned. Researchers need the ability to say, 'I refuse to be part of your experimentation. It has gone past medical inquiry. It has become clinical, cold and calculating. I want to be excused from the experimentation.' They need the protection that this clause gives, and I continue to support the amendment.

Miss SIMPSON: After listening to the Health Minister and one of the Labor backbenchers, the member for Aspley, it only strengthens my resolve that this amendment is vitally necessary. On the one hand, we heard people saying that the NHMRC guidelines are about protecting those who are conscientious objectors in certain types of research. Then we proceeded to hear from the Health Minister about the problems with people who are conscientious objectors in certain types of research.

It is absolutely essential that people with strong ethical views—and we want to see scientists with strong ethical views approaching their work in the pursuit of improving people's lives—are not let down by the law because of other interests, be it a bureaucracy such as Queensland Health or the dominant view of the Health Minister or a large and well-funded commercial research facility, where the individual researcher finds themselves in an ethical bind and they are discriminated against because they seek to exercise good conscience. We want scientists to be in a position to exercise good conscience. We do not want to see a situation where we have these guidelines which have been held up as being important, then fail to have an adequate mechanism for their enforcement.

This amendment is about having an adequate mechanism for their enforcement. Today I have only heard the Health Minister arguing against having an adequate mechanism to ensure that someone who has a conscientious objection in this particular area of research is able to exercise that without being discriminated against.

It is essential that we as parliamentarians understand that this is also a matter in the drafting to do with research. It has not been defined into the broader areas of treatment, but it has been specifically targeted at research. If the NHMRC guidelines are as good as what we are saying, surely we should be giving them the force of law and the punitive action and the flexibility that is involved within the framework of this amendment.

This is why this amendment is being put forward. There are some concerns about what the mechanisms would be, particularly the ones that have been mentioned to date by the minister. All I have heard is a defence of trying to take away the right of someone with a conscientious objection.

I thought the member for Gladstone eloquently identified that some of these issues will not be suddenly arising on the point of someone being wheeled into an emergency department or a particular type of treatment. We are talking about areas that should be fairly easily able to be brought forward.

Mrs Edmond interjected.

Miss SIMPSON: The Health Minister is trying to interject, but I find it incredible that, if we are serious about dealing with the issue such as conscientious objection in this area of research, the parliament is saying that these guidelines are good but we do not want to give them a more effective enforcement in law by the very fact of this amendment that we have before the chamber.

Mr LUCAS: There are a number of things I wanted to answer in dealing with the queries before the committee. The first is a suggestion by the member for Indooroopilly that, whilst it had been claimed the Commonwealth engaged in an extensive debate in relation to the matter, it was not quoted in this House. That may or may not be the case, and certainly I am about to refer to what the Commonwealth has said. It is drawing a very long bow for anyone to suggest that a debate in a Commonwealth forum was not extensive and did not exercise the minds of not only members of parliament in a very detailed fashion but also the public.

I get media clippings as a minister, and I have to say I have never seen the level of coverage of an issue as complex as this one in a public forum with lift-outs and newspapers, fors and against, and 'this is what Senator Harradine said' and 'this is what Senator Hogg said' in great detail and length. It never ceases to amaze me, in a positive sense, the level in which the public are informed in this matter. I only wish that on other issues the public were as well informed. I think it is drawing quite a long bow to suggest that it was not agitated there. I know many members have examined in great deal what went on in the Commonwealth.

This amendment was essentially moved in the Commonwealth parliament and defeated. Senator Patterson, the federal minister for health, a conservative minister, indicated—

> To include it as a criminal offence carrying a significant penalty requires more detailed consideration of a range of issues, including the Commonwealth's constitutional power to regulate in respect of individuals in this way, the nature of employee and employer relationships and the elements of the offence itself. The broad issues of conscientious objection are more appropriately dealt with in the guidelines issued by the NHMRC.

That is the point that the government is making here today, that that is the most appropriate place to do it. Indeed, Senator Evans of the Labor Party indicated that one reason he opposed it was that there is a range of issues that science and research have been dealing with for many years and that this is one example where research raises ethical and moral questions. Conscientious objection in relation to stem cells is not the only issue of conscientious objection that potentially one person could have.

One of the senators observed of Senator Boswell that it is nice to know that the federal conservatives have a bit of an issue when it comes to conscientious objection. They do not seem to be too keen on it when it comes to antidiscrimination legislation or other things like that. There is more than one place for people's religious beliefs. Indeed, the Anti-Discrimination Act would also—arguably to an extent—cover the field when it comes to this.

The member asked a question that I thought was quite legitimate in relation to students. I shall make two points about that. First, I argue that we are not suggesting that we will come across those problems where someone objects to learning evolution or something in a science course. I would be highly opposed to that interference with appropriate teaching and practice. My advice is that students would not be entitled to do stem cell research because they would not be a licence holder unless they applied for and were granted a licence or authorised under clause 32(5)(a). Hopefully, that gives the member some comfort in this respect.

The member indicated that only recently did members of this House get the bill. I suppose in a sense that is correct. It was introduced just over two weeks ago. But that is not to say that members certainly of three government committees did not receive a copy of the Commonwealth legislation, which is essentially identical to this, before Christmas. These provisions are not a surprise. Indeed, when the Health Minister and I briefed the churches, we sat down with them with

the then draft Queensland legislation and the Commonwealth legislation before the House and pointed out the differences. There were some changes, and the changes subsequently were where the Commonwealth legislation changed. We changed the Queensland legislation to keep up with it. With respect, I do not think I am with the member on that point.

Finally, the guidelines do have protection for conscientious objection, but let us be very careful about this. The Mater Hospital does not offer IVF because of the position of the Sisters of Mercy when it comes to their opposition to that. I do not have a problem with the fact that they do not offer that, but we have to be very careful when we get involved in tinkering with these issues, because we might find that we get unintended consequences. We need to adequately protect people who have conscientious objection. There are a number of terrible cases in the United States where those people who seek to take most advantage of the freedom of speech laws are those who want a society where they ultimately deny it. We need to be very careful about this. I suggest that 13.17 covers it. Those regulations were able to be laid before the federal parliament and were the subject of disallowance. It is quite appropriate that no-one be discriminated against on the basis of what the member suggests. The government's method of proceeding is far more preferable.

Finally, the Minister for Health indicated that the government would be making some submissions to the Commonwealth in relation to its review on that particular issue. That deals with it very adequately. I hope it puts members' minds to rest.

Question—That Miss Simpson's amendment be agreed to—put; and the Committee divided—

AYES, 15—Bell, Copeland, E. Cunningham, Flynn, Horan, Johnson, Lee, Lee Long, Pratt, Rowell, Seeney, Simpson, Springborg. Tellers: Hopper, Lester.

NOES, 70—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Hayward, Hobbs, Jarratt, Keech, Lavarch, Lawlor, Lingard, Livingstone, Lucas, Mackenroth, Male, Malone, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Quinn, Reeves, Reilly, Reynolds, E. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Sheldon, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Watson, Welford, Wellington, Wells, Wilson. Tellers: T. Sullivan, Purcell.

Resolved in the **negative**.

Clauses 50 to 55, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, without amendment.

Prohibition of Human Cloning Bill

Third Reading

Bill, on motion of Mrs Edmond, by leave, read a third time.

Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill

Third Reading

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (3.56 p.m.): I move—

That the bill be now read a third time.

Question put; and the House divided—

AYES, 65—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, E. Clark, L. Clark, Croft, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Hobbs, Jarratt, Keech, Lavarch, Lawlor, Lingard, Livingstone, Lucas, Mackenroth, Male, Malone, McGrady, McNamara, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Poole, Quinn, Reilly, Reynolds, E. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Seeney, Sheldon, Spence, Stone, Strong, Struthers, C. Sullivan, Watson, Welford, Wellington, Wells, Wilson. Tellers: Springborg, Reeves.

NOES, 20—Bell, Choi, Copeland, E. Cunningham, Flynn, Horan, Johnson, Lee, Lee Long, Lester, Mickel, Pitt, Pratt, Purcell, Rowell, Shine, Simpson, Smith. Tellers: T. Sullivan, Hopper.

Resolved in the **affirmative**.

Consolidation of Bills

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (4.02 p.m.): I move—

That the Prohibition of Human Cloning Bill 2003 and the Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003 be reconsolidated into the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 as it stood prior to being divided and is deemed to have passed all stages.

Motion agreed to.

Title of Bill

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (4.03 p.m.): I move—

That the title of the reconsolidated bill, the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003, be agreed to.

Motion agreed to.

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 25 February (see p. 56).

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (4.04 p.m.): I rise to participate in this second reading debate on the Natural Resources and Other Legislation Amendment Bill 2003. This bill deals with two major issues that have very little in common except that these are the two major issues that best illustrate the complete failure of the Beattie Labor government. These are the two issues on which the government has failed most dismally. The state native title regulations and vegetation management legislation are the two areas in which this Beattie government has failed dismally to deliver on its promises. In both cases, it has not only failed to deliver on its promise but the ineptitude and incompetence of this government has made the situation much worse for the stakeholders involved. That is certainly the case in relation to the Beattie government's vegetation management legislation and it is certainly the case in terms of the state native title provisions. In both instances this parliament was given assurances that were rich in rhetoric about how the problems in those areas had been solved and in both instances that rhetoric has proved to be hollow and false. In both instances the legislation that has previously been passed in this House has done more harm than good.

It is interesting to note that these two issues have been combined into one piece of legislation and it raises the question of why that should be so. Why would the government include in the one bill amendments to two very widely differing pieces of legislation? When we look at the bill and its different sections, it becomes even more confusing. Part 1 of the bill is the preliminary. Part 2 deals with the amendment to the Environmental Protection Act. Part 3 goes to the Integrated Planning Act. Part 4 deals with the amendments to the mining legislation. Then we go back to the Vegetation Management Act. It is all over the place. There is no consistency. There is no reason for these two issues to be dealt with in the one bill, except if one is a touch cynical—and heaven forbid that I should ever be accused of that! If we were at all cynical, we could easily be forgiven for being forced to the conclusion that these two issues were included in the one bill to make it difficult for this House to vote appropriately on them.

While I do not think that anybody would suggest that we should deny the Queensland mining industry the right to go back to the jurisdiction where they should always have been—and that is within the Commonwealth's legislative processes—to appropriately express concerns about the Vegetation Management Act, we are going to have to vote against that. To vote against one part of the legislation, we also have to vote against the other and there is no connection between the two. It raises the question of why this bill is structured in the way in which it is. Perhaps the minister may favour this House with an explanation in his reply. In a relatively short time he will be able to stand up and explain to the House why this bill is structured in the way that it is, if it is not the cynical explanation that I have talked about.

There are two separate and distinct parts of this bill and I will deal with them separately and distinctly. First of all, no-one in this House would be surprised to hear that I will speak most about the parts of the bill that deal with amendments to the Vegetation Management Act which relate to the compliance procedures. At the beginning, I make the point very clearly that there is no way

that I personally, or the National Party collectively, will support anyone who breaks the law at any time, nor will we support or seek to protect anyone who breaks the law in relation to vegetation management. We do not support law-breakers and we certainly do not support people who undertake environmentally damaging activities that are obviously in conflict with or in breach of the Vegetation Management Act.

It is unfortunate that there are a very small number of people who seek to do that, and they have sought to do that since the introduction of the Vegetation Management Act in 1999 for a number of reasons that I will go into during my contribution. There are a small number of people who do that who unfortunately contribute to a perception that is unfair and unjust that rural land-holders generally do not act in a responsible way in terms of vegetation management and tree clearing. Unfortunately, the actions of those few have provided the political football for irresponsible members of this government to try to paint the picture that land-holders are irresponsible in terms of vegetation management. Those irresponsible few have provided the political football that the Beattie government has turned vegetation management into. It has become a political football. I would suggest that there are few issues where misinformation has been more rife in the public debate and in the debate on the various pieces of legislation that have passed through this House. There are few issues where misinformation has been more rife than with regard to vegetation management.

Unfortunately, that perception of serial land wreckers has been, to some extent, successfully entrenched within the urban media, but it is a wrong perception. It is an unfair perception and it is unjust perception. The evidence for that is there for anyone who wants to look for it. I was gratified to see it in the first of the regional vegetation management plans put together by the groups set up by the minister as part of this legislation where the regional vegetation management group is actually recommending higher levels of retention than—

Mr Robertson: Which one?

Mr SEENEY: The minister knows which one it is.

Mr Robertson interjected.

Mr SEENEY: I absolutely do.

Mr Robertson interjected.

Mr SEENEY: No, it was not. How many have you got? How far away are the rest of the regional vegetation management plans? There are eight drafts. How long before the minister releases the drafts? How long before we see how many more of those regional vegetation management plans—

Mr Robertson: They have been released.

Mr SEENEY: The whole eight?

Mr Robertson: No, not the whole eight. The ones I have considered have been released.

Mr SEENEY: The point I am making is that it is an unfair perception and those regional vegetation management plans reflect, I believe, just how unfair that perception is.

But still we see this whole area dominated by stunts. It is an area that has been dominated by stunts for quite some time. The very fact that this legislation is in the House today has been justified by what is yet another media stunt using vegetation management as a political football. This legislation had its genesis in the release of this document, what is commonly referred to as the SLATS figures. SLATS, for those members who do not understand that terminology, is the Statewide Landcover and Trees Study. Those figures are put out every two years. They map the changes in land cover in Queensland. That is the report that was released. When that report was released there was a fair bit of interest in what the figures were for a couple of reasons. The interest, of course, stemmed from the fact that these were the first figures that had been compiled since the Vegetation Management Act had come into force. Everybody was interested to see what the actual land clearing figures were.

There were two figures that were of interest. One was the figure for the 1999-2000 period, which was a figure of 758,000 hectares per year. That was the figure that reflected the land clearing that went on in that period of time leading up to the implementation of the Vegetation Management Act. The second figure was the figure for 2000-01, and that was the figure for the period immediately after the implementation of the Vegetation Management Act. The first figure for 1999-2000 was 758,000 hectares. The second figure was 378,000 hectares—a decline of some 50 per cent. They were the relevant figures in this document.

What those figures showed was that there had been a spike in land clearing in Queensland—a huge increase over the long-term average, which has always been around about the 425,000 hectare mark. There had been that increase in 1999-2000 as the Beattie government procrastinated and fiddled around and made a mess of the whole vegetation management legislation process. That uncertainty induced this spate of panic clearing which resulted in 758,000 hectares of land being cleared in that year. That, I believe, is an indictment on the Beattie Labor government. It is certainly an indictment on the former Minister for Natural Resources who had carriage of that legislation. The legacy of Mr Welford and his botched Vegetation Management Act was that 758,000 hectares was cleared during the 1999-2000 period. It was a period of time when vegetation management was a political football. The whole situation was overheated. It is easy to understand why that type of panic clearing was induced. Those figures themselves indicate—

Mr Robertson: You denied it was happening back then.

Mr SEENEY: It was not happening. The long-term average was 425,000 hectares.

Mr Robertson: What wasn't happening?

Mr SEENEY: What was not happening was the extra 323,000 hectares which was panic clearing that was induced by the fact that this government and the previous minister could not get it right. It was induced by the zealous approach of the former minister, Mr Welford. That is the legacy. Those are the figures that prove beyond any doubt that the Beattie government's Vegetation Management Act has caused more land clearing than it has prevented. It is a simple mathematical calculation to evidence the truth of that. The figure was put at some 378,000 hectares for the latest 2001 period, but what happened then? We had another attempt to turn vegetation management into a political football. We had the Premier and the Minister for Natural Resources putting out a press release on 22 January 2003 which did not mention the clearing figures and did not mention the spike in figures that had been caused by their government's ineptitude.

Instead it concentrated, as the headline indicates, on so-called 'tough new measures to stop illegal clearing'. The headline reads 'Beattie flags tough new measures to stop illegal clearing'. That press release states—

We are alarmed that satellite imagery indicates 2150 instances of suspected illegal clearing during 1999-01, covering 61,000 hectares.

The Premier goes on to say, in a comment that enraged people up and down the state—

These cowboys cleared 8000 ha of endangered vegetation, and 36,000 ha of suspected clearing was on leasehold land.

Those figures were the genesis of this legislation before the House today. The Premier went on to say—

Illegal clearing is vandalism the Government will not tolerate—it flies in the face of trust we placed in landholders when we reformed vegetation management controls after coming to government.

The Premier talks about trust. Trust is a two-way thing. I 'trusted' that the figures the Premier and the Minister for Natural Resources were using would be right. Nobody would ever suggest that those figures would not be right. I, like a lot of other people, was alarmed that there was supposedly that much illegal clearing—61,000 hectares. No-one would defend that.

From that time on I set out to try to understand how this figure of 61,000 hectares was arrived at. In doing so, I initially sought a briefing from the Statewide Landcover and Trees Study group, which is a vegetation monitoring initiative of the Queensland Department of Natural Resources and Mines. SLATS is a unit of the minister's own department. It put out this report, so I sought a briefing. It took me a while to get it, but I got a briefing from that group. I sought to understand how it arrived at this figure of 61,000 hectares. The group actually provided me with a very good briefing, and I commend SLATS and the personnel who provided me with that briefing.

SLATS provided me with this map as an example of the type of information it was able to compile from the satellite imagery it had at its disposal. It is from this map that it sought to derive the changes in the vegetation coverage across the state.

Mr Robertson: The reason you couldn't get a briefing with SLATS was because of the leadership spill; is that right? It may well have been, so you apologise to my people.

Mr SEENEY: I did not say that it was their fault that it took me a while to get the briefing. I said that it took me a while to arrange it. I did not cast aspersions upon the officers, because they demonstrated to me a degree of expertise in the type of work they do.

The briefing illustrated that SLATS' only role is to identify the changes in vegetation coverage. That is all it could do, and it could do it very well. It identifies the changes in vegetation coverage with that sort of map. SLATS said to me that if we want to find out what those changes are then we have to talk to the Herbarium. They are the people who have the technology with the other sort of mapping, which works out what sort of regional ecosystems are involved in that change. We actually got a briefing from the Herbarium today.

I have sought to understand how this figure of 61,000 hectares was arrived at and how the 2,150 instances of suspected illegal clearing that are the basis of this legislation were determined. It has become apparent to me from the two briefings I have had that to suggest this is misinformation is very kind indeed. There is very little evidence to suggest that the 61,000 hectares can be construed to be illegal clearing. I think the minister has a responsibility as part of this debate to explain those figures to the House. It is very easy to get up in the media and make these sorts of outlandish claims that cause concern to everybody. They cause concern to me and they cause concern to land-holders across the state. They cause concern to everyone who has an interest in the whole vegetation management issue.

When we look at the information provided by the Herbarium and by SLATS, the best conclusion we can come to is that that 61,000 hectares represents an area that was identified as having changed on the satellite photos for which the minister or the department cannot find any vegetation management permits. That is the best we can assume. I have to assume that there are 2,150 individual parcels in that area of 61,000 hectares.

How on earth can the minister make a press statement to the effect that 8,000 hectares of that 61,000 hectares was endangered vegetation? I suppose the calculation about the amount of leasehold land involved could be carried ut. The Herbarium told me today that it has not yet overlaid the latest SLATS figures with its regional ecosystems maps and it is not likely to do that for quite some time. I believe we need an explanation of these outlandish claims of 61,000 hectares. It is important that it be explained for a number of reasons. There are a lot of references in this bill to reasonable actions, where people are required to act in a reasonable way. It is unreasonable for this type of accusation to be made without any sort of supporting evidence.

I return to the clearing rates to try to put to rest some of the fallacies that are promoted in the whole area of vegetation management. There is some interesting information in the SLATS report. It states—

... for 2000-2001, the clearing rate on freehold land was 168,000 ha/year or 45 percent of total clearing, and the clearing rate for leasehold land was 201,000 ha/year or 53 per cent of total clearing...

Approximately 68% of the 1999-2000 woody vegetation clearing occurred in areas mapped as remnant by the Queensland Herbarium's vegetation mapping, and 58 percent of the 2000-2001 clearing was of woody remnant vegetation.

This information is derived from SLATS data. It gathers accurate woody vegetation cover and land cover change information for vegetation management planning and compliance. That is its role.

An analysis of the 1999 to 2001 vegetation change indicates just what all of those figures mean. While the report contains some preliminary figures on the change in the area of remnant vegetation, the 1999 to 2001 woody change mapping and satellite imagery has to be overlayed by the Queensland Herbarium to arrive at a figure for regional ecosystems. That is the point that was made in the briefing that we received today. The report itself says—

Previous differences between SLATS clearing statistics and the Queensland Herbarium Regional Ecosystem clearing statistics have been observed. These differences primarily exist because SLATS maps woody vegetation measured as overstorey and shrub foliage projective cover. Hence, SLATS figures include clearing of non-remnant vegetation ...

The Queensland Herbarium records changes in Regional Ecosystems, i.e., change (conversion) of native vegetation, which includes grass land and sparse woodland but change in non-remnant vegetation is not mapped.

That is very important because it is only that remnant vegetation which land-holders require a permit to clear. Members really have to understand what it is that the SLATS data is recording before making public statements using those figures.

The report itself goes to some length to make that clear in a section headed 'The definition of woody vegetation'. I quote again from that report. It says—

... we have mapped vegetation change for all perennial woody plants of all sizes that can be distinguished with Landsat TM imagery.

The statistics for vegetation change and woody vegetation cover quoted in this report include all woody vegetation. This includes remaining areas of native vegetation, disturbed areas of native vegetation, regrowth, plantations of native and exotic species and domestic woody vegetation.

The areas that the SLATS figures have recorded as changing, as being cleared, could be any one of those examples which the report has outlined. They could be native or exotic species or domestic woody vegetation. They could be things like lantana and rubber vine and prickly acacia. That is the point that the minister has so misled the Queensland public about. These 61,000 hectares of clearing that have been deliberately construed as illegal clearing by land-holders who are supposedly vandals and irresponsible, land-holders who are cowboys, could easily be for the clearing of things like prickly acacia, lantana, rubber vine and other noxious weeds because that sort of clearing is picked up by the Landsat imagery.

It is not until that is overlaid by the Herbarium's mapping process that we can determine whether or not they are endangered ecosystems or of-concern ecosystems or even remnant ecosystems for which a permit is required. That is the whole point. That is the misinformation that has been used for the basis of this legislation.

Let me quote a bit more from this report. It says—

Where images are chosen in a dry season, there is good discrimination between the woody plants, grasses and it is possible to map woody vegetation with cover as low as seven percent. If the imagery was acquired during a wet season with greener grasses, then it is more likely that the minimum level of woody vegetation cover detected is 12 per cent FPC.

So any area of land that is 12 per cent covered in woody vegetation and is cleared during the period shows up on the SLATS data as area being cleared.

Let us take an example to make it crystal clear. If I as a land-holder have a paddock that has some lantana growing—it does not have to be covered in lantana, but about 15 per cent coverage of lantana—and I get the woody weed cleared, the SLATS data picks that up as land clearing. That is a fairly significant point to understand if using the SLATS data as a basis for doing anything. More often than not the perception is sold that these land clearing figures are somehow clearing pristine forest that is of great ecological value. It could just as easily be a paddock with 15 per cent lantana, and the SLATS data shows it up in the same way. It does not differentiate between the clearing of a paddock of pristine forest and the clearing of a paddock of lantana. Both of those instances are included in the SLATS figure, which for 2000-01 was 378,000 hectares.

Before doing anything, what a responsible government would do, what a responsible minister would do, would be to allow the process to complete, allow the Herbarium to overlay its mapping process on the SLATS data and determine how much of that 378,000 hectares was actually clearing of vegetation that, first of all, needed a permit, because the 378,000 hectares do not all require a permit. The example that I used of the paddock of lantana that shows up on the SLATS data certainly would not require a permit under the Vegetation Management Act.

There are a number of other scenarios where a permit would not be required. Where a piece of land was obviously regrowth it would not require a permit, and yet the clearing of that regrowth shows up on the SLATS data. It is included in the 378,000 hectares because of the methodology that the SLATS technology uses.

What happened when this report was released and it showed 378,000 hectares cleared? Instead of taking a responsible approach, we once again saw vegetation management turned into a political football. As near as I can understand from the briefings I have had, the department worked out that for that 378,000 hectares only 317,000 hectares had been the subject of permits issued under the Vegetation Management Act. There were 61,000 hectares for which permits had not been issued. It should not have been any surprise to anybody. Anyone who understood the process, who took the time to have the briefings that I have arranged, would understand that there are a number of explanations for why that 61,000 hectares did not have permits issued. It could have been a paddock of lantana. It could have been regrowth. It could have been a paddock of rubber vine or prickly acacia or any of those examples.

What did we see? We saw the Premier and the minister set out again to demonise Queensland land-holders as vandals that were somehow intent on clearing every tree that stood up between the gulf and the coast. Absolute dishonesty! In another place it would be called a blatant lie for the minister and the Premier to, first, make that accusation and, secondly, base this piece of legislation upon it. Absolute dishonesty and deceitfulness that quite properly should anger land-holders right throughout Queensland!

The minister has an opportunity today in this parliament to fulfil one of the functions of this parliament and be accountable for some of these wild statements. In the course of this debate on this legislation, the minister has had an opportunity, and a responsibility, to explain to the parliament and to the people of Queensland and to the people who he accuses of being cowboys and environmental vandals how these figures were arrived at. On what were these accusations based if it were not the SLATS figures that I have spoken about—if it were not the report that that organisation put out that I have quoted from extensively?

I look forward to that explanation, because it is on that basis that the legislation before the House is based. Because there was supposedly this 61,000 hectares of illegally cleared land in 2,151 instances, we had to have this piece of legislation introduced. That was the whole argument put forward by the government. That is why we are here debating this legislation today.

The Vegetation Management Act now has been debated in this House three times. This will be the third time that I can remember that it has been debated. It is a piece of legislation that has never received community support. It is a piece of legislation that has never been supported by the major stakeholders. It is a piece of legislation that was dominated by stunts from the start. The reason it is back before the House today is another stunt. It was delayed for 12 months after its initial introduction by the previous minister, Minister Welford. That delay and the incompetence that went with it led to a rash of panic clearing that I have already illustrated via the figures in the SLATS report.

The Vegetation Management Act has broken down trust and cooperation among the land-holding community, the government and the environmental movement to an extent that no other initiative ever has or probably ever could. The basis of the failure of this piece of legislation has always been and will always remain its failure to include any sort of compensation regime. Even that has become a political football that has been kicked back and forth between the Commonwealth and state governments. When the state government introduced the Vegetation Management Act, it had a responsibility to include therein a compensation regime for land-holders adversely affected by that legislation. They failed in that responsibility. Consequently, the Vegetation Management Act has failed and will continue to fail to curb or reduce the overall levels of land clearing in Queensland. As I said before, the figures undeniably illustrate that the Vegetation Management Act has caused more land clearing than it has yet prevented, and that is a tragedy. It is a tragedy not just for Queensland land-holders but also for the Queensland community as a whole.

The state government cannot palm off its responsibility for a compensation regime to the federal government. That has been a ridiculous argument from the start. It has been a cop-out by this government which has never had the money and which has never been prepared to commit the resources to an issue that it likes to make a political football out of. The responsibility for providing compensation to people adversely affected by this legislation has been accepted by other state governments in other parts of Australia. There is no doubt that there is a clear moral argument for state governments to provide that compensation. When individuals are asked to bear a cost for the community benefit, there should be no argument that those individuals be compensated. That is exactly the situation that has always existed within the Vegetation Management Act. We have individuals who are being asked to forgo their property development rights—although some people will argue about whether it is a right—and individuals being asked to forgo their property development opportunities for the benefit of the community as a whole, because their particular property has been identified as a piece of remnant vegetation that the community wants to retain. It is fair enough if the community wants to retain that piece of vegetation. I do not think anyone—I certainly do not—has an argument that there are particular pieces of vegetation that should be retained. But if that vegetation is going to be retained for the benefit of us all, then all of us should bear the cost.

We as a community should not expect the benefits of the retention of that particular piece of vegetation and expect an individual to bear the costs. That is happening. It has happened in a number of instances of which I am very closely aware since the introduction of the Vegetation Management Act where the viability of properties has been substantially reduced. The capital value of properties has been substantially reduced. I know of a couple of instances where people bought blocks of land as their retirement fund, as their superannuation, to ensure that they were able to support themselves in the latter parts of their lives and they now find themselves unable to do that simply because of the provisions of the Vegetation Management Act. They are being asked to bear that cost on behalf of us all and we all should be prepared to pay that compensation necessary to ensure that that cost is shared by the whole community.

Mr Shine: What sort of money are you looking at?

Mr SEENEY: The compensation regime has to be based on a before and after value; that is the only way fair way. Any compensation regime has to look at a value of a property before the Vegetation Management Act provisions were applied and then after. I would like the time—and maybe in the committee stage I will have the time—to go into that in some detail, but there are some other things that I want to talk about.

This legislation addresses a number of issues in terms of compliance with the Vegetation Management Act. In a broad sense, I do not oppose the changes being made to the compliance regulations and penalties, because in a broad sense it effectively brings leasehold land and freehold land on to an equal footing, whereas the compliance and enforcement measures on freehold land were previously set out by the Vegetation Management Act and the Integrated Planning Act. The compliance and enforcement measures on leasehold land, previous to the implementation of this bill, were carried out through the Land Act and the Forestry Act. This legislation will bring that on to an even footing. That is not something that I think too many people would object to. In fact, those of us who argue that there should be more rights attaining to freehold land would probably argue that if there were to be a difference in the enforcement regimes, the enforcement of these measures on leasehold land should be more stringent and strict than on freehold land because there is a greater right of intervention on leasehold land than on freehold land. But that is a philosophical argument that is probably too complex for the time that we have this afternoon.

Mr Robertson interjected.

Mr SEENEY: We may well before the end of the day. There are a number of issues concerning the background of the Vegetation Management Act that I think are relevant to the consideration of this legislation. When it was finally introduced in December 1999, the Department of Natural Resources was totally unprepared and under-resourced for the job that the Vegetation Management Act thrust upon it. There were any number of examples where the mapping that was available was horribly wrong.

The expertise and capacity was not within the department to properly implement this legislation. There was a huge amount of misinformation about the process and about what was required for a number of reasons. One was the overheated nature of the political atmosphere at the time. The second was the changes made from when the original bill was introduced by Mr Welford in early 1999. It was passed but not enacted and then amended again. There was a huge amount of confusion among the land-holding community about what was required and what their obligations under the act were. Some of the early permits issued were confusing and unclear. Some had very basic documentation. Some of them were lines drawn on satellite photos with felt pens. That was the level of definition of areas on properties to be cleared or to be retained. The whole process was confusing and unclear. There was no support from the department. There was no information for land-holders. There were no resources. What we had was the almost inevitable outcome of a situation that had become a political football for quite some time.

Mr Purcell: You're battling, brother, aren't you?

Mr SEENEY: No, I just wanted to make this point very clearly. That background is important. This bill does a number of things that would cause concern in any situation. But against that background the concern is even greater. Firstly, it reverses the onus of proof. It requires land-holders to prove that they are innocent rather than guilty. The second thing is that it accepts departmental evidence, unless there is evidence to the contrary. It accepts the departmental assumptions in some cases—and I will deal with that in detail in the debate on the clauses—as evidence unless the land-holder can produce evidence to the contrary. So when we combine this reversal of the onus of proof and the assumption that the departmental position is somehow right or is somehow evidence in itself and we see it against the background that existed from 1999 to now—that background of an overheated political situation and the fact that this had been used as a political football—we get a recipe for disaster in terms of justice and fairness.

I say again that no-one supports land-holders who are doing the wrong thing. Not for a moment would I support a land-holder who deliberately clears an area without a permit and for which a permit is required. But if we apply the enforcement provisions that are encapsulated in this legislation to their obvious conclusion to the situation that has existed from when the Vegetation Management Act was implemented in 1999 until today there are going to be a lot of

people who are caught up in legal action that would be unfair and unjust simply because of that background.

I would suggest we could probably divide these so-called offences into two groups. There are what I would term to be, for want of a better term, minor offences and major offences. Major offences are, for example, where someone clears land without a permit for whatever reason. There is no defence for that sort of thing. I suspect that there are a lot of instances that have occurred since 1999 where the transgression is much more minor than that, whether it be clearing an area that is different from the area defined on a permit, a question of whether or not that is the area defined on the permit, a question of the conditions of the permit—all of those things that were uncertain and unclear. Even the definition of 'regrowth' was unclear and uncertain for a long time and caused enormous confusion. If this legislation is going to be used to go back to 1999 and prosecute wherever it is possible those types of minor offences, I suggest that the minister is using it unjustly, because of the background of this whole Vegetation Management Act.

Mr Robertson: But reflect on my ministerial statement earlier this morning where I talked about the on-the-spot fines.

Mr SEENEY: That is a fair point. But even that process has to be viewed against that background of the Vegetation Management Act and the political football that it became, the confusion and the unpreparedness of the department. So while the land-holding community was certainly unprepared for the implementation of the act, the department itself was very unprepared for the implementation of the Vegetation Management Act and certainly has not handled the situation particularly well at all. There have been a number of instances of inconsistency. Just in my experience there have been a number of instances of actions by departmental officers which certainly do not do anything at all in terms of encouraging support by the general community for the provisions of this legislation.

There are a number of other issues that cause me concern and which I will deal with more extensively in the committee stage. But I will mention them here now. The bill allows for costs of the investigation of an offence to be claimed from the person found guilty of that offence as well as court costs. I think that is quite an unusual situation. I wonder whether the minister in his summing up of this debate would explain to the House why that was felt necessary. As far as I am aware, even people found guilty of drug offences are not required to pay the costs of the investigation as well as the court costs, and yet that is what land-holders are being required to do in terms of this bill. It is an unusual provision and we have to wonder why that is necessary. Why is it necessary for a land-holder to be required to pay the investigation costs as well as the normal court costs which are part and parcel of our legal system? There are also requirements for land-holders to pay the costs of compliance notices and the costs of monitoring that compliance. Those are things that I suggest would cause concern.

There is also a provision in the bill which allows authorised officers, as they are referred to in the bill, to seek criminal history checks of land-holders. That is a disturbing development. Once again, it requires a deal of explanation as to why it was felt necessary to include that in the legislation. These departmental officers are only one of a range of people I can think of that have the right to access people's properties to carry out their duties. There are EHOs and all sorts of inspectors who have the right to access private property to carry out their duties. Why is it necessary to give an authorised officer under this act the right to access records about the criminal history of individuals? I think that is a very disturbing trend and it is one that should cause concern. To me it certainly fits well with the demonisation of Queensland land-holders, which has been part and parcel of the implementation of this Vegetation Management Act from the very beginning.

It has always been the case that the political football that this Vegetation Management Act has become has required Queensland land-holders to be demonised and to be somehow characterised as irresponsible people. This provision is characterising those people as criminals, because it is saying that we have to assume that there is a reasonable chance at least that there is a criminal history there to be checked up on. That is a particularly disturbing assumption to make in terms of somebody whose duty it is to monitor vegetation management. It is probably symptomatic of the fact that this legislation has been so thoroughly rejected by the community at large and has so thoroughly failed to gain public support.

There are a number of other issues that I will deal with in the committee stage. Another issue that warrants mention is the provision of the Criminal Code that is taken not to apply to the Vegetation Management Act. That effectively means that, in terms of just about every other offence, people are able to plead a defence that they were genuinely unaware of the fact that

they were committing an offence. If they genuinely believed that what they were doing was right, that constituted a defence. As I understand it, that section of the Criminal Code is being deemed not to apply to vegetation management offences. In my mind that, too, elevates vegetation management offences to a level that is very hard to justify.

I think that, for purely political purposes, the legislation has been talked about in the press as increasing the penalties for illegal tree clearing. First of all, I dealt with the situation of whether or not there is a reasonable assumption that illegal tree clearing is a major problem. I indicated from the SLATS figures and the Herbarium briefings that there is no reason to assume that illegal tree clearing is a major problem. So that has been deceitful from the start. But in terms of what the legislation does to penalties that are available to the courts, this legislation is also deceitful because the existing maximum penalty is $124,000. That is a penalty that is available under the Integrated Planning Act to be awarded against someone found guilty of an offence under that act. The court has never awarded anything like that in the years since the Vegetation Management Act has been in place. The highest fine that I am aware of is in the order of $22,000. The maximum penalty available is $124,000. That does not indicate to me that the penalties available to the court system are a problem in terms of dealing with any illegal tree clearing. It does not indicate that the penalties are somehow insufficient to properly curtail any illegal clearing that is going on.

So this legislation, in a rather quaint way, suggests to the court what appropriate penalties should be, and those penalties are based on penalty units per hectare. The penalty units are 30 units per hectare for endangered vegetation, 24 units per hectare for of-concern vegetation and 18 units per hectare for not-of-concern vegetation. If my mathematics are correct, that equates to fines of $2,255 a hectare for endangered vegetation, which means the government is suggesting that someone who is clearing illegally would have to clear 60 hectares of endangered vegetation before they were subject to the maximum fine available under the act, and 1,800 hectares for of-concern vegetation. I will deal with these issues to a greater degree in the committee stage. I have not had an opportunity to deal with the native title part of this bill, which is unfortunate, because of the fact that the amendments to these two acts have been incorporated in this bill. However, I will deal with that in the committee stage as well.

Time expired.

Hon. K. W. HAYWARD (Kallangur—ALP) (5.05 p.m.): I think that this is going to be a very interesting debate. Already this afternoon we have heard a lot of ill-informed talk and certainly a lot of empty rhetoric from the member for Callide, the shadow minister. The interesting thing to note about this debate is that when I look down at the opposition members who are on the speakers list I realise that, when it comes to ill-informed talk, it might get worse.

The shadow minister clearly outlined what he said he was concerned about. He talked about things being cynical and a cynical approach to things. A number of times he made the point that he thinks that this legislation demonises landowners. He said that the bill refers to landowners as vandals. Nothing could be further from the truth. The member kept talking about 61,000 hectares of land which he said was part of SLATS. I think for the assistance of all members here I should point out that when the member uses that acronym he is referring to the Statewide Landcover and Trees Study. That study certainly identified 61,000 hectares. I intend to speak about that a bit later.

At best, many of the points that the shadow minister made indicated that he is very much prone to exaggeration. He spent probably the first 40 minutes or so of his speech continuing this exaggeration with comments about landowners as he sees them from the point of view of the government of Queensland. Basically, it was not until probably the last 15 minutes of the member's speech that he started to raise some issues that I think deserve consideration by other speakers and certainly by the minister when the opportunity arises. The member said that people are saying that Queensland's vegetation management laws are not necessary and that they are unnecessarily restrictive.

Mr SEENEY: I rise to a point of order. If the member is going to quote me, at least he could do it accurately. I find offensive the suggestion that I said that the vegetation management laws were unnecessary. It is quite the opposite. I find that offensive. I ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr McNamara): There is no point of order.

Mr HAYWARD: I withdraw it. The point I make is that the shadow minister comes into this place and talks about a cynical approach to things, but no-one could demonstrate a more cynical approach than he did in the first 40 minutes of his speech.

I want to deal with the issue that the member made a lot of fuss about and that is the matter of the 61,000 hectares. Again, the member kept referring to that and referring to it as part of SLATS and using it, I think cynically, in order to attack the government and the minister's approach to this very, very fundamental issue of vegetation management. In his speech the Deputy Leader of the Opposition questioned the figures. He said that he had two briefings. I hope I am getting him right, because I know that he is very sensitive about what was said. The point is that if the member had bothered to take the time to have a third briefing, perhaps with the minister and some of his officers, and asked these questions that he was talking about, he would have learned the truth.

The issue is that that is not what he is interested in finding out; he is interested in perpetuating the cynicism on the issue of vegetation management in this state. The truth is that even though the Queensland Herbarium has not overlaid its data on the SLATS maps the minister's department has already done that and all he had to do was ask. That is, the Department of Natural Resources and Mines has overlaid a remnant layer developed by the Queensland Herbarium and this eliminated the weeds, the regrowth and all the other things that the Deputy Leader of the Opposition was, in a sense, rightfully so concerned about. I hope those comments have put his mind at rest on that issue, which he probably spent the first 40 minutes of his speech talking about.

The bill's mission is to safeguard the future of Queensland by protecting vegetation for future generations and about the science underpinning vegetation management in this state. When the Beattie government came to power one of its first priorities was to introduce a consistent and fair approach to the management of Queensland's native vegetation. Again, that is what the emphasis of this legislation has been, and the shadow minister again did his best to stir up cynicism about those very important points. The government remains committed to maintaining that balance—that is, a balance between sustainable land use and economic development. Everybody knows that that is not an easy balancing act, and it is not an easy balancing act for a number of reasons, particularly in a state like Queensland which is so large and diverse and has the largest percentage of native vegetation of any state in Australia. But there is sound science behind the government's approach to vegetation clearing. There are sound reasons which demonstrate the long-term cost to the community of potential land degradation through bad clearing decisions.

Native vegetation is a complex, delicate web of relationships that have to be carefully managed if we are going to be able to ensure economically sustainable development in this state. Again, I am sure that every member of this parliament wants to see economically sustainable development in this state. Scientific study has time and time again shown us that there is a direct connection between the removal of native vegetation and the subsequent potential for land degradation like salinity, soil erosion and declining water quality with the net result of a loss in productive capacity. The threat of salinity alone should be enough to make us sit up and pay close attention. Despite the best efforts of some members opposite over a period of time to stick their heads in the sand and claim that salinity is not an issue for Queensland, we all know and they all know in their heart of hearts that it has the potential to cripple this state.

Queensland's own landowners told the Australian Bureau of Statistics that we have over 100,000 hectares of land affected by salinity, and some of it is so severe that it cannot be farmed. The only way to save Queensland from the disaster that has befallen other states that have been robbed of vast tracts of land by encroaching salinity and as a result have lost potential production and economic benefit as well as facing astronomical remediation costs is to pay attention and act now. Science is also important—not just the science of this government but independent science that has been tested and proven which shows that a large contributor to salinity is vegetation clearing. In reality we all know that; it is just a question of whether it is part of the agenda of some people opposite to accept that or to, as I said, maintain a cynical approach to what I think is a fundamental issue about the economic development of Queensland.

We must remember that our land, our vegetation and our water are not static commodities that we can study and then forget about. They are dynamic. They are changing resources which form the basis of modern life. They must be managed properly with due consideration for their relationships and their relationships to each other. This government does not seek to shut down development in Queensland; rather, it is absolutely to the contrary. That is why this legislation is so important. We do recognise the need to achieve that balance that I spoke about before—the tightrope act of sustainable development which takes into account the delicate interactions of our resources and importantly the need to maintain them for future generations. That is why the

science is continually updated and this government strives to stay abreast of the latest scientific advances.

Perhaps the best example of the government's ability to respond quickly to scientific advances in natural resources can be seen in last year's decision to restrict vegetation clearing in the sensitive Murray-Darling Basin area. These restrictions came in response to the salinity hazard map for the area which showed for the first time that Queensland faced a level of potential salinity that had never before been fully realised. The government was able to take immediate action on putting sound management principles into practice in priority regions across the state. We have now seen the results of the government's decisive action in the state government joining with the Commonwealth in the National Action Plan for Salinity and Water Quality and providing jointly $162 million over seven years to define the salinity issues in the state and take some action against salinity. In August last year the Premier also called a summit of key stakeholders to ensure that all views were heard. It is about empowering local groups to use the best available science and management tools to fight local salinity and to find other solutions to the problems of salinity in Queensland.

Many of Queensland's landowners had already seen the signs of an impending problem for themselves and were starting to take the steps to deal with it themselves because they had a proactive approach to dealing with the issues of salinity. What has happened now is that the government has been able to support those landowners in their efforts—that is, those landowners who recognise that our state's vegetation management laws needed to be adjusted to meet this new threat as well as face those problems we already knew about. There is a very select and, thankfully, quite small but very vocal group of landowners who refuse to recognise the role of scientific discovery in natural resource management and who refuse to adhere to the laws that exist only to protect our natural resources and, more importantly, to protect the economic future of Queensland. These are people who deliberately break our vegetation management laws. These are people who will be caught if they break those laws because, in ignoring the importance of scientific discovery, they have also overlooked the fact that our technology makes it easier to detect land clearing.

I want to make reference to the matter that, as I said, the shadow minister spent the first 40 minutes of his speech talking about, because I know now that all honourable members in this chamber are familiar with the Statewide Landcover and Trees Study, which, as the shadow minister said, is commonly known as SLATS. As the shadow minister said, the latest satellite vegetation mapping study identified some 61,000 hectares of land in Queensland that had been potentially illegally cleared. That is another important factor that in his cynical approach to this the shadow minister did not make clear—in other words, he did not recognise that the amount that we are talking about has been potentially illegally cleared. What he preferred to say is that it has all been identified as illegally cleared.

This is the sort of misinformation and the sort of cynicism, based on very little evidence, that can cause great confusion in our community. It can cause that very select and quite small group of landowners to seize on issues as they are put forward by someone as potentially authoritative as the Deputy Opposition Leader and shadow minister. That cynicism on this issue has to end because it is so important that we ensure the economic development and future of Queensland through the vegetation management process.

The figure of 61,000 hectares was not arrived at by guesswork. The shadow minister accepts that it is based on state-of-the-art satellite technology. It reinforces the need to tighten our legislation to catch those who would make this number even greater by ignoring the law to the detriment of all Queenslanders and, more importantly, the future economic development of Queensland. This technology has already resulted in a number of investigations and prosecutions. It has highlighted some issues we need to address to make sure illegal tree clearing is not an option—to make it uneconomical and, I think importantly, completely impractical.

It is important for landowners to take note of the fact that if they clear illegally they will be caught. The clearing may not be in view of the general public, but if they imagine for a moment they will get away with it they are mistaken. Science is on our side and on the side of the community when it comes to protecting our natural resources. It will only be a matter of time.

Science is not the only tool at the government's disposal when it comes to illegal clearing. Many complaints of illegal clearing come from other landowners. In simple terms, landowners who are aware of what other people are doing are quite prepared to complain and highlight the fact that illegal clearing may be occurring. Complaints are also made by other members of the community. With the passing of this bill, those who clear illegally, when caught, will pay the price

through increased penalties such as compulsory remediation—penalties that will make it economically disastrous to even think about illegal clearing.

This bill makes it easier to identify cases of illegal clearing, how much land is affected, the status of the regional ecosystem and other characteristics of the area. It makes it easier by allowing the courts to accept a certified signature on a SLATS document as evidence in a hearing. It makes it easier by deeming that a landowner is the one responsible for illegal clearing in the absence of any evidence to the contrary. It makes it easier by discouraging attempts on the part of those under investigation to alter or to falsify documents in an attempt to avoid prosecution. It strengthens the government's ability to investigate and prosecute those who illegally clear by making the laws easier to police and increasing the deterrents.

The people of Queensland expect this government to enforce our laws, and our vegetation management laws are no exception. These laws will build on the experience gained in three years of Australia's first and most innovative comprehensive vegetation management laws coupled with recent advances in science. That makes this an appropriate time for the improvements that are contained within this bill. I commend the bill to the House.

Mr SHINE (Toowoomba North—ALP) (5.23 p.m.): I say at the outset that I was disappointed at the effort of the honourable member for Callide, the shadow minister in this instance. I was disappointed for a number of reasons. First, he has been recently elevated to the high position of Deputy Leader of the Opposition and one assumes his call on the resources of the opposition to be even more than it was before. As I understand it, the opposition has in the vicinity of 16 staff to help with research and preparing speeches and $1.5 million of finance backing them up—immense resources compared with the resources given to backbenchers in this parliament. Notwithstanding that, 50 minutes of his 60-minute contribution was a repetition of what he said in the first five minutes. It is very disappointing that he has been unable to change from his old ways, when he was the mere shadow minister as opposed to the Deputy Leader.

Mr Robertson: It was not a core promise.

Mr SHINE: I take that interjection. The second reason I was disappointed is that, although the shadow minister has had the benefit, on his own admission, of extensive briefings from the department, he still does not get it. He missed the whole point of those briefings. He missed the story we are trying to tell here—the message we are trying to get out. It would have been of tremendous assistance to the whole primary industries sector of Queensland for the Deputy Opposition Leader to understand what we are trying to get across here.

The third reason I was disappointed is that he himself resorted to political football, to stunts—the very thing he decried the government of. He made much use of that tactic in the speech he gave. He criticised the Beattie government first of all for doing nothing and then for bringing in this legislation. In the whole 60 minutes there was no mention of what the National Party had done in this important area during all of the years it was in power over the last four or five decades. The fact is that this tree clearing legislation should be supported by the whole House.

The latest satellite imagery has shown widespread illegal tree clearing happening across Queensland. That was acknowledged in a sense by the shadow minister. He disagreed about its interpretation, but he demonstrated with the display of maps that this was in fact the case. Under the legislation being presented, to clear large portions of forests developers or landowners need permission from the state government. We are trying to preserve our forestries and our vast lands in Queensland to avoid future environmental problems such as salinity. The satellite imagery has shown 2,150 instances of suspected illegal clearing from 1999 to 2001. That covers about 61,000 hectares. Serious though that is, it pales into insignificance when compared to the amount cleared in earlier years, as was indicated by the shadow minister.

Among that 61,000 hectares of land, it is estimated that 8,000 hectares of endangered vegetation has been cleared—rare plants and trees that it is illegal to remove—and that 36,000 hectares of clearing was in fact on leasehold land. This sort of illegal tree clearing is vandalism and it is considered a crime, and so it should be. The state government has minimum laws in place that state that such tree clearing is illegal and that those who break this law must be punished.

In framing this legislation the government looked at how this illegal tree clearing activity could be arrested. How can we deter people from committing these offences? How can we ensure that offenders do not re-offend? That is really the point of this legislation, together with considerations

of what might be a fair penalty, whether it be imprisonment, fines, paying for replantation of vegetation and so on.

How should these penalties be handed out? How do we calculate the penalties—to the number of hectares cleared, the value of the land involved, the number of protected species removed? All these sorts of considerations are covered in quite a detailed level in the act. The act has been brought in after ample consultation and consideration by all sectors of the industry and of government itself.

The major points of the legislation are these. There will be a requirement for repeat offenders on leasehold land to show cause why their leases should not be cancelled. As I said, I will come to that in more detail shortly. There will be a five-year ban on vegetation clearing permits for anyone convicted of illegal clearing. There will be a range of penalties that better reflect the severity of the offence. For example, determining penalties by multiplying the number of hectares illegally cleared by the amount per acre by which the cleared land has increased in value and imposing heavier penalties for people who clear endangered or threatened vegetation than those who clear not-of-concern areas. There will be compulsory remediation or rehabilitation of illegally cleared land at the land-holder's expense on leasehold and freehold land plus changes to remediation orders and the land's title.

There has to be cooperation from the federal government to find an overall solution to vegetation management problems in the whole of Australia. Satellite data has shown how widespread tree clearing is becoming, particularly in Queensland, but it extends beyond the borders of Queensland and the Territory borders as well.

As I said, I wanted to speak in more detail about how the legislation pertains to leasehold land provisions. This bill will change things to ensure that both freehold and leasehold land are treated in the same way when it comes to managing illegal clearing. It is a fairer system and it is a better system. At the same time the bill will recognise that leasehold land-holders are nothing more or less than tenants of the taxpayers of Queensland, and their duty of care to maintain Queensland's land and deliver it in good condition to future generations must be taken into account.

This duty of care is not just about the permanent features of the land—the watercourses, the soil; it is about features of the land that might seem more transient to land-holders as well: the trees and other native vegetation and all the biodiversity they support and encompass. The majority of land-holders balance their rights with these responsibilities and take their stewardship of the land very seriously. Far from the government or the Premier or the minister referring to the vast majority of land-holders as cowboys, the government recognises that the vast majority of people on the land are very, very responsible. However, there are those who are spoiling things for everyone, damaging the land over which they hold leases, damaging the land of their neighbours and damaging the sustainable future of Queensland all through their insistence on continuing to illegally clear that land.

Some people who have been carrying out this illegal clearing have broken the vegetation management laws more than once. This government is going to stop these cowboys, these environmental vandals. They will not be allowed to ignore their obligations to the community. This will be achieved by an amendment that will make it possible for those who clear their land illegally time and time again to lose their leases.

Under this legislation where a leasehold land-holder has been prosecuted for illegal clearing more than once, the land-holder will be required to show cause as to why their lease should not be forfeited to the government. Yes, that is harsh and it shows real teeth, but this government has tried leniency in the past. The result has been, by and large, compliance but we cannot ignore the small percentage of recidivism and continuing disregard for the laws of this state. So it is time to get tough, to issue harsh penalties to those few who feel that the law does not need to apply to them.

It would be in the interests of the opposition and the people they purport to represent if that message got through loud and clear. The reasons for land clearing are generally pretty simple. There is a short-term economic advantage to clear land. It offers the chance to make some money from cropping or grazing, which is what farming is all about after all. However, when that economic benefit comes at the expense of other people—other land-holders affected by increased run-off and salinity risk, the people of Queensland who must pay for the environmental degradation and future generations often of that very farmer or people who are occupying the land and are destroying it—then we must act to stop it.

We in this House have a responsibility to all Queenslanders now and in the future to ensure that we act as responsible guardians of the state, and we would not be fulfilling that responsibility were we to turn a blind eye to this repeated defiance of our vegetation management laws.

It is time to get tough. It is time to make it very clear to people that their livelihoods will be at risk if they break this law. It is time to make it clear the seriousness with which this government views illegal clearing activity. This is a punishment that will truly fit the crime. If someone hopes to increase their business revenue through illegal activities, they will face losing that business altogether. It is that simple.

The vegetation management provisions of this bill will not affect most Queenslanders. Most Queenslanders are good, law-abiding citizens who are justifiably concerned about Queensland's long-term future, which is in accordance with their own interests as well. It is a bill that makes sure that those land-holders who are following the law, who are protecting our land for future generations, are not put at a disadvantage by the illegal acts of their neighbours. I commend the bill to the House.

Mr HOBBS (Warrego—NPA) (5.36 p.m.): I am pleased to speak today to the Natural Resources and Other Legislation Amendment Bill 2003. As the shadow minister mentioned, anyone who wilfully breaks the law must face the consequences. We on this side of the House do not want to see illegal tree clearing, and people who are irresponsible should face the full force of the law. However, those laws must be fair, equitable and reasonable.

First of all, how do we get legislation into this House that is fair and equitable? We consult with people. In relation to this legislation, there was no consultation with the people who are going to be affected—none at all. Is that not unreasonable, for a start? Would that not create suspicion as well? No consultation at all!

This legislation is harsh, it encourages entrapment and will be used to win present court cases that the government could not win on their own merits now. That is the issue. The government is using this legislation to win cases that are before the courts today and cases that it is investigating. We saw what this government did before, and the minister is going to do it again. He knows as well as I do that this legislation will be used to beat people who the government cannot beat now in the courts under the fair and equitable laws of the land that have stood the test of time.

We do not doubt that a government has to change laws. We accept that. I hope when the minister speaks to this bill he will say that this legislation will not be used in any court case which he is dealing with at present. Let us see how good he is; let us see how strong he is. The general public have lost faith, unfortunately, in the sincerity of the Department of Natural Resources. There are numerous cases of this. We have loads of documentation. Here is an example which I have used before in a debate, but I want to use it again because it is very important. This is a letter from a land-holder, and I quote—

During July, August and early September 2000, there was a lot of media and press releases from the Government with regard to implementing tree clearing guidelines, and that a permit would be required to clear native title vegetation on all land including freehold land.

We were intending to pull some virgin timber around this time and had asked a neighbour to work with us where we had our own dozer and they provided the other to pull about 1,000 acres. I was concerned about the media releasing details of what was to come, being the Proclamation of the Vegetation Management Act.

Prior to this date I was liaising with senior Department of Natural Resources and Mines (DNR) in Roma, Dalby and Warwick, with regard to what to do if the legislation was introduced whilst we were pulling. We wanted to pull approximately 1,000 acres and had the opportunity to do this as a neighbour was travelling through our property with their dozers and we could hire one of theirs to pull with our own machine. We had these senior officers visit our property at an earlier date, when, they actually drew up a tree-clearing plan for the whole of our property with our assistance, long before it was required from DNR.

They all indicated to me in their own words to keep pulling as we had a plan and that we were pulling within their guidelines and that there was no timber species that was endangered and that a permit would be approved anyway. These DNR personnel had not been briefed on what procedures were required, being what forms would need to be supplied or any details whatsoever with regard to making an application to clear. In other words there was total confusion in DNR for a month as to what was required. A permit would be approved if and when it was required to clear according to our tree clearing plan. They did suggest that if we had a breakdown or got wet weather to hold off and apply for a permit. I made notes in my Diary of these phone calls.

We started pulling on 15 December and later we found out on the news that the Vegetation Management Act was proclaimed in parliament and that there were restrictions on tree clearing in Queensland. In February 2002 I had a phone call from DNR requesting a meeting with me at our property to discuss anomalies with the tree clearing maps. I agreed to meet with them on the next day to what I thought was to correct some anomalies with their maps. I felt that they needed my help as I have lived here all of my life and I was made to think that they needed my assistance, knowing my local knowledge of the district. How wrong was I. Two of them came out and I invited them

into our home and made them a cup of tea and they produced maps and started questioning me and it was after about two hours that I realised things were not right when I was asked for my Drivers Licence to identify myself. I then realised that he was talking into a tape recorder and that I had told him things that did not relate to the original investigation. I was not made aware that our conversation was being recorded.

This has led to me being charged for Tree Clearing without a Permit for clearing 49.7 HA of the 1,000 acres. Technically, we were clearing without a permit for the few days to complete the 1,000 acres, because of their inefficiencies of not being able to issue a permit. I was in fact consulting with them to prevent exactly what has happened.

So there is an example of what is happening out there. The minister's staff are out secretly tape recording innocent people trying to do their absolute best in relation to vegetation management.

This bill seeks to put in place forfeiture procedures. We have no problem with strengthening the law if it is to be done right. In terms of the forfeiture procedure in relation to repeated tree clearing offences, in essence now a lessee will be given a show cause notice by the minister to allow the lessee to make a written representation showing why the lease should not be forfeited. The minister will then determine the matter, taking into account such representations. Appeal rights are provided during which period the forfeiture is stayed.

In the normal course of events—and under the rest of the land acts—those matters of forfeiture go before the Land Court to be determined by people who have the experience, not by a politically motivated minister of the Crown. That is the issue. It should be up to the court to determine who forfeits land and who does not; it should not be up to the whim of some minister trying to make an example of some people. That is the situation.

Further, the real sting in the tail is that improvements on property are forfeited to the state unless the minister approves their removal. However, the lessee can seek payments for improvements in accordance with part 5. The whole basis of actually improving one's land is that people at least get the improvements back. They might not get anything back under this scenario. It might not necessarily be a particular person's fault. It may be somebody else on the land who has committed the offence, but they lose all of those assets. It is just totally unreasonable that the minister of the day would determine such a matter. These are matters that have to go before the court. Not only that, but this provision involves other leases. For instance, there may be up to 10 leases on a property. People may be tree clearing on one lease, but this minister is saying that all the leases would have to be forfeited if an offence were committed on just one lease. It is not reasonable to dream up something as bad as this. It is no wonder—there was no consultation with anybody!

The minister did not have the guts to talk to Agforce, for instance, or the land-holders in relation to what he was doing. If he had, the minister would have learned that some of these things are impractical. Nobody denies that we need strong laws. Nobody wants illegal tree clearing. Nobody wants people to do the wrong thing. No property or farm owner would carry out such actions if they knew that the laws of the land were reasonable. In every industry we will always get someone at the edges. We accept that. That is why we need rules. This is what is happening at present.

There is another important issue in relation to this bill. Once the principle of the confiscation of land to punish environmental crime is enshrined in legislation, it is a very small step then to argue for the sake of policy consistency that the principle should likewise apply to freehold land and then to urban and industrial freehold land. Why not? This is precisely the same argument that the conservation movement used to convince governments to introduce tree clearing controls on freehold land. One can see the argument now. A land-holder farmer loses his land but the freehold farmer does not. Both the leasehold farmers and the Greens will be screaming for consistent policy as what is a crime on both sides of the fence will be dramatically different in penalty. Freehold is and should remain a superior tenure; however, that argument will be used.

The crimes committed have to be seen in the wider context. No person whose financial survival depends on continued production from the land will deliberately sabotage his family's future. The crime is more than likely to be a dispute about what is sustainable. Often political imperatives are driving the push for draconian laws while economics, production, employment, sustainability and good practical science are sacrificed on the altar of environmental zeal. The forfeiture of a lease is a monumental leap and involves the destruction of what could be a multimillion-dollar business in which the Crown's financial stakes could be 10 per cent or less. Such laws need to be approached with extreme caution.

Land-holders would be facing a penalty of total financial ruin which is far above that faced by serious criminal offenders who threaten life, limb and property. Fraud and assault do not fare

nearly as badly as land-holders do under this proposal. Clearly, any forfeiture should be linked to two major breaches. That is particularly important. The minor breaches should not be permitted to form part of the forfeiture process. The government must enshrine in legislation that any prosecution tainted by false information, submissions or false evidence provided by any Crown official to support the prosecution be struck out. A full refund of all fees expended should be paid to the aggrieved party. All charges and particulars to support them should be clear, concise and unambiguous so as to allow the accused party to respond without confusion. Once charged, particulars are provided to the accused party and they cannot be amended. There must be a distinction drawn between minor and major offences when it comes to forfeiture of lease considerations. Those minor offences could be interpretational differences, permit errors, mapping errors, wrong trees named on the permit, or trees that grow in a permit area not even being named on a permit.

What about GPS errors? Until recently, every GPS except those of surveyors was basically 100 metres out because the Americans were changing the satellites. Even if we thought we did the right thing, we could be still 100 metres out. But even a pencil line on a map is out 100 metres. So fenceline clearings could stray outside permit areas where no coordinates are provided on the permit and no practical means are available to determine the boundaries. The offence involves small areas, that is, 15 hectares or less or widths of 100 metres, et cetera, or clearing areas that are ambiguous or misleading on a permit. Major breaches could be clearing without a permit at all; blatant disregard for the spirit and intent of a permit; failure to stop clearing when a warning has been given; and clearing more than 20 per cent of the lease without authority.

Those are the sorts of things where we can be heavy handed, but the government is becoming heavy handed with little things. The issue is that it has not defined or thought about that. If the government had consulted people or even asked anybody on the land, they would have been told about some of these things. To date the government has spent at least $600,000—that is the minimum; it is probably closer to $800,000 now—and the land-holder has spent $300,000. It has been to court five times and is about to go to court once more. All over 149 trees!

Mr ROBERTSON: I rise to a point of order. Firstly, the honourable member is misleading the House. Secondly, I would suggest the honourable member proceed with caution, because this is a matter that continues to be before the courts, as I understand it.

Mr HOBBS: I turn now to the penalties for clearing offences. The severity will depend upon factors including the number of hectares unlawfully cleared and the sensitivity of a regional ecosystem cleared; that is, the harshest penalty is given for the clearing of a remnant endangered regional ecosystem or declared area. In addition, the person convicted of an offence may be ordered to pay the department's reasonable costs of investigation and prosecution. We are talking about the departmental costs now.

I will give the government some examples of where it has tried to entrap people. On numerous occasions in this House we have debated the St George Anchorage case, which is before the Land Court. Clearly, the minister's departmental officers were caught misleading—outside of the House it would be called lying—the department and the courts in relation to these matters. You fellows ran a million miles from that court case when they knew they were done and their staff would be dragged through there kicking and screaming. They were already made to look like gooses by the land-holders involved. The departmental officers were only using the information that they wanted to use and not using all of the information required in the court case. The minister knows that.

The monitoring and enforcement of compliance is a particularly important part of this legislation that the minister is putting in place. This provision will allow inspectors to enter and use reasonable force in addition to taking reasonable action to stop contravention of a notice. To a certain degree I do not have a lot of problems with that, but people need to be aware of it. The inspectors will be able to come in without consent. At least there should be the courtesy of a phone call. They can seize evidence. That is probably reasonable enough, too. But they are going to do criminal history checks on them as well.

Mr Robertson: I never required criminal history checks.

Mr Seeney: You're assuming they're all criminals.

Mr Robertson: I explained this to you.

Mr HOBBS: The minister has.

Mr Seeney: Explain it to the House.

Mr HOBBS: Yes, explain it to the House. I spoke to the shadow minister about it as well. The minister needs to explain to the community why primary producers will have to undergo a criminal history check before a DNR officer steps onto the place. If the minister's people have concerns about going out to those places, it is his fault. They are taping people without telling them. Those are the sorts of rules it is playing by. The biggest tree clearers in Queensland's history have been the Goss and Beattie governments. That is because they do not understand the people and how to go about this. The government is making people do that. People cannot even get a permit. They have to wait 12 months to get one. During the recent drought it was taking months for people to get a fodder permit. I will bet my boots that a lot of the illegal tree clearing that the government is talking about is clearing for fodder.

Mr Robertson: Wrong.

Mr HOBBS: I hope I am wrong.

Mr Seeney: How do you know?

Mr HOBBS: How does the minister know? That is an interesting point. All the minister has to do is understand the issue and then he would be able to manage it. But he keeps coming from behind and using the big stick. He has not even thought about long-term permit arrangements, which would resolve most of these issues. Instead he is having criminal checks done on people. He brought all of this on himself. He should not expect land-holders to continue to be treated the way they are being treated now. The department's maps are out of date. Does the department still have inaccurate maps? The minister is saying through this legislation that he is going to have maps used as evidence that can be substantiated in a court. Most of the maps are inaccurate. That is the issue. Many people have discovered that. Nearly every time somebody talks to us about vegetation they say that the maps they have seen are wrong; that they have been to the department and had them fixed up; that slowly but surely they will get them right. I accept the fact that it is a pretty hard job to ground truth all of the maps. There is certainly a lot of work to be done in that regard.

I wish to speak in particular about the fact that the new provisions include the presumption that land clearing is taken to have been done by an occupier of the land in the absence of evidence to the contrary, similar to the situation with red-light camera and speeding offences. For example, an employee who wants to get back at somebody might clear a bit of country and walk off camp. What happens then? The old land-holder will have to cop it again. This is the sort of thing that could go on.

Debate, on motion of Mrs Christine Scott, adjourned.

QUEENSLAND HEALTH

Ms LEE LONG (Tablelands—ONP) (5.57 p.m.): I move—

That this House calls for an independent inquiry to investigate the state of Queensland Health and the vast disparity between service delivery as described by this government and its Health Minister and the reality as faced by Queenslanders across the state.

I rise to speak about the state government's failure to provide adequate health services to the people of Queensland. So far as money is concerned, this government maintains that it is doing all it can and that the shortfall is all the fault of the federal government. If only we had an extra $500 million in federal funding we could solve many of our problems, according to the Health Minister. But while she is bemoaning the lack of federal money she is also part of a government that is happily spending some $300 million on a footy field. The Health Minister then decides that the best option is to cut costs and that the best way is by slashing demand. So now we have accident and emergency departments advising people to take their ills and chills to a GP. In that way they can reduce hospital services from 24 hours, seven days a week to limited hours.

Emergency dental services in my electorate, for example, are now only available for two hours in the morning on Mondays and Thursdays in Atherton and Tuesdays and Fridays in Mareeba. Eight hours a week for a population of more than 50,000 people is nowhere near good enough. That lack of resourcing is why waiting times are so long virtually across-the-board. The minister has claimed the waiting list is not that bad for patients in serious categories, but it is cold comfort indeed for people having to wait years for attention to know that their agony is somehow acceptable because their condition is not considered serious enough.

Queensland had its own free state funded hospital system with outpatient departments and not just accident and emergency. They were places where we could take our ills and chills. Today, Queenslanders still suffer from the same ills and chills and health issues that come up in normal daily life.

But under this government people are advised not to rely on their hospitals—that is if they are lucky enough to have one. Hospital care is a state issue, it is a state responsibility and it is being gutted by this government. But worse is to come if the Beattie government gets its way. Let us look at the direction Queensland Health care will take under the ALP, especially the Smart State Health 2020 directions statement. It states—

Queenslanders have high expectations about accessing quality, safe health care and are becoming less tolerant of medical errors and waiting to access services.

Of course they are tired of waiting, because they have to do so much of it. This government's failure in hospital and health care is something that Queenslanders see all too often when they try to access it. It is something that will stick with them come election time. How many ALP electorates have lost maternity or other services or seen their hospitals make way for palliative centres or other facilities? For example, Gordonvale used to have a hospital. Now it has a palliative care facility. I will revisit this Health 2020 document in relation to rural health services. It states further that increasing funding at rural centres will not provide viable health care services. Increasing funding would be a fine first step. The statement goes on to argue that if there are not enough patients with a given condition for a doctor to see each week, the doctor's skills may not be maintained, putting the patient at a greater risk of an adverse medical event. What gobbledegook! Is this government really arguing that rural Queenslanders would be safer with no doctor at all?

In how many electorates are people waiting for unimaginably long periods of time for basic dental or other health care? The Health Minister relies heavily on the size of the Health budget as a defence in debates such as this. However, these budgets are not easing the pain of constituents waiting not weeks or months but in excess of four years for dental work. It is under this government that people in need of urgent testing and examination are forced to wait weeks and months for those tests or examinations. Reports earlier this year in the *Courier-Mail* highlighted this. In that case, it was a six-week wait for treatment for people with bleeding or aggressively growing cancers. That six-week wait was three times longer than this government's own standards.

The Beattie government needs to take its head out of the bucket and see how foolish the Health 2020 directions statement is. In it, this government expects to see increasing self-management of disease by individuals supported by dynamic multidisciplinary teams, families and volunteers, and communications and information technology. There is also an underlying theme that hospital beds will scarcely, if ever, be needed. Let me tell members what this guiding document has to say about hospital services. It states—

Medi-hotels or community rehabilitation centres increasingly replacing in-hospital rehabilitation services, particularly for older Queenslanders.

The very basic question of whether Queenslanders want to see their hospitals go does not appear to have even been considered. Sadly, that is a trademark of this government. This last group that it seems to bother with, the last group that it pays attention to, are the people of Queensland.

But if the department is inward looking, one would hope that it at least was keeping its own operations shipshape. Not so. I have spoken before about the abysmal failure of Queensland Health to deal with the discovery of some lead paint in the maternity ward of the Atherton Hospital. We were told that the problem was far more complicated than could be resolved by something as basic as a new coat of paint. Yet after the community brought pressure to bear, what did we see? Funding for, among other things, a new coat of paint.

Nurses and medical staff and, I believe, general administration staff at the local levels are totally dedicated. It is the policy and the direction, or perhaps the lack of sensible policy and the distinct lack of any sense of direction from above, that is the core of the problem. I will give members another example. Cairns Base Hospital is the major hospital for the far north. It has been the subject of a major, multimillion-dollar renewal. It should be enjoying the benefits of being a cutting-edge facility delivering services in world-class conditions. Instead, this government allows it to operate so wastefully that the figure runs into millions of dollars. Instead, this government creates a situation where medical professionals are forced to go public with concerns. Instead,

this government leaves nurses with almost impossible workloads. This government thinks that the Cairns Base Hospital is able to serve the entire far north while battling those limitations.

According to Queensland Health's own report, the waste at Cairns Base Hospital runs at some $7.4 million annually. If this is true—and given the number of reports into the Cairns Base Hospital, some people might wonder which one, if any, is accurate—what kind of financial oversight was being exercised by Brisbane? The minister is responsible for her department. She is ready to smile for the cameras every time there is an opening. She should accept responsibility when her department is identified as wasting $7 million a year through inefficiency and poor management.

My electorate has seen similar nonsense situations where, as I have said, something as simple as repainting a maternity unit instead becomes a $1 million job. I would also mention Townsville Hospital, because I have received complaints about it also. It is the same story: there are machines used to treat cancer, and they are new, they are in place, but they are not serving the people of Queensland because there are not enough staff to operate them. That is what I have been advised. Clearly, there was no planning to back up the purchase and installation of the equipment. If there had been, one would have expected that an operator would have been available from day one.

We need a sharp, one might say clinical, examination of the provision of health services in Queensland. We need it because, whatever the members opposite would like to believe, the truth is that Queenslanders are suffering. They are suffering badly and they are suffering because this government is not delivering.

Recently, I called a public meeting in my electorate about the fate of the maternity ward at Atherton Hospital. Following the calling of that meeting, the Health Minister announced $1 million for the hospital. Despite that announcement, the public—

Mrs Edmond interjected.

Ms LEE LONG: The minister said that after the meeting was called.

Mrs EDMOND: I rise to a point of order.

Ms LEE LONG: Despite that announcement, the public meeting still attracted some 300 to 400 people.

Mrs EDMOND: The member knows full well—

Mr SPEAKER: Order! There is a point of order.

Mrs EDMOND: The mayor was down seeing me a week before the meeting was called. He told me about the meeting. At the same time, I told him and announced the $1 million to take over the problems that were at Atherton Hospital that could not be solved by a coat of paint.

Mr SPEAKER: I accept that point of order.

Ms LEE LONG: The $1 million was announced before the mayor came down to see the minister and it was announced after I had called a public meeting.

Mr SPEAKER: We will not have a debate about it. We will just keep going.

Ms LEE LONG: I believe that that indicates the depth of mistrust that the people of Queensland have in this government and its mismanagement of health issues. If this government were believable on health, if it was seen by the people of Queensland to be fair dinkum about it, those people would not have bothered turning up for that meeting.

The Beattie government refuses to address any of those issues. It sticks its head in the bucket and insists that everything is okay. But in reality, it has lost the trust of Queensland and it is betraying its obligations. That is why I called for an independent inquiry to investigate the state of the Queensland Health and the vast disparity between service delivery as described by this government and its Health Minister and the reality that is faced by Queenslanders across the state.

Time expired.

Mr FLYNN (Lockyer—ONP) (6.07 p.m.): I second the motion. Of all the portfolios of government, the one that draws more attention than usual is Health. No-one pretends that it is an easy ministry, but its level of difficulty must not dictate its level of accountability, nor the level of tolerance shown to the minister responsible or the government responsible for the minister. Every sitting of parliament includes significant critique of and comment on the performance of the honourable minister, and, more pertinently, of the department of which she is responsible. Almost

weekly, if not more frequently, we see reports by all sections of the media drawing our attention to some crisis or other in the Health Department—staffing crisis, medical misjudgment, bureaucracy impeding the level of services to name but a few.

This government seems to behave ostrich-like, burying its head in the sand and hoping that the issues would go away or saying that the problems do not exist. In some ways, Queensland Health is like all other government departments. Any bureaucratic advice as a result of internal reviews tends to be tweaked to fall in line with government policy heavily pressured by budgetary considerations. Whilst in damage control over health, this government wades through the mud from one crisis to another whilst taking pot shots at the messengers delivering bad news.

This Labor government has laid claim to listening to the public, being consultative and responsive. If this government were to take the responsible line to this call for an inquiry or an independent review, it would show Queenslanders just how far it is prepared to go to deliver the level of service our people expect. The government could, if it wanted, turn our demands to mutual advantage at minimal cost. We are not calling for a royal commission, nor a commission of inquiry; we simply suggest an inquiry or a review of the Health Department—policy, practice, procedure, and budgetary priorities. Why do we have a dearth of medical staff in the bush? Why do we have shortages of staff across-the-board? Why do we have medical misjudgments which appear to arise from overworking our staff, particularly in triage and emergency departments?

Why do we have hospitals, especially country ones, closing doors to new patients for days at a time? Why do we have ambulances diverted from one hospital to another because of a lack of beds or staff? Why do we have junior staff frequently left unsupported by seniors through a lack of financial resources? Why do we have junior and senior staff sometimes working between 60, 70 and 80 hours a week to deliver minimal services? Why do we have a health service top heavy with administration staff, apparently at the expense of a reasonable level of real service deliverers, and by service deliverers I mean doctors, nurses, nurses aides, orderlies, medical support staff and others?

Why is it that a hospital service that was once the pride of Australia is apparently in its death throes through a lack of understanding management? Research shows that Queensland Health was last reviewed by the Public Sector Management Commission in 1991. Its report does not indicate costs. However, the review achieved some significant restructure of public health services, corporate services, policy and planning, and executive support. My point is that clearly the restructure was not sufficient and now, at the behest of this government one would hope, the system needs further review.

I can demonstrate possible future costs by showing that in 1996-97 the Queensland Fire and Rescue Authority had a review that was funded at a little over $52,000. In the same period, a review of the Queensland Ambulance Service cost a mere $40,000. I suggest that this is absolute chickenfeed when one considers the vastly improved service that I am sure could be provided at a very cost-effective level, with proper delivery of timely services delivered according to the expectations of the community and not the bean-counting bureaucracy encouraged by this government.

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (6.12 p.m.): I move the following amendment—

Delete all words after 'House' and insert the following—

'commends the Minister for Health and all health workers across the State for delivering an increasing range of world class services to all Queenslanders, in spite of the Federal Government's destructive health policies.'

The Beattie Labor government has an impressive record in improving and expanding health services across the state. This government has provided record Health budgets every year in office, that is, five consecutive record budgets.

Contrary to the claims of the member for Tablelands, budgets have not been cut. Last year I was delighted to announce a record recurrent Health budget of $4.33 billion, as well as $248 million in capital works and equipment, to complete the Labor government's $2.8 billion Health rebuilding program. The Beattie government has a proud record of improving services.

Ms LEE LONG: I rise to a point of order. I did not say that the minister had cut the budget.

Mrs EDMOND: You said 'slashing budgets'.

Mr SPEAKER: That is not a point of order. The member will resume her seat.

Mrs EDMOND: The Beattie government has a proud record of improving services and increasing funding in palliative care, child health, family support programs, mental health—there

has been an enormous increase in mental health funding—youth and women's health, drug and alcohol services, renal and cancer services, as well as health promotion and prevention programs and many other programs that are run by our excellent health facilities. I would add that it is the fantastic dedicated staff, from the leading neurosurgeons and nurses to the dependable administration staff, who really make Queensland Health the world-class system that it is—one that I am constantly told is the envy of everywhere else in the world.

I understand the mover's interest in rural health and, specifically, the Atherton Hospital. In January I announced a $1 million upgrade of the Atherton Hospital that will mean improved accommodation for mothers and babies—

Mr Flynn interjected.

Mrs EDMOND:—something that the member for Lockyer is obviously opposed to. It may also mean a future expansion of renal services, something else he presumably opposes. However, that move has been welcomed by the local doctors. That is not where it ends in terms of this government's commitment to rural service delivery. We have further improved access to specialist services in rural and remote communities. We have upgraded Queensland Health owned rural medical surgeries, which is another initiative that has been welcomed by the Rural Doctors Association of Queensland.

Recently I was on the tableland and people told me about the wonderful things that are happening there and how many extra services have been provided. When I asked why the local member does not know about those things and why she does not say something about them, I was told, 'She only ever whinges. She has never said a positive word about anything in her life.'

I have launched the Queensland Health Rural and Remote Nursing Relief Program, the nurse practitioner trials, the www.thinknursing.com web site, and I have introduced nursing scholarships. We have employed 120 school nurses in 241 high schools across the state, who reach 150,000 or more students. They give advice and help on a range of health issues affecting our young people. We have introduced parenting programs that have helped more than 12,000 Queensland mums and dads.

Of course, an area where we have paid particular attention is the important area of medical indemnity. The Beattie government has extended its medical indemnity protection for doctors who work in the public health system as part of our substantial tort law reforms, including rural doctors. In fact, we have received advice from the Rural Doctors Association of Queensland that those reforms, as well as my initiative of making available $2,000 for maintaining procedural skills, has led to renewed interest from GPs in rural procedures.

The Beattie Labor government has a singular record with its commitment to an efficient public health care system built on the principles of universality and equity of access according to need and not the ability to pay. This is something that is currently under threat from our Commonwealth government, which has said that it is okay to have a two-tier system because those people who cannot afford the private health system can do without; they can have a second-rate system. That is what the Howard government has said and that is what it is prepared to do. The Commonwealth Health Minister could not even be bothered to turn up to the meeting to discuss the funding.

Mr Flynn interjected.

Mrs EDMOND: The member for Lockyer does not seem to realise that he pays taxes that go to the Commonwealth government. Can we all spell it out for him? The Commonwealth government then gives us back our taxes to provide the services. The member should be demanding a fair share for Queenslanders. I am prepared to stand up and say that I think the people of Lockyer, the people of Tablelands and everyone in Queensland deserve a fair share. The member is sitting there saying that he does not care, that he does not want Queenslanders to have a fair share; well, I do. I table this document.

Time expired.

Ms NELSON-CARR (Mundingburra—ALP) (6.17 p.m.): I rise to second the minister's amendment to a motion that can only be described as bizarre. By that I mean that after all this time in this place—

Ms Stone: Not that long.

Ms NELSON-CARR: No, not that long—the member for Tablelands still cannot quite understand the difference between federal and state funding to our health system. I would have

thought that the member would have figured it out by now. She has been harping on it for so long that I would have thought she would know all about it by now.

However, the member got one thing right about having an inquiry. Yes, she has blown the lid clear off her federal colleagues, the same colleagues whom she supports and protects in every debate even though they have their fingerprints all over our state health system, and they are dirty fingerprints. They continue to cost shift as Medicare falls apart.

Outer metropolitan and rural areas have a chronic shortage of GPs. As my friend and colleague the member for Logan pointed out to me this morning, there are plenty of low-income families in those electorates who are left out on a limb. They have no choice. They will not be able to pull out a Medicare card; it will be straight onto the credit card. Those people have only one alternative, which is to go direct to the outpatients.

The member for Tablelands got it right. We do need an inquiry—an inquiry into the honesty of Peter Costello, for a start. Surely the member can remember why the federal government defunded the dental system: it was because Peter Costello said that there were no waiting lists. We all know how many times the member for Tablelands has raised dental concerns in relation to her electorate.

I know that One Nation is fixated on conspiracy theories, but an inquiry into state health based on the member's knowledge of Queensland Health begins and ends at the Atherton Hospital. Let me tell members an even more intriguing point: the Atherton Hospital has had a recent approval rating of 96 per cent. Do members know how many are on the category 1 waiting list? One! Do members know how many are waiting on the other lists? None!

Mr Mickel: What an embarrassment.

Ms NELSON-CARR: It is an embarrassment. Ms Lee Long needs to go back to basics and face those deep cavities that she is always talking about, which are in the federal government's credibility. Let us look at the con job it perpetrated when it announced the extra GPs. The areas in need did not even qualify. This is headline policy, not real policy.

This country needs a lie detector inquiry—an inquiry into the lie that Medicare was never designed as a benefit available to all Australians. Bill Hayden initiated universal health care in 1975. Bulk-billing was the central feature—available for everybody, no means test. Malcolm Fraser demolished it, Neal Blewett reintroduced it and now John Howard wants to kill it off again. Taxpayers are forced now to prop up an ever-increasing costly private health insurance system at a cost of $2,200 million. Just half of that would give our hospitals what they need and mean a better life for those who need it.

Yes, an inquiry is needed to expose John Howard's lies and hypocrisy. What about an inquiry into the mind of the federal health puppet, Senator Kay Patterson? Last month we saw the extraordinary situation of the federal Health Minister, Senator Kay Patterson, saying that she saw no point in attending a meeting with her state and territory counterparts to discuss the most pressing issues those opposite are talking about.

Mr Mickel: Why won't they stand up for Medicare?

Ms NELSON-CARR: That is right. Why won't they? She saw no point in attending a meeting designed to further negotiations for the next Australian health care agreement, the five-year funding agreement between states and territories and the federal government. That was despite the fact that the current agreement expires in June. One would have to wonder what Senator Patterson does see as a good point.

All of the state and territory health ministers have taken a very constructive approach to negotiations for the next Australian health care agreement in recognition of the very issues we are talking about tonight. One of the reasons those issues have become so serious is that the federal coalition dudded the states and territories in relation to their funding under the current agreement. In fact, if the federal government had acted on recommendations of an independent arbiter for the last agreement Queensland would have received $166 million more over the past five years for health services. Of that money, Queensland missed out on $65.4 million this year alone, and we are only in March! The member for Tablelands should give some thought to what a difference that $65.4 million the federal government should have given Queensland this year would have made to those people waiting for elective surgery. It was enough money to perform 11,000 elective surgery procedures this year.

Time expired.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (6.21 p.m.): Politics being politics, the government of the day will always portray its administration and government as the best, the most efficient and the most generous. Those claims are acceptable provided that the rhetoric matches reality, that the political spiel matches community experience. I have been in both state and local government long enough to know that no government can provide the expectations of everyone in a community. The expectations are diverse, the wish lists are large and personal priorities are endless. Most of us are circumspect enough to say, 'We will do our best and get as much as possible for you,' recognising those real financial constraints. There is no bottomless bucket of money. However, when a government's PR machine has grown exponentially and communities are inundated with glossy brochures and grinning photos of intangible largesse being distributed, the eloquence had better match the experience.

In relation to the Health portfolio my electorate is angry. I genuinely thank the Minister for Health for the announcement on Tuesday of the resumption of oncology services. The efforts of Minister Edmond and her department are appreciated beyond belief. We are all touched by cancer, but when oncology services were cancelled in Gladstone I spoke often with people in the middle of their chemo who were desperate not to have to travel. They were ill, their treatment made them feel worse and hell would freeze over before they or I could be convinced, even economically, of the benefit of flying cancer patients to Brisbane, often with carers, rather than paying the cost of a specialist to visit Gladstone to see a number of patients.

The minister has said that services in my electorate have not reduced. I am sorry, but not many in my electorate believe that. The government talks of record Health budgets. The federal government and the state government talk about a lack of doctors, nurses and specialists. The talk has gone on for too long. Only so many years can pass before people can validly ask: why has more not been done to ensure training is in place? That is a reasonable question for both state and federal governments.

We have seen our wonderful doctors, nurses, nursing aides, domiciliary staff—all the clinicians at the hospital—work their tails off with no real staff increases. They are told that to speak out is to breach Queensland Health's code of ethics. All the while, administrative management appears to grow exponentially. We need to get back to ensuring that the majority of dollars goes to those areas which provide services to the staff at the coalface—increase their numbers and have only enough administrators and paper shufflers as are essential.

I read into this House last year letters from nurses at my electorate's hospital. They were so very frustrated. Some were angry and some were beyond anger. These are caring, compassionate people. It is the nature of their vocation. The original motion calls for an inquiry into the disparity between government claims and community experience.

Good health and access to good medical services are fundamental to our quality of life. For decades people have been able to go to the hospital, wait a couple of hours and see a doctor for a cold, ache, pain or something more sinister—not just accident and emergency but also holistic health services. There is no use pretending that hospitals have only ever dealt with accidents. There is too much history and experience to the contrary. I have no doubt that Minister Edmond is administering a growing Health budget. The question is: is it going to health services or to middle management? A truly independent inquiry could answer that question.

In the minister's amendment she commends herself and the health workers across the state. Nobody in this House would ever criticise health workers in Queensland. They work in an environment of increasing pressure with decreasing resources. They are a wonderful group of people. We are asking that an inquiry occur to ensure as much as possible of the allocated money reaches the coalface—the workers in the community who provide health services across Queensland. I do not support the amendment. I do support the original motion. We do need to ensure that Queenslanders enjoy the very best health services, with the dollars reaching the patients.

Ms STONE (Springwood—ALP) (6.26 p.m.): The only investigation that is needed is an investigation into why the federal government will not be providing new money in this year's budget for health. With taxation at record levels, why is Peter Costello not spending it on health? That is the question the member for Tablelands should be asking.

The other investigation should be into the promise made by the Howard government before the last election. That promise was to put dollars into outer metropolitan areas for health. When the member for Logan wrote to the federal government to try to get assistance for his electorate,

he was told that Browns Plains was not outer metropolitan. In fact, to the feds it is an inner-city suburb. In other words, its scheme is a complete fraud.

The federal government obviously does not have its eye on the thermometer when it comes to the problem of doctor shortages in Logan. Increases in emergency department attendees are in the type of patients who could be seen by a GP. In Logan, shortages of GPs, reductions in bulk-billing and few after-hours GP services are forcing more people to the public hospital emergency departments with conditions that could have been treated at the local doctor's surgery.

The pressure on the public hospitals will continue to grow until the federal government increases the Medicare rebate so that more GPs are able to bulk-bill and offer after-hours services. As my friend from Mundingburra said, we need to reinstate the Medicare card, not replace it with the credit card, cash or keycard.

Residents throughout Logan raise this issue with me every day. I am constantly hearing about the shortages of doctors in Logan. We only have to ask people about their local doctor's surgery to get the full picture—something the Howard federal government is not doing. Residents, including myself, have experienced waits of up to eight days to see a GP in the local area. In the Springwood electorate, when a doctor retires or decides to move on to another area their patients are left with nowhere to go. Residents are upset because many of the local surgeries are not taking on new clients. They do not blame doctors. They say to me, 'Doctors are finding it hard to make ends meet, and it is not their fault.' They blame the federal government for not making smart decisions in providing more Medicare provider numbers and creating more doctor training places.

Every year Queensland universities turn away young Queenslanders who want to study medicine because of a shortage of places. This is a disgrace when we have about 1,000 overseas trained doctors in the system because there are not enough Australian doctors. I call on the federal government to approve a new medical school which will probably be located at the Gold Coast. This will go a long way to boosting the well-needed number of doctors in the Logan-Gold Coast corridor. I know that the state government has also called on the federal government to approve that.

Not only is the doctor shortage hurting our public hospitals; the difficulties in finding a GP who bulk-bills or works after hours are horrendous. Residents are telling me they have to think really hard before they go to a doctor because they cannot find any who bulk-bill. I do not like to think that any person in my electorate or anywhere else would wait to be in a lot of pain or extremely uncomfortable before seeking medical attention but, unfortunately, this is what they are telling me.

While the National Party is wandering around the state putting on the Lawrence and Bob show demanding more public beds and more public services, they are not asking the real questions of their mates in Canberra. The federal minister could not even show up to a meeting that was called on something as important as increasing the Medicare rebate and looking at the responsibility for general practice, which is a federal responsibility.

Since 1996, bulk-billing by GPs has declined by 11 per cent, more than half of that in the last 12 months. As a result, fewer people are going to see their GP and many go to the hospital while others suffer in silence. Queensland Health emergency department figures have shown an 11.2 per cent increase in people attending the Logan emergency department in the June 2002 quarter compared with the same period in 2001. The Queensland average is 7.3 per cent, clearly indicating the demand on Logan Hospital is high. But the state government has put in $2 million to enhance the hospital emergency department at Logan, and I thank all the staff for the tremendous job that they do.

I will put our record against the federal government's record on health any day. When Medicare was introduced, the Prime Minister called it a rort, and it is quite obvious that the federal government is doing everything possible to kill off Medicare. It has taken the scalpel away from the doctors and taken the scalpel to Medicare. All Australians are worried about the access to quality health care, yet the Howard government refuses to adequately fund our hospitals.

The problems that are affecting our hospitals, and therefore all of us, are only going to get worse until the federal government increases the Medicare rebate so that more GPs are able to bulk-bill and offer the after-hours service. It is about time the federal government tried to make an appointment to see one of our hardworking Logan GPs and stepped inside the emergency department of the Logan Hospital. Maybe then they would realise that turning away from the

problem will only infect it and make it worse. The Beattie government does not just have good achievements when it comes to Health; this is also true of Employment, Education and Families. I can go on and on. That is what the Beattie government is doing for this state.

Time expired.

Mrs SHELDON (Caloundra—Lib) (6.32 p.m.): I wonder what this government would do if it did not have the federal government to blame, because so far in the five years that the Labor Party has been in government not one minister has ever taken responsibility for anything, and the prime example of that is the Minister for Health.

Could I correct one of the various pieces of misinformation that came from the other side, and that was that Malcolm Fraser cut Medicare. In fact he enhanced Medicare. In no way did he cut it. I suggest those members who know nothing about political history go back and have a look at it. I would like to speak to the House about the responsibility of this state government to provided adequate health care to this state, which it certainly does not. I will deal particularly with the dental services, or should I say the nonexistent dental services.

I received this information from a person who used to be extremely prominent in the public dental health service. He says—

Dear Mrs Sheldon,

Your Private Members' Statement of 26 February 2003 and Privilege exchange with the Minister for Health of 27 February 2003 raised the matter of delayed access to dental treatment; and extended to the misleading response by the Minister.

Beyond the issue of delayed access to oral health services, which you had raised previously ...

in a question—

there is the serious matter that Queensland Health, via the Minister, has repeatedly provided false and/or misleading information to the Queensland Parliament about the delivery of oral health services. This ... can be documented from a study of Annual Reports, Estimates Committee Reports, and the answers to Questions on Notice.

...

A recent example is the answer provided to QON No. 1348-2002 submitted by the Member for Robina ...

The lack of transparency and accountability is extraordinary, to say nothing of the intention to deny appropriate services.

Various points were raised in the minister's various responses. It states—

'(1) Patients seeking emergency treatment ... will be able to access appointments via a Call Centre ... to ensure that priority is given on the basis of emergency need only.'

This is misleading because Queensland Health has pursued a policy of minimal service by falsely nominating all new patients as demanding emergency treatment. Unless they are prepared to cooperate, they are put on a waiting list for two to four years.

And don't we know it! I think I have told this House on a number of occasions that is the average waiting list to be seen by a dentist.

Another point raised is the following—

'(4) In 2001/2002, Queensland Health provided more funding per person for oral health services than any other state, being around $31 compared with the Australian average of $18.'

That is what the minister said. The person from the public dental health service states—

Once again, this is misleading information. At $31 per person and a budget of $110 million, Queensland Health is apparently funding 3,548,000 persons for oral health services—the entire population. This is patently untrue because financial eligibility criteria apply for adults. Approximately one-third of adult Queenslanders are eligible for and may use public sector oral health services.

In the answer to QON No. 170-2001, the Minister stated that 'In 1999-2000, the average cost of emergency courses'—

for dental services—

'was $120.88. The average cost for general services was $311.33.'

This is a very interesting point when the government says how much it is giving to the Sunshine Coast health services. The answer continues—

The Sunshine Coast Health Service District notional cost per patient for the School Dental Service is $46.67'. (These costs were previously stated to be consistent with the State average).

That is blatantly wrong. It further states—

Given that the School Dental Service visits all schools (at 76 per cent consent rate), access to oral health services, and the service outcomes, should be specified separately for schoolchildren and adults. Further, as only one-third

of schoolchildren examined need curative services, there is another compelling reason for separate analysis and evaluation of outcomes.

Another point reads—

'(5) As more privately insured people are accessing private dentists, this sector is attracting public sector dentists with higher remuneration packages than can be offered by the public sector.'

These are the real facts.

Over the past 50 years, many hundreds of dentists working in the public sector have resigned to enter private practice. The fee-for-service private sector is fundamentally different from the public sector which should be committed to public service, to benefit the public, at public expense.

The public sector attracts dentists interested in public service, the advancement of public oral health, the provision of services which challenge their skills and knowledge—

Time expired.

Mr SPEAKER: Order! Before calling the member for Cairns, could I welcome to the public gallery Adele and Colin Nelson, who are the parents of the member for Mundingburra.

Ms BOYLE (Cairns—ALP) (6.37 p.m.): I join in this debate and support the amendment before the House. I am proud indeed to support the Minister for Health as well as the many fine health professionals right across this state of Queensland. I believe—I am sure I am correct—that we have as good a health system as there is anywhere else in the world and far better than most and better in many ways than those in other states of Australia.

Let me attend, first of all, to the matter of the Atherton Hospital and put on record the situation that has in fact occurred. The member for Tablelands is not being fair at all in her telling of the story. Problems at the Atherton Hospital were raised in August last year when samples of flaking and peeled paint in the maternity ward were submitted for analysis. It was found that the samples contained varying levels of lead contamination. The district executive reacted immediately with a decision which the minister fully supported to move patients out of the ward to protect them and then required Q-Build to conduct an urgent inspection and offer some solutions.

In fact, the minister did exactly the right thing. Had she ignored this situation and agreed to just paint over the lead contaminated paint, which presents a safety risk to the patients and to the staff, then the member for Tablelands would have had a basis for calling public meetings and causing public furore. Instead, what the minister did was put together that problem along with other demands and needs at the hospital to come up with a million-dollar solution which puts Atherton Hospital much better off than it was before. A maternity area will be created, which I know the staff of the hospital have been wanting for some years, and that will provide other services in dialysis and chemotherapy that are sorely needed on the Tablelands. The member for Tablelands should in fact be praising the Minister for Health. If she were not a whinger, if she were not one of the two One Nation members who only ever measure against some hypothetical standards of perfection and therefore criticise absolutely everything that any human being on this earth, including members of this government, do, she would recognise that Atherton Hospital has received good and fair attention.

Ms LEE LONG: I rise on a point of order, Mr Speaker. I find those comments offensive and I ask the member to retract them.

Ms BOYLE: I withdraw. Let me turn now to the issue of the Cairns Base Hospital. I have to tell members, if they do not already know, that the Cairns Base Hospital is the best hospital in this state. It has been and it is still. It is better than the Townsville General Hospital and it is better than the Royal Brisbane Hospital. We are up there pioneering in all kinds of ways in health. We have a massive geographic area to look after. We have a large proportion of the population who are not in good health and who do not come from healthy backgrounds, particularly our indigenous brothers and sisters. We have no other major hospitals close by to help us out. We have staff who are excellent in all fields and who do very well with the demands put upon them not only by locals or people from the region but even from tourists from other countries. Yes, it was time for a review and it has been a good review.

Out of that review we are rejigging how Cairns Base Hospital is run. The quality of the service has never been a problem, but, yes, it is true that we can improve the admission centre. Yes, it is true that we need to redesign how our rehab services are provided, and the town will welcome that. Yes, it is also true that we have had too many staff as casuals and that that is not cost effective. I have no doubt that the nursing staff will welcome the reorganisation of those staff on to proper contracts.

In fact, I have to confront members on the opposite side of the House with the facts. How dare they suggest that there are declining resources! In fact, the level of resources put into the Health budget over the last four years increased by six per cent a year. Over the last four years, we have increased the Health budget by 25 per cent. In fact, the last Health budget for the year 2002-03 was $4.33 billion. We are getting very little help from the federal government. If members opposite really cared about the health of Queenslanders, they would get their federal colleagues to put the money fairly and squarely through the Commonwealth health care agreement and into the public health of Queensland instead of into the private sector. We do extraordinarily well considering the lack of support we get from the federal government.

On the dental issue, do members opposite know how much Queensland Health provides for oral services? $110 million! In New South Wales it is $98 million. Who has the bigger population? New South Wales! But Queensland is ahead of the other states in that regard. Instead of whingeing at us, the member should try whingeing at her federal colleagues.

Miss SIMPSON (Maroochydore—NPA) (6.43 p.m.): What a farce—the Health Minister has moved an amending motion commending herself! I am surprised that she does not have RSI from patting herself on the back! It might make her feel better, but it is literally making others sick. I note with some concern that the Labor Health Minister opposite, in her constant ramblings, always has an excuse or is always ready to blame somebody else, particularly about the long waits Queenslanders experience at public hospital emergency departments. According to the emergency department benchmarking report for the September quarter 2002-03, one in five Queenslanders wait eight hours for treatment within the public health sector. I will table this document.

The minister keeps arguing that the extent of the problem is due to the decline in bulk-billing. Really, Minister? That excuse is getting tired. But, more importantly, these figures knock that argument out of the water. Category 1 patients or urgent patients must be treated immediately, yet seven of Queensland's major hospitals are unable to do this. Category 2 patients who are also classified as 'urgent' are supposed to be treated within 10 minutes, yet nearly one-third of Queensland patients are not, and more than half of category 3 patients are not treated within the 30-minute benchmark. Minister, these people do not need to go to a GP—they need to go to the emergency department.

A government member: Rubbish.

Miss SIMPSON: The member opposite has no idea what is happening in emergency departments in regard to the most critical area of service delivery, emergency care. Emergency care has categories according to clinical standards where people need to be seen within, as I have outlined, categories 1, 2, and 3. These are acute care patients not receiving timely treatment, yet this has been glossed over by this government. I have some evidence, too, with regard to hospitals where the beds have closed and the issue of bed block occurring in hospitals is compounding such issues in emergency departments. I am alarmed that these figures in some areas are so bad. At Nambour Hospital, for example, more than half of category 2 and nearly two-thirds of category 3 patients are not treated in time. In Cairns, nearly half of the category 2 and 3 patients are not treated in time. The situation is considerably worse at Townsville, Logan, Ipswich and the Gold Coast.

In respect of Townsville General Hospital, under this Health Minister's administration it has closed six short stay beds. This area allows the emergency department to monitor people and to ensure that people get a bed. They have closed the beds. Of course that will have an impact on the emergency department. Of course it will have an impact on all the services within a hospital. It is a backward step for people who do not need a bed in the back of a GP surgery but who need one within a hospital. We want to see the hard working health professionals supported in the fight for better management and better resourcing of these critical areas.

As this motion has highlighted, unless the government is honest about addressing the problems they will not be fixed. There are significant issues of management and resources in these critical areas of care. It is time that there was honesty and accountability. The Beattie PR machine can find millions of dollars to promote the Premier and to build infrastructure within Brisbane. We have talked about the range of major projects within Brisbane, yet when it comes to the most critical areas of care—we are not talking about elective care—such as acute care, this government and this minister have failed miserably. It is time that those books were opened. It is time for no more obstruction in relation to revealing the real funding figures in such areas. It is

time for money to be put into the critical areas of care for the sake of patients who need that care, for the sake of—

Time expired.

Mr REEVES (Mansfield—ALP) (6.47 p.m.): Mr Speaker, if you want to see an example of how out of touch this opposition and the One Nation members are, tonight is a prime example. We have had five speakers from the opposition and not one of them has mentioned the single greatest crisis in Australia's health system today, and that is the decline in bulk-billing by GPs. Since the election of the Howard government in 1996, the rate of bulk-billing has fallen every year. Universal access to bulk-billing has collapsed and the negative impact this is having on public health and the health system itself cannot be underestimated.

We have seen a massive increase in waiting times in our emergency departments, because people just cannot afford GP fees or find a doctor who bulk-bills, so they are putting enormous pressure on the already stretched public hospital system. Why? Because they cannot find a bulk-billing doctor! Where is the criticism from those opposite about what is happening to those who are the most vulnerable in our society? Their silence is deafening. It is about time they stood up and were counted on health care.

In my view, the Howard government has been asleep at the wheel when it comes to the issue of bulk-billing. The federal Liberal government is blinded when it comes to the health system and has consistently set about dismantling what was an equitable and affordable public health system to replace it with an American-style user-pays health care system.

I recently conducted an investigation into the availability of bulk-billing in my electorate and was horrified by the results. I discovered that only one of the 10 medical practices in the Mansfield electorate offer unconditional bulk-billing. Three practices require patients to present a Seniors Card or Health Care Card before accessing bulk-billing and another two only allow bulk-billing to existing patients. Quite simply, we have more chance of winning Gold Lotto than finding a doctor who is bulk-billing let alone taking any new patients.

The opposition talk about a health care crisis. It is spot-on. There is a major crisis in health care, and it is the threat to bulk-billing and our public hospital systems by the mean-spirited Howard government. Families who are struggling to make ends meet and the chronically ill are being hit the hardest. The increase in the out-of-pocket cost of seeing a GP in the last 12 months has been more than three times the rate of inflation.

On behalf of the people of the Mansfield electorate I call on our federal member, Gary Hardgrave, to address the growing bulk-billing crisis and our concerns about Medicare generally. Instead of dismissing our concerns as misconceptions and scare tactics employed by the Labor Party, Mr Hardgrave, a minister in the Howard government, should actually represent the interests of his constituents and do something to reverse the decline in bulk-billing. If he continues to do nothing, the only conclusion our community will be able to reach is that he supports the dismantling of Medicare, the creation of a user-pays health system and the abolition of bulk-billing as we know it.

The federal Liberal government is preparing to spend millions in sending our troops to a war which the majority of the public are against and which will be against international law. It is about time the federal government fixed the crisis in our own backyard, that being health care. I warn the Liberal federal members, particularly Mr Hardgrave, that if they think this problem will go away with the camouflage of war I have got news for him, and it is all bad. The community will not be fooled again.

Tonight is an opportunity to highlight another world-class Queensland Health service achievement. I am talking about Labor's $2.8 billion 10-year plan to rebuild and modernise Queensland's hospitals and health centres and provide world-class technology. In fact, the world has watched on in envy. We have built, rebuilt, modernised and re-equipped with world-class technology hospitals, community health centres and staff accommodation from the Torres Strait to the Gold Coast and out west to places like Cunnamulla.

A government member: The length and breadth of Queensland.

Mr REEVES: Yes, the length and breadth of Queensland. Everywhere we go in this state now we see modern, well-equipped hospitals and health centres. Just since the last election, projects worth more than $500 million have been completed, giving Queenslanders access to modern, well-equipped and world-class hospitals and health facilities close to where they live. Projects completed since the election include the $14.4 million redevelopment of the Caloundra

Hospital; $18 million for the Maryborough Hospital; the $6.25 million redevelopment at Toowoomba; $182 million at Townsville; $29 million at Mackay Hospital; $78 million at the Royal Brisbane Hospital; and the $130 million Cairns Hospital redevelopment. Just recently we got world-class $500,000 infra-red computer technology that re-creates the mechanics of the human knee to pinpoint the precise location and angle for the surgeon to cut the knee bone and insert a prosthesis. This world-class technology at the QE II Hospital has been provided by this government and the Health Minister. This government can proudly sit on its record, but the federal government cannot. We have not heard one peep out of the opposition about the biggest crisis, and that is the decline in bulk-billing.

Time expired.

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

AYES, 62—Attwood, Barry, Barton, Bligh, Boyle, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: Purcell, Reeves

NOES, 21—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Hopper

Resolved in the **affirmative**.

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

AYES, 62—Attwood, Barry, Barton, Bligh, Boyle, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Mackenroth, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: Purcell, Reeves

NOES, 21—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Hopper

Resolved in the **affirmative**.

Sitting suspended from 7.02 p.m. to 8.30 p.m.

CRIMINAL DEFAMATION AMENDMENT BILL

Second Reading

Resumed from 4 December 2002 (see p. 5336).

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (8.30 p.m.): At the outset, I will put on the record that the government does not support the bill. As on many occasions, I have some sympathy with the sentiments proposed by the Leader of the Opposition and shadow minister. Every now and then, the honourable member comes very close to winning my support for his propositions, but he never quite gets it right. That is why—

Mr Springborg: Help me get it right.

Mr WELFORD: That is what I am about to do. The member needs all the help that he can get and I am here to give it to him.

Previously, I told the House that I would consider making criminal defamation an indictable offence, which is the essence of what is proposed in this bill. But I believe that this issue should be looked at in the context of a wider review of defamation law—to look comprehensively at the Defamation Act. It is more than a decade now since the act was last reviewed. For a number of reasons, the reforms that were proposed during that review were never enacted. The development of uniform defamation laws is also currently back on the agenda of the Standing Committee of Attorneys-General. As part of this process, the Queensland act is currently being reviewed at my initiative, and the issue raised by the opposition in this private member's bill is something that I will certainly be happy to take into account in the current review.

Any changes to criminal defamation laws need to be developed in tandem with other reforms that may come out of this review process. I believe that they need to be consistent with the fundamental objects of defamation law. Defamation law exists to protect the reputation of individuals. Of course, there is a serious question—indeed, a serious debate—about what role the criminal law should play in this process and what limits need to be set to ensure that it does not unreasonably burden freedom of speech.

Although the bill seeks to re-create an indictable offence of criminal defamation, I believe that it does not address adequately the fundamental policy issues that I have just outlined. Indeed, it makes piecemeal changes by increasing the penalty and simply moving the offence of defamation from the Defamation Act to the Criminal Code.

The bill has arbitrarily increased the maximum penalty from two to five years imprisonment. This may or may not be an appropriate tariff to be placed on an offence of this kind. But in the proposed bill, this is for cases where the only aggravating circumstance is knowledge of falsity. The bill makes no reforms to the substance of the offence to justify such a high penalty. For example, there is no requirement of seriousness; there is no requirement of intent to cause serious harm; there is no requirement of the probability of serious harm being caused; merely the fact of the circumstance that the person knew the statement was false. A false statement that causes very little harm could hardly justify a maximum penalty of five years imprisonment.

Of course, there are some who argue that the criminal law should not intervene at all unless these other elements are present. Our government does not support increasing the penalty without first defining carefully what circumstances are necessary and sufficient for an increased penalty to apply. That is not to say that I am opposed absolutely to the idea of an increased penalty, but in my view the suggested amendment does not address adequately the circumstances of appropriate aggravation to justify such a significant increase at this time. Certainly, compared with other states, a five-year jail term for the current offence is excessive. In other Australian jurisdictions where knowledge of falsity is the only aggravating circumstance, the maximum penalty is two years, which is the same as the current Queensland offence.

The bill also removes the offence provision from the Defamation Act to the Criminal Code. Of course, this would reverse the reforms of 1995. In that year, the offence of criminal defamation and the civil defence provisions were removed from the code to the Defamation Act. Clearly, the purpose was to make the law more accessible. I do not believe that it is appropriate to have the law relating to defamation scattered over various statutes—both the Criminal Code and a defamation law. A defendant to a charge of criminal defamation should have no doubt as to what the law on the subject is and where to find it. In that respect, I believe that the changes contained in this bill would be a retrograde step. It relocates only the provision that creates the offence and then purports to incorporate other relevant provisions that continue to be left in the Defamation Act creating, I believe, unnecessary uncertainty and confusion about precisely what the law is, both civil and criminal, in relation to defamation.

It is arguable that much clearer words than subsection 365(2) would be needed for this to be effective. As I say, this can create only further uncertainty about the law of defamation. For those reasons—the issue of uncertainty and the need to give proper consideration to appropriate circumstances of aggravation on which to found an increased penalty—the government will not be supporting the bill at this time but will proceed with a review that will address these issues that I have raised and take into account the clear desire, I believe, to address instances such as the one that this bill was introduced to address, that is, the circumstances surrounding the serious defamation perpetrated over the Internet against the principal of a high school.

During the coming year I will be examining a range of issues that will involve changes to criminal defamation laws. I will be examining those issues in the context of the uniform defamation law project, which the Standing Committee of Attorneys-General has now on the agenda and which I expect will lead to some significant results within 12 months. So although I support in principle the concept of an indictable offence for criminal defamation, I believe that should be done as part of a proper and more comprehensive review of defamation laws, which I undertake to the House to progress before the end of the year. I do not believe that the changes proposed in the private member's bill are desirable to be made in isolation. They are a retrograde step in terms of the uncertainty that they will create in relation to the law of defamation. But I assure all honourable members that the concerns that motivated and prompted the Opposition Leader to propose this private member's bill are concerns that I am sure that all of us share to varying degrees and which I will ensure are addressed in the course of my review between now and the end of the year.

Mr COPELAND (Cunningham—NPA) (8.40 p.m.): I rise to speak in support of the Criminal Defamation Bill 2002, which is yet another private member's bill that has been introduced by the Leader of the Opposition. I think he has the distinction of having introduced the most private member's bills into the Queensland parliament in history. I stand to be corrected on that, but I believe that is correct.

This is another very sensible bill, which makes it very disappointing that the government cannot see fit to support it. I have been here for only two years, but already I have seen a number of private member's bills introduced and the government has said, "Yes, we do have sympathy with the intent of the bill but we cannot support it." A couple of weeks later it has been introduced. I am very pleased that the Attorney-General has given a commitment, perhaps in 12 months time during the review of the defamation laws, to address the issue. I think it would be a real benefit if, in the bipartisan spirit that the parliament so often espouses but very rarely sees, the government supported the bill.

Mr Springborg: Rarely seen from that side.

Mr COPELAND: Rarely seen from that side. It is often asked for, but never given. That is a real shame. I am sure that it is something that we can look forward to, although I will wait with bated breath to see that bipartisanship shown.

The Attorney-General and Minister for Justice has given us a lot of legal reasons why we should not support the bill before the House tonight. I am a simple person, although it may not be apparent to everyone, and I cannot see any good reason why this bill should not be supported. It is a very sad reflection of our modern society that we even need a bill such as this. The experiences suffered by the principal of Aspley State High School bring into very sharp focus the reasons why we need a bill of this kind.

We have put forward a very simple proposition. If someone is criminally defamed in another state, we need to have a law in place that enables the Queensland government and the Queensland authorities to extradite that person into Queensland and prosecute them for the things that they have done wrong. That is a very simple proposition and we should implement it. We should not be looking for legalistic reasons to avoid implementing it. That is a very serious proposition.

This was a horrendous case. The Internet has brought our modern society some fantastic benefits and it has been absolutely brilliant. However, it also has a very dark side and it is that which this bill is trying to redress.

The defamation that was perpetrated against the principal in question was horrendous. It was untrue and false. It caused that person an unbelievable amount of harm and distress, and discredited his career. That discredit was quite unjustified. We should all be ashamed if we do not try to bring the perpetrators of such defamation to justice. To date, that has not been done. It cannot be done and we should be doing something about trying to redress the situation in Queensland to protect any other person that this may happen to. It could happen to any one of us. Anyone in New South Wales, Victoria or any of the other states could simply post something on the Internet about any one of us. It could be something that slanders or defames us. It could be something that is completely baseless and untrue, but it could do unbelievable damage to our careers. We should not be trying to find reasons to avoid fixing that situation; we should be looking for ways to fix it. The member for Southern Downs, the Leader of the Opposition, has tried to do that, and I think that he has achieved it.

Mrs Lavarch: Isn't that the reason why we need a national approach?

Mr Springborg: If it happened in Victoria—

Mr COPELAND: If it happened in Victoria, they could extradite the person from Queensland. We are just trying to replicate the situation. Victoria has rules in place to allow the extradition of a person from Queensland. That is what we should be doing. We should be passing laws in Queensland so that we can extradite someone from another state, just as states such as Victoria can extradite people from Queensland, to ensure that someone who engages in this sort of awful slanderous crime is brought to justice for what they have perpetrated on an innocent man.

It is imperative that criminal defamation is inserted into the Criminal Code as a criminal offence. Information on the Internet must flow rapidly and freely across borders, not only state borders but also international borders. We have to start by addressing what happens across state borders. We need to ensure that the information that passes over the Internet does as little harm as possible.

As I said earlier, the Internet has been a fantastic invention, although I still do not understand it to a great extent. While it can do much good, it can also do an incredible amount of harm. We need to ensure that that harm is limited and that people such as the principal of Aspley State High School are not subjected to the sorts of stresses and traumas that this can put them through.

The bill will reintroduce the offence of criminal defamation into the Criminal Code. Criminal defamation is currently defined as a simple offence under the Justices Act 1886. Defamation has the capacity to ruin a person's life in an unbelievable number of ways. It can not only ruin them publicly by ruining their careers and their standing within the community, but it also has a great capacity to ruin their personal relationships. Those things may never be salvaged. When we debated this issue last year, we learnt of the hurt that the principal in question suffered. It took months and months for that person to feel that they had achieved any sort of justice, but I do not believe that he has yet received it. I think that is absolutely dreadful. I would hate to be in his position and I would hate to see anyone else suffer as he has.

The depth of impact on an individual's life is so severe that it necessitates inserting criminal defamation into the code in the company of other crimes of an equally serious nature. This bill provides for criminal defamation to be classified as a misdemeanour. Under the amendments it will be unlawful to publish defamatory matter yielding a maximum penalty of five years imprisonment, or 100 penalty units. That is a maximum penalty of five years.

The Attorney-General said that that is too big a maximum for simply publishing information that is known to be untrue, but it is a maximum penalty. It is up to the courts to make sure that the interpretation of any particular crime is judged on its merits. We hear that from the government on so many occasions. Whenever we mention minimum mandatory sentences, we hear that argument.

Mr Springborg: An incisive observation. I was thinking the same thing myself.

Mr COPELAND: Absolutely. It is said to us on many occasions, but on this occasion it does not cut any mustard. It does not count for anything. That is disappointing. Depending on the severity of the offence that has occurred, we give the courts the right, as the government so often desires, to determine the appropriate sentence for any individual on any particular case. In a case such as that of the principal, which was so publicly canvassed last year and which was the genesis of this bill, I would expect that the offender would get a very severe sentence.

As members of the parliament, we should be trying to do something about these situations. We should not be trying to find reasons not to act. I am glad that the Attorney-General has given a commitment to look at the issue over the next 12 months. But how long ago did this happen? It was 18 months ago, and still we have not seen anything happen. We have not seen any action to try to address this situation other than the private member's bill that the Leader of the Opposition has introduced.

Mr Welford: It's a stunt.

Mr COPELAND: It is not a stunt; it is a very real way of trying to redress a situation that an innocent man has found himself in and that the government has not been willing to deal with. The government has not been willing to try to address the situation and it is not going to do anything for another 12 months, if at all, until after its review of the defamation laws is conducted. That is just another way to put off doing something about the situation. It is very disappointing that we do not see some sort of bipartisanship on this bill. I commend the bill to the House. I hope that people will see it for what it is, which is an attempt at addressing a situation that is very serious, especially in today's modern technological age.

Ms BARRY (Aspley—ALP) (8.49 p.m.): I, too, am a simple soul—a simple soul who has walked hand in hand with the Aspley State High School community for the last 12 months as it has journeyed through pain and recovery. There were actually two teachers involved in this particular terrible defamation episode. It bothers me that that is not mentioned. In addition, there was a school community.

Mr Copeland: The Leader of the Opposition mentioned it in his second reading speech.

Ms BARRY: My apologies. I refer to the contribution of the member for Cunningham.

I rise to participate in this debate having experienced some small sense of conflict. Whilst I support the call made by the Leader of the Opposition—indeed, it was echoed by the Attorney-General—for greater protection for those Queenslanders who are innocent victims of treacherous and life-destroying smear campaigns such as those suffered by the teachers at my local high school, Aspley State High School, I am equally aware as a legislator that it is imperative that any changes made to criminal defamation laws are considered and consistent in nature.

It is my view that the changes proposed in this bill do not meet the standard of comprehensive and consistent changes that I believe are required. To that end I oppose the bill. I hasten to add that I do so with the knowledge that defamation laws are currently being reviewed

by the Attorney-General and that changes including the elevation of criminal defamation to the status of an indictable offence will be made.

I commend all members in this House for their empathy and expressions of distress at the events that took place at Aspley State High School last year. I and the school community appreciated all honourable members' support for the teachers—in particular Mary and Ian, who have been the victims of the malicious defamation—and for the school during this terrible time.

I am very proud to be the member that has Aspley State High School in her electorate. Aspley State High School has been a leading school in Queensland for over 40 years. It has a reputation for being a school of excellence in academic, sporting and cultural endeavours. It is a school that enjoys the support of its own school community and the general and business communities for its inclusive, caring and proud attitudes in preparing its young people for life as adults and valuable members of society.

Aspley State High School is a school that celebrates its achievements, which are many; however, it is a school that does not hide its flaws. It is a school that expects its students and staff to follow the rules and contends that people must accept the consequences of their actions. It is a big city school—over 750 students attend Aspley High—and the responsibility for caring for all of those students is immense for teachers and staff, but the school carries out this responsibility in a fair and consistent manner. That sometimes does not make teachers and staff popular, but it does set social standards that arm students with skills that will help them for the rest of their lives.

The actions of some sick individual seeking some disturbed sense of revenge through a malicious email campaign against these teachers are reprehensible. I condemn the actions of the perpetrators of this crime. I seek justice for the innocent teachers involved as well as for the school community. Having said that, I am reluctant to jump into piecemeal legislative reform. We must make changes that will in the long term be meaningful in protecting people's reputations and achievable in preventing and prosecuting defamatory acts.

The way to achieve this goal is to ensure that a review of the laws takes place in the first instance. I know that the Attorney-General is undertaking this in a comprehensive manner. As I have said before, the Attorney-General advises that he intends to elevate criminal defamation to the status of an indictable offence. I commend that intention. We must then ensure that laws have meaning and reach across the entire nation. After all, defamation through mediums such as the Internet knows no state boundaries. I know that those discussions are on the agenda for the Standing Committee of Attorneys-General.

Finally, we must grapple with the complexity of individual rights across the spectrum, of both victim and accused. My role as a member of the parliamentary all-party Scrutiny of Legislation Committee makes me acutely aware of the balance that must be struck. I am aware that the committee in its *Alert Digest* refers to the parliament the matter of individual rights to free speech affected by this bill. I am not convinced by my reading of this bill or by the Opposition Leader's second reading speech that such a balance is assured.

It is clear to me that the issue is much bigger than the awful events that occurred at my local high school. I would not wish for anyone to think for one moment that I in any way do not seek justice for the teachers and school community of Aspley State High School. I do. I just do not think this bill is the way to achieve it.

I hazard a guess to say that no member in this House could have been closer to this school in the past year than I, except perhaps for the Minister for Education, whose compassion and actions in ensuring that the critical incident response was in place to deal with the aftermath and whose personal involvement in this matter have been both appreciated by the school and highly effective in the healing process.

For the record, Aspley State High School is a great state school. The pride and determination of this school to be seen as leaders, not victims, is obvious to anyone who knows them. Just last week new captains of the school were inducted. I had the great privilege of being with them. Benjamin Reilly, Priyanka Shewpersard, Darcy Hinde and Kylie Heales, along with principal Russel Pollock, his great teachers and indeed the student leaders of last year, stood tall at the start of a new year—a year in which they celebrate the steps their school has taken to recovery and beyond. I wish them well for 2003. I have no doubt that they are looking forward to the year.

The investiture celebrations took place in the newly refurbished information centre, which is part of a $3 million Secondary Schools Renewal Program project that the Minister for Education took great pride in during a ministerial statement. As each of us who knows Aspley High will tell members, the new building program is assured of success because the great new facilities will be

built upon the foundation of strength, courage and determination that is the spirit of Aspley State High School. I thank the honourable Leader of the Opposition for his intent, but I oppose the bill because I believe the Attorney-General's approach will result in better legislation and will achieve better results.

Mr WELLINGTON (Nicklin—Ind) (8.56 p.m.): I rise to participate in the debate on the Criminal Defamation Amendment Bill 2002. I note that the object of this bill, as indicated in the explanatory notes, is to reintroduce to the Criminal Code the criminal offence of defamation. I understand that the Defamation Act 1889 currently sets out the law in Queensland in relation to the civil tort of defamation. Section 39 of that act provides that offences against the act are summary offences. Section 8 provides that the maximum penalty for this offence is $1,500 or two years imprisonment. The bill we are debating here tonight provides that the offence becomes categorised as a misdemeanour which under the Criminal Code is an indictable offence. The bill also proposes to increase the relevant maximum penalty to $7,500 or five years imprisonment. Significantly in my mind, we are talking about increasing the maximum penalties, not requiring an arbitrary minimum penalty.

I note that the proponent of the bill indicated that one of the reasons justifying the changes to the law of defamation in Queensland is that to date the laws to protect people from defamation have almost entirely relied upon access to the civil courts. I certainly agree that this is extremely costly and inaccessible to many people. Certainly it is far from an ideal solution to the problems of defamation.

Often we hear criticism about our laws, about the courts and about how judges do not pass sentences which are in tune with community expectations. The challenge for this parliament is to ensure that our laws are consistent with current community expectations. I have no doubt that our current law in relation to defamation is not consistent with community expectations.

I certainly hope that the sad incident which prompted the opposition to introduce this private member's bill never occurs again. I do intend to support the private member's bill because I believe that if the situation were to recur tomorrow this legislation would provide a better opportunity to bring those people before the courts and give them a more appropriate sentence, instead of the current summary offences.

I have listened to the contributions of the Attorney-General and members on the government side, but I still am not convinced of the merits of voting against this bill. I understand the Attorney-General has given a commitment to undertake a major review and report back to the House as soon as possible. I have no doubt that he will do that and that in due course we will see amendments to the defamation law in Queensland. There is no doubt the government has the numbers to control the outcome of the debate on this private member's bill, but can I congratulate the mover of the bill on bringing it to the attention of the House. In some small way it may have prompted the Attorney-General and the government to place a greater significance on the importance of this area of the law in Queensland which certainly needs to be modernised and brought up to date with current expectations.

I acknowledge that the Attorney-General has many issues on his plate at the moment that he and his committees and departmental staff are working on. I encourage him to give this matter the highest priority he can. I certainly hope that before the next election this parliament will have something of substance in concrete, which would be a significant improvement on the current state of the law in Queensland.

Again, I congratulate the Leader of the Opposition on introducing this bill. I am very pleased to hear the Attorney-General's commitments about the review process and the outcomes which he hopes to bring to the House in the future. I commend the bill to the House.

Mrs LAVARCH (Kurwongbah—ALP) (9.00 p.m.): This bill deals in a simplistic and disjointed way with a problem which is complex and which requires a considered, comprehensive legislative and policy response. However, I readily concede that the Leader of the Opposition has a point with his underlying premise that a person can suffer enormous personal and professional harm through the publication of defamatory material and that our current laws are not adequate to deal with the problem. This private member's bill, however, will not solve the problem.

In justifying the need for the bill, the Leader of the Opposition drew attention to the case of the principal and deputy principal of Aspley State High. I have the honour of knowing Ian Isaacs. He is very well respected in our local community. He is a very good and decent person. I had a number of conversations with Ian during this horrible ordeal, and the ordeal which followed the publication on the Internet of quite malicious, disturbing and utterly false allegations. These

allegations—or should I say scandalous and sick utterings—led to a chain of events which caused Ian immense harm.

This harm was magnified by the handling of the matter, I would say, by Education Queensland, and it was further magnified by the inability of the Queensland policing agencies to be able to properly investigate and bring to account those responsible for the writing and subsequent publication of the defamatory material. The case demonstrates once again that Queensland's defamation laws are not adequate to deal with a national and international medium of publication that is the Internet.

Free speech is, of course, a fundamental freedom within a liberal, pluralistic and democratic society. It is not an absolute right, and a range of constraints on speech and expression are in place—everything from product labelling requirements to regulation of sale spiels under the Fair Trading Act, to justified restrictions on free speech. Defamation has been one of the most important qualifications on unfettered free speech. Laws to provide civil relief to a person defamed have been part of the common law for centuries and within Queensland statutes from the early days of our statehood.

Criminal defamation has also long been part of the law of Queensland, and it was once contained in the Criminal Code. Since 1995, criminal offences have been found in the Defamation Act. The law of defamation is not adequate. This arises for a number of reasons. Firstly, the laws are state based, yet the media which publishes the most breaching and potentially damaging material is national and international in nature.

Secondly, the substantive provisions of the law can act as an unjustified constraint on a free media. However, the poor standard of much of the popular media and the appalling failure of the media to self-regulate gives little comfort that more liberal laws will not result in a corresponding increase in abuse of media power.

Thirdly, the Internet poses a particular set of problems concerning the effectiveness of any regulatory regime on publishers of material. This particular aspect was central to the experience of Ian Isaacs. In response to these issues, Australian governments have commissioned numerous law reform and other policy review processes to develop relevant and workable laws. While individual laws in some of the states have changed, a national defamation law has not yet emerged.

The issue is again currently before SCAG. Although an agreement on a national consistent outcome seems elusive, I have faith that the need for uniform laws will become so great that agreement will be reached. In contrast, this bill simply makes defamation an indictable offence instead of a summary or a simple offence. This would be one element in a comprehensive reform package, but it is of limited value on its own. Criminalising defamation is a difficult issue. As a general rule, a civil remedy of damages combined with a retraction would be sufficient.

There are, however, some instances where the harm is great and the intent so malicious as to justify criminal penalty. Indeed, criminal offences are in place in some jurisdictions for defamation as well as other crimes such as racial vilification. Ian Isaac's experience reveals the Internet poses a considerable problem. In essence, this problem revolves around the question where publication is deemed to have occurred. These issues have not been settled in defamation laws anymore than they have in attempts to censor or regulate the content of the Internet.

This bill is a simple, one-dimensional response to an extremely complex matter, but I accept that the problems are real. The Attorney-General's announcement tonight of a review of the defamation laws shows that we are a government not simply opposing the measure proposed in this bill, but we are working towards an appropriate, comprehensive and workable proposal for reform. The Attorney-General announced this will occur before the end of the year, and this is welcomed. For these reasons, I will be opposing the bill

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (9.06 p.m.): I rise to support the Criminal Defamation Amendment Bill 2002 which has been introduced into the House by the Leader of the Opposition and member for Southern Downs. It is becoming something of a regular Wednesday night event here in this House to support a private member's bill that has been introduced by the member for Southern Downs and to hear a number of government speakers stand up and agree with the private member's bill in principle, to say it is a good idea and to acknowledge the problem, but then to say that the government will not support it.

It seems that bipartisanship is something the government cannot bring itself to exercise in this parliament, despite the fact that it can acknowledge the worth of some of these private members' bills that are brought into the House. Be that as it may, as the member for Kurwongbah

mentioned, in response to the fact that this bill has been introduced into the House the Attorney-General has announced a review of this particular area. That review will produce a result in less than 12 months that no doubt will mirror fairly accurately the measures of the bill that have been introduced into the House by the member for Southern Downs.

How many times have we seen that happen, where the opposition comes in here with a private member's bill, it gets voted down because of the political reality of this place—because of the numbers that the government has—but it highlights a problem. It brings a focus to a particular issue that is then addressed by the government in a very similar way. That is okay. That is fair enough. We do not mind that so long as they fix the problem. We can live without getting the credit so long as they fix the problem.

As a number of speakers have already said in this debate, this is a very real problem that has been acknowledged by the example referred to by the member for Kurwongbah, the member for Aspley and the member for Southern Downs when he introduced the bill to the House. It is a very real problem, a very tragic incident that occurred and one that this parliament has a responsibility to ensure does not happen again. I think every member of this House would lend their support to ensuring that it does not happen again.

The object of the bill is to reintroduce the criminal offence of defamation to the Criminal Code. As other speakers have pointed out in this debate, currently criminal defamation is defined under the Justices Act as a simple offence. A 12-month statute of limitations currently applies for the commencement of prosecution. This private member's bill, if it had been accepted by the government, would have provided for criminal defamation to be classified as a misdemeanour and, as such, a criminal offence. The amendments would have made it unlawful for any person to publish defamatory matter, thereby yielding a maximum penalty of five years imprisonment or 100 penalty units.

By defining criminal defamation as a misdemeanour, this bill would have removed the current 12-month statute of limitations. Everyone agrees that that is a good idea, but unfortunately because of the way that this government approaches bipartisanship we cannot see that happen tonight. However, increasingly more sophisticated means such as the Internet are being utilised to publish defamatory material and facilitate the free flow of material across state borders. The amendment would have provided for criminal defamation to be considered an indictable offence. It would have facilitated extradition processes between jurisdictions.

Defamation has the potential to destroy people's lives. The example that instigated this bill has been referred to probably enough in this parliament tonight, and there is not a lot of point in me repeating that example. But it does have the potential to destroy people's lives, as do other indictable offences. Thus, it should be treated with the same severity under whatever legislation this parliament passes. I hope that the Attorney-General will make haste and introduce into this parliament a piece of legislation that does exactly what the member for Southern Downs has tried to do with this legislation tonight. We look forward to that day. I am sure that when he does that we will be able to give him the support that he has not been big enough to give us tonight.

Mr SHINE (Toowoomba North—ALP) (9.12 p.m.): It was interesting tonight to hear the members for Cunningham and Callide wax lyrical over the reforms attempted to be brought into this House by the Leader of the Opposition—'Lawrence the Legal Light'—in relation to law reform in Queensland.

Mr Seeney: Come on, that's below you.

Mr SHINE: It's about your standard, isn't it? In my view the Leader of the Opposition is really not up with the times. He provided in this bill really an example of the new National Party policies being confused with the new Country Party policies. The Leader of the Opposition is not only back in the 1950s; he is in fact back in the 1880s when the 1889 Defamation Act was passed. In his second reading speech he indicated that there were major deficiencies in the laws of Queensland, and he quoted one particular case. I think that was a serious case, but at the end of the day there was only one example given. He advocates that there should be no time limit on proceedings, whereas the trend generally nowadays is for the law to be changed to reduce the time limits within which defamation proceedings, particularly in the civil area, can be brought—in New South Wales, for example, from six years down to one year. Of course, in areas of personal injuries legislation we have had many people arguing—insurance companies, of course, and particularly the medical profession—that the time limits should be reduced, even in relation to infants. The trend is to reduce time limits, not to increase them.

Does the Leader of the Opposition see any difference between recovering damages for personal injuries as opposed to damages for hurt feelings? In his second reading speech Mr Springborg said that his research had indicated to him that when people suspected of committing simple offences against Queensland laws travelled interstate, these laws can be relied upon only when such a person is apprehended in Queensland. If the offender is apprehended in another state, they cannot be expedited to face justice in Queensland.

I have a copy of the Queensland Parliamentary Library research brief dated 20 August 2002, a brief prepared a couple of days before a question was asked in this House. That indicates in fact that any defect in the law is a defect in Victoria, not in Queensland. I think that is the case in this situation. The bill before the House proposes to strengthen penalties with respect to section 8 of the Defamation Act, but there is no mention of increasing likewise the penalties in section 9. I ask the leader in his summing up to consider: why not make it consistent, why not increase the two years to five years with respect to section 9 as well as section 8?

There is a growing weight of opinion urging changes to the law of defamation—not to make it more onerous but to have the opposite effect. This weight of opinion, of course, is being pressed not only by the newspaper world but also by law reform sources as well. There was an address given by Michael Stutchbury, the then editor of the *Australian*, on 4 July 2002 to the International Media Ethics Conference in Canberra. He referred to a culture of suppression that operates, to churches in their dealings with sexual abuse, to Enron, HIH and One.Tel, to the accounting profession's insider trading, to a royal commission into police corruption in Western Australia, to match fixing scandals in international cricket, to the legal profession with respect to the destruction of evidence in tobacco company cases and to politicians with respect to the people overboard incident.

All of these instances, he argues, are areas of ethical concern and underline the case for an open society, for a culture of free speech and a vigorous debate and for a free and credible media. He argued that whilst governments can pass laws and the judiciary can enforce them, the most effective deterrent is the risk of exposure rather than what is envisaged in this bill. He takes us back to the origins of the defamation law and says that the current argument about the costs, et cetera, should make us question the very basis of the legitimacy of defamation law at all. He implies that these laws go back centuries to the star chamber of the 17th and 18th century when it was an alternative to duelling amongst the English upper class and to try to control the democratic impulses arising out of the printing press.

He suggests that in the 21st century, in the era of mass democracy, globalisation and the Internet age, we must question its basic purpose. We must perform a cost-benefit analysis of the law. He indicates that an examination of the Internet site crikey.com provides a useful list of defamation litigants—Tony Abbott, the businessman Chris Anderson, former BHP CEO Paul Anderson, Alan Bond, Peter Costello, Senator Noel Crichton-Brown, Jason Donovan, John Elliot—and that is not even to the end of the Es. Kerryn Phelps features prominently.

By and large, defamation law does not protect the general public. It enriches the well off and powerful who know how to work the system and who mostly have means to publicly rebut slurs upon their reputation. He gives the example of Andrew Bolt, a columnist in Victoria. He made reference to a magistrate's decisions being too soft or lenient. The magistrate sued and was awarded $246,500 by way of damages. He compares that with somebody who loses their reproductive organs in a work accident and who is struggling to get $75,000. That is the comparison that we have to make.

The *Courier-Mail* subsequently took up this issue about a week after the *Australian*. That paper's view was that politicians were the primary beneficiaries of the present system. They advocated a cap on damages, that the law be changed to encourage publication of corrections and apologies, that the court action limitation period be reduced from six years to one, and so on. The editorial argued that reforms should take place, otherwise the law will allow people claiming their reputations have been damaged to get more financial compensation than those people who suffer real personal injuries.

There was an article by David James in the *Business Review Weekly* of 3 October 2002 regarding what he calls a 'dangerous silence'. In short, he says that unlike in America we do not have the first amendment in our Constitution guaranteeing free speech. Therefore, the exposure of the Watergate scandal, the Monica Lewinsky scandal and these sorts of scandals would not have happened in Australia. They would have happened, but they would not have been exposed. Likewise, had the allegations coming out of the HIH Insurance scandal been made before the royal commission, no doubt libel suits would have ensued.

There have been moves, as I said, in law reform areas to improve the law. In 2002 the Defamation Amendment Bill was introduced and I think passed in New South Wales. The main focus of the amendments was to strike a balance between the free flow of information on matters of public interest and importance, and the protection of reputation; removing the right of corporations, in most instances, to sue for defamation; to provide for the early resolution of disputes; to provide for consideration of the extent to which the matter is of public concern or concerns the performance of public functions, the seriousness of any defamatory imputation, the extent to which the matter distinguishes between suspicions, allegations and proven facts, and so on. In fact, there was no cap put on general damages as was indicated might have applied.

Western Australia recently appointed a five-member committee to review the state's defamation law to make it simpler, faster and less costly for people to resolve disputes. But I think the tendency is, again, to liberalise rather than to make more stringent. I think this bill is going against the flow of thought throughout Australia in this regard. Likewise, the High Court in the most recent authoritative case of Lange and the Australian Broadcasting Corporation confirmed the availability of an expanded defence of qualified privilege in cases of political discussion. No doubt in relation to civil matters it would be the election of the plaintiff to determine which court he or she sues in. If it is a court of superior jurisdiction—a District or Supreme Court—a jury of four no doubt would be available to decide questions of fact.

Ever since Fox's Libel Act of 1792 it has been looked upon as a staunch safeguard of democratic liberty that the issue of libel or no libel be within the exclusive province of the jury. I think the time has come to take these matters away from the jury, just as we have taken them away from a jury with respect to personal injuries. Those awards in Bolt's case of $246,000 for saying that a magistrate's decision was too lenient is, in my view, straining credibility.

Time expired.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (9.21 p.m.): I rise to speak to the Criminal Defamation Amendment Bill. I was most interested when the shadow Attorney-General and shadow minister for justice, the now Leader of the Opposition, referred to the case of the Aspley State High School principal, Ian Isaacs, and his experience. A gentleman who came to my office, a Mr Ian Mossman, had an experience not unlike that of Ian Isaacs. He had an accusation made against him by a student at the school, although the accusation was dated some months prior. The student's accusations were taken on board, as they always should be. Mr Mossman was stood down immediately by Education Queensland.

Again, I believe that in relation to any accusation of sexual impropriety Education Queensland should respond in that way. He did not, however, receive any support in a non-contact sense. I believe it was right that he should have no more contact with students, and I have told him so. But he was seeking some support from Education Queensland because of the turmoil that he was thrown into. Obviously, he denied any impropriety in this instance.

The police were brought in to investigate. Within a relatively short time, they told Mr Mossman that he had no charge to answer. However, Education Queensland was not quite so timely in its response. After quite a protracted period with Ian suspended from teaching not knowing where he stood as far as Education Queensland was concerned and feeling emotionally, psychologically and physically traumatised, he was seeking some direction. He got to the stage of contemplating self-harm until a teacher at another high school offered him some support contrary to recommendations made to her as far as her support for Ian was concerned.

I would never—and I say this with some conviction—in any way support or defend sexual impropriety against children. If there was any hint that Ian Mossman was guilty, he should for the entire time of the accusation sitting unresolved have no contact with students. That should always be the response. But where these accusations can be raised by aggrieved students or there is the spectre of an aggrieved student making an accusation, some support needs to be given to these teachers on an adult-to-adult basis.

As it turned out, Education Queensland eventually contacted Ian and told him that he did not have a case to answer—that was on the Friday—and that he should return to teaching on the Monday. He was understandably shell-shocked by the process. He told me candidly that he had no criticism of police and their handling of the situation or indeed of their handling of him. However, the idea of his going back to contact teaching with a weekend to adjust to that notion was more than he could cope with. He was eventually retired from Education Queensland on a disability pension and to this day would still like to return to a non-contact teaching position, preferably in something like distance education.

To my understanding, the majority of allegations have some substance. I do not believe a lot of allegations are made without basis. But in circumstances where people are injuriously affected by malicious allegations and allegations that are of criminal activity, people such as Ian Mossman and Ian Isaacs need some recourse. I do not know Ian Mossman personally. He has been to my office a couple of times. I think he is a constituent of an adjoining electorate. He has no criticism and I have no criticism of his local member; it is just that his commonality of interest is Gladstone rather than the electorate of his member. I do not know Ian, but he seems to me to be a very decent person.

As a result of these allegations and the defaming of his character, he has lost his reputation. He has most certainly lost his self-esteem. He has lost his job and he has lost his income on an ongoing basis. He needs some redress. He has attempted to seek some action from Education Queensland. We have dealt with the department. He and I have both written to the Minister for Education to ask that she review the case.

I reiterate that I believe that the vast majority of allegations of sexual impropriety against either men or women, but most predominantly men, have some basis. I am not saying that the majority or even a large number of allegations are ill founded and malicious. But where those allegations are malicious and ill founded there must be recourse for the victim of those allegations. Ian is not the person that he was. Even though I do not know him, I can see that there have been quite significant changes in his person because of the way he describes his former life and the way that I observe his current life. He deserves recourse. He does not have the money to mount a significant legal challenge or whatever the right words are—

Mr Springborg: Civil defamation is out of his reach.

Mrs LIZ CUNNINGHAM: That is right; civil defamation is out of his reach. But he does need some way to retrieve not only his reputation but also his self-esteem and himself. If this private member's bill will in some way give assistance to people in those situations, I am fully in support of it. I reiterate for probably the fifth time that I believe most allegations of impropriety have grounds. But for those in respect of whom there are no grounds the damage is incredibly difficult to undo. On the basis of Ian's experience and if it will give some relief to Ian Mossman, Ian Isaacs and people with similar experiences, I believe the bill could do a great deal of good.

Mrs PRATT (Nanango—Ind) (9.29 p.m.): I rise to speak to the Criminal Defamation Amendment Bill 2002, because I believe that it deals with a real problem in our community that needs addressing. I feel that this area of the law is inadequate and needs to have been addressed in the way in which it has. Other states have implemented a severe penalty system regardless of which state the offending person has secreted themselves in and those states can extradite that person to their state to face the appropriate consequences. I believe that they really understand the pain and suffering that this kind of action can inflict on innocent parties.

It is so easy to look at a physical injury and feel real sympathy for the pain and suffering that a person has experienced as a result of their ordeal. It is easy to sympathise with the length of time of the recovery period. It is so easy to look at the cause, the negligence—if any is involved—and even weigh up the malicious intent that might have been intended. It is also very easy to accept the necessity of compensation, if appropriate. I do not think that any member in this House would expect anything else.

These kinds of injuries are healed in a relatively short space of time and people return to their jobs, their lives and they get back to normal—whatever is normal for them. On the other hand, what of the person who has been the victim of a vicious, slanderous attack that is untrue? A person intent on slander has the intention of hurting an individual over a real, imaginary or a perceived slight and is prepared to state anything regardless of the medium used to achieve their aim with no thought—or perhaps they have a thought—of the lifetime of pain and suffering that that victim and their family might be subjected to.

Too many people still regard slander as not a real crime, but that thought is very wrong and one that only an unthinking person could think—someone who has never been on the end of such an attack. In saying that, if a person is guilty of an accusation, then I have no hesitation in hoping that the law substantiates those accusations and then comes down on them. But defamation is a sightless wound that may never heal. Slander has the power to ruin self-esteem, to ruin careers, to destroy marriages, to tear apart a family, to turn children against their parents and to totally destroy reputations. It can also drive the victim and/or his or her family out of the town in which they had perhaps hoped to settle for the rest of their lives and to make their home. Slanderous accusations over the Internet can also make people eternal victims. Such slander

may be but a five-minute wonder to the majority, but for many people they remember faces, if not the facts or the truth that may have been revealed later on. People remember names and inaccurate stories have a way of causing communities to act in a strange and unacceptable manner. But no matter how sorry those communities might be afterwards, the damage is done and inadvertently they have added and perpetuated an horrendous wrong to an innocent person.

As I said, defamation is a wound that may never be healed and the destruction associated with it may never end. At the time of the making of the untrue accusations, the victim is ostracised, both socially and psychologically, and is left to fend for themselves. Often these victims turn to suicide as they try to deal with the horror that is upon them. Unlike the victim of physical attacks or accidents, who are often cosseted by their family and friends because they are seen as a victim, the person who is facing a defamation charge is always seen in the light of 'where there is smoke there must be fire' and is treated accordingly.

To my mind, that is a far greater atrocity perpetrated against another human being. It can last for a lifetime. It can cost a life. Tonight, I have no hesitation in backing the Leader of the Opposition in his attempt to rectify the situation and to bring to the attention of the minister that if he cannot support this bill, he should at least address the issue, because it is very real in all our communities. I support the bill.

Mr BELL (Surfers Paradise—Ind) (9.34 p.m.) In an earlier life, when I had many fewer grey hairs, I was a lecturer of broadcasting students on the subject of the defamation law of Queensland. At that time I always began my address to those students by pointing out what was then a peculiarity but was also the fact—that the law of defamation in Queensland could be found in the Criminal Code. That served to underline to those students just what an important topic defamation really was. It was not just something like a traffic offence; it was something that was of a very serious nature and it was something that they, as broadcasting students, had to take note of in considerable depth.

To many people, his or her reputation is his or her most important asset. Indeed, in some cases it can be one's only asset. I compare defamation to arson, because one's reputation can take a long time to acquire. It can be one's most valued asset. Similarly, a house can take years to acquire and can be one's greatest asset. Both can be destroyed in a few moments. A house can be destroyed by an arsonist in three or four or five minutes and one's reputation can be destroyed by a miscreant in an equal space of time. No-one would ever suggest that arson should not be covered in the Criminal Code of Queensland. I believe that defamation, relating as it does to a very important piece of property—one's reputation—should also be contained in our Criminal Code.

This evening reference has been made already to the great capacity for modern means of communication, the Internet and email and other media outreaches, to disseminate information. These days, the damage that can be caused to a person by defamation is potentially much, much greater than it was in the days when the law of defamation was contained in the Criminal Code of Queensland. It is trite that punishment should always equate with the circumstances, but I think that we have had revealed in this House tonight and we have had revealed in our community by events of the last few years that extreme cases are not covered by the Defamation Act at present. To have a simple offence, which has a 12-month limitation period, is not nearly a sufficient response to what can be quite a serious crime. I believe that the current provisions in the Defamation Act are totally inadequate. A weakness in our law has been exposed. This bill seeks to remedy that. I certainly commend it and support this bill.

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (9.37 p.m.), in reply: I would like to thank all the members who have contributed to the debate on the Criminal Defamation Amendment Bill, which I brought to parliament. I brought this bill to parliament after a significant degree of consideration of the deficiencies that currently exist in the law of criminal defamation in Queensland. I have listened with a fair degree of interest to the contributions that have been made by honourable members during the course of the evening. It is interesting to note that, as usual, there was much sympathy and indications of support for principles from the other side, but when it comes to supporting the bill in the parliament, they are not prepared to do so. I will come to some of those matters in a moment.

The reason that we need legislation such as this bill is that there has been a recent event—some 15-odd months ago—that I think put defamation into the community spotlight in relation to the situation of the Aspley State High School principal and his deputy. But he by no means is the only person who has suffered as a consequence of defamation that would go over and above what would normally be taken and sought redress for in a civil court. It is not always

possible for a person to be able to seek redress in a civil court for whatever reason. Sometimes—and I think that the honourable member for Toowoomba North touched on this—the matter can be very, very costly, it can be drawn out, and by the time people have gone through the process it just does not come to any sort of reasonable outcome.

There are different types of defamation and we need to recognise them. Somebody might say something against somebody which may be injurious to their reputation. It may not have a sexual or criminal imputation, but it may harm the reputation of that businessman or businesswoman. Often they will seek redress in the courts when it comes to civil defamation.

Mr Welford: The sort of things you say about me.

Mr SPRINGBORG: I am sure that the Attorney-General is able to sort the wheat from the chaff and knows which things are serious. In the last few years far more things have united us than divided us. As I have always said, when I feel that there is a serious dereliction in the Attorney's duty, I have a public obligation to inform the people of Queensland and the parliament about that. However, if the Attorney-General is deserving of praise and support, I am equally pleased to do that.

Mr Shine: What about your deputy?

Mr SPRINGBORG: Our deputy is doing an absolutely fine job.

Other cases have not made it into the mainstream media as the Aspley case did a year and a half ago. For example, a person has been defamed over a sustained period through allegations of certain sexual improprieties or the molestation of children. In that circumstance, the person involved, the neighbour, had a long history of doing such things. The authorities seem powerless to take action against that person. They recommend that civil procedures be taken, but that is not an appropriate redress in the circumstances for a whole range of reasons, and the member for Toowoomba North has alluded to those. When we look at serious cases of defamation, we need a regime that provides a criminal redress, and that is what the bill is about.

Eight or nine years ago, or maybe longer, the Queensland criminal defamation law was amended. It was taken from the Criminal Code and put into the Defamation Act. It was then made a simple offence or a summary offence rather than an indictable offence or misdemeanour. I am cognisant of the argument put forward by the then Attorney-General, Mr Wells, when bringing the legislation before the parliament. However, with the value of hindsight, we can see that that change has left a significant chasm in the law in Queensland which needs to be addressed. I acknowledge that the Honourable Attorney-General and other members from the government side said that they were going to move towards addressing that.

It is interesting to note that when I first raised the issue of the principal of the Aspley State High School and his deputy, the view put forward publicly by the Attorney-General and others was that there was not a significant problem with the Queensland law, that we had something called criminal defamation and that the problem was with the Victorian law. That did not stand up to appropriate scrutiny and it still does not stand up to appropriate scrutiny. I have documentation that I am happy to provide to the honourable member for Toowoomba North. We kept pursuing the matter and the dominoes kept falling over. We found that the changes that were made in the early 1990s, which reduced defamation from a criminal and an indictable offence under the Criminal Code to a summary offence, created some significant problems with regards to the authorities being able to seek criminal redress for the defamatory material that was published against the Aspley State High School principal and his deputy. I will go through those matters in detail in a moment.

Defamation is not an indictable offence anymore; that is, it has to be heard summarily. It also places the statute of limitations on the time frame for the starting of actions, which is 12 months, according to the Justices Act 1886, as I understand it. That in itself creates a problem in relation to the way that extradition processes and proceedings are generally considered when one is dealing with summary or simple offences. A person who may have a warrant against them for a simple or summary offence is very rarely, if ever, extradited. Those people are usually dealt with by the courts in the jurisdiction in which the offence originally occurred. There is not a procedure in place to extradite people who have allegedly committed summary or simple offences. Therefore, there are a number of problems with blaming the Victorian law. The Attorney-General and the member for Toowoomba North alluded to certain matters which, in foundation, are wrong.

Victoria is the state from which this defamatory material was published. The Victorian law has a stricter and stronger regime for dealing with acts of criminal defamation than does the Queensland statute. Only two states have a criminal code, Queensland and Western Australia.

The other states have common law style systems. In Victoria, defamation is given statutory recognition as an offence and it carries a 10-year maximum penalty and is classified as a misdemeanour. I have that documentation for the honourable member for Toowoomba North.

There was no problem with the Victorian authorities intervening. The problem arose because it was a summary or a simple offence and they did not have the jurisdiction to start procedures for extradition or any sort of substantial investigation that would have led to a prosecution in Victoria. It arose because of the law that exists in the state where the crime was perpetrated.

Mr Shine: Wasn't their search warrants clause deficient?

Mr SPRINGBORG: No, I do not believe so. My research indicates that it was not because of that. It was because it was a simple offence in the state of Queensland. That posed some problems with the way that the Victorian jurisdiction and other jurisdictions deal with offences that are classified as simple offences in this state. That was the problem. If it had been classified as a misdemeanour in Queensland, it would not have posed the same problem for the Victorian authorities. That has always been my point. I will not go around saying, 'You're wrong, you're wrong and you're wrong.' I have done a fair bit of research into the matter and I have found that if it had been a misdemeanour, there would have been a greater capacity for the Victorian authorities to intervene, execute the search warrant and for extradition to be put in place to bring the person from Victoria to face justice in Queensland. That was the problem. A whole litany of issues compounded the problem in Queensland.

I acknowledge that the Attorney-General has said that he has put in place a review. At the outset, when the matter was raised publicly, he denied that there needed to be any great review. Six or seven months ago he said that he was happy to look at a review, and I am pleased about that. He acknowledged that there was a need for a review and that he was prepared to look at that. However, he was not prepared to do that straight away. After a bit of pushing he acknowledged that we needed to look at it. He talked about the need for a national standard. I do not think that that should be an excuse for us to do nothing when templates in other places are much stronger than what we have in Queensland.

Another concern I have is that government comes in here and identifies the odd fault with opposition legislation but does not proactively identify amendments which could be made to make the legislation more workable. This is a criticism I have expressed in the past. The government supports the principles of this bill. There is not really a lot wrong with the process outlined in it. The honourable member for Cunningham pointed out some of those things earlier.

We have simply dealt with one of the sections of the Defamation Act. The honourable member for Toowoomba North asked why I touched one and not the other. I did that deliberately because it is the one I wanted to use to deal with this particular type of issue. I wanted to beef up the more serious offence to deal with this type of issue. I simply wanted to leave it up to the court to decide that, based on the falsity, a penalty could be imposed of a certain amount of dollars or a jail term of up to five years.

The irony was not lost on the honourable member for Cunningham. He indicated that this government lectures us on how we need not constrict courts too much in their judicial discretion and we should allow them broad judicial discretion. That is what this was about. It allowed them a whole range of sentencing options, up to five years imprisonment. The Attorney-General should have suggested some amendments. He brought in two or three pages of amendments to the Cremations Act which the committee will no doubt consider in the next couple of days, so the government's legislation is also far from perfect.

Why do we need to overly complicate legislation with legalese? What does that really solve at the end of the day? The Attorney-General said, 'They were not spelling out particular aggravating circumstances.' Not long ago someone who has been learned in the law for a long time—this person has held a senior position in a major legal firm in Brisbane—said to me that one of the most significant yet simple parts of any law in Australia is a part of the Trade Practices Act which talks about misleading and unconscionable conduct. It is a catch-all for a whole range of things.

I caution honourable members against taking the view that we need to spell out different potential scenarios, aggravating circumstances and so on. I think sometimes we can say that if it is false and the person knows it to be false then the court should be able to consider that and sentence up to a particular head sentence. The honourable member for Cunningham talked about a range of issues and understands the reason for the bill. He also spoke about the impact this event had on the Aspley State High School principal.

As the local member, the member for Aspley obviously has lived and breathed this issue in her local community and has felt the pain and the concern of that school community, the principal and his deputy. The member expressed sympathy for the intent of the legislation but said that she will support what the Attorney-General will do eventually. That is her right. That is her prerogative. I understand and respect that.

I commend the honourable member for Nicklin for supporting the need for the changed laws. He elucidated that very well. The honourable member for Kurwongbah said that this is a complex issue. I am not so sure it is a terribly complex issue. I consider it to be more of a simple issue. During my time in parliament I have dealt with issues that are far more complex than the one we are currently debating. I am not so sure the solutions are as complex as we might like to suggest to people that they are. I consider it to be quite simple rather than complex.

The member also talked about Education Queensland's response. She said that it was inadequate, that it was tawdry and that it compounded the problem for the principal and his deputy. I commend her on that observation, because it is true. I think the way Education Queensland reacted in this case was appalling. It left the principal and his deputy hanging for months and months, notwithstanding the fact that over the weekend on which this false, scurrilous and outrageous material was posted on the Internet the principal's own son, who was trained in information technology, was able to narrow the perpetrator down to the actual service provider. So by the time school resumed the principal himself was able to say to Education Queensland, 'This is where it came from. Go and have a look. This is the situation.' That information was not taken and used in the way it should have been. As I recollect it, this happened virtually on the eve of Christmas, so the principal and his deputy were left hanging over Christmas, waiting for this matter to be resolved.

There were then all sorts of investigations by Education Queensland and the CMC. One hand did not know what the other was doing. That just compounded the emotional and psychological trauma for the principal and his deputy and affected their health. It was an appalling process. There were appalling procedures on the part of both of those bodies and they deserve to be severely reprimanded for the way they handled it. I think the honourable member for Kurwongbah quite properly encapsulated the problem as being the way the authorities did not provide the necessary support and seemed to be incapable of recognising up-front that this was a hoax, that this was false and that it did not have any demonstrable evidence that seemed to lend any fact to these allegations whatsoever.

The member for Callide spoke very well about the government asking for bipartisanship, sometimes providing token support for us and being sympathetic to our intentions but not being prepared to reciprocate bipartisanship. The member for Toowoomba North talked about time limitations. I understand what he is saying. Certainly when we are dealing with matters in the civil jurisdiction I agree, but there are differences when dealing with problems in the criminal jurisdiction. Here I am trying to address a problem with regard to the criminal jurisdiction and the statute of limitations applying to a summary or simple offence. I appreciate what the member is saying and I agree with the trend. We have to be careful about where we draw the line in the sand, whether it is three, four, five years or whatever. The criminal jurisdiction is a bit different from the civil jurisdiction.

The member talked about some of the outrageous payouts. I could not agree more. I would have thought that is a matter for public debate. If someone believes a sentence to be inadequate, then that is their belief. Sometimes we need to be big enough to take a bit of this criticism and not be too precious. That was a point fairly made.

The honourable member for Gladstone talked about the extent of the problem and how it was not isolated to the case of Aspley State High School but extended to other circumstances around Queensland. I thank the member for Nanango for her support. She spoke at length about injuries that are manifesting themselves in people who have been defamed not being physical injuries but psychological trauma injuries which just do not heal overnight. They can take years to go away. In some cases they never go away. They can have a far greater impact than a physical injury because people who are affected live with it all the time. It is in their minds. It is there with them when they are going to sleep. They are visualising it. It has an enormous impact on their health and wellbeing.

The member for Surfers Paradise talked about his experience as a lecturer in talking to students studying the law about defamation and how the defamation laws in Queensland worked, with some of it being a part of the criminal law in this state at that stage. The member also talked about the serious nature of criminal defamation. He said that one of the most significant

damages that can be done to any person is to reputation. That is what this bill seeks to address. This bill is about giving our courts a range of greater options to deal with those who falsely, scurrilously and in the most vile and repulsive way seek to denigrate a person and seek to make allegations against a person. In many cases those allegations are of the most obscene sexual nature. It is about self-gratification on the part of the person making the allegation and about destroying the character of the person who is subject to the allegation.

The reason for the bill is quite simply that the current criminal law dealing with defamation in Queensland is deficient. It was altered in the early 1990s. It is now proven that the changes which were made have left Queenslanders vulnerable to the types of circumstances which manifested themselves in the case of the Aspley State High School and its principal.

We need a response that will address those matters in the future. There is nothing that we can do other than providing some degree of empathy and support for the principal and his deputy. We cannot change the criminal law retrospectively to help or support him or his deputy—who was a woman. Members need to be aware of that. She was defamed by vile and grotesque allegations made against her as well. We need something that avoids those circumstances in the future. This bill is a reasonable attempt at doing that, and it deserves the support of this parliament.

Question—That the bill be read a second time—put; and the House divided—

AYES, 18—Bell, Copeland, E. Cunningham, Hobbs, Horan, Johnson, Lee Long, Lingard, Malone, Pratt, Quinn, Rowell, Seeney, Simpson, Springborg, Wellington. Tellers: Lester, Hopper

NOES, 60—Attwood, Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Mackenroth, Male, McGrady, McNamara, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reilly, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: Purcell, Reeves

Resolved in the **negative**.

INTEGRATED PLANNING AMENDMENT BILL

Second Reading

Resumed from 5 December 2002 (see p. 5445).

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (10.08 p.m.): The Integrated Planning Amendment Bill 2002 introduced by the member for Warrego on 5 December 2002 seeks to extend the time local governments have to prepare new planning schemes under the Integrated Planning Act by 12 months from 30 March 2003 to 30 March 2004.

This bill should have been withdrawn. It is totally unnecessary. It does not need an amendment to the act to extend this deadline. It can be done by gazettal notice, and it has already been notified by gazettal notice. This private member's bill is also redundant because I have already dealt with the matter with a notice published in the *Queensland Government Gazette* on 20 December 2002, which extends the deadline for the preparation of new planning schemes by 15 months until 30 June 2004.

The bill is also flawed in that it only proposes a one-year extension, thereby failing to take account of the local government elections scheduled for early next year. Further, the bill, unlike this government's practical approach, also provides no ability for dealing with the special circumstances of individual local governments should a justifiable need arise requiring negotiation of an amended deadline beyond the new date.

It is disappointing that any extension to the deadline for councils to adopt either compliance schemes became necessary. However, scheme preparation is a local government statutory responsibility, and following extensive consultation local governments agreed to and accepted that five years was a reasonable period for preparing and introducing new planning schemes.

Currently, of the 125 local governments in Queensland, two have no planning controls at all and are not required to take any action. Six councils have completed the task—Warwick, Brisbane, Maroochy, Maryborough, Atherton and Clifton. Another 27 have draft IPA planning schemes lodged with my department for the first state interest review, and 81 schemes are at various stages of being drafted. There are no longer any schemes still in the initial statement of

proposal stage. I congratulate those councils that have already adopted their plans and those who have now made significant progress.

In Queensland, local governments have traditionally had responsibility for preparing planning schemes for their local areas. The Integrated Planning Act did not alter this obligation, although over time there have been calls from some industry groups such as the Housing Industry Association for the state to prepare a model planning scheme for adoption by local governments. However, this proposal was considered to be unnecessary and inappropriate by local government which argued strongly to retain their autonomy to decide the future planning directions of their own communities. Throughout the past five years my department has sought to provide advice and assistance to local government regarding the preparation and drafting of planning schemes. This has included ongoing direct contact between my department's planning staff and representatives from each local government.

In addition, my department has prepared and circulated numerous guidelines and organised training programs around the state on planning scheme preparation. It is therefore disappointing that, following the five-year time frame previously agreed with local governments, the majority of local governments have not met the original deadline. The alternatives to granting an extension were carefully assessed over some months. Without an extension of time, local governments that did not have the new schemes in place by 30 March 2003 would have ceased to have any planning scheme controls at all. That would have been a perilous position legally, making councils vulnerable to litigation. Obviously, this would not have been an acceptable position in the view of this government and no doubt in the opinion of their general communities. In granting this one-off extension, I wrote to all affected local governments, informing them of my commitment to ensuring that the new extended deadline is met and offering the ongoing assistance of my department to ensure the new deadline is met.

Accordingly, I oppose this bill. But I would like to add that I am amazed—and it is indeed curious—that the opposition is wasting the time of this parliament so late at night debating a bill that is redundant and totally unnecessary as the extension sought in this bill is already in place. In fact, it has been extended for a longer and more appropriate time of 15 months and was extended without fanfare by gazettal last December. If this bill were to be passed tonight, the 15-month extension that has already been given to Queensland's councils would be reduced to 12 months to March 2004 and would clash with council elections. I call on everyone in this House to oppose this bill in the best interests of the more than 100 councils in Queensland that have not yet completed their plans.

Mr HOBBS (Warrego—NPA) (10.14 p.m.): The minister said that this bill was totally unnecessary. We would not be here tonight if the minister had not been so bloody minded as to not in fact put in place—

Mrs NITA CUNNINGHAM: I rise on a point of order, Mr Deputy Speaker. I find those comments offensive and ask that they be withdrawn.

Mr HOBBS: I withdraw. We would not be here tonight had the minister done the obvious thing that everybody in Queensland knew she had to do, that is, give local governments an extension of time to complete the integrated planning acts. There were five local governments in Queensland that had completed their plans. The rest were nowhere near completion as there was only two or three months left. It was quite clear that it had to happen. It so happened that I put this bill before the House and the minister had to respond. Quite clearly, I reject what the minister is saying. We would not be here tonight if in fact the minister had done the responsible thing as the Minister for Local Government and given an extension to those local governments—

Mrs Nita Cunningham interjected.

Mr HOBBS: Yeah, but you did it after I put it into the House—on the second last day of parliament in Queensland. There was no other time to do it.

Mrs Nita Cunningham interjected.

Mr HOBBS: You hadn't done it before then. I put the bill into this parliament at the very end. In fact, the minister is wrong. The minister said the bill was flawed. It is not flawed. This is quite sensible legislation. The minister said that now there are six local governments with planning schemes. Now there is one more. What is the present month? It is March. The date for the plans to be completed was 30 March. There is no way in the world that those local governments will be able to get that work done.

In summary, the objective of this bill is to amend the Integrated Planning Act with regard to replacing the existing sections of the act that require the transitional planning schemes for local government councils to lapse after five years. The following bill was intended to provide those local government councils, whose transitional planning schemes were not converted to or replaced by an IPA planning scheme, an extension of one year to 30 March 2004. The minister's announcement through a press release on 17 December 2002 that she would put in place a one-off, 15-month extension for Queensland local governments to work on their IPA planning schemes does fulfil the intent of what the opposition is trying to achieve. We have achieved exactly what we wanted.

Under the minister's changes, the new statutory deadline for councils to complete their scheme will be June 2004. It will provide for a ministerial direction issued upon a case by case basis for any council that has still failed to adopt its IPA compliant planning scheme. The opposition is relieved that the minister has arrived finally at this commonsense decision that will allow local governments to be able to proceed with development outcomes for their communities for specific localities. However, it is disappointing that it took a private members' bill from the opposition on the last sitting day of parliament of last year for the minister to announce that she had a contingency plan.

It has been well known for a period of time that not all of Queensland's 123 eligible councils would be in a position to meet the original deadline of 30 March—and the minister would have been aware of this. Unfortunately, as at the end of last year, only five schemes out of 123 were in operation, which left a great deal of uncertainty throughout local governments in Queensland. As early as 12 December 2001, the LGAQ issued a press release urging the minister to extend the deadline of the IPA scheme completion from March 2003 to March 2004. Even the industry people wanted it; it is simple as that. All the minister had to do was go out into the community, put up the ears and the antenna and they would give her some idea of what she should be doing. The minister has finally done that, but it took the opposition in this parliament to introduce a private members' bill to get her to do it. This notion was supported by an overwhelming vote of delegates attending the LGAQ's annual conference in Townsville. The minister was there. They wanted it done there. It was quite simple.

Mr Noel Playford, the President of the LGAQ, went on to state—

We need an extension to the IPA scheme deadline—not because councils are not organised but due to the inability of the state government to sign off on the 110 or so schemes that remain outstanding.

...

In addition to this backlog, the Department of Local Government and Planning still has not finalised its operational review of the IPA which was started over two years ago.

Finally, Mr Playford states—

With this number requiring state government signing-off within the next 20 months, five or six schemes would need to be processed per month by the state government to meet their own deadline of March 2003.

That could not possibly be done. We do not have to be Einstein to work that out. The minister knew at this early stage the deadline would be near impossible for councils to meet. Yet it took another full year to give councils some certainty that it would not be affected by way of some contingency plan. Sure, there has to be a bit of brinkmanship and we have to make councils comply, but the reality is that there still has to be certainty for their planning schemes. We are talking about billions of dollars across the length and breadth of the state and here we have schemes that could have expired. The minister said there would be no extension. Even during last year's estimates hearing in July the minister was still of the view, in her words, that 'councils surely will have to take into account that after five years they face the risk of having no legal planning schemes after March'. They were her words. She would let local governments have no legal planning schemes. What sort of chaos would she have had Queensland in? It would have been riotous out there. I am sure that councils would have to take that into account, particularly their planners. That is a pretty desperate position to leave a council in. How could the minister possibly in this day and age leave a council without a planning scheme? That would have been a total nightmare. There would be all sorts of chaos, and the minister knows that is the case.

I wish also to touch on an issue mentioned in the press release from the LGAQ, and that is a concern that the minister had not allocated sufficient resources overall and at an early stage to maintain and improve the quality of advice that has been handed on to councils and consultants. The 18-month delay of the department's operational review to amend the Integrated Planning Act, initiated by Terry Mackenroth in mid-1999, affected the planning and development assessment process for local councils and the building industry.

In 2001-02 the department published the *IPA Planning Marketing Guide*, which provided detailed and practical guidance on drafting IPA compliant schemes. Unfortunately, the release of these guidelines had come too late, given they were released more than halfway through the five-year time frame set aside for councils to have their planning schemes implemented. In a recent question on notice the minister provided the total expenditure and staffing resources that had been allocated to the preparation of IPA compliant planning schemes. In response to part 2 of my question the minister noted that a budget of $5 million and 57 staff would be provided for the remainder of this current financial year to ensure that councils have a plan in place by the new deadline.

Mr Shine: That is enough.

Mr HOBBS: I am making this quite clear so that the member understands it. I welcome the provisions in relation to funding and staffing levels. I believe it is important that this level of resources is carried through to the end of the current financial year. That will be interesting. We will be keeping an eye on what happens, so the minister should make sure she has everything right for the budget. Depending upon the position of local councils in four or five months time there may also be a need to consider a continuation of this funding through until June 2004. It could be that we have to go through with that funding. It might not necessarily be only this year but it may also be next year. The minister might have to sharpen her pencil.

Mrs Nita Cunningham: Don't you worry about that.

Mr HOBBS: I hope I do not have to worry about that. I would suggest the minister probably has to worry about it more than I have to worry about it.

Mr Shine: You are worrying too much now.

Mr HOBBS: The member thinks I worry too much. Maybe I do. But then again, I have the interests of local government in mind. Toowoomba is a very important area. Just imagine Toowoomba with no planning scheme. There would be chaos. The member might have to go back to his legal practice on the side and try to help all of these people who have planning schemes that are upside down and inside out. There would have been chaos.

The total estimated value of building works approved in Queensland in 2001-02 was $7.3 billion. When we consider there were five councils that actually had building approval schemes in place and the rest did not—

Mrs NITA CUNNINGHAM: I rise to a point of order. We are not talking about building approvals. We are talking about planning schemes.

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

Mr HOBBS: I was saying that the estimated value of building work approved in Queensland in 2001-02 was $7.3 billion. They have got to be approved. They have to go through planning schemes. The minister would have some councils with no planning schemes at all. There would have been total chaos out there and the minister would have been responsible for that. Included in the value of these building approvals is non-residential hotels, shops, factories, offices, educational, religious and health facilities as well as residential housing.

The value of building approvals in the state for this particular financial year varied from $92,000 in Barcoo to $44.5 million in the minister's electorate of Bundaberg—her own home town. These figures highlight perfectly the contribution of infrastructure development in local areas and how significant an impact this would have on employment and economic growth within these cities and towns. Without certainty about planning process and the foresight from government to have contingencies in place, this level of building work approved will not be sustained nor have the potential to increase.

Mr Shine: You were better on racing.

Mr HOBBS: That is another issue altogether. We could probably deal with that, with a little bit of latitude.

Mr DEPUTY SPEAKER: Order! I do not think so.

Mr HOBBS: The opposition and I are pleased that the minister has granted this extension. Having made this announcement, it is important that the appropriate levels of support are available at a state level to ensure that each council will be able to meet those new time frames. I believe the situation could have been quite serious. The minister has responded. Let us hope that local governments throughout Queensland will not have to face such an uncertainty ever again.

Motion negatived.

ADJOURNMENT

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (10.27 p.m.): I move—

That the House do now adjourn.

Proposed Bonogin State School, Mudgeeraba

Mr QUINN (Robina—Lib) (10.28 p.m.): I wish to table a list of some 560 names of people who have indicated that they oppose the government's decision to ministerially designate land for community infrastructure under the Integrated Planning Act 1997 to build a Bonogin state school on various lots located on Somerset Drive adjacent to and in between Somerset College and the Montessori School in Mudgeeraba.

For quite some time there has been a controversy raging within the Mudgeeraba community about the location of this school. One person has circulated a petition. Unfortunately, it is non-conforming and that is the reason why I bring it to the House tonight. These people are convinced that the school is located in the wrong position. Notwithstanding Education Queensland's and the minister's views about the location of the school, they remain unconvinced despite, as I said, some changes to the location on the block of land or the location of the intersection and road widening taking place outside the school.

They are concerned that moving the intersection further east where traffic would come out on to the main road, Somerset Drive, and staggering the start and finish times for the Bonogin State School as a really impractical, idealistic and inappropriate solution that will not solve the traffic issues raised in the submission and is merely an attempt to get around the fact that the site location is not suitable at all. They are also asking the Premier to rescind the ministerial designation and build their new school at a more suitable and level site in an area of need and growth—somewhere in the Reedy Creek-Bonogin-Kingsmore area—and not put the school on the site designated by the government which, in their opinion, would create massive traffic chaos and safety problems for all on Somerset Drive, Mudgeeraba.

There is already a large non-government school called Somerset College on Somerset Drive, along with a Montessori school, and putting another large state school on that road will simply create the massive traffic problems that these people are objecting to. As I said, there are 560 names here. It is a non-confirming petition and I table it in the House in that manner.

Junior Sports Expo

Mr REEVES (Mansfield—ALP) (10.30 p.m.): I wish to make the House aware of an excellent community event that took place recently in my electorate. The event that I am talking about is the Junior Sports Expo, which was hosted by the Mount Gravatt sports cluster, which is a collection of sporting clubs in the Mount Gravatt district.

The Junior Sports Expo was held on Saturday, 8 February in the grounds of the Southern Cross Sports Club at Mount Gravatt. It was an opportunity for children from the district to find out what sports existed in this area and to try out a range of sports to find out which sport best suited them. Almost 900 children attended the expo and the day was a huge success.

I was extremely impressed by the enthusiasm that was shown by the clubs and the children alike. For example, there were around 300 children in line for the free show bags that I was giving out before the expo even opened. Many of the clubs that joined the expo on the day reported many new memberships as a result of the expo, such as the Mount Gravatt Eagles Baseball Club having 30 new people registered as showing their interest in joining the club.

On the day, we had the Pura Cup that was won by the Queensland Bulls last year, and hopefully they will win another one this weekend against the New South Wales Blues. I am sure that all the members of the House support that event. We also had the AFL premiership cup that was won by the Brisbane Lions—their second premiership—courtesy of the Brisbane Lions. We had a speed gun that measured the pace of balls—baseballs, soccer balls and footballs. We had pony rides from the Mount Gravatt Pony Club and pass-the-ball competitions from both Rugby League and Aussie Rules. It was a great fun day for everybody.

I firmly believe that having young people participate in sport ensures a more socially interactive and healthier community, not to mention the benefits that the children themselves gain from playing sport. The expo was truly a great community event. It was a partnership between

local sports groups, businesses and the Queensland government. The financial support from the Southern Cross Sports Club and, in particular, Sports and Recreation Queensland ensured that the event could go ahead. There was also great support from Quest newspapers, particularly the *Southern Star*, which helped to advertise the event. That really made the event what it was.

I would like to praise Andrew Doak, the Sports Development Officer of the Mount Gravatt sports cluster, for a fantastic job that he did in organising the expo. I would also like to place on record my appreciation for the involvement of the following sports clubs, without whom the day would not have been such a great success: the Mount Gravatt Hawks Soccer Club, which made its field available for the expo as well as attending; the Mount Gravatt Vultures Junior AFL Club; the Mount Gravatt Eagles Baseball Club; the South Brisbane Eagles Hockey Club; the Mount Gravatt and District Horse and Pony Club; Easts Mount Gravatt Junior Rugby League Club; MacGregor Netball Club; Mansfield Cricket Club; and Wishart State School Amateur Swimming Club. It was a great day and we are looking forward to the next one. Plans are in place to have one in August and again next year in February. Obviously, in August we will be focusing on summer sports. I think that this is a great way of promoting sport. Sports and Recreation Queensland should be congratulated on funding events such as this.

Ms H. McKellar

Mr HOBBS (Warrego—NPA) (10.33 p.m.): It is with great sadness that I rise to speak in this parliament today about a great lady, Hazel McKellar, formerly of Cunnamulla. I am proud to have been associated with Hazel during her life. I often met her whilst I was in Cunnamulla and she was a regular visitor to my office in Charleville.

Hazel often helped me with the Aboriginal history and the culture of the south-west. I admired Hazel for her love of her people and their culture, which she understood and wrote about in her books, *Matya-Mundu*, which was published in 1984, and her life story, *Woman from Nowhere*, which was published in 2000. Even today in my electorate office is a copy of her book, which Hazel personally signed and gave to me at Eulo on 26 July 1998. Hazel was an author, a recorder of Aboriginal history and language, a mother of eight, a grandmother of 28 children and a great-grandmother of 24 grandchildren. Many of Hazel's descendants are constituents of my electorate of Warrego, who today still live and work in the Cunnamulla district. I remember Hazel as a great communicator who could effect change in the Aboriginal community and the white community. She was articulate, intelligent and a great ambassador for the Aboriginal community across the nation.

Hazel McKellar was born on 14 May 1930, the fourth of 11 children of David and Annie Wharton of Cunnamulla. Hazel grew up like many Aboriginal children at the time outside Cunnamulla at the Yumba camp where her grandmother, Susan Mitchell, a full-blood Kooma woman from Neebine, had settled in 1928. Hazel left Cunnamulla State School at age 11 to work in domestic service at Woodvale Station as a housekeeper. At 16, Hazel married Bert McKellar of the neighbouring Kunya tribe. She spent more than 20 years with her husband droving throughout south-west Queensland. During that time Hazel ensured that all her children received a good education by teaching them herself or at St Catherine's Convent at Cunnamulla and later at Nudgee College in Brisbane.

Hazel was a founding member of the Cunnamulla Australian Native Welfare Association and helped establish the South-West Queensland Aboriginal Cooperative Society. She was a member of the national Aboriginal education committee for a two-year term.

In 1981, Hazel won the Scotties Achievement Award—a national award that was given by the paper company, Bowater-Scott, to an Australian woman who, in the judges' opinion, had done the most to seize the opportunities in her life, who has taken control of her life despite the odds against her doing so and who has dealt most triumphantly with adversity. Hazel had always been deeply interested in the heritage of her people. She lectured on Aboriginal cultures in schools and received grants from the Australian Institute of Aboriginal Studies to record the history and sites of significance in the area. Hazel was instrumental in having the Aboriginal burial ground at Tinnenburra registered as an historical site by the National Heritage Commission in 1980.

Hazel was a tireless worker for the Aboriginal community and the wider community. She arranged debutantes for the new year's eve dances for the Cunnamulla Aboriginal community and fund raised for the Aboriginal entrants in the annual Opal Festival. Hazel helped out at the Paroo Pony Club and participated as a member of the Aboriginal and Islander Catholic Council,

the Aboriginal Legal Service, the Queensland Health Advisory Committee, the Queensland Department of Environment, the Macropod Committee and she was an ATSIC regional councillor. Hazel passed away in Cunnamulla on 10 February 2003. She will be greatly missed by her family, the Cunnamulla community and all of those who had contact with this grand old lady.

Redlands Arts Council; Mr L. McDonaugh

Mr ENGLISH (Redlands—ALP) (10.37 p.m.): The arts community in the Redlands is an enthusiastic, talented and vibrant community. Last Saturday, I, along with the member for Cleveland and the member for Capalaba, had the pleasure of attending the annual general meeting of the Redlands Arts Council. The Redlands Arts Council is supported by numerous highly motivated volunteers. I applaud them one and all for their ongoing commitment to the arts in the Redlands. However, I would like to highlight the dedication of Myann Burrows, Robert Quaille and Dorothy Templeton.

At the conclusion of the meeting, we all enjoyed a condensed presentation of a play called *Love Letters*. The performance by Brian and Susan Russell was an emotional journey examining the nature of love. I advise the House that the member for Cleveland has agreed to perform in this play later in the year. We were then privileged to hear one of the best young voices in Australia, Scott Muller. Scott was proudly accompanied on piano by his mother, Linda.

Recently, the Redlands Arts Community was given a real boost when the Honourable Matt Foley, the Minister for Employment, Training and Youth and Minister for the Arts, opened the new Redland Art Gallery. This gallery is the result of a synergistic partnership between the state government and the Redland Shire Council. The inaugural exhibition showcased artists from the Redlands, and I table a list of the artists. I applaud all the artists who contributed to this display, but I would like to mention a few artists whose work I found particularly enjoyable: Richard Comport, Meryl Dobe, Wanda Dobe, Margaret Hazelwood, Mavis Keogh, Elizabeth Leifer, Louise Saunders and Vicky Thornton.

Of course, the highlight of the exhibition was the painting, *Mangroves, Karragarra Island* by Les McDonaugh. Les McDonaugh was one of the grand masters of the local arts scene. He was born in Charleville on 6 January 1933 and passed away on 7 February 2003. Les was born an artist; it is who he was and what he was. Les won his first art prize at the age of 13. In 1965, Les began pastel painting and was a founding member of the Australian Pastel Society, contributing much to a revived interest in pastels, particularly in Queensland. Les produced instructional videos and journals for the arts community. Les moved to the lovely island of Karragarra in Moreton Bay where he settled down.

Les fell in love with Moreton Bay and the bay islands. He certainly loved to share Irish hospitality and was very proud of his Irish ancestry. Les is survived by his wife Evelyn, whom he married only late last year, his children Elena, James, Gary and Robin, and his stepchildren Peter, Michael and Sheena. The art community of Australia and Queensland is certainly poorer for the passing of Les McDonaugh.

Sunshine Coast Schools

Mr WELLINGTON (Nicklin—Ind) (10.39 p.m.): Just over a fortnight ago I had the pleasure of showing students, parents and some teachers from St Joseph's State School in Nambour through state parliament. The year 7 class captains, Joseph O'Hare and Olivia Donovan, had their photos taken sitting in the Speaker's chair. They also tested parliament's new PA system.

Last week I was fortunate to be invited to join the students for the official opening of St Joseph's State School parliament. As outlined at the first sitting of that parliament for the year, I was very impressed with the range of activities the leaders and the respective committees were planning for the year. The St Joseph's parliament is made up of two speakers, the year 7 class captains, Joseph O'Hare and Olivia Donovan, and the four school leaders elected by years 6 and 7 are Jennifer Kirby, Kathryn Wannell, Chris Baker and Lachlan Kurtz.

The St Joseph's government and opposition work together for the good of the school under the guidance of five committees: the environment committee, the sporting committee, the service committee, the welfare committee and the class representatives committee. The governor-general in this instance is the principal and he has the last say on all decisions made by the parliament.

One of the activities organised by the service committee will include fun days at the beach with a real and very special focus on surf safety. That is certainly a very important issue in Queensland where we have had a number of fatalities over recent months. The environment committee has committed to planting trees at the school this year and the welfare committee will work on fundraising later in the year. During 2002, the welfare committee organised a fun day that raised over $700 for the carers of mildly intellectually and physically handicapped people at the Nambour respite home.

I also attended the official opening of the Yandina State School crossing last week where I met the two newly appointed road crossing supervisors, Lynda Bethell and Nathan Copas. It was great to see that the students had already learnt the importance of looking both ways before crossing the road and that the road crossing supervisors already had a great relationship with the students at the school. I would like to thank Kerry Kettlewell and her band of lobbyists from the Yandina State School P&C for their commitment to school safety. I especially thank Transport Minister Steve Bredhauer for his assistance in bringing this important school crossing into reality.

While on the issue of passing on thankyous, I acknowledge the support from the Minister for Education, Anna Bligh, for her assistance with funding to help upgrade the electrical system at North Arm State School, enabling it to get its computer room operational. This will certainly provide great assistance to the students and the local community with the opportunity to learn or upgrade their computer skills. North Arm State School is one of the smallest schools in my electorate. The parents, students and I really appreciate the minister's willingness to be involved in assisting the school. I thank the minister for her partnership.

Time expired.

Noosa for Peace

Ms MOLLOY (Noosa—ALP) (10.42 p.m.): I have some good news today. Noosa's tourism industry has had a bumper year so far, raking in an estimated $7 million more than last year. This goes to show what a great electorate I represent. But wait, there's more.

The quarterly independent assessment of the tourism industry by economic and market development adviser Michael Emerson also shows that visitors are more affluent and are coming in ever-increasing numbers. For example, visitor numbers were up 10 per cent and income in the accommodation sector increased by 17.8 per cent to $46 million. Through marketing and other activities, the tourism industry takings have exceeded predictions by a fabulous $11.5 million. In explaining the results, Mr Emerson said the results were very good but there was room for improvement.

However, amongst some very valuable advice, one of his key suggestions was to target the international market as a safeguard against a predicted downturn for 2005-06. Unfortunately, this is where my news is not so bright. In light of the Howard governments' eagerness to join President Bush's unilateral war on Iraq, one must question such a strategy. To blindly follow the US into war against Iraq will not only cause increased instability in the Middle East region but will also undermine the authority and credibility of the UN and in so violating the international principle of state sovereignty will threaten the current system of international relations and lead to much global instability. All for what? To overthrow a despotic tyrant who poses no immediate threat to Australia's national security? No! The real reason is to satisfy the US appetite for oil and the determination of this rogue superpower to assert its hegemony globally and in all dimensions.

Indeed, this is the question thousands of Noosa residents were asking when they took to the streets on Sunday, 16 February to voice their concern that Australian defence personnel were being used as pawns for the self-interest of an oil-hungry superpower. In what was reported as the largest public protest in Noosa's history, thousands of peace marchers in Noosa's Hastings Street voiced the same sentiments as the millions of their fellow protesters around the world who, as one, oppose United States' plans to invade Iraq.

I was proud to be at the front of our 3,000 strong procession that passed through Noosa's tourist Mecca and gathered at Noosa Lions Park for a rally of speeches. Placards identified not Saddam but the US as the main threat to world peace, while speakers such as my husband, Dr Ivan Molloy, and Noosa ALP member Ray Lower argued most strongly that American, British and Australian governments had failed to produce any evidence that a war with Iraq was either necessary nor justifiable.

All participants insisted on a non-violent means of containing Saddam Hussein and urged that the UN weapons inspectors be allowed to finish their job. On behalf of the Noosa electorate, I therefore call on the Federal government to immediately recall our troops and instead use whatever influence it has on the US to seek a diplomatic resolution rather than enter a war that will inevitably lead to devastating global ramifications.

Ethanol

Mr ROWELL (Hinchinbrook—NPA) (10.46 p.m.): World ethanol production exceeds 30 billion litres and is worth $15 billion. Many countries in the world have committed considerable resources to the production of ethanol. Yet a country like Australia, which imported 1,188 megalitres of petroleum alone in the 2000-2001 financial year, has not substantially embraced this clean green import replacing fuel as we become more vulnerable to imports, especially with the unsettled position that prevails with the procurement of fuel.

The current systems allow ethanol to be made from grains with a residue providing a valuable stockfeed. Technology is moving at a rapid rate and researchers in Australia are at the leading edge of new initiatives. For example, the ZeaChem process eliminates the loss of CO2 which can increase the production of ethanol over the yeast fermentation process, which is the most widely used method for the production of ethanol by 60 per cent. Production costs are forecast to be 15 per cent to 50 per cent lower than the yeast process depending on the quality and value of the single cell protein. The process converts sugarcane juice, corn syrup or wheat starch in a fermentation process using lactic and acetic acid, then ethyl acetate to form ethanol.

Agriculture, Fisheries and Forestry Australia, the State Development Corporation and SRI have injected $735,000 to evaluate the linking of the process steps to manufacture ethanol. Delignification produces up to 50 per cent of cellulose and 28 per cent of hemicellulose from bagasse alone and, with enzymatic hydrolysis, could be used for ethanol production. This would leave the lignin of 15 per cent to be made available for combustion, which would generate energy for electricity, steam or other purposes. The key to the future success of this process is for the reduction of cost of the enzymes.

The US government is supporting companies in substantially reducing the costs of the enzymes. If successful, it will make the production of ethanol from bagasse and other cellulose material very viable. Those and other processes are very important to the Australian production of ethanol and should be supported by governments throughout the country.

Grandchester State School

Mr LIVINGSTONE (Ipswich West—ALP) (10.49 p.m.): One of the most satisfying aspects of being a member of parliament is the opportunity to attend functions of significant historical value. My most recent event was the 125th anniversary of Grandchester State School. Grandchester has a unique place in Queensland's history, with the first railway line being built from Ipswich to Grandchester in 1865. The school has every right to be proud of its long history of delivering quality education to the children of Grandchester and the surrounding district.

Plans to establish the first school at Grandchester commenced in 1870, and in 1876 the school was eventually built for the huge sum of 244 pounds, 9 shillings. The school was opened officially on Tuesday, 29 January 1878 by its first head teacher, Mr James W. McDonald, and at that time it had an enrolment of 17 students. Since that time the school has had a very colourful career, with enrolments varying significantly from as few as one or two to its current enrolment of 48.

The school was originally located at the back of the property until it mysteriously burned down in 1916. It was never discovered who was responsible for this fire, but it does seem a very drastic way for someone to get out of doing their homework. The school has seen its fair share of hardships, surviving through the Depression and other difficult periods such as two world wars.

One of the highlight's of the anniversary celebration was the opening of a time capsule that was put down 25 years ago, in 1978. The contents of the capsule had been contained in a concrete pipe and included chalk, rubbers, pencils, coins, newspapers and a cassette tape, which were put out on display. Unfortunately, some of the items were a little damaged, probably due to sealing methods, which were not as sophisticated as they are today. A new PVC time capsule containing a computer disk and samples of school work was carefully sealed and buried to remain for another 25 years until it is opened in 2028. I certainly hope to be there when it is opened.

It had been hoped that the celebration activities would include the school's oldest living student, 91-year-old Effie O'Donahue. Unfortunately, Ms O'Donahue was unable to attend due to ill health so the anniversary cake was cut by Johannah Bennett, who is 86, together with the school's youngest student, Allison Doonan.

Since my re-election in February 2001 I have attended four 125th anniversary celebrations at schools within my electorate and there are more to come over the next 12 months. I think this is a wonderful tribute to the pioneers of this district and a great reflection of the unique cultural heritage that belongs to Ipswich West.

Tableland Alcohol and Drug Service

Ms LEE LONG (Tablelands—ONP) (10.51 p.m.): Tonight I bring to the attention of the House an organisation in my electorate which is working very hard to improve the life and circumstances of some of the less fortunate among us. The organisation is the Tableland Alcohol and Drug Service. This body, which is auspiced through the Wu Chopperen Health Service of Cairns, has been in place on the Tablelands for the past four years. It is an organisation with an amazing capacity for work and a true dedication to helping others.

It is funded under the National Illicit Drugs Scheme operated by the federal Department of Health. As the name of the funding stream suggests, illicit drugs was the initial focus, but the TADS team quickly found that alcohol was often a minor factor in the lives of those they were seeing for illicit substance problems. To its credit, TADS approached the National Illicit Drug Scheme about the situation and NIDS proved flexible enough to accept treatment of alcohol into its funding arrangements.

Since then TADS has been an organisation with a high level of service delivery. TADS is heavily involved in face-to-face counselling. It visits schools—both primary and secondary—and conducts community education activities and outreach programs. It even provides in-service educational sessions to Queensland Health nurses.

TADS is also well aware that it has a place in the wider community and participates in festivals and other community events. It is also a founding member of the Atherton Tableland area partnership, which is a regional group of service provider organisations pursuing cooperative and consultative answers to the needs of the district. This is an impressive performance, but is especially so when we consider that TADS services the entire Tablelands region and at present does so with just three staff.

While we might think that was a big enough task for any organisation, TADS has been prepared to go the extra mile for the Tablelands community. In cooperation with other members of the Atherton Tableland area partnership, TADS applied for Alcohol Education and Research Foundation funding for an expansion of its activities. That application was unsuccessful, but I will quote from the Alcohol Education and Research Foundation letter to indicate the commitment behind TADS and its partner organisations. The AERF has this to say about the kinds of things TADS wanted to do—

> We believe that the services you seek to provide to your community are a core responsibility of the Queensland Government and should be funded by them.

Clearly, TADS and its partners in that application were trying to fulfil a very important role. That they were knocked back was very disappointing. That Queensland Health is not in fact providing that funding itself is even worse. However, tonight I want to concentrate on TADS' achievements, which are very many, and to wish it every success as it fights to have its NIDS funding continued beyond June this year. It serves an important function for the entire Tablelands and deserves ongoing support.

Mr E. Adsett

Mr PURCELL (Bulimba—ALP) (10.54 p.m.): Recently I had the great pleasure of hosting a barbecue here at Parliament House in honour of Ernest Edward Adsett. The purpose was to officially present Ernie with his meritorious service award from the Australian Labor Party.

Ernie is virtually an institution in the Labor Party and is well known by the Premier, Deputy Premier, most ministers and many long-term members of the party. I am pleased to say that the Premier, Deputy Premier and Minister for Public Works and Minister for Housing, Robert Schwarten, were all able to attend to personally congratulate Ernie on his life membership of the ALP. Actually, the father of the Minister for Public Works, Evan Schwarten, and Ernie have been

virtually lifelong friends and joined the ALP within one week of each other in Rockhampton. No-one has been a closer friend, supporter and best mate to Ernie than his wife, Lil.

Ernie has spent his life fighting for a better deal for the battler. Ernie first joined the Rockhampton branch of the Storeman and Packers Union in 1939. In 1942 Ernie joined the 42nd Australian Infantry Battalion and after six weeks of training was sent to Townsville. From there, the 42nd Battalion took part in the Battle for the Coral Sea. Ernie saw quite a bit of action before ending up as a medical orderly with the 126th Special Hospital Brigade, where he stayed until he was discharged in 1946.

After being discharged from the Army in 1946 Ernie was encouraged to take an active part in the Storeman and Packers Union and went on to become the secretary of the Rockhampton branch from 1949 until 1955. During this time he was also the delegate to the Rockhampton Trades and Labour Council and held the position of vice-president for four years. Ernie was also secretary of the Rockhampton Labour Day committee and organised several large, well-attended Labour Day marches. Ernie was elected to the position of state secretary of the union in 1955 and moved to Brisbane. He remained state secretary until 1967.

One of the first major disputes Ernie was involved in was the 1956 shearer's dispute, which was finally won by the Australian Workers Union because of the support they received from the storemen in the wool sheds in Brisbane.

By the mid-1960s Ernie and Lil were living in Brisbane and Ernie was working at the Hamilton wharves. It was while working on the wharves that Ernie became state president of the Storeman and Packers Union. He held this position until his retirement in 1981. In that same year Ernie was made life member of the Queensland branch of the union and in 1982 the federal council of the union made him a life member of the national branch of the Storeman and Packers Federation.

Ernie's involvement with the ALP started in 1950 when he joined the Park Avenue branch in Rockhampton. When he moved to Brisbane in 1955 he transferred his ALP membership to the Hawthorne branch in the electorate of Bulimba. Ernie was one of seven appointed to the inner executive of the Queensland central executive of the ALP. He was later one of the six Queensland delegates appointed to the federal conference of the party. His fellow Queensland delegates included some prominent members of the ALP such as Clem Jones, Bert Milliner and Fred Whitby. At the federal conference Ernie struck up friendships with Arthur Caldwell, Bob Hawke, Frank Crean and Gough Whitlam.

In 1968 Ernie stood for the state seat of Hawthorne. When the primary votes were counted he was in the lead by 619 votes but with preferential voting he ended up losing by only four votes. 1968 was also the year Ernie joined the Bulimba-Hawthorne sub-branch of the RSL. In everything Ernie does he gives 100 per cent commitment. In 1972 he was elected president of the sub-branch. Aside from a brief period in 1980-81 when he stood aside to take on the role of secretary, Ernie has continuously held the position of president.

Ernie was instrumental in helping form the Colmslie RSL and ex-services club. The club not only aimed at helping returned servicemen and women but also at helping the local community and voluntary organisations.

Every year in the days leading up to Anzac Day, Ernie and I visit the local schools and speak to the children about the meaning and symbolism of Anzac Day. Every year Ernie conducts the Anzac Day service in the Bulimba Memorial Park in Oxford Street as well as marching in the Brisbane Anzac Day march. To my knowledge he has never missed a day's march. In 1986 Ernie was awarded life membership of the RSL and in 1987 he was awarded life membership of the 42nd Australian Infantry Battalion Association.

At 81 years of age Ernie is still a very active member of the Bulimba branch of the ALP and rarely misses a meeting. He is also a member of the Balmoral local ambulance committee. I conclude by wishing Lil and Ernie all the best of health for the years ahead and look forward to hearing Ernie's 'words of wisdom' for many more years to come.

Motion agreed to.

The House adjourned at 10.59 p.m.