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WEEKLY HANSARD

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51ST PARLIAMENT

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Thursday, 26 May 2005

BY AUTHORITY
L.J. OSMOND, CHIEF HANSARD REPORTER—2005

THURSDAY, 26 MAY 2005

Mr ACTING SPEAKER (Hon. J Fouras, Ashgrove) read prayers and took the chair at 9.30 am.

ASSENT TO BILLS

Mr ACTING SPEAKER: Order! Honourable members, I have to report that I have received from Her Excellency the Governor a letter in respect of assent to certain bills, the contents of which will be incorporated in the records of parliament.

25 May 2005

The Honourable D. Fouras, MP
Acting Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the dates shown:

Date of Assent: 19 May 2005

"A Bill for an Act to amend the Building Act 1975"

"A Bill for an Act to provide for an equitable and efficient system of portability of long service leave in the contract cleaning industry, and for other purposes"

"A Bill for an Act to amend the Central Queensland University Act 1998, Griffith University Act 1998, James Cook University Act 1997, Queensland University of Technology Act 1998, University of Queensland Act 1998, University of Southern Queensland Act 1998 and University of the Sunshine Coast Act 1998"

"A Bill for an Act to establish the Australian Agricultural College Corporation and provide for an agricultural college, and for other purposes"

"A Bill for an Act to amend the Transport Infrastructure Act 1994, and for other purposes"

"A Bill for an Act to amend the Water Act 2000, and for other purposes"

The Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

(sgd)

Governor

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Maternity Care Services

Ms Lee Long from 1,966 petitioners requesting the House to improve maternity care services by implementing the recommendations of the Report of the Review of Maternity Services in Queensland re birthing.

Crossing Supervisors

Mrs Croft from 801 petitioners requesting the House to appoint permanent crossing supervisors on Oxley Drive, Coombabah in order to ensure the safety of the children accessing Coombabah Primary School.

Crossing Supervisors

Mrs Croft from 1 petitioner requesting the House to make available state crossing supervisors for signalled pedestrian crossings on major roads near primary schools.

Recreation and Tourism Zone, Bribie Island-Scarborough

Mrs Sullivan from 192 petitioners requesting the House to take action to rezone the area from the four wheel drive track on Bribie Island's Ocean Beach opposite 8th Avenue, Woorim including approximately 200 metres out from the low-tide mark to Castlereagh Point, Scarborough as a special managed area for recreation and tourism zone.

MINISTERIAL STATEMENT

Boggo Road Busway

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.32 am): The transport minister, Paul Lucas, and the South Brisbane MP, who happens to also be the education minister, Anna Bligh, and I are pleased to announce the start of work on the $170 million Boggo Road busway. Engineers have done ground investigations at the old Boggo Road jail site in the past couple of weeks to establish a busway corridor. This week my government is inviting submissions from construction companies interested in forming an alliance to plan, design and construct the project. The

1.5 kilometre busway, announced recently in the South-East Queensland Infrastructure Plan and Program, will extend from the intersection of Ipswich Road and O'Keefe Street, Woolloongabba, to Dutton Park adjacent to Gladstone Road. It will link the South East Busway, Princess Alexandra Hospital, Park Road Railway Station and Ipswich Road with the proposed green bridge link and the University of Queensland.

Over 1,800 jobs will be created by the new busway. We are starting this complex project immediately. It will include extensive tunnelling, dedicated bus lanes and two busway stations at Park Road Railway Station and adjacent to Princess Alexandra Hospital. The Boggo Road busway will provide a new public transport link for commuters travelling to the Princess Alexandra Hospital, the University of Queensland and the new Boggo Road precinct. It will boost urban renewal in the Boggo Road precinct, which is being developed by the state government. The Boggo Road busway lifts my government's investment on infrastructure for Brisbane's busways to a total of $822.35 million.

Benefits of the new busway include that commuters from Brisbane's south and east will get a more direct link between the university via the green bridge, Boggo Road jail precinct, Park Road Railway Station, Princess Alexandra Hospital and Buranda busway project. It will save up to five minutes travelling time for people travelling from the south and east to the university along Ipswich Road and Cornwall Street. It will provide a premium quality public transport interchange between bus and rail services at Park Road Railway Station, providing access to both the Gold Coast and Cleveland railway lines. The busway will be built in several stages. Stage 1 is $100 million and is from Ipswich Road to Annerley Road. Construction commences early 2006 and finishes March 2008. Stage 2 is $70 million and is from Annerley Road to the green bridge. Construction starts 2010 and finishes in 2012. I am told by the minister for transport that the local member is very impressed with the work.

MINISTERIAL STATEMENT

Capral Aluminium Ltd

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 am): Later today I will be officially opening the new $160 million Capral Aluminium Ltd facilities in the Bremer Park industrial estate. Importantly, I will also be welcoming its head office staff, who are relocating to Queensland. Capral's aluminium fabricated products range from drive shafts and brake housing in cars to residential windows and sliding doors, grills, roof cladding and all sizes of boats. The addition of this plant in Queensland means that more than 80 per cent of such products in Australia are being sourced in the Smart State. Capral chose Queensland over sites that it was considering in Sydney and in South-East Asia. As an incentive, we offered Capral some payroll tax relief and some support towards relocation and training expenses.

However, it takes more than government incentives to convince a company to locate here. The economy and cost structures must be appealing, skilled labour must be available and there must be access to major markets. Queensland met the criteria and, with our South-East Queensland Infrastructure Plan and Program, we are going to need substantial quantities of building materials for all of the new residential, commercial and industrial building that will occur here over the next 20 years. Following today's opening of its new plant, Capral plans to increase its Queensland work force from 130 to 330 jobs.

In response to some community concerns, air monitoring by the EPA will continue at the Dinmore State School until September. So far, the only times when air quality problems have been found were during dust storms or bush fires. However, the government will remain vigilant in this area. We are delighted to see Capral move here. In any economy, occasionally sometimes companies will leave Queensland and go somewhere else—overseas or around the rest of Australia. That will rarely happen, but it does happen. But the most important thing is that the trend is for the majority of companies to come here. Why? Because we are a Smart State, we have the right fundamentals and we also have strategies that will encourage jobs growth—not only jobs growth, but we have jobs growth in an economy where people can see their future. That is why we have the lowest level of unemployment in Australia, and that is an important thing.

MINISTERIAL STATEMENT

Fibre Composites

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 am): There are a number of other matters I want to report to the House on today, and one of them relates to environmental issues. I am on the record espousing the Queensland government's record on its Smart State and environment records. Rarely do I get the chance to do both and on the same issue, but today I can do that. For some years now my government through the Department of State Development and Innovation has been investing in research and development work under way at the University of

Southern Queensland in Toowoomba to develop a whole new product suitable for use as railway sleepers, electric light poles and bridges. It is known as fibre composites.

Those years of investments are beginning to pay off. Yesterday here in Brisbane the directors-general of the Department of the Premier and Cabinet, State Development and Innovation, Transport and Main Roads together with the CEOs of Queensland Rail, Ergon and Energex met to outline a way forward for the government to commercially utilise this new product. Their deliberations were positive, and I look forward to coming into this place again in the near future to report further on our use of fibre composite. To date our investment in this technology has included $7.4 million to the University of Southern Queensland to establish the Centre of Excellence for Engineering Fibre Composites and $2 million for grants to Wagners Fibre Composite Technologies Pty Ltd, also in Toowoomba.

The USQ has secured funding of up to $172,000 under the Queensland Sustainable Energy Innovation Fund. Other applications include marine transport, mining construction and aerospace industries. Already the Department of Main Roads has commissioned three bridge projects, Queensland Rail has developed a fibre composite sleeper, the department of energy, in conjunction with Energex and Ergon, has developed a business case for fibre light poles and the EPA is trialling a fibre composite pedestrian bridge in Brisbane Forest Park.

The environmental side of the story interests me as well. Governments throughout Australia have been wrestling for years with the conflicts over logging versus conservation. With fibre composites, we have a potential solution within our grasp. If we no longer need to cut down native hardwood trees to supply bridge spans, power poles and railway sleepers, the need to continue to log our Crown native forests suddenly diminishes and so does the conflict. But, better still, the production of fibre composites could also generate employment. It is not beyond belief that many timberworkers could be retrained to work in the production of this exciting new product.

The days of conflict on our forests could be nearing an end. The days of seeing our native trees bedecked with powerlines could be a thing of the past and our trains might be rolling on high-tech sleepers. The white ants might not regard that as good news, but I can assure all honourable members that they should watch this space. This is a green, Smart State at its best—a world-class initiative driven for and by Queenslanders in the interests of a better world for all.

MINISTERIAL STATEMENT

Kyoto Protocol

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 am): I notice that yesterday Senator Ian Campbell was boasting that Australia was on track to significantly outstrip many other nations in relation to meeting our Kyoto targets.

Mr Lucas: No thanks to them!

Mr BEATTIE: That is right. Senator Campbell and Prime Minister John Howard know only too well that they have achieved this outcome through one means and one means only: Queensland's ban on broadscale tree clearing following the 2004 state election.

The federal government paid no money and played nothing more than a spoiling role in this environmental milestone. We are happy to be part of the nation in terms of delivering on greenhouse gases, but let the federal government put some money into it. I seek leave to incorporate more details in *Hansard*.

Leave granted.

The Queensland Government in the end took both the political and financial responsibility for this outcome. For the Federal Government to now take the credit for the outcome is pathetic politics, particularly when they also use it justify their dogmatic refusal to sign the Kyoto protocol. Mr Speaker—the Federal Government may be able to make the claim for this first reporting period, but the ban on tree-clearing as a partial solution will only come once. As its effects now wash through the system the Federal Government's refusal to face up to its environmental responsibilities will eventually catch up with it and its true redneck values will be exposed for all to see. You see greenhouse pollution continues to rise under the Howard Government and to all intents and purposes they are doing precious little to seriously address it. Mr Speaker—the record must be set straight on land clearing controls in Queensland giving the Howard Government a one-off boost to its greenhouse performance. But it is a boost bought at considerable expense by the State Labor Government. It is a boost that the Howard Government was unable to deliver on and it is a boost that the National Party did everything in its power to scuttle. Mr Speaker—I believe that in politics you give credit where credit is due. John Howard and Ian Campbell should hang their heads in shame.

It is a funny sort of partnership: they take credit for the Kyoto outcome which we deliver. They do not put any money into it. It is a really great relationship. I do not know whether we can still love them in the morning.

MINISTERIAL STATEMENT

Counterterrorism; Disaster Management Training

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 am): It takes teamwork to make our homes and communities safer in a world overshadowed by international terrorism. That is why the Queensland government works closely with other state and territory governments, the Commonwealth, infrastructure providers, businesses and communities on counterterrorism. That is why we are in a very close relationship with local governments.

I am pleased to advise members that a joint project with the Local Government Association of Queensland has led to disaster management training for almost 200 local government, police and emergency services officers. I seek leave to incorporate the details of that in *Hansard*.

Leave granted.

In September 2003 I announced a counterterrorism project involving the Government and the LGAQ. This led to the Local Government Counter-Terrorism Risk Management Kit, which helps local governments factor counter-terrorism into their disaster management planning. The Minister for Local Government and Planning launched the kit and associated guidelines on 1 September 2004, and they have since been provided to every Queensland local government. To back up these kits, we are holding 14 workshops throughout Queensland. The workshops, which continue the partnership between the Queensland Government and the LGAQ, are continuing in the Far North this week. Yesterday Thursday Island hosted a workshop and today it is Cairns. Given the strategic importance of Torres Strait as a remote region sharing a border with another country, it is imperative that the people of Thursday Island and Torres Strait are trained to factor counter-terrorism into their disaster management planning. Two more workshops are scheduled for Mackay (7 June) and Roma (16 June). This series, which began on 22 March, has so far trained 195 officers from local government, the Queensland Police Service, and the Department of Emergency Services. After the workshops, the kit will be embedded into the Government's disaster management training regime. Some local governments have already given considerable thought to the terrorist threat and how best to protect their communities. I commend their initiative, and am confident that the kit, workshops, and ongoing training will help make Queensland safer. The Queensland Government agencies working with the LGAQ on the kit and workshops include the Departments of the Premier and Cabinet, Emergency Services and Local Government, Planning, Sport and Recreation; and the Queensland Police Service.

Local Government Counter-Terrorism Risk Management Workshops

Locations and Dates.

Venue	Date
Brisbane	22 March
Caloundra	29 March
Rockhampton	31 March
Toowoomba	5 April
Bundaberg	13 April
Logan	15 April
Emerald	21 April
Longreach	4 May
Townsville	10 May
Mount Isa	17 May
Thursday Island	25 May
Cairns	26 May
Mackay	7 June
Roma	16 June

MINISTERIAL STATEMENT

Angel Flight Awards

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.42 am): I will have the pleasure next Thursday of presenting the first ever Angel Flight Awards at Parliament House. I want to acknowledge this great organisation. Angel Flight Australia is a charity that coordinates non-emergency flights for financially and medically needy people. All flights are free and may involve patients or compassionate carers travelling to or from medical facilities anywhere in Australia.

Angel Flight is a Queensland based initiative that is now well established Australia-wide. It is a great organisation. I seek leave to incorporate the details of my ministerial statement in *Hansard*.

Leave granted.

Although truly national in operation, the entire infrastructure including computer support, marketing and staff are exclusively Queensland-based. Angel Flight pilots do not carry aero-medical staff or medical equipment. They are NOT an alternative to the Royal Flying Doctor Service or Air Ambulance. Their emphasis is on transporting relatives to be with family members who have

been transferred to hospital, or in taking non-emergency cases who otherwise would have faced long and arduous car trips. Angel Flight Australia was founded by Brisbane businessman Bill Bristow, a partner in Queensland's largest advertising agency, BCM.

MINISTERIAL STATEMENT

Senior Executive Service and Senior Officer Mobility Program

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.42 am): Yesterday the member for Ipswich asked me a question in relation to the Public Service. I am happy to advise the House and the member for Ipswich that the 2005 Senior Executive Service and Senior Officer Mobility Program begins today. I will be speaking to the participants around 5 o'clock this afternoon. This is the fourth year that the SES Mobility Program has been run and it is the first time that there is also a separate program for senior officers.

This year there are 30 participants in the mobility program, including 17 senior executives and 13 senior officers. The program is fundamental to building a whole-of-government capacity in our Public Service and it is critical to helping us achieve our Smart State goals. I seek leave to incorporate more details of that program in *Hansard*.

Leave granted.

We need to have executives in the Queensland Public Service who recognise opportunities, are innovative and know what skills are needed for the jobs for tomorrow. Part of that is ensuring that executives are not locked into one department or one specialty and can provide leadership wherever it is needed in the public service. The SES and SO Mobility Program is one of the strategies we are using to develop the next generation of leaders in the public sector. Under the program, placements in other departments, in new working environments, are for six months. Past participants have said they found the program to be extremely educational and valuable not only for them, but for the agencies involved.

MINISTERIAL STATEMENT

Multicultural Job Network

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.43 am): Providing sustainable employment has been one of the cornerstones of my government. I am proud of our record in job creation and in achieving the lowest levels of unemployment in decades. But it is also important to support people who need special assistance to get into the employment market. This includes many of the migrants and refugees who have come into our multicultural society in the hope of starting a new and better life. Some of the barriers they encounter include language difficulties, limited access to transport and the obvious lack of local work experience.

The Queensland government has developed a multicultural strategy to assist migrant and refugee job seekers under the Breaking the Unemployment Cycle program. I seek leave to incorporate the details of that in *Hansard*.

Leave granted.

But unfortunately, many newly arrived refugees have reported that they are not receiving culturally appropriate support from Job Network services, provided by the Commonwealth Government. At last year's meeting of the Ministerial Council on Immigration and Multicultural Affairs, my Parliamentary Secretary, Karen Struthers, raised concerns about access to the Job Network services. She requested that strategies be identified to improve support for migrants and refugees. The Council agreed that Senator Vanstone would write to the Minister for Employment and Workplace Relations about these issues. Nine months after that meeting, Senator Vanstone did finally write to her Ministerial colleague. When the issue of access for skilled migrants to Job Network services was raised this year at the Ministerial Council meeting, another offer to write a letter on the issues was made by the Commonwealth Government. Senator Vanstone has recently announced that the annual intake of skilled migrants for 2005-2006 will increase by 20,000. This can only add to the problems raised by Queensland and I urge the Commonwealth, on behalf of the migrants and refugees, to address the problems and not just write letters about them.

MINISTERIAL STATEMENT

Ron Hurley Web Site

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.44 am): A very significant Queensland Indigenous artist and founding chairperson of the government's Indigenous art export agency, the late Ron Hurley, will be honoured tomorrow when a web site of his work will be launched. The web site will provide an opportunity to learn about one of Australia's prominent contemporary Aboriginal artists. It will recognise and showcase the artist's work and his contribution to Australia's Indigenous arts industry. It will also serve as an important educational tool for visitors to learn more about the history and cultures of Indigenous people and contemporary art, specifically

Queensland's Indigenous visual arts industry. I seek leave to incorporate a tribute to Ron Hurley in *Hansard*.

Leave granted.

Born in 1946 in Mount Gravatt, Ron's career in the arts began in the mid 1960s when he was manager of the first commercial Aboriginal art and craft shop in Sydney, which was established by the Foundation for Aboriginal Affairs. He graduated from the Queensland College of Art in 1975, studied for a Diploma of Visual Arts at Queensland University of Technology, then went on to teach art. In 1992 the Federal Government funding body for the arts, the Australia Council for the Arts, awarded him an artist's residency in Paris. In 1993, he travelled to Europe with an exhibition of traditional and contemporary art, which toured Germany, England and Denmark. In later years, Ron returned to Brisbane where he continued his arts practice in the media of printmaking, painting, ceramics and sculpture. His art is on display in many of Brisbane's public buildings and parklands as part of the Queensland government's Art Built-In Project. During 1993–96, he served as Chairman of the Visual Arts Committee of the Aboriginal Art Unit, Australia Council for the Arts. He was a Trustee of the Queensland Art Gallery during 1996–97. In 2001, in recognition of his vision and strong advocacy of Queensland Indigenous art, I was pleased to appoint him Chair of the Queensland government's Indigenous Art Promotion Project Reference Panel. Ron was instrumental in the establishment of the Queensland Indigenous Arts Marketing and Export Agency. The agency was set up by my government in 2003 to carry on the important work begun by the Indigenous Art Promotion Reference Panel by raising awareness of Queensland Indigenous arts and practitioners both domestically and internationally. Parliamentary Secretary to the Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy, Mrs Linda Lavarch, will be officially launching the web site at a function at Parliament House, in the company of Ron's widow and two children.

MINISTERIAL STATEMENT

Department of the Premier and Cabinet

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.44 am): My department continues to play a very important role in the ongoing development and achievements of this great state. During the last sitting week I advised the House of some of the important work my department has done with Queenslanders. I remind the House that the Department of the Premier and Cabinet hosted 16 functions during December 2004. These functions included an antiracism workshop and a multicultural workers antiracism forum; the Caboolture community cabinet meeting; a cabinet reception attended by 800 people; and the seniors' Christmas concerts in Atherton and Toowoomba which were attended by 325 and 500 people respectively. I would now like to table the invitation lists of organisations and public figures who attended those functions.

MINISTERIAL STATEMENT

Investment Strategy

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.45 am): I indicated to the House when we met last that I had visited Sydney as part of our Smart State Strategy. Part of that Smart State Strategy involves attracting investment from outside Queensland and demonstrating the advantages of companies setting up operations in the state. I had a meeting with the Business Council of Australia to talk about infrastructure. As I indicated, I also attended the ABF awards. I will be returning to Sydney tomorrow to have a 90-minute discussion with Lend Lease Communities CEO, Rod Fehring, and some other senior executives about investment. I will also be attending a special meeting of state leaders, with the exception of Geoff Gallop, to talk about a number of matters leading up to COAG. I will also be attending a function to honour Bob Carr tomorrow night. I seek leave to incorporate the details of that in *Hansard* and table the relevant information.

Leave granted.

On May 17 I travelled to Sydney to talk to executives of the Business Council of Australia about its reform agenda and to speak to bankers and financiers at the Australian Banking and Finance Awards evening.

I talked to Business Council CEO Katie Lahey, Angus James, CEO of ABN AMRO and a director of the Council, Tony D'Aloisio, CEO of the Australian Stock Exchange and a director of the Council, Rod Pearse, CEO and managing director of Boral Ltd, and Steven Munchenberg, general manager of government and regulatory affairs with the Council.

The Council believes that development of a national infrastructure agenda which integrates all levels of government, develops specific plans and actions, and is accountable to a specific authority such as the Council of Australian Governments is essential. I told them that I had written to COAG to have infrastructure placed on the agenda of our meeting on June 3.

The Council believes there should be an annual review of the state of the nation's infrastructure. I said that I shared their view and their vision and had demonstrated our commitment to long-term planning with our 21-year, $55 billion infrastructure plan—and that we needed a national agenda. We agreed that in order to produce a result at the national level it would be necessary for COAG to create a working group to spend six months drawing up a 10-year strategy. That evening I spoke to the country's top bankers and financiers at the annual ABF Awards. This was a marvellous opportunity to bring them up to date with the $55 billion infrastructure plan and all the other opportunities for investment in Queensland—and one which I seized with both hands.

Tomorrow I will return to Sydney to continue spreading the message that the Smart State is the place to be. I am spending about 90 minutes talking with Lend Lease Communities CEO Rod Fehring and some of his senior executives. While I am in Sydney I will attend a special meeting at 4 pm with all other state leaders apart from Geoff Gallop to discuss a range of threats by the Federal Government which have the ability to detract from our way of life. And tomorrow evening I will attend a function organised to mark Bob Carr's 10 years as New South Wales Premier.

MINISTERIAL STATEMENT

Emergency Services

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 am): Last week Emergency Services volunteers and staff rose to the challenges of a rescue mission on Moreton Island and the aftermath of Brisbane's destructive hailstorm. I seek leave to incorporate in *Hansard* a tribute to them in acknowledgement of their hard work.

Leave granted.

I am sure Members will join me in thanking them for their outstanding endeavours. More than 500 SES volunteers were involved in the Moreton Island search, which thankfully ended happily last Wednesday. As well as the men and women in orange, the search involved the Queensland Rescue helicopter service, the volunteer marine rescue and coast guard groups, and the RACQ Careflight helicopter service. Volunteers and staff from right across the Counter Disaster & Rescue Service section of the Department of Emergency Services made an enormous effort to find and save Ricardo Sirutis. Many of our Brisbane region SES volunteers were again called out to help with the clean-up following last Thursday night's hailstorm. SES groups responded to about 200 requests for help, with most damage being broken skylights, and ceiling damage due to blocked roofing gutters. Our SES volunteers do tremendous work in communities throughout Queensland, and these two cases are the latest examples of how well-trained, well-prepared and well-disciplined our teams are. The interaction and co-operation among our Emergency Services agencies here in Queensland is the envy of other States.

MINISTERIAL STATEMENT

ICTs for Learning Strategy; Smart Classrooms Strategy

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (9.46 am): The ICTs for Learning Strategy was a key feature of the government's Education and Training Reforms for the Future white paper. The strategy was a three-year initiative starting in 2002 and is due for completion in 2005. The government has provided over $180 million to ensure the success of this strategy. I am very pleased to advise the House today that this strategy has in fact achieved and, in most cases, superseded the targets that we set for it.

The strategy promised to provide 3,000 more computers to our schools. Through the initiative we have in fact provided over 5,000 computers. The strategy promised to connect another 1,600 classrooms to the internet. Through the initiative we have in fact connected more than 2,132 classrooms to the internet, providing up to 53,000 students with better access to online learning resources.

The strategy promised to replace 19,400 of the oldest computers. Schools have in fact disposed of almost 26,000 computers, while the number of computers in schools has increased from 97,004 in 2002 to over 118,000 in 2004. The strategy promised to recognise and reward teacher excellence through a new learning technology award. Through the ICTs for Learning Teacher Excellence Awards, 76 teachers have been recognised for their outstanding efforts and awarded over $300,000 to further their professional development in integrating ICTs into their schools. At the start of the strategy in 2002-03, the student to computer ratio in years 3 to 12 was 1 to 5.2 and across all year levels and schools was 1 to 5.6. By 2004 this had been reduced to 1 to 4.3 in years 3 to 12 and 1 to 4.6 across all year levels and schools.

This government has delivered and in fact we have exceeded the commitment that we made to the people of Queensland through the Education and Training Reforms for the Future initiative. Now that the ICTs for Learning Strategy is drawing to a close, I am pleased to be able to say that its replacement has already been planned. The next step is the Smart Classrooms Strategy, which will build on the momentum already developed through the previous strategy. Where ICTs for Learning focused on making ICT equipment integral to the classroom, the Smart Classrooms Strategy will take this to the next level—making ICTs integral to learning. This is recognition that ICTs are no longer a reform agenda; they are now mainstream in learning.

The Premier has already announced new additional components of the strategy through the Smart Queensland Smart State Strategy 2005 to 2015. The school portal initiative will allow teachers, students and parents to access their class work and learning materials anywhere, any time, well beyond the traditional school ground. The computers for teachers initiative will provide laptops or personal computers to 1,500 teachers during 2006 in a trial to provide easy and mobile access to teaching tools such as curriculum resources, assessment records, student attendance and achievement records. The ICT support for schools initiative will provide a centralised contact centre to allow schools a single point of contact for technical support for teachers and students.

Other new initiatives will include the discovering new technologies initiative, which will enable teachers and students to explore new ways of making the latest technologies integral to their learning and the ICTs pacesetters initiative, which will help teachers in the arts, LOTE and HPE initiate innovative projects in these key learning areas. Today's students need smart classrooms. The spirit and success of the three-year transitional ICTs for Learning Strategy has ensured that our schools are ready to cement new technologies into the core of education.

MINISTERIAL STATEMENT

Ethanol

Hon. T McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (9.51 am): The Queensland government commissioned Dr George Barker, Director of the Centre for Law and Economics at the Australian National University, Mr John Urbanchuk and Dr Bill Wells to undertake an economic analysis of the Queensland ethanol industry. The analysis was conducted under two scenarios. The first assumed a 30 per cent market penetration for E10 by 2010. The second assumed a 100 per cent market penetration for E10, which would occur under a national mandate, also by 2010.

With 30 per cent penetration, the analysis found that the demand for ethanol would be 130 megalitres, up to 2,038 jobs would be created and up to $441 million could be added to the gross state product. With 100 per cent penetration, the analysis found that the demand for ethanol could be 435 megalitres, up to 6,886 jobs would be created and up to $1.5 billion would be added to the gross state product. The report also predicts that consumers would benefit from the use of ethanol in petrol because it would enable them to buy what is essentially premium petrol for the price of standard petrol.

E10 has a similar octane level to premium fuel but is currently selling for up to 7c a litre cheaper. The report indicates the price of E10 would be around 10 per cent less than the equivalent premium fuel. If through the Beattie government's efforts we can achieve a 30 per cent market penetration of E10 by 2010, then we will create 2,038 jobs and add $441 million to the state's economy. However, if the federal government were to introduce a mandate, the benefits could be far greater.

Creating 6,886 jobs through increased economic activity and adding almost $1.5 billion to the state's economy would bring substantial benefits to Queenslanders. I call on the Deputy Prime Minister, John Anderson, and the Queensland Nationals to draw a line in the sand and indicate to their coalition partners that a national mandate for E10 must be introduced.

MINISTERIAL STATEMENT

Renal Services

Hon. GR NUTTALL (Sandgate—ALP) (Minister for Health) (9.54 am): It is a priority of this state government to bring renal services closer to where patients live. In the 2004-05 budget, $16 million as part of a $33.8 million initiative over three years was allocated to help treat kidney disease. Due to a shortage of organ donors more than 1,300 Queenslanders rely on renal dialysis to manage their condition and maintain quality of life.

The program has meant building new dialysis units, increasing the number of dialysis chairs and providing training for more renal nurses. Twenty self-care dialysis machines are being purchased for sites around the state. The self-dialysis equipment packages mean that 'self-care' patients in rural and remote locations will be able to dialyse independently of nursing care. It is expected that eight of these machines will be operational by June 2005. The other machines will be allocated across the state during 2005-06.

As part of this commitment a community health facility in Rockhampton will be refurbished to accommodate a self-care dialysis unit of four stations, able to service up to 12 clients. A four-chair satellite renal service will be established by early 2006 at Cooktown, also servicing Hope Vale and Wujal Wujal. In the Torres Strait, a four-chair satellite dialysis service will also be established as part of an integrated chronic disease management centre at Thursday Island Hospital. Funding has also been provided for eight new renal chairs within the Gold Coast health service district. Renal services at the Sunshine Coast and the Redlands Hospital will also be significantly expanded.

Renal services also will be enhanced in the area of telemedicine technology. Telemedicine technology comprises videoconferencing facilities that connect clinical staff at a major health facility with patients and other staff in a rural or remote location. By the end of June 2005, Queensland Health will have established 17 telemedicine technology sites across Queensland. This project is designed to enhance patient care, offer staff education and training and provide valuable information for patient carers.

In addition, this government allocated $1.35 million over three years to provide more timely access to surgery for patients with end-stage renal disease and to prepare them for dialysis. Based on previous years' requirements, the waiting list for access surgery will be reduced by almost 50 per cent. This government's commitment to bring renal services closer to where Queenslanders need them is on track.

MINISTERIAL STATEMENT

Cairns Convention Centre

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (9.57 am): Yesterday the International Congress and Convention Association announced that Queensland has now overtaken all other Australian states in rankings of global destinations for hosting international conventions. This is more proof that Queensland really is the Smart State—we are attracting international interest and a greater share of this lucrative global market.

I am also pleased to report today that the $9 million refurbishment of the Cairns Convention Centre is now complete. The member for Cairns has been on my back about that, so I am happy to declare today that that has been taken care of and she can now leave me alone. The refurbishment—which commenced in January—was funded and managed by the Department of Public Works and has ensured the convention centre maintains its fine reputation as a world-class meeting venue. Cairns based building and civil engineering contractor CMC Cairns was the managing contractor while Cox Rayner acted as the principal consultants and architects.

The Beattie government is committed to building Queensland's regions and this project delivers on three counts—more jobs, tourism and business for far-north Queensland. The refurbishment work delivered a huge injection for the Cairns building industry, generating up to 100 jobs during construction and providing training opportunities for local trade apprentices. A major part of the refurbishment was a massive technological upgrade which involved the installation of state-of-the-art audiovisual equipment. The Cairns Convention Centre now has world-best technological infrastructure necessary for today's sophisticated presentations.

Other improvements include new carpeting, painting and signage for the reception and foyer, improved lighting, airconditioning, security and catering services, mechanical services, hydraulic system and public art. Outside, new paving, landscaping, gardens and shading have been installed. Faced with a tight time frame these refurbishment works were delivered on time and on budget.

The new look convention centre is already having a positive impact on the city. The centre has been booked solid with daily conferences, displays and promotions bringing tourists and businesspeople to Cairns. Next month, I will be joining the member for Cairns, the member for Cook, the member for Barron River, local industry and clients at an official function to showcase the refurbishment of the Cairns Convention Centre. We are a government for all Queenslanders, regardless of where they live, and this excellent regional infrastructure is yet another example of this.

MINISTERIAL STATEMENT

Alvarez, Ms V

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (9.59 am): On Tuesday I advised the House of how a Queensland police officer acting as an agent of the federal Department of Immigration and Multicultural and Indigenous Affairs, DIMIA, provided an escort for deportee Vivian Alvarez. As I advised then, Queensland Police Service officers provide escorts as DIMIA officials, not as Queensland police officers. They are not on police duty, they are not in uniform and they are not armed. The Queensland Police Service does not run an immigration system.

I understand yesterday in the Senate estimates hearings evidence was supplied by a DIMIA official that DIMIA became aware in August 2003 that it had wrongly deported Vivian Alvarez and attempted to deflect attention from their own shortcomings onto Queensland police.

I will now inform the House of my department's contact with Ms Alvarez. In September 2000 she was given a probation order for minor charges. She appeared in court as Vivian Solon, with no conviction recorded. She was ordered to pay restitution of $892 and to report to Corrective Services. She last reported to Corrective Services on 1 February 2001. She was last seen at the City Hall child care centre on 16 February. On 26 February she failed to report to Corrective Services. The Department of Corrective Services sent a letter to her the next day directing her to report again on 13 March. When she failed to do so, the next day, 14 March, the Department of Corrective Services visited her home but the home was unoccupied.

In June 2001 a warrant was issued for her arrest for breach of parole. She was reported in July 2001 by the Department of Family and Community Services as a missing person under the name of Vivian Young. On 21 August 2003 Queensland police posted a photo of Ms Alvarez, also known as Ms Young or Ms Solon, on a TV program called *Without a Trace*. A DIMIA official watching the program recognised this woman as Vivian Alvarez and phoned Queensland police. As a result, the Queensland police's Missing Persons Bureau made inquiries with the Manila police via Interpol, who advised that Ms Alvarez could not be located within the Philippines.

Queensland police continued to undertake investigations and had contact with the Philippines during 2003 and 2004. The Australian Federal Police have officers around the world to look into these types of matters. Queensland police have no jurisdiction in the Philippines. Queensland police do not run an immigration or deportation system. A wrongful deportation is a matter for the federal government. If DIMIA was aware that this woman was wrongly deported, it was their responsibility to have her rightly returned. They should have done that the moment they realised their mistake and not waited until now—two years later.

Senator Vanstone is quoted in today's media as saying she is perplexed why Queensland police did not do more. Quite frankly, I am perplexed why DIMIA did not do more to have her returned when they were notified. DIMIA became aware of her wrongful deportation almost two years ago. That is when DIMIA should have been arranging her rightful return, not leaving it until now, once this bureaucratic bungle has been made public. Queensland police do not have the responsibility to take matters into their own hands and correct the mistakes of an out-of-control federal bureaucracy—

Mr Schwarten: Or minister.

Ms SPENCE: Or minister. They are fully cooperating with the Palmer inquiry into this matter and have suspended Ms Solon's warrant. In 2003 the Commonwealth government did not seek to inform Ms Alvarez that she was wrongly deported and return her to Australia. It was reluctant to do so earlier this year. We know that, after the Palmer inquiry uncovered evidence that DIMIA had wrongfully deported Vivian Alvarez, DIMIA did not make contact with the nun or the hospice in the Philippines to arrange Ms Alvarez's return. It was left to a keen-eyed and kind-hearted priest who had to advise DIMIA of Ms Alvarez's whereabouts, and it was public opinion that forced Senator Vanstone and DIMIA to act.

The situation of Ms Alvarez is tragic. I understand that the Palmer inquiry has uncovered claims that dozens of other illegal Australian residents and citizens may have been held in federal custody or been wrongly deported. It is time they took responsibility for their actions rather than sideline the blame to the states.

MINISTERIAL STATEMENT

Mobile Speed Camera Program

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (10.04 am): I want to talk about one of Queensland's key road safety programs—the Mobile Speed Camera Program. Speed is a major contributor to fatalities and crashes on Queensland's roads. It costs the community millions of dollars each year and causes grief to families and loved ones. This is unacceptable. Speeding on Queensland roads must be stopped. I am tired of hearing claims that the speed camera program is a revenue raiser. I would be happy if the program returned no revenue because, if this happened, it would mean our roads would be safer for all users. The speed camera program in Queensland is an outstanding success but, as I have indicated, we can always do better. The extent to which we match public confidence in the selection zones is a vital imperative, but can I say that as a local member I have no shortage of people who come and see me to ask for more speed enforcement, not less. I am sure it is no different with other members in this House.

On 13 March this year, I announced that the Beattie government would pump fines from speed and red light cameras directly into fixing black spots on Queensland controlled roads. Some $17 million will be used to remove black spots from our roads. From now on these surplus funds will go straight from the wallets of lead-footed and reckless drivers into saving lives. The improvements funded will include traffic signals, new passing lanes, safety barriers, extra rest stops and better road markings.

We expect to make the first announcements about black spot funding next month. The funds are a major boost to the antiblack spots program, Safer Roads Sooner, which is now worth $130 million over five years. We are putting in 2½ times more than what the Commonwealth government has contributed to its black spots program.

Queensland Transport is currently reviewing the zone and site selection for speed camera operations. Queensland Transport has had a number of meetings with the Queensland Police Service. Extensive data sets are being collected and analysed. These data sets contain vital information like current location and status of sites—whether they are active or inactive—and how often those sites are used. We are comparing that with the crash data we have collected. We will be consulting widely, talking to key stakeholders—RACQ, Queensland Trucking Association, CARRSQ, Older People Speak Out, Emergency Services, Main Roads and the Local Government Association of Queensland—as part of this process.

Factors that will be taken into account include the crash history for the last five years, any engineering works within the zone that may impact on the safety of the zone and a history of speeding within the zone. Paradoxically, once we introduce cameras they have an effect of reducing fatalities on the road. If we then take them away, in many instances we might have a return to them. So it is not a simple formula.

As a result of this process, I expect to see an even more effective speed camera program in the future. The government makes no excuses for speed cameras. There is no such thing as safe speeding, and this program is an essential tool in increasing the safety for Queenslanders and reducing the number of deaths caused by irresponsible motorists who speed.

MINISTERIAL STATEMENT

Drought Assistance

Hon. H PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Fisheries) (10.07 am): Over the past fortnight we have heard a lot of huffing and puffing from the Commonwealth government over proposed changes to exceptional circumstances aid for drought affected farmers, but so far we have not seen any clarification of what the Commonwealth is really proposing. From this distance it looks as if the Commonwealth government has baulked on its good intentions with the federal Treasury, trying to find ways to cop out on its promises and shift the costs of any new scheme onto state and territory governments. Prime Minister John Howard should stop the game play. If he cannot find the money for a better scheme, he should at least pledge to immediately re-examine all recent federal government decisions that have denied 8,000 drought affected Queensland families continued eligibility for exceptional circumstances drought assistance.

Actions speak louder than words. Since September last year, the federal government has denied a 12-month extension of exceptional circumstances assistance for more than 8,000 farming families on the Western Downs-Maranoa, Stanthorpe-Inglewood, the Sunshine Coast and hinterland, the Central Coast and the state's south-east and eastern Darling Downs. That means that in Queensland alone more than 8,000 farming families have lost their eligibility to apply for welfare assistance and business support. These families are not just unable to get exceptional circumstances assistance; the federal government deems them ineligible to even apply for exceptional circumstances. Unless the federal government changes its ways, more Queensland farming families could soon lose their eligibility for exceptional circumstance assistance because reviews of declarations in other parts of the state, including the Burnett and central Queensland, are due later this year.

Before the last federal election we were promised a streamlined and automatic process for renewing exceptional circumstance declarations after they had been in place for two years, the normal cut-off period. This process has simply not worked for many Queensland primary producers. The only thing automatic about it has been how efficiently the federal government has cut these producers off from much needed financial assistance.

Unlike under the Keating government, exceptional circumstances assistance under this government is now time specific—two years; one year for drought and one year for recovery. That is it. There is no ability to apply for exceptional circumstances assistance again. Unfortunately, Commonwealth drought assistance is determined by points on a calendar, not points on a rain gauge.

MINISTERIAL STATEMENT

Indigenous Cultural Heritage and Human Remains

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Mines) (10.10 am): The Beattie government takes seriously its responsibility for the identification and protection of Indigenous cultural heritage, including human remains. My department is working closely with police, the Coroner and traditional owners over the discovery of human remains on a Santos oil and petroleum lease located on grazing land in south-western Queensland. The remains of approximately 18 persons were apparently discovered last year but not reported until 11 May this year. That is a matter of concern to me as the minister responsible for Aboriginal cultural heritage.

My department's Compliance Unit is thoroughly investigating complaints of alleged noncompliance with the Cultural Heritage Act 2004 by the mining company. Our Cultural Heritage Unit is working with traditional owners over issues relating to the Cultural Heritage Management Plan that affords protection to the remains and the site upon which they were found. My department's Cultural Heritage Coordinator, Bob Munn, will visit the site in the next few days for discussions with the Wangkumara people on issues of concern and future actions by the department. I am also informed that negotiations are progressing between Santos and the land-holder for a temporary fence to be erected to protect the site from further damage and disturbance. Senior officers of the department have spoken to Santos to reinforce to it and remind it of its responsibilities and duty of care under the Cultural Heritage Act.

The site where these human remains were found still currently falls within the jurisdiction of the police and the Coroner. I am advised that the Coroner plans to visit the site within the next few weeks. Immediately the Coroner formally determines it is not a potential crime scene and releases the site, the

Natural Resources and Mines Compliance Unit will begin its field investigation. The focus of our investigation is an alleged breach of section 18 of the Cultural Heritage Act which deals with failure to disclose the discovery of human remains. The maximum penalty for failure to disclose such a discovery is $7,500.

As I said, the government takes very seriously the need to protect Indigenous cultural heritage and remains, and we will continue to work proactively with traditional owners and industry to ensure that areas of cultural significance to Indigenous Queenslanders are protected. I can assure the Wangkumara people that I will be keeping a very close watch on how my department's investigation progresses.

MINISTERIAL STATEMENT

Queensland Tourism Strategy

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (10.13 am): Just like State of Origin football, when it comes to tourism, Queensland is recognised as the best of the best. As we move into the future, the Beattie government is working hard to make sure that our state remains the leader of the pack. For that reason, on Tuesday Premier Peter Beattie launched Queensland's first ever long-term blueprint for tourism prosperity.

The Queensland Tourism Strategy is a Smart State initiative that will establish a clear and common vision for the sustainable growth of tourism in Queensland over the next 10 years. According to the Tourism Forecasting Committee, international tourists arriving into Australia are expected to almost double over the next 10 years, with China as one of our new emerging markets. The challenge for Queensland's tourism industry is not just to meet the tourism forecasts but to exceed them; to make coming to Queensland not just a good choice but the first choice. Queensland must be prepared with the appropriate infrastructure, products and services to be able to attract and accommodate this growth and sustain a viable, vibrant industry over time.

The 10-year plan will focus on key areas where government and industry can make a practical and measurable difference. Priority areas will include destination management, training and skills development, and niche markets. In developing this strategy, I have asked industry to take a lead role since it is tourism operators who will help us to create the jobs, make the investments, win the markets and deliver product to the customers. Development of the strategy will be underpinned by a strong and meaningful partnership between the private and public sectors. Such an approach is vital as both sectors contribute to the success of tourism, and both have perspectives and strengths that need to be capitalised on.

A high-level joint industry government steering committee has been established to guide the strategy development process. I have been very impressed with the passion, energy and expertise that the members are bringing to the planning of the strategy. The consultation process will involve a series of regional workshops to be held in 17 regions around the state, with the first to be held on the Gold Coast in July, an information brochure—which I have asked the attendants to distribute to members of the House—and a dedicated web site. I encourage all members to be involved in this exciting strategy.

MINISTERIAL STATEMENT

Gas Industry

Hon. RJ MICKEL (Logan—ALP) (Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy) (10.16 am): The Queensland government's Energy Policy announced in May 2000 placed a real focus on the gas industry. At that time many people questioned why the gas industry is so important to Queensland. Gas has two uses in the energy market: one as a fuel for electricity generation and the second as a direct energy source. In electricity generation it is cleaner, producing around 50 per cent less emissions than the coal-fired generators, and that is important with a carbon constrained future just around the corner. There is significant growth in peak demand driven by increased use of airconditioners and significant projected growth in Queensland's population resulting in increasing demand for electricity.

In 2000, when the Energy Policy was announced, the total market demand for gas in Queensland was less than 65 petajoules per annum and the coal seam gas industry was in its infancy, producing just two petajoules of that gas. Queensland had just three companies producing and selling gas from three different fields, and field-on-field competition in gas was a dream, not a reality. But today that dream is a reality. There are now eight companies producing and selling gas in Queensland from nine different fields. Total market demand for gas in Queensland exceeded 100 petajoules in 2004 and coal seam gas produced around 30 petajoules of that gas. This year we expect total market demand for gas in Queensland to exceed 110 petajoules and coal seam gas will produce over 40 petajoules of that gas—a market share in excess of 36 per cent and a growth in market share of over 33 per cent in five years. In

addition, Queensland has become a net exporter of coal seam gas with around 23 petajoules sold into the New South Wales gas market.

Today you can buy gas at the wellhead in Queensland at around the same price as in 1994. That is a real boost to the economy and is attracting new industrial development like the Comalco Alumina Refinery in Gladstone which commenced operations last year. This means real savings for companies already located in Queensland. It also means that they will stay and expand, just as happened with QNI in Townsville which just this month committed to purchase gas to fuel an expansion of the Yabulu nickel refinery. In five short years the government, through its Energy Policy, has provided clear leadership and direction, and the gas industry has responded.

Initiatives such as the Townsville Power Station and gas delivery project have given a real boost to the coal seam gas industry. The project resulted in the development of a new gas pipeline and a new gas field at Moranbah. CH4, the company developing the Moranbah gas project, is currently the largest producing coal seam gas project in the state.

The Queensland government's 13 per cent gas scheme, opposed by the National Party, is another key initiative. From the time the scheme was announced coal-fired generation projects have moved ahead rapidly. Over 600 megawatts of gas-fired generation have come online since May 2000, in time for the commencement of the 13 per cent gas scheme on 1 January 2005.

The government's energy policy initiatives on gas have resulted in many winners, but the biggest winner of all are Queensland energy consumers, businesses in regional Queensland and the people who work for them.

AMENDMENT OF STANDING ORDERS

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (10.21 am), by leave, without notice: I move—

That schedule 2 of the standing rules and orders of the Legislative Assembly be amended by omitting the definition of 'related person' and inserting the definition circulated in my name, viz

MOTION WITHOUT NOTICE
AMENDMENT OF STANDING ORDERS

Schedule 2 definition of 'related person'

Insert—

'related person', in relation to a member, means—

(a) the spouse of the member;

(b) a child of the member who is wholly or substantially dependent on the member; or

(c) any other person—

(i) who is wholly or substantially dependent on the member; and

(ii) whose affairs are so closely connected with the affairs of the member that a benefit derived by the person, or a substantial part of it, could pass to the member.

Motion agreed to.

SITTING DAYS AND HOURS; ORDER OF BUSINESS

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (10.21 am): I advise honourable members that the House can continue to meet past 7.30 pm this day. The House can break for dinner at 6.30 pm and resume its sitting at 7.30 pm. The order of business shall then be government business until the completion of order of the day No. 2, followed by a 30-minute adjournment debate.

PERSONAL EXPLANATION

Comments by Member for Surfers Paradise

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (10.22 am): Last night the member for Surfers Paradise accused me of misleading the House regarding Commonwealth guidelines on its Investing in Our Schools program, which provides funding for Australian schools. This is a serious allegation and I am very pleased to advise the House that he is incorrect. The issue is about the bodies which may be funded by the Commonwealth under the program. The member for Surfers Paradise relied on paragraph 6 of the Commonwealth guidelines. The member for Surfers Paradise claimed that this was evidence that the Commonwealth had the power to deal directly with school P&Cs.

It is not in dispute that P&Cs have the capacity to apply for funding to the Commonwealth. The issue is whether the Commonwealth can distribute the money directly to successful applicants. Under

Commonwealth guidelines, parent bodies need to be government school community organisations, or GSCOs, to be paid directly by the Commonwealth. The Commonwealth's guidelines and section 4 of its own act make it clear that only incorporated bodies can be GSCOs. Queensland state school P&Cs are not GSCOs because they are statutory entities of the Crown. They therefore cannot be incorporated and cannot directly receive Commonwealth money.

It is unfortunate that the member's attention span did not extend to him reading the very next paragraph, paragraph 7, of the same guidelines which makes it clear that the state will be required to disburse funds for a project on behalf of a school parent body. Backing that up is paragraph 69 of the guidelines which states—

If the Minister approves a grant in respect of an application from a school parent body (which is not a GSCO), the Australian Government will make a payment to the State to administer for the purposes of the approved grant.

As I informed the House yesterday, the Commonwealth has admitted that it needs the Queensland government to administer its own ill-conceived program. The member for Surfer Paradise, the Liberal spokesperson on education, should learn a little more about the education system in this state before making wild claims that I have misled the House.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr FENLON (Greenslopes—ALP) (10.23 am): I lay upon the table of the House Report No. 68 of the Public Accounts Committee titled *Report on the Australasian Public Accounts Committee's 8th Biennial Conference*. The committee hosted the conference on February 2005. This was a significant commitment of committee resources and this report is a means of accountability back to the parliament for those resources.

The committee was fortunate to have use of the excellent facilities here at Parliament House, and I thank all of the parliamentary staff involved in making the conference such an outstanding success. I also thank the other committee members for their enthusiastic support throughout the preparation for and the duration of the conference. I commend the report to the House.

PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

Parliamentary Commissioner's Report

Mr WILSON (Ferny Grove—ALP) (10.23 am): I lay upon the table of the House the committee report on an examination by the Parliamentary Crime and Misconduct Commissioner of the CMC's investigation into an offer made by the Premier of Queensland to the Palm Island Aboriginal Council. On 24 March 2005 the CMC published its report titled *Palm Island bribery allegation: report of a CMC investigation into an offer made by the Premier of Queensland to the Palm Island Aboriginal Council*. Subsequently, the Leader of the Opposition wrote to the committee raising a number of concerns regarding the actions of the CMC in its investigation. On 21 April 2005 the Parliamentary Crime and Misconduct Committee requested the Parliamentary Crime and Misconduct Commissioner, Mr Alan MacSporran, to examine the report of the CMC investigation and report to the committee advising whether, in respect of the concerns raised by the Leader of the Opposition, the actions of the CMC were appropriate in all of the circumstances.

The parliamentary commissioner has delivered his report to the committee. In his conclusion Mr MacSporran states that, in his view, after looking carefully at the concerns raised by the Leader of the Opposition, the actions of the CMC were appropriate in all of the circumstances. The parliamentary commissioner said—

The CMC clearly took a robust view of the legal affect of the Premier's conduct. Whilst some would disagree with that approach by the Commission, it cannot in my view be said that such a view is not open.

The process of reasoning in the report is transparent, including as it does what would otherwise be privileged legal advice obtained by the Commission.

Mr MacSporran concluded by saying—

It is perhaps useful to bear in mind what may have occurred if the CMC had decided that the evidence was capable of establishing that the Premier may have committed an offence pursuant to section 87(1)(a). In those circumstances, the matter presumably would have been referred to the Director of Public Prosecutions where a decision to prosecute such a case would inevitably have faced the insurmountable barrier of a lack of any reasonable prospect of success.

I commend the report to the House.

PRIVATE MEMBERS' STATEMENTS

Beattie Labor Government

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.26 am): This is a government that is in crisis and lurches from crisis to crisis. In recent times the Nationals have been able to expose the government's incompetence in the area of child safety. Honourable members would remember at the last state election the Premier of this state, whose core responsibility should have been the protection of our children, saying that he needed to have an election to protect the children of Queensland. Since that time this government has lurched into a crisis involving electricity and has lurched into a crisis involving health. What we have now is absolute proof that this government cannot get the basics right. This government is failing in its core responsibilities. This government is failing to exemplify commonsense in the way it is applying itself to government.

Can honourable members believe that there would need to be an election to get child safety issues right? The opposition gave bipartisan support to this government in its approach to child safety reform because it was very, very important. Let us look at what has happened 12 to 14 months down the track—after the dust has settled, after we have had the inquiry, after we have had the promises and we now have the implementation. We have a system which is still in crisis in a lot of areas across Queensland. If the minister does not want to believe it then he should look at what happened on the Sunshine Coast the other day. There were concerns about child safety officers being laid off because there is not enough money. Government members should look at what happened in Toowoomba last weekend.

Mr Horan: Five hundred kids on the downs.

Mr SPRINGBORG: Five hundred kids on the Darling Downs. They should look at what has happened in Ipswich in the last couple of weeks. This just goes to prove that with this government we get a whole range of promises and not too much more. There is a lot of spin, there is a lot of image and there is a lot of damage management. Twelve to 14 months down the track, this is what really happens. If anyone wants to know what will happen after Morris reports, they can be assured that it will be the same as happened with child safety.

Coorparoo Quilters

Mr FENLON (Greenslopes—ALP) (10.28 am): I rise to speak about a great powerhouse of the Greenslopes electorate, the Coorparoo Quilters. The Coorparoo Quilters were founded in 1984 and are an enthusiastic group of patchwork enthusiasts—about 100 members. I inform the House today of a very great story that revolves around the Coorparoo Quilters. In 2004 they celebrated their 20th anniversary with a quilt show showing their achievements. They also set out, in conjunction with the anniversary show, to organise an applied history of the organisation.

They sought funding from the Gambling Community Benefit Fund but were initially unsuccessful. They then received a cheque for $2,900 after they had actually self-funded the project. They came to me to seek my advice. Rather than see money leave the community again, I suggested that they find another worthwhile project. Hence the Linus Quilts project was born. Linus Quilts, named after the Peanuts character who carried the comfort blanket, are made for children entering hospital with long-term illnesses.

The Coorparoo Quilters have made 140 quilts. When the Mater Hospital rings notifying them of a newly admitted child the ladies hand-deliver the quilt to them. As a comfort blanket for children with serious illness these quilts have been lovingly made by a community group that takes great pride in their contribution to the community.

The Coorparoo Quilters had an exhibition of their quilts on 23 April at the Queen Alexandra Home Community Centre. They received a great deal of coverage. The group has raised $65,000 in the past two years for cancer research. They are a great group. These quilts are quite magnificent works of art as well as craft. I commend the great nursing and medical staff at the Mater Hospital, who show such incredible devotion to duty and who must be admired by all of us.

QUESTIONS WITHOUT NOTICE

Biotechnology Industry

Mr SPRINGBORG (10.30 am): My question without notice is to the Premier. As the Premier prepares to set off overseas for the next world biotech conference in Philadelphia, I was fascinated to read his press release of 13 June 2002 titled 'Cruise missile gene technology is biggest biotech breakthrough for decade'. I table the associated press releases. In that release the Premier claims, 'Benitec, headquartered in Brisbane' was working with the DPI to take a global lead in biotechnology breakthroughs working on a cure for cancer and AIDS. Is it not a fact that Benitec, the Premier's

personal flagship of the Smart State, does not now actually employ a single Queenslander and that its corporate headquarters and all of its operations are now actually based in Mountain View, California?

Mr BEATTIE: I thank the honourable Leader of the Opposition for his question. I am happy to check the circumstances relating to the question that the Leader of the Opposition has asked and I am happy to provide him with a written response. I do not have the details with me, but I am happy to provide them.

I do want to make the point, though, that a lot of companies that are involved in the biotech industry do need to go to the United States to raise funds. I will give members an example of that. I just happened to be going through this for my forthcoming trip. Xenome, one of the companies that QBF has invested in, will be going to the USA later this year seeking funding. Its product is looking very good at this stage for the QBF investment. Another company, Accrux, is currently in the Silicon Valley in the US seeking funding from investors for its Napa Biosciences spin-off.

I am not surprised if there are biotechnology companies that are in fact going to the United States. They will be doing that to get funding. I will find out the particular circumstances in relation to the company referred to. As I said this morning, we will get companies, particularly in an emerging area like biotech, that will move around. We will get that generally with companies. Because of the shortage of venture capital in this country, biotechnology companies will need to have operations or close links in the United States. I see that as part of a growth pattern. I do not have any difficulty with it. This morning I have given two companies as examples that have to go through that.

When I go to Biotech in Philadelphia one of the things I will be doing is spending some time in New York trying to encourage venture capitalist to spend money here. These companies would not have to go to Silicon Valley or the United States seeking funds if we were a bigger country or a bigger market or they had venture capital.

I am pleased the Leader of the Opposition asked about this because I was actually doing some reading for my trip. Let me give members an illustration of just how the Smart State is working in particular areas. In one of the Smart State publications, which I will table in minute, at page 5 there is an example of the Smart State in operation. Carol Mayne left school at 15 to become a hairdresser, At 20, she discovered a passion for forensic science. Today she runs DNA Evidence Pty Ltd, Australia's first private company specialising in independent reviews of DNA test results. Carol's work has helped put criminals behind bars and clear people who otherwise would have gone to jail.

That is a Smart State company employing people. A company called Maunsell is helping rebuild Ground Zero. Smart State expertise is helping New York city rebuild after the tragedy. Adipogen, the University of Queensland biotechnology company, is producing cells to reduce fat. I am happy to table this for the information of the House.

Biotechnology Industry

Mr SPRINGBORG: I note as a precursor to my question that there are no jobs from Benitec in Queensland. I refer again to the Premier's personal flagship of the Smart State, Benitec. There is a lot of documentation from the Premier on Benitec, which I will table. I note that the Queensland Investment Corporation, using the superannuation funds of public servants, purchased over 5.2 million shares in Benitec in December 2003 at $1.20 a share. I was looking this morning at the ASX web site and noted that the QIC has been rushing to unload its shares at just 16.5c per share. Is this another of Labor's Smart State smart investments?

Mr BEATTIE: As we know, the CEO of QIC is Doug McTaggart who was the Under Treasurer for the Liberal Party Treasurer, Joan Sheldon, when those opposite were in office last time.

Mr Springborg interjected.

Mr BEATTIE: It is the issue. Doug McTaggart is someone I have an enormous amount of faith in. He was a good under treasurer.

Mr Springborg interjected.

Mr BEATTIE: Does the Leader of the Opposition want me to answer this question or will he just continue to make harsh, smart interjections? I am happy to give him an answer to his question. QIC operates independently in terms of its—

Mr Springborg: Are you a shareholding minister in QIC?

Mr ACTING SPEAKER: Order! I will have to warn the Leader of the Opposition in a minute.

Mr BEATTIE: I am happy to answer this question, but if I am going to be rudely interrupted every two seconds I cannot. The reality about QIC is this. QIC invests totally on the basis of decisions it makes. They are not approved by the shareholding ministers, nor are they approved by the government. It would be grossly improper if they were.

The former Auditor-General on a number of occasions took the opportunity to double-check that there was no government direction about where investment should go. These are the rules. The QIC under Doug McTaggart who, they cannot argue—

Opposition members interjected.

Mr BEATTIE: Are those opposite going to continue to be rude? If they want an answer I will give it to them. Doug McTaggart was, under Joan Sheldon, the head of Treasury. He is well regarded and well respected, I thought, by both sides of politics. To come in here and attack investment decisions that he has made or the QIC has made not only defies the logic of their independence but it also defies the reality that QIC is one of the best performing funds in the world, bar none.

Just in case those opposite are not aware of it—and I do not know the particular circumstances the member referred to but I am happy to check those, let me be clear about that—when one invests in a competitive world sometimes one makes enormous returns and sometimes one does not. That is why one has a very broad portfolio which includes a range of stock including biotechnology. Some of those will go to the stars and make a fortune and some will not.

Let us summarise this. QIC's investment strategy is determined by QIC, independent of government. It is headed by Doug McTaggart who is recognised by both sides of politics as being quite reasonable. The QBF is designed to encourage venture capital. The Leader of the Opposition asked one question about why this company takes an interest in the United States. That is because they do not have venture capital. Then he tries to undermine the investment fund which is set up to provide venture capital. He cannot have it both ways. He is not thinking logically.

Great Barrier Reef

Ms JARRATT: My question is to the Premier. In relation to the partnership between the Queensland government and the Commonwealth over the management of the Great Barrier Reef, has there been any indication that this successful arrangement could be under threat?

Mr BEATTIE: The answer to that question is yes. I am concerned about that. My doubts about the Senate's continuing validity as the state's house have deepened following comments from Queensland National Party Senator elect Barnaby Joyce. I will table an ABC report of that.

Mr Joyce wants the Great Barrier Reef to be placed under the total control of the federal government. He does not want Queensland involved in the care and management of one of our priceless assets.

A government member interjected.

Mr BEATTIE: That is right. So he could start mining it; that would be right. What could be more Queensland than the Great Barrier Reef? It is mind bending but true that someone going to Canberra under the pretext of representing us could want to cut Queensland out of the reef. It would be administrative vandalism. I am asking the Prime Minister to nip this infantile notion in the bud, and today I have written to Mr Howard—and I table a copy of the letter—seeking a clear statement of his opposition to Mr Joyce's scheme. Let us not forget that one of the most passionate champions of state rights, the late Sir Joh Bjelke-Petersen, first cut this cooperative deal for reef management with the then Fraser government in 1979. By taking Queensland out of the equation, we would wind back a quarter of a century of cooperation between the Commonwealth and Queensland governments.

Under the arrangement, Queensland is responsible for the day-to-day management of the reef and is represented on the board of the marine park authority by the director-general of the Department of the Premier and Cabinet, currently Leo Keliher. The arrangement proposed by Mr Joyce would give a federal department sole control of reef management and potentially allow political tampering. It would jeopardise the future of this global icon, which generates at least $1.5 billion for our economy. In recent years the Howard government and the Queensland government have worked together very successfully to improve reef protection, particularly with the Reef Water Quality Protection Plan we signed in December 2003. Mr Howard and I placed the reef above and beyond politics, and this is one of the reasons why the Great Barrier Reef is in all probability the best managed coral reef system on the planet.

Scientists and resource managers from around the world look at our reef as a model. The Queensland government stands by the successful management model. The Prime Minister has shown me no sign that he wants to tear up the arrangement, and those who love the reef—and that means all Queenslanders—deserve an assurance that it will not happen. I look forward to a reassuring response from the Prime Minister. Queenslanders also deserve to know where the Queensland National Party stands on this issue. Surely Mr Springborg, Mr Seeney and others do not want Queensland frozen out of reef management. I call on them today to tell Queenslanders that they will never stand by and allow this to happen, and silence will be read as complicity.

It may be pure coincidence that Mr Joyce did a preference exchange with the Fishing Party, and the Fishing Party was a loud critic of the Great Barrier Reef Marine Park Authority and its Representative Areas Program. Mr Joyce assured the Fishing Party that the Great Barrier Reef Marine Park Authority would be reviewed after the federal election. I hope the Queensland Nationals have more spine when it comes to defending the reef.

Morris Inquiry

Mr SEENEY: My question without notice is to the Minister for Health. Minister, I refer to concerns raised by Commissioner Morris regarding who Mr Boddice QC is representing at the commission of inquiry. Can the minister firstly confirm that taxpayer funds are being expended to retain Mr Boddice? Can he inform the House as to whether Mr Boddice has been retained to represent the minister as an individual or as a minister or Queensland Health as a department of the state or the director-general in an official or a private capacity or the officers of the department either as individuals or collectively? Minister, if there is a conflict between any of these roles, how is that conflict going to be handled by the government?

Mr NUTTALL: There are two parts to the member's question. With regard to the first part in relation to who is paying the cost, the taxpayer is picking up the cost of Mr Boddice. Mr Boddice represents the director-general and the Department of Health. In terms of my own representation—I will need to seek approval from the Premier, the Attorney and the cabinet for individual representation which will be separate to that of Mr Boddice representing the department.

Media Leaks, Federal Government

Mr TERRY SULLIVAN: My question is directed to the Premier. Premier, has any evidence come to light demonstrating that the Howard-Costello government has gone out of its way to investigate and punish the source of leaks within the federal sphere?

Mr BEATTIE: The answer is yes. I get amused sometimes when I watch the debate about accountability because of the duplicity and nonsense we sometimes hear from those opposite. Today I will demolish the uninformed nonsense from the opposition and certain sections of the media that my government comes down hard on people who leak to the media. All governments need to protect information such as police intelligence and patients' private medical records. But the Federal Police commissioner told a Senate committee this week that the Howard government had asked the Federal Police to investigate 22 leaks from the federal Public Service so far this financial year. Only two were from the Police Service and one was from the health department. These 22 leaks—or unauthorised disclosure of information as they are coyly described by the federal government—have come on top of 15 carried over from earlier on, giving a grand total of 37 current investigations. So 15 were carried over.

Get a load of this: it was also revealed that between 1997 and 2004 the federal government had called in the police 111 times for leaks which amounted to unlawful disclosure, a criminal offence under the Crimes Act 1914. Amongst those who have set the police on to these criminal leakers are the Prime Minister, who has called the police in twice, and Amanda Vanstone—the friend of refugees—who has called the police three times. As a result of one complaint to the police, the offices of the *National Indigenous Times* were raided with a search warrant on Remembrance Day last year, and that investigation is still continuing.

But the serious breach involving a cabinet-in-confidence document from Senator Coonan to the Prime Minister which appeared on the front page of the *Sydney Morning Herald* in April this year has not been referred to the police. Now, I wonder why? Federal Police Commissioner Keelty told the committee that many of the leaked inquiries went to the heart of undermining the government and government policy. Senator Carr agreed, saying that that was why no-one supported unauthorised disclosures despite the fact that the building survived on them.

Senator Carr indicated that the cost of investigations into leaks had cost taxpayers $183,118 between 2000 and 2004. He said that between July 2002 and December 2004 some 9,491 hours of policing had been devoted to trying to track down the leakers despite conviction rates not being as high as they might be on other investigations because they rarely received cooperation. What a surprise! That works out to 237 weeks of police work or one officer working nonstop for more than 4½ years. Commissioner Keelty said that there had been several raids of newspaper offices in the last five years in the hunt for leakers. I say to the opposition and to the media: I am sure that the Queensland Police Service has not made any raids on newspapers just yet.

Townsville Hospital, Eye Department

Mr COPELAND: My question is to the Minister for Health. Minister, are clinical audits being carried out in all public hospitals as a result of the surgical scandals at Bundaberg and Hervey Bay hospitals? Minister, contrary to the quality directives of the Royal College of Surgeons, the Royal College of Ophthalmologists and his own department, why was there a four-year gap between clinical audits and peer reviews at the Townsville Hospital's Eye Department until recently which revealed a complication rate of 25 per cent by a trainee ophthalmologist resulting in patient injury and blindness? Can the minister provide Queenslanders with a guarantee that Queensland Health has not compromised the hospital accreditation process by not providing critical data regarding complication rates and lack of clinical audits and peer reviews which was the case at Townsville Hospital's Eye Department?

Mr NUTTALL: The member has raised a series of issues which are quite complex in terms of the answers. I am happy to obtain those answers and get back to the honourable member by the close of business today.

Asbestos, Schools

Mr FENLON: My question is addressed to the Minister for Education and the Arts. Minister, the government's announcement yesterday of a $120 million asbestos roof replacement program was welcome news for our schools. I note some concern from parents and teachers about the proposed 10-year time frame for this program. Can the minister advise the House of the factors influencing the roll-out of this program?

Ms BLIGH: I thank the honourable member for the question and for the interest that he and other members share in their schools. I am very pleased that we have been able, as the Premier outlined yesterday, to find additional funds in the 2005-06 budget to commit $101 million to a $120 million 10-year asbestos roof replacement program. I do note, however, that the Premier made some reference to the pace of the roll-out yesterday in his ministerial statement to the House. But, predictably, there is a lot of information and parents and teachers are questioning why it is 10 years, so I am happy to have a chance to explain.

There are two factors that limit the speed at which the work can be done. The first factor—and I think it is probably the most important—is that, as members would be aware, if this material is disturbed or broken it can be dangerous. Therefore, it can be removed only when staff and children are not present at the school. That means that it can be removed only during weekends or on school holidays. That puts real limitations on the number of roofs that can be replaced in any one year. I am sure all members would agree that we should not compromise the safety of staff and children during the removal process.

The second factor that will limit the speed at which the work can be done is the size of the industry. As members would expect, this is highly specialised work and currently the industry is relatively small. The 10-year estimate is the best estimate that can be made at this stage on the basis of the current size of the industry.

Mr Schwarten: Certainly wouldn't do it in five years.

Ms BLIGH: I take that interjection from the minister for public works who knows only too well that at the moment there are limitations to the industry's capacity. However—and again the Premier outlined this yesterday—we would be very hopeful that, with the injection of these kinds of funds, we will see some growth in the industry. As more funds of this size are injected into this sector, there will be some growth to meet the new demand. If that happens, then we will see the program accelerated and the work done more quickly than in 10 years.

But we cannot rely on that. When I go out and tell people how long the program will take, I can only in all honesty tell them the best predictions on the present capacity of the industry. If the industry is able to grow to meet the availability of the funds, along with other government members I hope that we will be able to revise the time estimate. But as I said, it would be foolish for us to make a prediction beyond the present capacity of the industry.

It is important that I reaffirm that this program has not been put in place because there is any current risk to any child in any classroom. Undisturbed asbestos material poses no threat. These new funds will allow us to remove roofs sometime earlier than the end of their useful life. That has been put in place as a precautionary measure. I also confirm that any emergencies that arise during that time will be treated as such, as they are currently.

Gold Coast Hospital, Cardiac Services

Mr QUINN: I refer the Minister for Health to the letter that the member for Moggill tabled yesterday in relation to the provision of private cardiac services at the Gold Coast Hospital and to the assertion from the Gold Coast Health Service District that the catheter lab has been set up as a private facility requiring external referral and that patients not eligible to claim Medicare will be billed at AMA fees. I ask: will patients presenting with chest pains at the Gold Coast Hospital's accident and emergency department and needing urgent treatment be billed at AMA fees or will they be sent back home to obtain a referral for treatment in the hospital's private facility?

Mr NUTTALL: No, they will not. They will be well cared for at that hospital. If the member has some concerns about this issue, I am happy to arrange a briefing for him. I am advised that this move is in accordance with the Australian Health Care Agreement and that it has been set up in a proper manner.

I know that the member has some issues about this. I am happy to arrange for my department to brief him if he wishes. In that regard, he needs to contact me. Any patient who presents at a public hospital with chest pains will be cared for in the appropriate manner.

Industrial Projects

Mr WALLACE: I direct a question to the Minister for State Development and Innovation. Can the minister update the House on the status of some of the major industrial projects proposed for Queensland?

Mr McGRADY: Environmental investigations for the Stanwell coke and power project, the Townsville South power station and the Spring Gully power station are all advancing. Each of these projects, if they prove to be commercially feasible and if they meet all necessary environmental and other government approvals, should create both jobs and wealth in their respective Queensland regions. They should also provide the necessary infrastructure to help ensure that their industry can expand. Collectively, these projects could be worth $2.87 billion. They are also expected to create around 2,000 jobs during construction and approximately 360 permanent jobs during operation.

The best news is that these proposed projects are only a snapshot of the industrial activity being planned for regional Queensland. Recently, the state government released the terms of reference for the environmental impact study on the $300 million gas-fired Townsville South power station. If it goes ahead, this 400 megawatt power station will significantly boost electricity generation in north Queensland and attract more long-term industry to the area. The project will also be fired by gas via the newly completed north Queensland gas pipeline. So it is also predicted to generate greenhouse gas benefits.

The terms of reference for both the Stanwell coke and power project and the Spring Gully power station have also been finalised. The $1.7 billion Stanwell project will not only be the biggest coke plant in Australia but also it will be the only one with an export focus. Queensland coal will be converted to coke here in the Smart State rather than sent overseas.

The plant, which is located south-west of Rockhampton, is expected to produce a massive $3.2 million tonnes of high-quality coke each year. Its waste heat will not only generate up to 307 megawatts of electricity but also its greenhouse gas emissions will be significantly lower than that produced by coal-fired power stations. So the Stanwell project is a winner on all fronts.

The Spring Gully power station also promises to be an environmental winner. The plant will draw its cooling water from waste water produced during the extraction of the gas. This will reduce significantly the site area needed for evaporation ponds as well as remove the need for new sources of cooling water. Queensland industry is alive and well.

Ports

Mrs LIZ CUNNINGHAM: I direct a question to the Minister for Transport and Main Roads. Prime Minister Howard has threatened to take over ports in Australia. Overwhelmingly my electorate opposes this proposition. Does the minister support the Prime Minister's proposal for any Queensland ports, especially the port of Gladstone?

Mr LUCAS: I thank the honourable member for the question. At the outset can I say that I am thrilled with the performance of our government owned corporations in terms of ports. In particular, the Central Queensland Port Authority at Gladstone has been an outstanding example of a well-performing port.

It is very interesting to note that, when it comes to port and trade issues, the Commonwealth government is very, very keen to take out the big stick. The big stick comes out all the time. There is a waterfront dispute; take out the big stick. There are industrial relations issues; take out the big stick. What has been conspicuously missing is the big cheque.

Queensland has a first-class rail system. We have the best rail system in Australia. How much money has the Commonwealth government given us for rail infrastructure? Seven million dollars! Of that amount, $6 million went to a bankrupt railway at Beaudesert.

The honourable member asked about the Gladstone port. She would be well aware of the significant expansion that has taken place in relation to the RG Tanna Coal Terminal, which is named after that great Gladstone resident and that great man, Reg Tanna. The honourable member might be interested to know that the negotiations for that significant expansion—hundreds of millions of dollars worth of expansion—took place without the intervention of a regulator at all.

Queensland government owned ports are not regulated in a competition sense. There is every ability for the industry to apply to have them regulated under the Queensland Competition Authority Act or to apply to the ACCC. It speaks volumes about the management of our ports that the industry has not sought to do that. It is happy with the negotiations that it undertakes.

Obviously, sometimes we need to have to resort to a regulator. But it is interesting to note that, after the QCA has made a determination in relation to the Dalrymple Bay expansion, the Commonwealth government talks about wanting to do something. The determination has been made in relation to Dalrymple Bay. At any stage, the ACCC could have intervened.

I wonder whether we want ACCC style regulation. It took the ACCC five years to deal with the Sydney to Moomba gas pipeline. From my time as a lawyer in legal practice, one thing I can say about state bureaucracies is that generally we could always get to speak to a person who was very close to the decision-making process at a state level. But try penetrating the Commonwealth bureaucracy! That is something industry has said to me long and loud: no-one can talk to people in Canberra who make decisions. The only people who can do that are lobbyists. I give the honourable member this assurance: we will work cooperatively with the Commonwealth government. However, we have managed to achieve absolutely outstanding results at our ports, in particular at Gladstone, by working with excellent management and our great industry in Queensland to get coal out of that port in ever-increasing volumes. I thank the honourable member for her interest.

Mr SPEAKER: Order! I welcome to the public gallery students and teachers from the Nanango State High School in the electorate of Nanango.

Tree Clearing

Mr PEARCE: My question is to the Minister for Natural Resources and Mines. Can the minister inform the House about progress being made to implement the government's $150 million financial assistance package to help affected landowners adjust to new tree-clearing laws?

Mr ROBERTSON: I thank the honourable member for Fitzroy for his question and ongoing interest in matters affecting land-holders in his electorate. Land-holders who may be directly affected by Queensland's new tree-clearing laws are taking advantage of the Beattie government's $150 million financial assistance package. That package offers three components to land-holders who may be directly affected by our decision to end all broadscale clearing of remnant vegetation by December 2006. The first is the $12 million Vegetation Incentives Program, which offers financial incentives for farmers to manage and protect native vegetation on their properties. To date, about 120 land-holders have lodged expressions of interest to participate in this unique initiative to preserve bushland for future generations. Greening Australia manages the Vegetation Incentives Program and reports an outstanding response to date and a high level of interest among other land-holders.

The second component of the government's package is the $8 million program to help land-holders improve their land and vegetation management through best practice. This program is being managed for the government by AgForce and will lay the foundations for Queensland farmers to prosper in the clean and green global market of tomorrow. The Premier and I had the pleasure of launching the AgForward program last week. AgForce advises that it will commence workshops across Queensland in the next few weeks. Training teams will conduct up to 80 public workshops a year in three designated regions, providing land-holders a wide range of industry based best practice land management techniques. The courses include computer mapping and property planning, vegetation management practices, GPS technology expertise, grazing land management and other industry based best management practices, landscape expertise and the preparation of property maps of assessable vegetation.

The third component of the package is the $130 million structural adjustment scheme being managed by the independent Queensland Rural Adjustment Authority. This program offers financial assistance for land-holders directly affected by new tree-clearing laws to structurally adjust their businesses or exit the industry. It should be recognised that many land-holders are waiting for the result of their ballot applications before deciding whether to take advantage of this scheme. QRAA has already processed 21 applications for assistance and a further 101 are pending subject to assessment by QRAA. The government will continue to work with affected land-holders to implement necessary vegetation management changes and ensure a sustainable future for farmers, their businesses and the environment.

Freedom of Information, Department of State Development and Innovation

Miss SIMPSON: My question is addressed to the Minister for State Development and Innovation. I refer to the minister's announcement that the Sunshine Coast state development department office will move to Kawana later this year when the current lease expires at the existing Mooloolaba location, despite regular assurances from his government that Maroochydore is the key regional centre on the Sunshine Coast. I also refer the minister to the fact that this occurred because he personally intervened in the process, directing that Kawana be chosen over Maroochydore—a fact confirmed in his memo of 17 September 2004. The minister's memo was not in the bundle of documents released under freedom of information. It was only provided when we queried its omission. It is now apparent that there are other documents which the minister and his department have failed to release, despite being legally required to do so. If the minister's decision to send a regional service to Kawana instead of Maroochydore is above board, why the secrecy and cover-up? Why did the minister preside over a breach of the FOI law and will he now table all of the documents?

Mr McGRADY: I am certainly not hiding anything. Let us get one thing clear: the Department of State Development and Innovation is all about providing a service to the business community of

Queensland. In relation to the north coast, the department of state development is about providing a facility to the people of the north coast; it is not about providing a facility to the people in a selected part of the north coast. The whole issue here is about providing services, not which developer or owner of premises the business stays with. The reality is that the lease expired on the premises.

Whilst I was on the north coast a week or so ago, I took the opportunity to visit the area where the new premises will be. The decision that has been taken is the correct one because this is a new, greenfield site which the member for Maroochydore, as a resident of the north coast, should be proud of. This is where the activity is taking place. I am not getting involved in whether or not certain individuals should be catered for. We are about providing a service to the people of the north coast. It is rather sad when we have a member of parliament who is only interested in an internal struggle on the north coast.

The plans we have for the department's offices right around the state are simply to provide more services to the people of Queensland. The Sunshine Coast will get the benefits of the improved services that we are providing right across the state. When I was there a few Sundays ago the people in the area were delighted at the decision we have made. This is simply humbug from the member.

Miss SIMPSON: I rise to a point of order. The minister's remarks are offensive and untrue. He has breached the FOI law and is making excuses.

Mr ACTING SPEAKER: Order! If members want to have something withdrawn then they should just ask for that to be withdrawn and not take the opportunity to make a political statement. I think the member is entitled to have those remarks withdrawn. Minister, I ask you to withdraw.

Mr McGRADY: I will withdraw—

Mr ACTING SPEAKER: Order! I do not like members withdrawing with a sting in the tail. Just withdraw and leave it at that.

Mr McGRADY: I withdraw. The reality is that this is all about providing services to the people of the north coast. Quite honestly, I think the member's performance has been disgraceful.

Drink Rite Program

Mr WELLS: My question is addressed to the Minister for Police and Corrective Services. I refer the minister to the fact that the first State of Origin match for 2005 was played last night, with a result well worth celebrating. Will the minister inform the House about the campaign she is launching to target football fans, players and the media to promote responsible drinking?

Ms SPENCE: I thank the honourable member for Murrumba for the question. I am sure that many members would agree that it is very timely to focus on responsible drinking today. I am sure there are many sore heads around Queensland today after that great State of Origin victory last night. Undoubtedly we are a nation of drinkers, but there is no place for irresponsible drinking that leads to violence or that leads to people irresponsibly getting behind the wheel of a car or on a bike or a boat. That is why the police have the Drink Rite program. Today at lunchtime I am going to be joining footballers from three different codes and media personalities who will be participating in the Drink Rite program. Simon Black from the Lions—

Mr McGrady: A Mount Isa boy, by the way.

Ms SPENCE: A Mount Isa fellow, yes—Drew Mitchell from the Reds and Tonie Carroll from the Broncos will be drinking light beers to see how many beers it takes them to get to .05 while the media personalities will drink heavy beers. They volunteered to go all the way! Police will test the participants every half hour and put their results on a whiteboard for all the patrons to see, and once people reach .10 they will take no further part in the event. This is a useful way for police and people to learn about the factors that affect their drinking, such as gender, weight or age, and what the effects of alcohol are going to be on them.

The sad facts are that road statistics show that drink-driving offences are predominantly done by males. In fact, men aged between 20 and 39 make up 54 per cent of all drink-driving offences and men aged 20 to 29 make up 30 per cent of all drink-driving offences. So it is important that we get the responsible drinking message out there. The reality is that one drink per hour is not always foolproof in keeping people under the .05 limit. I am sure we all know people who have been done for drink-driving who really did think they were under the limit and were surprised when they went over the limit. I think this Drink Rite program, which the police run all around Queensland—

Mr Schwarten: I have participated in it.

Ms SPENCE: We do not want to hear the results, I do not think. I am sure it was a very instructive experience for the member for Rockhampton.

Mr Schwarten: Three times I had to do it.

Ms SPENCE: Three times he had to get instructed. But, in all seriousness, it is a very good program and it does teach people how many drinks it takes to put them over the limit.

Gold Coast Hospital, Specialist Outpatients

Dr FLEGG: My question without notice is directed to the Minister for Health. I refer the minister to the letter from the Gold Coast health district that I tabled yesterday—

Mr Schwarten interjected.

Dr FLEGG: Sorry?

Mr ACTING SPEAKER: Order! The minister for public works and housing! I will not allow interjections while questions are being asked. It makes it totally impossible, because if I do not hear it I cannot react to anything and the minister cannot answer it. So I am going to be very firm on people interjecting whilst members are asking questions. I would suggest that the minister for public works desist from that practice. Could the member for Moggill start his question again?

Dr FLEGG: I refer the minister to the letter from the Gold Coast health district that I tabled yesterday, and I draw the minister's attention to its revelation that the patients attending public hospital as specialist outpatients will be bulk-billed to Medicare as private patients. I draw his attention to the requirement to have a referral to a specific named specialist despite the fact that it states there is no intention whatsoever for that specialist to actually treat the patient. Clearly this appears a contrived arrangement using dodgy referrals aimed at defrauding Medicare to pay for the treatment of public patients, and I ask: is the minister participating in a contrived arrangement to defraud Medicare?

Mr NUTTALL: It is a serious question that the honourable member raises. In answer to whether I am participating in anything illegal, the answer to that is, no, I am not. As I said when his leader asked an earlier question, my department advised me that it is in accordance with the Australian Health Care Agreement arrangements.

Dr Flegg interjected.

Mr NUTTALL: I do not intend to get into a debate with the member. I am simply advising what my department has told me.

Mr Quinn: They told you Patel was okay, too.

Mr Schwarten: The AMA said that.

Mr ACTING SPEAKER: Order! The minister for public works and housing and other members! We will listen to the health minister. It is his question.

Mr NUTTALL: As I indicated to his leader, the member for Robina, in an answer earlier, I am happy to provide a briefing to the member for Moggill on the arrangements concerning this facility at the Gold Coast.

Dr Flegg interjected.

Mr ACTING SPEAKER: Order! The member for Moggill will cease interjecting. I warn the member under standing order 253.

Mr NUTTALL: He has some concerns about what is in that letter, and that is why I am offering him a briefing. Yes, there are arrangements that have been put in place and signed by Dr Brian Bell, who is the executive director of medical services. He has some concerns about the structure and the set-up of the catheter lab. He has raised that. This is the third question he has asked me. I am indicating to him that, if he would like a briefing, I am happy to arrange for my department and whoever is necessary to sit with him and go through the issues that he has some concerns with. I cannot be any more open than that.

Defective Motor Vehicles

Mr O'BRIEN: My question is directed to the Minister for Transport and Main Roads. Could the minister please inform the House what steps are being taken to reduce the number of defective vehicles and to make roads safer for Queenslanders?

Mr LUCAS: I thank the honourable member for his question. He is well known as the crusader from the cape who looks after the interests of the people in his electorate incredibly well. I thank the member for the question because it is very important that we take an interest in defective vehicles in this state. Queensland Transport does carry out regular operations with the Queensland Police Service to crack down on defective vehicles. Motorists driving defective vehicles are endangering themselves as well as their passengers, other motorists and pedestrians.

Operation Titan is a joint operation which Queensland police are conducting in south-east Queensland. As part of that operation, Queensland Transport has inspected hundreds of vehicles. We have issued 179 defect notices and 91 penalty infringement notices, and 41 dangerous vehicles have been ordered off the road. It is true that, by and large, our fleet tends to be getting younger these days. With increases in our standard of living, people tend to turn over vehicles more often now, but we still have an issue with defective vehicles.

Illegal vehicle modifications have included oversized exhaust systems, lowering of vehicles below design standards and incorrectly fitted tyres. The minister for employment and training will be interested in those.

Mr Barton: I have done all of that.

Mr LUCAS: Well, if you do that and get caught you get prosecuted. These modifications can adversely affect braking and the handling and steering of a vehicle. It is dangerous and it leads to accidents. While an oversized steering wheel might seem desirable for some people, disfiguration and death is not. Infringements have been issued to drivers of vehicles that make excessive noise. I encourage the community to contact Queensland Transport or the Queensland Police Service if they suspect an illegal vehicle is operating on our roads.

In relation to far-north Queensland, I am delighted to note that we are conducting work with the Queensland Police Service in Cairns to offer free safety inspections on vehicles as part of a community service program. So it is a bit of carrot and stick. We make no apology for being tough in relation to defective vehicles, but people do not necessarily always know what is under the bonnet. We certainly did not know what was under the bonnet of the Horvath steam car when Joh inspected it and he would not open the bonnet, but people might want to go and have their vehicle inspected. Perhaps we should ask the National Party about Milan Brych.

Fliers will be placed on vehicles, inviting people to present their vehicles for a free safety check any time on 4 June 2005. Queensland Transport will inspect the vehicles, focusing on brakes, steering, tyre suspension and body and lights. No defect notices or penalty infringement notices will be issued on vehicles found to be defective, and presentation of vehicles at Queensland Transport is strictly voluntary. What people will be told is how to fix it and where to fix it.

We seek to ensure compliance of registered vehicles with the vehicle safety standards and Australian Design Rules, and we will continue to educate people and enforce compliance to make Queensland roads safer. Of course, dangerous vehicles will be immediately ordered off the road. Road safety is of paramount importance—for example, black spot funding, education campaigns and antihooning laws all play their part, but I make no apology for cracking down on loutish behaviour and illegal hotted up vehicles. We will be after you.

Regulation on Sale of Eggs

Ms LEE LONG: My question without notice is directed to the Minister for Primary Industries and Fisheries. The minister's safe food department has brought in regulations to stop people with backyard henhouses giving away spare eggs unless they were accredited, and I ask: has there been an eggflip—I mean a backflip due to public incredulity about this and, if so, can he clarify who can and who cannot give away or sell eggs without requiring expensive accreditations?

Mr Schwarten: You're yoking, aren't you?

Mr PALASZCZUK: I thank the honourable member for her 'eggs-cellent' question. I am very pleased that I have received this question in the House today so I can put on record the real meaning behind the egg safety scheme in the way that it affects people who have a few chickens in their backyard or affects schools which have a few chickens in the backyard and maybe sell their eggs to a producer or provide a tuckshop with eggs. We have to exhibit a bit of commonsense there. Commonsense always has to prevail. There is not a problem with people who run a few chickens in their backyards passing across their eggs to the next-door neighbour. It is not a problem at all. However, if these people want or intend to produce eggs for resale, that is a different situation.

Mr Robertson interjected.

Mr PALASZCZUK: Mr Acting Speaker, I am being provoked.

Mr ACTING SPEAKER: I say to you, Minister: it is the company you keep and I do not have any control over that at all.

Mr PALASZCZUK: Those people who want to produce eggs for sale will have to be accredited. I have spoken to the CEO of Safe Food, Barbara Wilson, about this issue in relation to schools. There will be no fee at all for schools that want to produce eggs either for sale or to supply the local tuckshops. That accreditation, if they do require accreditation, will be covered by Safe Food Production Queensland. I think there has been a lot of hype and a lot of nonsense perpetrated by a certain federal member of parliament in far-north Queensland and, unfortunately, that person has really misled people throughout Queensland.

I thank the honourable member for this question because I needed this opportunity to put on the record what the food safety scheme for eggs is really all about. For people who have chickens in their backyard it is not a worry unless they want to sell the eggs. For schools it is not a worry even if they want to sell the eggs because Safe Food Production Queensland will accredit the schools and there will be no charge there at all.

Mr ACTING SPEAKER: Order! Before calling the member for Mount Ommaney, I welcome to the public gallery teachers and students from Indooroopilly State School in the electorate of Indooroopilly.

Parliamentary Crime and Misconduct Committee, CMC Investigation

Mrs ATTWOOD: My question is to the Premier. The Parliamentary Crime and Misconduct Committee has recently undertaken an investigation, at the insistence of the Leader of the Opposition, into the CMC's investigation of an offer made by the Premier to the Palm Island Aboriginal Council. Could the Premier please advise what this investigation found?

Mr BEATTIE: I thank the honourable member for the question. Some members may have been a bit intrigued to see that there is yet another report about Palm Island, but it is a very important one. It is important that we look at this because, as far as I am concerned, it establishes a conduct on behalf of the opposition which is designed to undermine the CMC. It is a deliberate political strategy. The National Party hates independent umpires. It has never supported the CMC. We saw that with the Connolly-Ryan inquiry in days gone by. Every time the CMC does not come down with a report critical of the government the opposition seeks to undermine it. That is its strategy. It is about destroying the independent umpire.

I draw to the attention of the House that when the Leader of the Opposition referred matters to the parliamentary committee—he is entitled to do that—he set out four issues. The parliamentary commissioner, Mr MacSporran, who is independent of anybody, found that—

... the actions of the CMC were appropriate in all the circumstances.

Let us be really clear about that. He said—

... the actions of the CMC were appropriate in all the circumstances.

In relation to the particular matter involving the legal interpretation, he says that had the matter been referred to the DPP it 'would inevitably have faced the insurmountable barrier of a lack of any reasonable prospect of success'. In terms of the legal opinion in which they operated he says that the analysis of the critical question was extremely thorough. He goes on in relation to the tape recording. They sent an expert out to have a look. He says—

In summary the expert was very clear in finding that the tape contained no recorded sound at all.

I agree with the summary at the beginning of the document which covers everything of relevance. It states—

In summary, Mr MacSporran has found that he is satisfied, having reviewed all materials of relevance to the investigation and carefully examined the concerns raised by the Leader of the Opposition, that the actions of the CMC were appropriate in all the circumstances.

The issue that remains is: what are the circumstances here? The opposition is continuing to try to undermine the CMC. The Leader of the Opposition says that the CMC only finds in favour of the Labor government. He should ask Jim Elder about that and he should ask Labor Party people who were dealt with quite appropriately by the Shepherdson inquiry. There were no soft options in any of that. He should look at the families department, in relation to which we ended up with 110 recommendations from a major review.

The CMC is fiercely independent. I appeal to the opposition to stop trying to destroy the independent umpire. If they do, they will end up with corruption returning in Queensland. I know that the National Party has never wanted to fight corruption, but we do. I also say to the media that it is important that we get some balance in these things and that the CMC is given a fair go and is respected for what it is—independent.

Racing Inquiry

Mr HOPPER: My question is to the minister for racing. I table a video of the races involving All About Class at Rockhampton on 12 and 22 April 2003 which shows, even to the untrained observer, the obvious pulling of the horse on 12 April 2003 and its effortless win on 22 April 2003 when TAB betting across Australia was conducted on this race. Because of its limited terms of reference, the Daubney-Rafter inquiry was only able to investigate issues around Chairman Bentley's refusal to permit senior stewards Railton and Reardon to conduct a stewards inquiry into the matter and his favouring of a local stewards inquiry involving Bentley favourite Patrick Cooper which was unable to find anything wrong. Given the denial by the Daubney-Rafter inquiry issued on 17 May that Queensland Racing is conducting any inquiry on its behalf into potential corrupt betting on these races, when is the minister going to—

A government member: Where's the question?

Mr HOPPER: This is the question. When is the minister going to—

Mr ACTING SPEAKER: Order! I am going to have to be a bit more firm in my rulings on the length of questions. The prelude to that question was miles too long. Ask your question straightaway.

Mr HOPPER: Sorry, Mr Acting Speaker. When is the minister going to extend the inquiry's terms of reference to permit an independent, arm's-length investigation into this obvious fraud and the involvement of senior Queensland Racing officials, including Bentley and Mason?

Mr SCHWARTEN: A while ago we heard the Premier talk about how the opposition loves to undermine inquiries. We are seeing it undermining the current health inquiry. The mob opposite want to put their sticky beaks and their crooked fingers into it.

The reality is that this is a matter that has rightfully been brought to the attention of the Daubney-Rafter inquiry. The Daubney-Rafter inquiry has already had cause to bring a number of people before it. Anybody and any issue could be dealt with by the Daubney-Rafter inquiry. I said at the outset of this inquiry that if Daubney and Rafter were so minded they could look into anything they liked. They have never come back to me asking for an extension of their terms of reference.

The taxpayers of this state have already put about $4 million into this. That is money that should have gone into our schools, into our Police Service, into housing or whatever the case may be. Today we have the tories saying again and again, 'Let's spend some more taxpayers' money in extending it. Let's undermine this inquiry. Let's get the public confidence away from it.' The truth is that public confidence is determined in the way that people deal with the product.

Last week at the Doomben 10,000 there was a 14 per cent increase in wagering on that product, despite the best efforts of those opposite and particularly the individual who asked this question. He loves to get in here and defame people but he does not have the courage to repeat what he has said outside of this haven for his cowardice.

The reality is that if the Daubney inquiry wants to look at this matter it may do so. It has now been the subject of two inquiries. The tape that was tabled by the member was handed to the Shanahan inquiry. I am certain that it is in the hands of the Daubney-Rafter inquiry. It is a matter that has been dealt with and is being dealt with now. I suggest that the member wait until 3 June, when Mr Daubney and Mr Rafter will bring down their findings.

Mr ACTING SPEAKER: I welcome to the public gallery students and teachers from the Caningeraba State School.

Paramedics and Firefighters

Mrs SMITH: My question is to the Minister for Emergency Services. I know that paramedics and firefighters are among the most trusted professionals in Australia. How do these professionals rate in other countries?

Mr CUMMINS: I thank the member for the question. It is my great pleasure to advise the House that just last week it was announced that paramedics and firefighters have again come in first and second in the *Reader's Digest* poll of the most trusted professionals. Again and again these two professions rate at the very top of the trust pile and I am sure that all members will join me in saying that their rankings are very well deserved.

I have often spoken about Queensland Emergency Services being world leaders. Our staff, training, equipment and facilities are the envy not only of neighbouring states but also neighbouring countries. This is no idle boast. I can state that emergency services from a number of countries have trained with or visited my department's facilities over recent weeks and months and there is still more to come. Late last month we had a large delegation from China's emergency services visit for a study tour. The group visited our world-class training facilities—

Mr ACTING SPEAKER: Order! The time for questions has now expired. Can I have the attention of honourable members. This morning a Parliamentary Service questionnaire was distributed to each member in the chamber. The Clerk advises me—and I have to accept his advice—that it is an important performance management document and I encourage all members to complete the questionnaire and return it to the Clerk.

MINISTERIAL STATEMENT

Infrastructure Facility

Hon. T McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (11.31 am), by leave: I wish to table a statement giving details of negotiations by the proponent of an infrastructure facility of significance.

FREEDOM OF INFORMATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 25 May (see p. 1659).

Ms NELSON-CARR (Mundingburra—ALP) (11.31 am): I rise to support the Freedom of Information and Other Legislation Amendment Bill 2005—legislation that when first presented 13 years ago under the Goss Labor government catapulted Queensland into a new era of accountability. What that original legislation did was a first in 32 years. The preparation and consultation has been thorough and detailed. So far, freedom of information prescribed by Tony Fitzgerald QC's report has been subject to three reviews: the Electoral and Administrative Review Commission, by its governing parliamentary committee and by the state government. It amazes me that the opposition can oppose this considering the endemic corruption that existed prior to the Goss Labor government.

The significant features of the bill include a new exemption for information that could lead to harassment and intimidation; a new provision restricting disclosure of certain risk assessment documents to prisoners convicted of serious violent offences; a new exclusion for the judicial and quasi-judicial functions of identified tribunals; relocation of appropriate exclusions currently in the Freedom of Information Regulation 1992 to the FOI Act; and repeal of the regulation-making power in section 11(q) of the FOI Act which allows for exclusion of agencies by regulation.

It also includes amendment of the Public Sector Ethics Act 1994 so that the FOI Act does not apply to conflict of interest issues or ethics or integrity issues about a designated person; an exclusion for the crime and misconduct functions of the Crime and Misconduct Commission; an exemption for secret information under the Witness Protection Act 2000; an exclusion for Golden Casket Lottery Corporations Ltd; and the establishment of a new statutory body, the Office of the Information Commissioner. They are all significant because they have achieved what the previous government never attempted.

I have a very good friend and an academic from down south who used to be at James Cook University but is now at the University of Wollongong. His name is Peter Kell and he recently wrote a chapter—

Mr Finn interjected.

Ms NELSON-CARR: Mr Finn knows the lovely Peter Kell. He wrote a chapter in a book called *Globalising Education* written by Apple, Kenway and Singh. In that chapter he reminisces about the way it was under a government that was secret, covert and dictatorial. Let me be indulgent and quote some of his words—

> Throughout the 19 years prior to Goss, Queensland was described as the Australian equivalent of the southern states of Alabama. It was internationally recognised as having undemocratic electoral structures, a corrupt legal and administrative structure, repressive laws and a civic culture that was reactionary, sexist, homophobic, racist and antidemocratic.

Whilst Peter Kell's words have relevance to postmodern theories of education, they certainly have relevance to the debate today.

A government member: It was part of the Joh legacy.

Ms NELSON-CARR: It was part of the Joh legacy. I salute Peter Kell for his fine works in the academic arena and I am very proud to be able to quote his words today. To criticise this government for its accountability, transparency and openness is nothing short of a joke and, having listened to the Leader of the Opposition's speech yesterday, I would even go further and say that it is hypocrisy in the extreme.

Let me finish by saying that the Queensland public now has a legal right to documents held by state and local government authorities unless those documents are exempt—either held by exempted authorities or exempted from FOI by their nature. The extent of exemptions indicates how serious the government is in relation to freedom of information. Freedom of information is not just for the media or other watchdogs of government; it allows individuals access to information held about them by government bureaucracies and to have that information corrected where it is inaccurate.

In Queensland's case, this government deserves credit for legislation that goes further than FOI acts. The inclusion of local government, unlimited retrospectivity and the phasing out in two years of secrecy clauses is also very commendable. Finally, the government deserves credit for providing access to personal information free of charge. I commend the bill to the House.

Miss ELISA ROBERTS (Gympie—Ind) (11.36 am): The legislation being debated today, rather than representing a new and more accessible era of freedom of information, is a backward step and fails to broaden the amount of information which is available to the people of this state. Unfortunately, the amendments outlined in this legislation do not equate to a freer, more transparent society. This was a perfect opportunity for this government to prove that it was serious about disclosure. Since this has not been the case, people can only be left to wonder what the government has to hide. Not only have we

witnessed the controversy over the appointment of a new Information Commissioner who is without the necessary qualifications and criteria one would expect of a person placed in such a position; we now have legislation which is further restricting public access to CMC information in particular and that which is related to this government, its members and departments.

When it comes to a department as important as that of the Queensland Information Commissioner, professional legal opinions are required in order to justify the release or restriction of specific documentation. Decisions made regarding the releasing of sensitive documentation cannot be taken lightly, but if information such as that relating to CMC inquiries is simply to be denied by legislation rather than as a result of individual assessment by the commissioner then a quasi-legal expert is probably all that is required.

Another area of concern regarding this legislation is the measure put in place to supposedly prevent abuse of the FOI regime by allowing the commissioner to declare a person as vexatious simply based on the fact that repeated applications may have been made. Since when does such an activity deem an individual to be vexatious? I have constituents in my electorate who are genuinely trying to access information about either a government department's reasons for a decision or information about medication given to a loved one who has unexpectedly died at a Queensland public hospital. I can assure this House that these people are not simply out to annoy anyone or attempting to obtain information which is of no real consequence. They just want to know the truth.

In his second reading speech the Attorney-General gives the reason for this measure as a way of preventing the intimidation of another person. Well, the people who are being denied information which they should be entitled to are the ones who are really being intimidated. When a government reduces the ability of the public to scrutinise what it has been up to, no conclusion can be made other than there are a number of things which the government wants to hide and which it is afraid will be damning to it. Another area which adversely affects innocent people is that which protects documents used by the Department of Corrective Services and community correction boards. What about the offenders' victims? Surely they should be provided with information which may relate to them; an example of which has occurred to a constituent of mine who was made aware that a person in jail for attempted murder had tried to organise a prisoner who was being released to finish the job.

Under this new legislation this person would not be made aware of activities or plans made by a prisoner because of fear that the person coming forward with the information may be exposed. This legislation is simply designed to ensure that vital and sensitive information relating to this government is never made public. This government uses words such as 'accountability' very, very loosely.

Once again, this is another example which is designed to hurt the people who really matter—the public, the people who put their faith in the fact that their leaders are doing the right thing. No wonder people do not trust the majority of politicians. The limitations placed on access to information as a result of this legislation takes away the government's need to be responsible for its actions and just allows it to continue to act in ways which it knows would not be deemed acceptable or honest by the public.

Mrs PRATT (Nanango—Ind) (11.40 am): I rise to speak in the debate on the Freedom of Information and Other Legislation Amendment Bill 2005. The introduction of FOI was welcomed by everyone because a government that stated it was going to be open and accountable was initiating a move that would compel it to be so. It was new, it was innovative and it struck a chord with the general public because, rightly or wrongly, no-one ever believed that the government was not hiding something or not ripping off the public in some form or other.

For most people who felt that they had personally been mistreated by departments or something untoward had occurred during their employment in a government agency, or even felt verbally maligned in a report which had prevented them from moving ahead or for whatever reason, there was an avenue available to seek redress. For many people the cost of hiring others to dig and delve for information was and still remains prohibitive. With FOI they were presented with a free avenue. Here was a government prepared to be upfront with the people. The truth is: how wrong this proved to be.

The media also found FOI an easy and accessible avenue to delve into the workings of government. As most of us know, more bricks than bouquets get reported in the media. Quite frankly, I like the media acting as the people's watchdog. They have the resources which are denied to some in this House, although at times there is a perception of media bias towards supporting the government. Overall, the hint of a front-page scoop, a damning headline or a juicy scandal wins out every time. They do a relatively good job. My personal taste is that they do sometimes intrude a little too much on personal tragedies.

Regardless of brickbats or bouquets, I would rather the media be there than not. The truth is quite simple—nothing to hide equates to no problem. As most of us in this House know, we all make mistakes. We all say the wrong thing at times. If we do not make mistakes or say the wrong thing we are not doing our jobs and breaking new ground. Denying there is a problem and having people know that one is covering up makes for a far bigger story and prolonged detrimental media coverage than just admitting the problem and getting on with it.

I always remember from my childhood being told, 'If you spent as much time cleaning up than trying to cover-up the mess, you would be out enjoying yourself in no time at all.' I think that is applicable to everybody, especially the government, as we see front page after front page outlining cover-up after cover-up.

This government started to feel the pressure and pain of probing and began to amend FOI legislation. Firstly, it imposed a charge on the search and compilation of documents. This was primarily to cover costs we were told. The offshoot was that perhaps costs could become prohibitive and people would no longer delve as much or as often as they once did. Since then we have seen a steady flow of amendments to the legislation to ensure more and more information is kept out of people's hands, particularly those who might seek to expose a flaw in government activities.

This bill continues to whittle away at this open and accountable government's accountability, not just in terms of what it has done or has allowed to occur but also in terms of its own credibility. The appointment of the Information Commissioner resulted in controversy and suspicion as to why, with obvious questionable associations with government departments which would require her removal from participating in many issues, she was even appointed in the first place. Again that added more and more suspicion.

This bill closes off yet another avenue to once accessible information either as a result of fear of what might be discovered or perhaps simply, as the government states, for a legitimate reason. The perception is, however, that this is yet another bill to cover-up.

Even LCARC commented adversely on this when it stated—

... while personal information access works reasonably well, access to non personal or policy information has not operated effectively. Furthermore, as the sensitivity of the policy information increases and the level of government at which information is generated or used increases, the chance of successfully accessing the information greatly decreases.

I have been told of instances where people endeavouring to obtain information have paid out large sums of money only to receive large bundles of documentation with almost every page blacked out. They were totally frustrated with the whole process as relevant and requested documentation, which they knew existed and had seen with their own eyes, failed to materialise. Therefore, the perception is reinforced that the government will protect itself and its own at all costs.

The Leader of the Opposition, Mr Springborg, claimed that the Attorney-General was presiding over the delivery of this bill whilst having the possibility of gaining a benefit from its passage through this House. I have concerns about such a possibility. Although I will not repeat any of the allegations which were outlined in great detail yesterday, I would urge the Attorney-General to deny the accusations openly in this forum or remove himself from debate as having a vested interest in and benefit from the passage of this bill. That benefit exists because of the retrospectivity of the bill which will ensure relevant information will no longer be accessible to those who would require it to support any case which might be brought forward. I suggest respectfully that to not do so would diminish the Attorney-General's standing in the wider community. It is my personal belief that the office of the Attorney-General should be one in which people have total trust in its impartiality.

The title of the Freedom of Information and Other Legislation Amendment Bill 2005 is a misnomer. I must agree with the words of others in this House who state that it should rightly be titled 'Freedom from information'. What upsets me about this legislation, more than the restricting of access to information, is the fact that so many people sitting in this House believe it is okay to misled, misinform or hide information from the people of Queensland and that by doing so it is okay to strangle honest and open scrutiny of the people's government. I cannot condone that. I will not be a party to the continual smoke and mirror tactics of this government. To say one thing and do another is reprehensible. Therefore, I will not be supporting this bill.

Mr RICKUSS (Lockyer—NPA) (11.47 am): I support large parts of the bill but, unfortunately, it has some sections that deny the public the right to know things. Why the minister would want to exempt all information that is obtained for investigations by the Crime and Misconduct Commission, I do not know. Clause 24(2) and (3) and clause 57 under part 1 relating to amendments to the Freedom of Information Act 1992 allow for the assertion of exemptions. The exemption is to apply to information obtained, used and prepared for an investigation and considered for an investigation. This seems to be very broad coverage.

We are sick of the Labor government playing lip-service to FOI. The Queensland people deserve better than this poor attempt at dodgy legislation. Good government is free and open. I would like the minister to clarify this: if the CMC actually started an investigation but then decided it was out of its jurisdiction, would the information gathered be unavailable?

I table two documents obtained under freedom of information. As members can see from the documents, it is an internal audit of the Office of the Speaker. On the first page the introductory paragraph is left. The rest is blanked out. On the second page everything is blanked out bar nine words: 'Authors note: this appears to be a grey area'. Minister, this is not a grey area; it is black and white. It is all blanked out bar nine words.

Mr Shine: How long did it take you to read it?

Mr RICKUSS: It did not take me long, fortunately. This sounds like something out of a catch-22 where all of the words but 'and' and 'the' are blanked out. Unfortunately, the legislation is poor legislation. Government departments have no accountability with regard to FOI as mentioned by a raft of speakers from this side of the House. I will not be supporting the bill.

Hon. RJ WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (11.49 am), in reply: I thank all honourable members for their contributions to this debate. It is an important debate and one that covers a very important part of the accountability legislation that this parliament has established since 1992. I would like to acknowledge the work of my department and Parliamentary Counsel on this bill. It is a highly technical bill in some respects and the drafting and clarity of the explanatory notes are appreciated. It is a shame we cannot say the same for the opposition leader. The member for Southern Downs spent much of his address on this bill attempting to vilify me. His behaviour is a prime example of how the National Party believes the FOI process should be abused for political purposes.

I will come back to the specific concerns raised by some members of the opposition, but let me say that the member for Gregory in contrast—it was a refreshing contrast in fact to the Leader of the Opposition—properly raised concerns about allegations which could put a blemish against the names of honest, ordinary citizens who may be reported to the CMC. He raised concerns about unsubstantiated allegations in particular. I thank him for raising those concerns. This was one of the precise issues raised by the CMC in requesting the exemption relating to the CMC under this legislation, and I will say more about the explanation for that exemption in a moment.

As the member for Gregory pointed out, the career of a public servant could be seriously damaged because, regardless of a CMC finding, information used in the wrong context by people with malicious agendas could be released. An essential part of the process in crime and official misconduct investigations is the opportunity for people to come forward with information. People with relevant information should be able to provide that information without fear of release of those documents, especially where this disclosure is against their best interests. The CMC has other forms of accountability, audit and scrutiny. It publishes reports of its investigations where appropriate, and this provides for substantial public scrutiny of the CMC's investigations and findings.

The Parliamentary Crime and Misconduct Commissioner and the Parliamentary Crime and Misconduct Committee can investigate matters and, in doing so, have complete access to all information of the CMC and other agencies undertaking CMC investigations. Where it is considered appropriate, these bodies can be required to release documents. It is also relevant to note that the CMC is not required to release certain documents to a court, and I will come back to that in my more detailed analysis of the amendments to section 42 which have raised specific concerns.

I also want to comment on matters raised by the member for Nicklin about other jurisdictions' exemptions for crime and misconduct bodies. In New South Wales the Independent Commission Against Corruption, or ICAC, has similar exemptions—in fact, stronger exemptions. As I will explain, there are a number of ways in which access to information may be limited by proper public policy principles under FOI law. One of them is to exempt a body entirely, and that is the position of ICAC under the New South Wales Freedom of Information Act. No documents of any kind in relation to any aspect of ICAC are subject to FOI laws at all in New South Wales, which is in stark contrast to what narrower exemptions are provided under the amendment in this bill. The Public Integrity Commission similarly is exempt regarding its complaint-handling, investigative and reporting functions, just like ICAC.

This bill does a number of positive things of course. It establishes the independence of the FOI Commissioner's office. It contains numerous other recommendations of the Parliamentary Legal, Constitutional and Administrative Review Committee and implements many of those reforms, which improve the operation of the legislation. It is true that not every recommendation from the committee has been adopted, but I believe that the result is that we still have legislation that is as good as any freedom of information legislation in Australia.

I know that a number of members have raised the issue in relation to the exemption provided to the CMC, so I will spend a moment to specifically address how that exemption is dealt with in this legislation. The key issue of concern raised is a perception that the amendment to section 42, which clarifies the ambit of the law enforcement exemption applicable to the CMC, may be too restrictive. I want to make sure that all members of the House get this in perspective. Let me explain how exemptions under the FOI Act work.

There are three ways in which the FOI Act might limit access to information within government agencies. The first is under section 11. Section 11 of the act allows for a complete exclusion of an agency or part of an agency from the operation of the act. In other words, there are agencies or parts of agencies to which the FOI Act does not apply at all. It is not a question of claiming an exemption; the act simply does not apply to certain parts of public administration. Examples are this Legislative Assembly, the Governor, parliamentary commissions of inquiry, the judicial functions of courts, the holders of a judicial office or other office connected with a court, the registry or other offices of a court, the Fitzgerald commission of inquiry and indeed any other commission of inquiry issued by the Governor in Council, the Treasury Corporation and various other bodies set out in section 11. So the first way in which access

to information is legitimately and properly limited under the act is under section 11, which exempts agencies completely.

The second way in which access to information can be limited is in relation to the regulation of secrecy provisions, and the schedule to the act—schedule 1—refers to a number of secrecy provisions under other legislation, the integrity of which is preserved by the FOI legislation. So where legislation protects the secrecy of information in agencies under specific legislation, the FOI Act can endorse or support that secrecy by specific reference under schedule 1 of the act. An example of that included here is the protection of whistleblowers. Obviously information personal to whistleblowers should be protected. A secrecy provision to that effect exists in the CMC legislation. That secrecy provision should be respected by FOI legislation. It is pointless putting secrecy provisions in other legislation if it can then be rendered nugatory by applications under FOI.

The third way in which information can be exempt is under part 3 division 2 sections 36 to 50, which contain a range of exemptions in the way the act operates. These are exemptions that are based on public interest criteria—legitimate bases upon which information should not be released because it is in the public interest that the integrity of the administration of government not be undermined by the release of such information. An example of that is section 42, which specifically protects information that could be reasonably expected to prejudice the investigation of a contravention or possible contravention of the law. That is one aspect of section 42. But the essence of section 42 in relation to law enforcement and public safety is to provide an exemption. That exemption may be claimed by the agency where it believes the public interest in claiming that exemption is justified. The agency still has the discretion under those exemption provisions—sections 36 to 50—not to claim the exemption if it so wishes.

The CMC is clearly within the ambit of public policy exemptions central to the original legitimate principles of FOI law. In this case, the CMC specifically requested protection of material gathered in its investigations especially where information in such material is inaccurate or unreliable. Indeed, in requesting that this type of exemption be considered, the CMC pointed out specifically the curious contradiction that, under the CMC Act, CMC documents are protected from disclosure to the court. But under the FOI Act, they are liable to disclosure under the current arrangements and the interpretation of the act.

As a matter of public policy, in relation to material that is probably not able to be disclosed to a forum where evidence is rigorously tested, it is clearly nonsense for it then to be said that it should be released in some unqualified way under FOI laws which were never intended to test the veracity of material or information contained in documents within government. So the real question is: how should the ambit of any exemption be defined? My concern as Attorney-General was to ensure that only genuine CMC investigation material should be protected. The intention of the exemption that is proposed is not to protect all documents of the CMC and it is not to protect documents simply sent to the CMC in the hope that one might seek to have them protected by, in a sense, laundering documents through the CMC. The intention is that the exemption can be claimed by the CMC only to protect documents that contain information that form part of a legitimate investigation undertaken by the CMC or pending by the CMC where one of its crime or misconduct functions is formally engaged.

So as members can see, the amendment that is proposed is entirely consistent with the public policy underlying section 42. It is entirely consistent with the public policy underlying section 11 that exempts commissions of inquiry. It needs to be remembered that the CMC is a standing commission of inquiry, in effect. So the exemption proposed is not only properly founded on sound public policy but is also consistent with the original intentions of the FOI legislation when it was first enacted in 1992.

Regrettably, this amendment is proposed to the parliament at a time when it is complicated by the happenstance of there being a number of FOI applications made by the opposition to the CMC. At least one of them involves me. The Leader of the Opposition attempted to allege furiously—although mistakenly—that the section 42 amendment is in some way motivated on the part of the government and/or me by self-protection and that there is a conflict of interest.

Let me make a very clear response to those concerns and put it on the public record. Firstly, as has been stated publicly already, this amendment to section 42 was never contemplated except and until raised and specifically requested by the CMC. Secondly, if the intention of the government was to make these amendments to the legislation to achieve some sort of obsessive secrecy, then, firstly, we might well have used section 11 to exempt the CMC as an agency altogether, but we have not. Secondly, if it was about the personal protection of me, then, frankly, FOI applications have been pending in relation to the CMC and the FOI Commissioner for so long now it would be extraordinary that one would leave it this long to bother trying to do something that had anything to do with those applications. Thirdly, if the issue was that the government was seeking to impose excessive secrecy over the operations of the CMC, why would we have retained—as we have—and preserved the access to personal information that individuals can claim under this arrangement? In other words, although an exemption can be claimed for documents within the crime and misconduct functions of the CMC, that exemption does not cover applications by individuals for information about themselves, which remains entirely subject to disclosure.

I will also point out that what documents are released in relation to any application, whether it affects me or anyone else, is not within my control. To the extent that applications are made to the CMC, the CMC may or may not claim the exemption under section 42 as it currently exists or as amended. The CMC and every other agency that is entitled to claim an exemption under division 3 part 2 may exercise a discretion as to whether to claim that exemption having regard to the public interest, unlike section 11 exclusions where they have no choice as to whether the information is able to be disclosed because agencies under section 11 are not even subject to the FOI Act.

Similarly, in relation to matters before the CMC, quite apart from the accountability mechanisms in place with the parliamentary commissioner and the parliamentary committee, the CMC may report to this parliament. Frankly, in relation to the matters affecting me personally, which were pursued maliciously by the Leader of the Opposition, I would have been perfectly happy for the CMC to report to this parliament openly and conclusively on the matters about which the Leader of the Opposition is in a lather.

I turn to the question of conflict of interest. There are a number of essential elements of conflict of interest. Firstly, a conflict of interest is a problem only if the interest is concealed or not declared; secondly, that there is a benefit; and, thirdly, that that benefit is in some way personal rather than a benefit that is derived generally by all citizens as a result of steps taken by the person alleged to have the conflict. I will address those three elements in this case to explain why the conflict of interest issue does not create a problem in me bringing legislation to the House.

Firstly, to the extent that there is any potential conflict of interest, that interest that I have is declared, open and available for everyone to know. The Leader of the Opposition raised it. I openly declared it. Secondly, it is not at all clear that there is a benefit specifically to me. There is no benefit to me if any documents that the CMC may have relating to me are otherwise not subject to disclosure. As I have expressed to the Office of the Information Commissioner, the material that the CMC had in relation to me is, in my view, not disclosable in any event. If by law that is the case, then obviously this provision provides no added benefit to me, given that the documents are not properly disclosable in the first instance. Thirdly, even if they were disclosable and even if there was a potential benefit to me, the fact is that this legislation is not about providing a benefit to me exclusively. It is legislation which has general application to all citizens in respect of whom the CMC may hold documents. I trust that explains the situation in abundant and clear terms and addresses the concerns that people have with the alleged motives of the government in relation to the CMC exemption and the conflict of interest issue.

I am deeply disappointed by the behaviour of the Leader of the Opposition in his approach to this matter. He has sought to air allegations in this parliament in a malicious manner and it is an abuse of the parliament. The FOI applications he has made are not made in good faith. They are not directed at the accountability of government decision making and, in relation to the matter investigated by the CMC, no complaint was ever made in respect of me. Despite a proper CMC inquiry finding, the wild and defamatory allegations brought into existence and evidently leaked to the opposition leader were utterly unfounded.

As has been reported publicly in the media, even after interviewing the person rumoured to have been affected by these circumstances, the Leader of the Opposition and the National Party continue to pursue this matter because the fact is that they do not accept the legitimacy of the CMC. As the Premier said today, they have never accepted the operations of the independent umpire and they seek to use the FOI process to justify the public disclosure of documents containing unfounded, false and defamatory personal implications against me or anyone else whom they happen to have a political vendetta against. The FOI process was never designed to test the veracity of claims or loose assertions in documents created in government departments. There can never be a public interest in the disclosure of such documents, especially when a formal and proper inquiry by an independent investigatory agency like the CMC has proved them to be fatuous and baseless.

In those circumstances I believe that I have provided a complete case for the government's move to respond to the CMC's request for a clarification of section 42 to ensure that its investigations and the operations of the CMC and the integrity of the CMC's operations in its crime and misconduct functions are not prejudiced by an abuse of process by the Leader of the Opposition or anyone else.

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

AYES, 43—Attwood, Barry, Barton, Bligh, Boyle, Briskey, Cummins, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, Male, Mickel, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Purcell, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Shine, Smith, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Lawlor

NOES, 25—Copeland, E Cunningham, Flegg, Foley, Horan, Johnson, Knuth, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, E Roberts, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Consideration in Detail

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr SPRINGBORG (12.21 pm): Clause 4 is the part of the bill that indicates the reasons for the enactment of the act and the objects of new clauses, and it addresses LCARC's findings. The Attorney-General has talked about why this bill was so necessary to the parliament and why it was about ensuring, in his words, such openness, honesty and accountability which the government cloaks itself in. Can the Attorney-General indicate, then, why other important recommendations of LCARC were not included in this bill, including provisions which relate to the abuse of the cabinet provisions and the way that is interpreted? LCARC recommends in its report that they are matters that need to be tightened up, and those excesses and abuses need to be addressed at some future time to ensure openness and accountability.

Mr WELFORD: The government of course considered in detail the recommendations of the parliamentary committee and sought, where possible, to accommodate those recommendations in the amendments brought here. As the objects in clause 4 themselves indicate in paragraph (3), there are competing interests in assessing when documents may be disclosable in the public interest and when there is a public interest which would be prejudiced by the disclosure of documents. The confidentiality of cabinet deliberations has been a fundamental element of administrative law even before freedom of information laws came into operation.

The way in which the legislation was originally drafted was designed to reflect the fact that governments in their cabinet deliberations should be able to deliberate in confidence and should be able to receive information to assist those deliberations, that information not being fettered by possible disclosure or misuse. Advisers to government should be able to provide advice to government with candour and not with an eye on whether the advice they give to the cabinet of the day will be subject to misinformed political debate. That is why the public policy-making role of cabinet should be respected as a matter of sound principle.

It is true that the ambit of the exemption which was amended in the mid-1990s is broader than was crafted in the original legislation. But, as has already been discussed on many occasions in this place—and I myself gave a quite lengthy explanation for this a number of years ago—there was regrettably in the mid-1990s an interpretation of the cabinet exemption which, in effect, blew open the confidentiality of the cabinet and made that cabinet confidentiality subject to the assessment of an unelected official.

That left the government of the day in an untenable position in relation to the candour with which it received advice and the confidentiality with which it ought to be able to consider that advice, and every government regardless of its political colour should be entitled to operate accordingly. So we have today an exemption which does bring with it, as the Leader of the Opposition indicated, some risks. But, in trying to address that issue, the drafting difficulties that were encountered in how one would recraft the provision relating to confidentiality but preserve the essence of the original principle—that is, even the pre FOI principle—I think are virtually insurmountable.

We are left in the position where, quite properly, if circumstances arise where the cabinet exemption is used excessively, the number of occasions on which cabinet exemption is used is disclosed in the reports of the Information Commissioner and the annual report of the operation of the act, and oppositions or non-government members can legitimately draw public attention to the extent of the use of that cabinet exemption as a legitimate exercise in public accountability.

Beyond that, I do not think I can give any rational answer to the Leader of the Opposition as to why an attempt was not made—vainly, in my view—to draft something different. The government accepts and acknowledges the sentiment expressed in the parliamentary committee's report. I think if there were a feasible way of reflecting that then an effort would have been made. The fact is that successive interpretations of the cabinet exemption over a number of years have made an adequate recrafting of that exemption, in my view, immensely if not impossibly difficult.

Mr SPRINGBORG: I note the response from the Attorney-General. In my recollection, from reading its report and recommendations, LCARC's very strong view was the need to recognise the cabinet exemption process as an important thing that underpins the principles of the freedom of information legislation. But as I recollect it—and the Attorney-General may have a different interpretation or recollection—its issue was basically the propensity of government to include a whole range of peripheral documentation and information in cabinet submissions and the cabinet process which has little effect on the decision that cabinet may make—that this documentation would be superfluous in many cases to a decision of cabinet; that it is peripheral documents—and the concern was that it at least builds a perception, if not a reality, of using that process to hide documentation.

Again I just ask the Attorney to confirm whether that is his interpretation of what this committee indicated. From there I ask the Attorney to again confirm that in his instructions to Parliamentary

Counsel there was nothing that he put to it or it put to him, after receiving his instructions, which could have indicated a way of drafting legislation in this state that could bar, or in some way restrain, the amount of peripheral information which is taken by governments to cabinet with a view, more or less, to launder those documents rather than use the cabinet exemption process the way that it was supposed to be used. That is, for ministers to consider fearless and frank advice and to be able to have free and frank discussions between themselves.

Also in those discussions with the Attorney's officers and Parliamentary Counsel was it considered to have legislation that took into account the concerns of LCARC, balanced the need for cabinet solidarity and the cabinet exemption process to protect the advice that I have been through but to provide a determination factor through an Information Commissioner to basically look at those documents that may have been categorised on the periphery? If I recollect rightly, these issues did not arise with the original legislation. They started to arise, as I think the Attorney indicated, in the middle of the 1990s. Was the original legislation so hopeless that we cannot actually go back to those particular provisions that seemed to have a better balance?

Mr WELFORD: I do not have the committee's report immediately in front of me. However, as I say, the committee's report expressed the view that there were risks that the cabinet exemption, as it is currently drafted, could be abused. Well, that is true. As I have said, short of miraculously devising some different mechanism for protecting the confidentiality of cabinet deliberations, it is up to the agencies of accountability in the parliament, in the media or elsewhere to scrutinise the operation of the Freedom of Information Act in relation to that exemption. The number of times that exemption is relied upon is disclosed publicly in reports of the parliament. Then any government should be accountable for what use it makes of that exemption.

The reality is that the government of the day has to be relied upon to use that exemption judiciously and legitimately in the same way that members of parliament have to be relied upon to use parliamentary privilege judiciously and legitimately and not abuse it. The ultimate accountability for that is what the public perceives the government to be doing. If the government uses the cabinet exemption sparingly and cautiously then the public will, I suspect, be satisfied that the government of the day is not abusing the privilege of the exemption that respects cabinet confidentiality. If, on the other hand, the public forms the view that there is excessive and unwarranted use of it, then it will form a different view and hold the government to account accordingly.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—

Mr SPRINGBORG (12.33 pm): My question to the Attorney is: does the term 'established by government' require a formal decision of the government—that is, cabinet—or does it encompass bodies merely established by a minister? Does there have to be a statutory head of power to establish the body or does it incorporate any body that the minister may choose to establish? Does the term 'government' include any body appointed by a director-general or any other public servant? I know it is a fairly complex question. The minister may seek some clarification or restatement of some of those points.

Mr WELFORD: I understand that the Leader of the Opposition is referring to clause 6; is that right?

Mr Springborg: Yes, clause 6.

Mr WELFORD: And in particular reference to which paragraph of that clause?

Mr SPRINGBORG: It says—

(2) For this Act—

(a) a board, council, committee, subcommittee or other body established by government ...

I am just asking how that establishment works. Is it the minister acting on their own or is it the executive government? How is it envisaged that that would work? Would it have to be a decision, as I said, by Executive Council, the minister acting on their own or any other agency acting under the minister or a departmental head?

Mr WELFORD: Yes, I think I can answer that. That refers, in effect, to any body that is established within the accountability arrangements of a government department or other statutory authority. It is any body created by statute, any body that is created as part of a government department—including, for example, interdepartmental committees or subcommittees—any body established by government and within government. That is, within the ambit of government units of administration.

Clause 6, as read, agreed to.

Clauses 7 and 8, as read, agreed to.

Clause 9—

Mr SPRINGBORG (12.36 pm): This applies to the amendment of section 11—the act is not to apply to certain bodies—and it goes through a range of bodies. It is pretty obvious to me that some of them are commercial-in-confidence and other reasons. With regard to parents and citizens associations, it is mentioned that they need to be given an absolute exemption from the FOI Act. I suppose some would understand that and others would ask why that would be the case. I am asking what is the motivation behind this. Also, why should grammar schools, which are established under an act of this parliament, be completely exempt from FOI? What were the motivating factors behind those decisions?

Mr WELFORD: In relation to parents and citizens associations, the rationale is that those associations are not units of public administration; they are groups of community members set up in schools in an advisory way to the principal of the school. All documents of the principal's office or administration of the school are properly within the ambit of documents within government that are disclosable. But the limited personal papers of office holders of a P&C association are, in effect, independent of government administration. They are, in effect, a community organisation associated with government administration, but they are not part of it and therefore should be protected.

I think the candour of the discussions within P&C associations should also be respected. The accountability of those associations is achieved by the scrutiny of members of the association at meetings of the association. That is the proper place for matters to be raised, concerns to be ventilated, information to be exchanged and for office holders to be held to account, like in any other non-government community organisation.

In relation to grammar schools, while it is true that grammar schools are established as a legal entity under an act of parliament, they are, I am sure members would agree, quite independent of government administration as such. They are not part of government. They are not part of government decision making; they are independent in the same way as other private schools are independent in their management and operation. It would seem to be incongruous for FOI administration to be imposed upon grammar schools exclusively vis-a-vis other non-government or private schools. The internal operations of those non-government schools have, as I say, their own systems of administration and accountability. The FOI Act should be directed at units of government administration, not units of administration outside government.

Clause 9, as read, agreed to.

Clauses 10 and 11, as read, agreed to.

Clause 12—

Mr SPRINGBORG (12.41 pm): In a nutshell, clause 12 is about principal officers and their obligation to notify persons about certain matters on which they are seeking their opinions. What explanation can the Attorney-General offer for removing from principal officers their obligation under the existing section 20(2) to notify persons who claim that an agency has not published material in the agency's statement of affairs? I understand that they have 21 days in which to do that. What justification can there be for giving a public official a 'get out of jail' card for not doing their statutory duty?

The concern I have is that CEOs will not be required to reply within 21 days, as they are now, with regard to that person seeking an opinion. By not requiring them to do so, basically it will be deemed by the principal officer that the person's opinion is incorrect; there is an automatic denial of that person's opinion. At the moment there is some degree of check and balance that is put on that principal officer to at least take it seriously and to reply within 21 days. Now, as I understand it, if they do not do that then it is automatically taken that there has been a denial of that person's opinion.

Mr WELFORD: The principal problem that arises in these circumstances is that often a decision is not made within 21 days. This amended clause crystallises the decision, whether or not the principal officer notifies it. In other words, it puts more pressure on the principal officer in relation to their response. If the principal officer responds by giving notice of the decision within 21 days, that is fine. If they do not then they are automatically deemed to have dismissed the person's claim, and that automatically triggers the entitlement for the person to appeal. In other words, previously the person could not appeal before getting notice of the decision. What this says is that if the person does not get notice after 21 days they can appeal even without getting the notice. It strengthens the arm of the person who serves the notice on the principal officer.

Clause 12, as read, agreed to.

Clauses 13 to 16, as read, agreed to.

Clause 17—

Mr SPRINGBORG (12.44 pm): Can the Attorney-General explain to the House how the minister or agency is to determine whether information contained in a document is to be disclosed or is not relevant to the application? How is any such decision able to be reviewed? Does the applicant have any role in determining or even making submissions for review on the grounds of relevance? Is this not a power to enable the Attorney-General and the agency to continue to conceal material that they might find to be embarrassing to themselves or the government?

Mr WELFORD: As the member says, clause 17 amends section 27 which sets out the procedures when an application for access to a document is made to an agency or minister. The new subsection (3) makes it clear that agencies and ministers can delete information which could reasonably be considered not relevant to the application without having to consult with the applicant. Previously the applicant's agreement was required. The new subsection (4) provides that the agency or minister may give access to a document from which irrelevant matter has been deleted only if the agency or minister considers that the applicant would accept a copy of the document with the information deleted and it is reasonably practical to give that access. The provision does not take away any of the rights to internal or external review of the applicant. If the applicant is not satisfied that any deleted matter was irrelevant, having regard to the terms of the access application or having regard to the associated material received which was not deemed or thought to be irrelevant, then the applicant can seek a review of the decision to delete that irrelevant material.

All review rights are preserved, but the intention and purpose of this provision is to enable some judgment to be exercised about what would minimise the cost of access to documents for applicants so as not to include in the assessment of costs bundles and bundles of, for example, standard forms which would add nothing to the information otherwise relevant to the applicant's application.

Clause 17, as read, agreed to.

Clause 18—

Mr SPRINGBORG (12.47 pm): The Attorney-General may be of the view that we are going to go through this bill clause by clause, but there will be a bit of a jump after this one. I am very concerned about this clause, which seems to establish the capacity for an agency or a minister to refuse access on the basis that a document does not exist. The concern that I have is: how is one to be assured that neither the minister nor the agency is abusing this section to keep an embarrassing document or something else that they do not want out there hidden? Given the track record of this government in concealing information, what guarantee does the community have that information will not continue to be concealed? How is any decision by the minister or agency to be reviewed at the request of the applicant?

At the moment there is a reasonable check and balance in place whereby a person can go to the agency or the minister in question, put in an application and it can be established by the FOI officer—or the officer can indicate that a document does not exist, or that a range of documents does exist but the person cannot have access to any of them because they have been exempted under whatever provisions, or that a person can have access to some of them in part or in full, or that they can have access to something else.

If a person is concerned that they have been misled or that the attempts to find those documents have not been robust or genuine enough, then there is a process for appeal by internal review and also external review. Whilst it is inferred that LCARC is the basis for this particular amendment—and maybe it had some reasons for that—I can see it opening the way to abuse. If we are actually going to quantify something like this in legislation, then really we are providing a far greater capacity for the agency or the minister to be able to say that something does not exist. That almost becomes a deemed refusal. It provides a greater capacity for them to say that something does not exist and to hide behind that. I want to know what sorts of checks and balances will exist under this provision that may not exist at the moment. What does it do to weaken any of the external or internal review processes that currently exist?

I will give the minister an example. The minister will no doubt recollect this. In the case of the allegations against the minister, we sought information from the Premier's office a couple of years ago or thereabouts. The Premier's office indicated in the first instance that it could not find any documents. We went through an internal review process and it then found three documents. We then went through an external review and it found 24 documents. If we are going to strengthen the capacity by which ministers and agencies can refuse access on the basis that a document does not exist, then I am very worried that that will be open to abuse. I have just given the minister an indication of that because it is still alive and an issue that we have previously raised in this House. There may be other examples like this out there.

Frankly, an average Queenslander, somebody in the media, somebody from the opposition, another non-government member of parliament or whoever it may be may seek access to information and if an agency or a minister comes back to them and says no documents can be found it implies that they do not exist. There are a lot of people who may not be as cynical as me or may not have the tips that I have or may not have the capacity that I have or the media or others who are more adept at using this law have who will be deterred by that and go away and in no way pursue it because they have been told that by a government agency or a minister whom they trust. Trust does exist out there. Even if people have problems with the institution, they generally trust people to tell them the truth. They will go away with the view and belief that no such documents exist.

I have indicated to the minister that there are examples that we have dug up. I want to be assured that there are going to be some real checks and balances in the legislation, why the existing regime needs to be dismantled by this new clause, what benefit this clause provides and what protection it provides to anyone seeking access to information.

Mr WELFORD: The insertion of this clause is essentially technical. It does not change in effect the existing law. Let me explain why. The difficulty under the existing law was that the act sets out specific grounds upon which an agency or minister would respond by way of refusal of an application. The problem is that there was no ground under the act that allowed the minister to respond and say, 'We acknowledge your application, but it seeks documents that simply do not exist.' It is just that there was a gap in the legislation allowing that response to be given.

I know that, in practical terms, under the operation of the act over many years, people applied for things that they thought existed which did not or could not be found. There was never actually any legal basis for the response that the documents do not exist or cannot be found as a basis for not producing documents even though they might not exist. There has to be some legal basis in the legislation for the application not being approved in these circumstances. All this does is provide a statutory basis for what has already been occurring but without any legitimate basis.

Up until now, under strict reading of the act, an agency could not refuse an application on the basis that the document does not exist. That basis had to be created. It is created in this provision. I can assure all members that this makes no change whatsoever to the right to seek internal and external review on the basis that the search for the document was not sufficient. That was evidently undertaken by the Leader of the Opposition in instances that he referred to. That is entirely a proper and legitimate way in which to address any concerns that the explanation given when documents are not produced is in fact accurate or that the search has been sufficient.

Mr SPRINGBORG: From a legal technicality viewpoint I can understand the Attorney's explanation. Can the Attorney explain to the House how that agency was supposed to respond. If it was technically not able to respond and say that the document did not exist, what did it do? If the agencies have been responding to date and saying, 'No, these documents do not exist,' and that was basically an extrapolation of their powers provided under the act, what sort of response were they supposed to give? Is that too much of a hypothetical because it has never really needed to be addressed because the agencies themselves used to always say that if they could not find a document it did not exist? I hope the Attorney can understand the question I am trying to ask.

Mr WELFORD: The answer is that agencies have responded, in effect, informally in those circumstances. They have not responded on the basis of any statutory right of refusal; they have simply responded informally to the application and said that they cannot satisfy it. People have either accepted or not accepted that. All this does is provide a formal basis upon which if they do not satisfy the application they at least have to set out the grounds and then those grounds provide a basis for review.

If the member looks at section 101C(3)(b)—I put this on the record so that if the member wants to research it he can look at it later—he will see that it makes it clear that the Information Commissioner can undertake an external review on the basis of a refusal on the grounds in this section. So the section is brought into existence for two reasons. One is to provide a formal basis upon which documents are not provided in certain applications. Secondly, when that formal explanation is given for not providing documents, it provides the trigger to seek external review with the Queensland Information Commissioner under section 101C.

Clause 18, as read, agreed to.

Mr DEPUTY SPEAKER (Mr Fraser): Order! Before calling the next clause, I acknowledge the presence in the gallery of the National Seniors of Mount Ommaney from the electorate of Mount Ommaney.

Clauses 19 to 23, as read, agreed to.

Sitting suspended from 12.59 pm to 2.30 pm.

Debate, on motion of Mr Welford, adjourned.

MINISTERIAL STATEMENT

Parliamentary Secretaries, Appointment

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (2.30 pm), by leave: This morning, in accordance with the Constitution of Queensland 2001, Her Excellency the Governor, acting by and with the advice of the Executive Council, appointed Lindy Helena Nelson-Carr MP to be Parliamentary Secretary to the Premier in North Queensland and the Minister for Transport and Main Roads and Neil Stuart Roberts MP to be Parliamentary Secretary to the Deputy Premier, Treasurer and Minister for Sport and the Minister for Communities, Disability Services and Seniors. The relevant notifications will appear in tomorrow's *Queensland Government Gazette*. I thank both members for accepting these additional portfolio responsibilities.

Effectively, they will be doubling their workloads as parliamentary secretaries. Parliamentary secretaries assist ministers and gain insight into how portfolios run, so by expanding their roles we are

looking to the future. The member for Mundingburra and the member for Nudgee are in the next generation of Queensland government leaders, and this is an opportunity for them to sharpen their skills and experience and ultimately provide better service to the people of Queensland. Also, having them in these busy portfolios will give Queenslanders more opportunities to deal directly with leaders who can make a difference. Paul Lucas tells me that he looks forward to maximising Ms Nelson-Carr's continuing role as Parliamentary Secretary for North Queensland and her wealth of regional experience.

Queensland is Australia's most decentralised mainland state, as we all know, with roads expenditure about 2½ times that of Victoria. Having a north Queenslander behind the wheel as parliamentary secretary will help maintain a continuing strong voice for regional Queensland in transport and main roads. Henry Palaszczuk welcomes the new role for Mr Roberts, whose important contributions will include meeting and consulting regularly with key people in the communities and disability services sectors. He will keep the minister thoroughly informed about matters of community interest and concern. Mr Roberts has a longstanding and genuine interest in community affairs. He has relevant experience. He was parliamentary secretary to the previous Minister for Families, Aboriginal and Torres Strait Islander Policy, Disability Services and Seniors, Judy Spence.

MINISTERIAL STATEMENT

Industrial Relations System

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (2.32 pm), by leave: Queensland workers and their families would be left exposed by the industrial relations blueprint unveiled today by the Prime Minister. The blueprint realises our worst fears about the future of wages and conditions of Queensland workers and could jeopardise industrial peace, job creation and economic growth. The Prime Minister's statement and proposed reforms attack the fundamental rights of the nation's 8.6 million workers. In Queensland it would leave one million workers—about 70 per cent of the state's work force—without the protection of unfair dismissal laws. Workers would be stripped of most award protections, which would be replaced by minimum net provisions.

The proposal would downgrade the independent umpire, the Australian Industrial Relations Commission, into nothing more than a dispute-settling body. A new tribunal empowered to adjust minimum wages raises dire concerns given the federal government's recommendations to the Australian Industrial Relations Commission. The federal government should be copying Queensland's model, not destroying it. Our system has delivered industrial peace and contributed to the Smart State's status as Australia's economic and jobs engine room. Industrial harmony in Queensland is at an historic high. Queensland lost just 2.5 working days per 1,000 employees due to disputes in the December quarter, well below the national rate of 6.1 working days and a mere fraction of the 8.7 days lost in Victoria, which has succumbed of course to the federal regime.

We are now also very concerned about the future of Queensland's nation-leading workers compensation scheme. Is the Commonwealth about to again seek to set up a national workers compensation scheme? If so, this has the potential to seriously disadvantage Queensland business and thus employees. Queensland's WorkCover has by far the lowest premiums in Australia, the best benefits for injured employees and is the only fully funded workers compensation scheme in Australia. The Queensland government does not want to see that at risk. It is a very important competitive advantage for Queensland business. I just simply say that we do not want to see Queensland's strike rate lifted to the national standard, because the national standard is frankly not good enough. We would like to see the national standard for strikes lowered to Queensland's standard.

I just say to the Prime Minister: Queensland businesses will be the ones that will lose out of this. It will affect jobs. One of the many reasons why we have the lowest unemployment in Australia is that we have a good industrial record in this state, and we will fight to preserve the low strike rate that exists in Queensland. That is what this is about. We share the Prime Minister's view about trying to keep strikes down—except we are delivering, his system is not. Why he is not taking our system to the national level is beyond me. I say to the Prime Minister: Queensland's system is the best in Australia. Do not destroy it!

MINISTERIAL STATEMENT

Biotechnology Industry

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (2.35 pm), by leave: When I announced a breakthrough by Benitec Ltd in June 2001, I said that I was proud to say that Benitec was in partnership with the Smart State's department of primary industries. I said that Benitec and the DPI jointly owned the core technology, with Benitec having exclusive worldwide rights of commercialisation. I said that this was exactly the sort of result we were seeking to encourage with our

Smart State Strategy, and I stand by that. Importantly, I pointed this out in the initial media release that the company was then moving into a global commercialisation phase targeted initially at the North American market. I did not hear the Leader of the Opposition make any reference to that. But I will say what I said again: importantly, I pointed out in this initial media release—this is what I said—that the company was then moving into a global commercialisation phase targeted initially at the North American market. That is what I said.

In targeting the North American market, the company decided to move its operational facilities to Silicon Valley, where it is now located next door to Google. I will come to more detail about that in a minute. Ken Reed, the Queensland founder and non-executive director of Benitec, told my office today that Benitec's eventual success will send a strong message to the biotechnology world about the Smart State, and he is in Brisbane. Where is he? He is in Brisbane. Mr Reed said he would be—

Mr Springborg interjected.

Mr BEATTIE: Hang on. The reason he is in that position is that he has been sick. That is why. If the member had any knowledge of this, he would not be trying to defame this poor man. He has been sick.

Mr Springborg interjected.

Mr BEATTIE: Well, you did. You just made some half-smart remark about his status. The reason he is in that condition is that he is sick. Come on! Leave him alone. I just think that that is outrageous.

Mr Reed said it would be universally known that the research came from Queensland and this would help enhance the Smart State's reputation as a biotechnology hub. Mr Reed said that it would help build the attractiveness of Queensland as a centre for biotech research and development. Ownership of Benitec was still firmly in Australian hands. This is what Mr Reed said. Who owns it? It is firmly in Australian hands.

Mr Springborg interjected.

Mr BEATTIE: If you were not so rude, I would actually get to that. Let me make the point that Mr Reed said that ownership of Benitec was firmly in Australian hands. That is exactly what it is. In other words, Mr Reed said that Benitec's success will help build on the reputation of the Smart State. In contrast, the Leader of the Opposition stood in parliament today with the sole intention of damaging the reputation of Benitec, damaging the reputation of the Queensland Investment Corporation, QIC, and damaging Queensland's reputation as the Smart State just before I travel to the USA with a delegation of nearly 70 Queensland biotechnology industry leaders. That is right—nearly 70 Smart State biotechnology leaders have signed up to attend the world's leading biotechnology conference and exhibition in Philadelphia to help expand our biotech industry and create new jobs for Queenslanders.

All the opposition leader can do is act and play the spoiler's role. But it is too late. We have gathered a critical mass of biotechnology researchers. We have built massive biotechnology infrastructure. We are building more. Our biotechnology reputation is secure and there is nothing the opposition leader can do to stop it. All he is doing is damaging his own reputation. Benitec is a leading international biotechnology company on the Australian Stock Exchange with its research and development and clinical operations centred in Mountain View in California.

Mr Springborg interjected.

Mr BEATTIE: No, I will give the member more detail. Benitec was founded in 1997 to develop and commercialise research from Queensland's department of primary industries based at the University of Queensland. Benitec's core patents are now jointly owned with Australia's Commonwealth Scientific and Industrial Research Organisation, CSIRO, which is Australian—you do not get any better than that—the research and development arm of the Australian government; in other words, the IP—that is, the ownership of the intellectual property. That is what really matters. That is where the money is.

Its work is based on developing a new platform technology known as ddRNAi. ddRNAi is a precise and proven process for silencing any gene in any cell of any multicellular organism. It has several valuable applications, including the potential to effectively combat many serious diseases such as HIV and hepatitis C, cancer and autoimmune disorders. In May 2004 Benitec acquired a US based company and moved its senior management to the USA. It did that because it acquired that company. Part of the reason for the move to the US was the need to maximise the potential of the technology which it believed could best be achieved in the North America market—the largest and most important bio market in the world and a far bigger venture capital market.

As I said earlier, I am advised that most of the shareholders are still in Australia. Benitec is listed on the Australian Stock Exchange and is aiming to dual list on the NASDAQ to better access US venture capital, which is normal. We would expect our companies to do that. In a Benitec media release dated Tuesday, Stanford Medical School Professor Dr Mark Kay, who is Benitec's strategic consultant and president-elect of the American Society for Gene Therapy, said—

In just over a year, Benitec scientists have identified seven potent clinical candidates from a thorough analysis of 30 promising short-listed candidates.

This is an impressive achievement and speaks to the depth of talent in their development team.

Early in 2004 QIC bought a small—and I stress small—investment in Benitec. This was part of QIC's broadly diversified investment strategy, which involves new areas like biosciences. These are higher-risk investments and not all of them are expected to work, hence the diversified approach. QIC actively trades its portfolios for the benefit of its customers, including the Queensland government. Holdings of biotech companies such as Benitec are no different. It will buy and sell when it considers the time is right.

On the matters raised this morning by the Leader of the Opposition, I am advised that QIC has never confirmed individual trades, whether buying or selling, because it does not want to divulge its commercial strategies to the market.

Mr Springborg: Trading down by five per cent.

Mr BEATTIE: All the Leader of the Opposition wants to do is destroy QIC. All he wants to do is undermine Queensland companies. The member for Southern Downs is the most negative Leader of the Opposition that Queensland has ever had.

With QIC's year-to-date return as of last Friday being around 13 per cent, which is not a bad return, its long-term history of outperforming market benchmarks, its overall investment performance and strategy continue to be very sound. We are very comfortable with its direction under chair Trevor Rowe and CEO Doug McTaggart.

I want to say to both Trevor Rowe and Doug McTaggart that today's attack by the Leader of the Opposition on their skills—which is what it was—is simply not in the interests of the QIC and not in the interests of Queensland. I want to assure those men that the majority of the members of this parliament of all political persuasions do not share the view of the Leader of the Opposition. A number of people on the member's side of the House have come to me and distanced themselves from what he said, because each one of the QIC—

Mr Springborg: Why don't you name them?

Mr BEATTIE: I am quite happy to. The Leader of the Opposition needs to be careful. Some of those people are a bit close to home.

The QIC deserves the support of all members of parliament. As I said, Doug McTaggart was the head of Treasury under the Liberal Party, and he was a good head of Treasury and he is a good CEO of the QIC.

Even federal Treasurer Peter Costello praised the QIC when he was in Brisbane last week. He said that the federal government's balance sheet was not as strong as the Queensland government's balance sheet because it had never made provision for future liabilities. Mr Costello also said the QIC's finances were carefully managed. I stand by Peter Costello's view of the QIC, not Mr Springborg's view.

In conclusion, I want to make two further points. When I am in the United States as part of our biotech push, I will organise a CEO investors dinner in New York. That is designed to encourage more venture capital. The tragedy for Queensland—and I said this right at the beginning when we embarked on this road to biotechnology—is that there are dangers. Those dangers are very clear: we do not have some of the fundamentals. We have built most of the fundamentals since we embarked on biotechnology. The only fundamental that we still continue to have problems with is venture capital. We have some—we have made a number of advances—but we need more. Why is that the case? Because there is only 20 million Australians combined with our geographic isolation means that it is very hard for a lot of US companies to come here. We use all sorts of attractions to get them to come here, to have a look and to invest.

I say this very genuinely to the Leader of the Opposition—and he attended BIO at my invitation because I thought it would improve his understanding of this issue—he knows as well as I do how hard it is to get some of these national collaborations. The reality is that we need to get national collaboration.

Mr Springborg: I understand that. One company here. Don't hide behind it all.

Mr BEATTIE: The Leader of the Opposition knows what he did. He tried to undermine this and that is not acceptable. The Leader of the Opposition knows that there will be ups and downs and bumpy roads with these companies. This company has a major opportunity to make significant advances because we have the IP benefits here. The IP is owned here and there are Australian shareholders. If the Leader of the Opposition wants to nitpick about every single little company, that is fine. But I hope that he comes into this place later when QIC brings down its return and outlines every one of their successful companies that has reached higher than 13 per cent, because that is the only way a company can do this. When a company has a broad portfolio, of course it will have ups and downs.

I hope that one day we will get some agreement in this parliament about Smart State initiatives and that they are not politicised. I hope that one of those matters is biotechnology. I hope that one day we can also get the same agreement for aviation and export education. Maybe I am dreaming, but I have to tell the Leader of the Opposition that it is not in the interests of Queensland for the Leader of the Opposition to undermine a venture capital program such as this or to undermine this company.

FREEDOM OF INFORMATION AND OTHER LEGISLATION AMENDMENT BILL

Resumption of Consideration in Detail

Resumed from p. 1723.

Resumed on clause 24—

Mr SPRINGBORG (2.46 pm): At the outset I indicate that the Nationals oppose this clause absolutely and I will be calling for a division on it. We find this clause extremely repugnant. Unfortunately, it tarnishes the whole legislation. The Nationals have a number of concerns about this clause. Basically, one of our concerns is that, from the date this legislation is proclaimed, any matter of investigation before the Crime and Misconduct Commission can be hidden away, except for information relating to members of the public who have a personal interest in it.

Over the past few hours and yesterday I listened to the words of the Attorney-General and other government members in their feeble attempts to justify why this amendment is extremely necessary. I am not aware, and I have not seen any information that would indicate to me, that the operation of the CMC and the provision of natural justice has been so compromised to the extent that there is a need to put such an offending clause into this legislation.

Clause 24 is a catch-all clause that does little more than wind back government transparency, wind back government openness and wind back government accountability in this state. It not only does that now but also can do that next year or for the new two years—for as long as it exists until it is amended at some future time.

A little while ago the Attorney-General referred to matters relating to him that may be caught up in this clause. Those matters are only a part of the rationale for introducing this amendment. The government is not introducing this amendment just to protect the Attorney-General and any of those matters that may have been to the CMC, may be held in CMC files or may appear in other government agencies which, by association, are going to be exempt once this legislation is assented to. The Attorney-General is trying to use that excuse as some form of justification for this clause.

I simply say to the Attorney-General that although this clause may not apply to him exclusively it applies to him substantially. This is the Trojan stealth horse that the Attorney-General is using to hide some allegations made about him and about which we are seeking to get further information so that we can satisfy our own minds as to whether there is any veracity to them.

As the Attorney-General said, it is true that this clause does not relate specifically to matters relating to him and that it relates to other matters. But as I said the other day—and I say it again today—it applies significantly to him. We will never know the motivation for this amendment. The Attorney-General comes into this place and says that the government has all of these wonderful, great motives for this clause, but it is the Trojan stealth horse by which he can lock up forever those matters that relate to him.

The Attorney-General asked why we have not done this before. I just say to the Attorney-General: we have the Trojan stealth horse. He and other people are aware that a number of the requests we have made are very close to being finalised by those agencies within the normal freedom of information process in Queensland. That is why. The Attorney-General also indicated that individual people could continue to get information about themselves. That is pretty innocuous. So what? That does not involve other issues where there may be a third-party interest. That is the concern we have. The Attorney-General indicated earlier today that maybe the existing exemption capabilities of the CMC would ensure that the information we are seeking in relation to the allegations about him may not be released. The information may not have been released. I do not know. He is saying that it might not have been released, but maybe it might have been. Under this legislation I would imagine that the opportunity for that information to be released will be further curtailed. That is the simple reality.

The Attorney-General also inferred this morning that the particular matters we are seeking further information about in relation to allegations against him have been finalised by the CMC. When I was first asked about this by the media a couple of years ago, even before it went to the CMC, I said that this matter was not within the CMC's jurisdiction. It never has been and never will be. It is not official misconduct that would enliven the CMC's jurisdiction. It may offend another act of parliament, such as the Anti-Discrimination Act. It may simply be an issue of whether the alleged conduct was conduct befitting a minister and his or her capacity to remain a minister in Queensland. So to say that the CMC has cleared all of this is, quite frankly, wrong because it was never, ever within its jurisdiction. The Attorney-General is also aware of other advice that was given by senior levels of government in the legal sector which indicates that the alleged behaviour may have offended provisions of the Anti-Discrimination Act. The reality is that, once this bill is passed, there will be no chance that any of that information which has been siphoned off and sent to the CMC or any other information that in some way mirrors or reflects that information which may be populated across government is ever going to be released.

This morning the Attorney-General dodged speaking about the substantive nature of the issues raised and our particular concerns and instead spoke about peripheral issues. At face value, it might be a reasonable justification but, when we see the Attorney-General's failure to address the specific concerns which I have outlined here, our cynicism is justified and, frankly, we will continue to be very cynical about this issue. We oppose this clause absolutely. We will be dividing on it because it is an offending clause. Unfortunately, other provisions have been rolled into this clause which may have been acceptable but this aspect of the clause is so corrupt that it has rotted the other provisions in the clause in a way that cannot justify our support whatsoever.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! I welcome to the public gallery students and teachers from Gin Gin State School in the electorate of Callide.

Question—That clause 24, as read, stand part of the bill—put; and the House divided—

AYES, 50—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Briskey, Choi, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Keech, Lawlor, Lee, Livingstone, Lucas, Male, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Purcell, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Stone, Struthers, C Sullivan, T Sullivan, Wallace, Welford, Wells, Wilson. Tellers: Nolan, Reeves

NOES, 21—Copeland, E Cunningham, Flegg, Foley, Horan, Johnson, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rowell, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Clauses 25 to 50, as read, agreed to.

Clause 51—

Mr SPRINGBORG (3.00 pm): Clause 51 is the last clause that I will be commenting on today. The opposition has some significant concerns about this clause. In previous debates in this place we have expressed our grave reservation that the government is interfering in the appointment of the Information Commissioner in Queensland. The role of the Information Commissioner has been separated from that of the Ombudsman and is now far more subject to the operations of the Public Service Act, and therefore the Information Commissioner is less independent of the executive government than previously when the Ombudsman performed that role. This is also perpetuated by the way the Information Commissioner is appointed, and we have some grave reservations about that. The legislation states that the Information Commissioner will be appointed by the Governor in Council, that the parliamentary committee will be consulted only with regard to that particular process and that the Information Commissioner will hold office for three years.

This government has done appalling things with regard to the appointment of the current Information Commissioner. It can seek to dress it up and it can seek to hide behind any self-cloaked veil of accountability that it would like to, but the simple reality is that that is not going to work and it is not believed by the community at large. It is quite unusual to have people comment on the issue of freedom of information and these sorts of positions, but in recent times the concerns about the way the government has handled the appointment of the Information Commissioner—its personal involvement in the appointment of that particular position—have resonated more broadly in the community than I would have otherwise thought because of the nature of that particular office.

There is nothing in this section that provides any confidence or any reassurances to the opposition about the appointment of the Information Commissioner and the independence of the Information Commissioner to be able to do the job without fear or favour. I have raised those issues before and I will not labour those particular points. To me, that is a perpetuation of the politicisation of the office and until it becomes an independent statutory position and accountable to this parliament, with the Information Commissioner being recommended for appointment by bipartisan means, then frankly we will not be a part of the way that this government is going about systematically dismantling not only freedom of information laws in this state but also their application, their interpretation and the way that the appeals process works in this state by the corruption of the Office of the Information Commissioner.

My challenge to the Attorney-General is to state in his reply to the debate—he will no doubt deny all of this; butter would not melt in his mouth; it is all hunky-dory; it will all be peace, justice, truth and love—his own personal view and belief about a bipartisan approach to the recommendation of a person to fill the position of Information Commissioner, not just the advice to a parliamentary committee after it has all been done and dusted. I had an opportunity recently to look at the New Zealand experience. It is very bipartisan. The parliamentary committee interviews and selects those people. I think this is the only way we will be able to revamp and reinvigorate public confidence in the role of an information commissioner in Queensland.

Mr WELFORD: The arrogance of the Leader of the Opposition astounds me sometimes. In his comments on the previous clause he attacked the integrity of the CMC, posits himself as the sole judge and jury of its investigations and assumes for himself the commission of overarching scrutineer of every investigation it undertakes. He has previously in this place mounted an appalling vilification campaign against the newly appointed Information Commissioner and continues it today.

Let me talk first about the issue of the independence of the Information Commissioner's office and the appointment of staff. In debate on the motion to appoint the Information Commissioner, the

opposition expressed concern about whether the relevant regulation would see employees of the Information Commissioner as employees under the Public Service Act. That raised questions in my mind about whether the independence of the Information Commissioner was compromised. I went back and checked on exactly why it was proposed to structure the Office of the Information Commissioner, in particular the staff of that office, in that way.

In addition, in the context of this clause I specifically drew from the Ombudsman Act the proposed new section 101D and 101E relating to control of the office and the absolute statutory obligation for the commissioner to be free from any interference whatsoever in the conduct of investigations. In the original draft of this amending bill, those two provisions were not there. Cognisant of the opposition's concerns about what effect bringing the staff of the office under the Public Service Act might have, I went back and consciously inserted these two new specific provisions in the draft legislation to give a statutory guarantee that the commissioner would exercise his or her statutory responsibilities under the FOI Act without fear or favour and without any risk of interference.

In relation to the staff, contrary to what the opposition has been saying, I am assured by my director-general and the office of the Public Service Commissioner that the reason for putting the staff of the office under the Public Service Act is for the benefit of the staff. Let me explain why. I am advised that it is very good policy to put the staff of these sorts of offices under the Public Service Act, unlike the old style drafting in the Ombudsman Act. When all of the other independent agencies of government were brought under the new Public Service Act, all other agencies agreed that it was in the interests of their staff to be protected by the appeal and grievance provisions in the Public Service Act, but at the time the then ombudsman, for his own reasons, did not want his act amended. So, when the Public Service Act was introduced and the other pieces of legislation were all changed, the Ombudsman legislation was not changed to bring the Ombudsman's staff under the Public Service Act but all the others were. When I say 'others' I refer to the Queensland Audit Office of the Auditor-General, the Anti-Discrimination Commission, the Electoral Commission of Queensland, the Health Rights Commission, the Public Trustee and the Public Trustee Office and the office of the Public Service Commissioner.

All these statutory officers likewise provide for their staff the protections that come with being staff appointed under the Public Service Act. I might also add that we have correspondence from the Queensland Public Sector Union to the Executive Director of State Affairs in the Office of the Premier specifically endorsing the proposition that the staff of the Office of the Information Commissioner—incidentally, they would have supported the Ombudsman's office being treated likewise—be brought under the Public Service Act precisely because it provides those staff with greater protections.

Having understood and acknowledged that there may be some reservations on the face of it, from the reading of the regulation that was previously debated in this place, I went back and checked why it was proposed that the staff be brought under the Public Service Act because that was not a matter on which I had previously given specific direction. The explanation is that both the Public Service Commissioner and the union representing the staff of that office believed that it was in the better interests of the staff of the Information Commissioner for them to have access to the rights and entitlements that come with being under the Public Service Act. However, to the extent that there was any perception that being under the Public Service Act in some way compromised their independence in the exercise of their statutory functions, I then inserted the new sections 101D and E.

In relation to the appointment process of the Information Commissioner, while I note the comments of the opposition that they believe they should be party to these appointments, I point out that what I have done in this legislation is standardise the appointment processes of the Information Commissioner with those of a number of other statutory officers. The appointment process here is consistent with the appointment process for the Office of the Ombudsman. It is appropriate that the parliamentary committee be consulted; I do not deny that for one moment. The parliamentary committee will be consulted about the process of appointment and advised of the outcome of that process.

The bill sets out in the substantive provisions of the act—not as part of a regulation, not as some administrative guideline or informal arrangement but as substantive provisions of the act—that a person can only be appointed as commissioner after national advertisement for suitably qualified people and consultation with the parliamentary committee about the selection process. I would envisage that, prior to the selection panel being appointed and the process being conducted, the committee would be consulted and advised of what process would be conducted for the selection and then consulted again once the selection process was completed so that they would be informed of the outcome of that selection process. As I say, this is consistent with the appointment process undertaken, by and large, in relation to the current Information Commissioner. It was a selection process according to selection criteria which were transparent and which were provided to all candidates and assessed by a committee of senior officers of the Public Service, as would be the case for the Electoral Commissioner, for the Auditor-General and for the Ombudsman.

If we are to go further and accord to the opposition a joint commission in the appointments of these senior independent statutory officers, that is a matter that I think needs to be subject to further consideration and debate. As the parliamentary committee is aware, and I presume the opposition is aware, the Premier and I have proposed that a legislation review be commissioned by the Department

of the Premier and Cabinet in relation to the standardisation of appointment procedures for independent statutory office holders. That legislation review is soon to be undertaken in relation to the CMC, the Ombudsman, the Information Commissioner and the Auditor-General as recommended by the Parliamentary Legal, Constitutional and Administrative Review Committee. Once that review is finalised it may be appropriate for us to consider further whether there should be further adjustments in the statutory provisions for appointment of those various officers. Without pre-empting that review, I consider it appropriate at this stage for this amending bill to reflect the provisions that are consistently applied to similar positions with other statutory officers—as I say, the Ombudsman, the Auditor-General and the Electoral Commissioner.

That is the explanation for these provisions. I do not have any problem with the opposition debating what further involvement they or the parliamentary committee should have. However, the rationale that I have just given is the basis on which the current provisions are drafted, namely consistency across other legislation for similar positions. If we are to make any further amendments, then the government's view would be that we should do that after the legislation review into these appointment processes and then do it in relation to all positions consistently.

Mr SPRINGBORG: To follow on from the Attorney, can I just say that the Attorney was wrong. At no stage today have I attacked the integrity of the Crime and Misconduct Commission in relation to the issues before us. I have certainly said that I am very concerned about the government's retrospective application of this CMC exemption clause in the legislation before us, but that is not impugning the reputation of the CMC. That is impugning the reputation and motives of this government, not the Crime and Misconduct Commission. Frankly, this government used the CMC as nothing more than a laundromat when it referred matters about the alleged conduct of the Attorney to the CMC knowing full well that it did not have the jurisdiction. So the Attorney should not come in here and give lectures about using or abusing the CMC.

On the issue of the appointment or otherwise of the Information Commissioner, the motivation for what we are trying to achieve here—and our concern about this clause that motivates our opposition to this clause—is that in effect the Ombudsman was always the Information Commissioner until the appointment of the latest Information Commissioner. That Ombudsman, in practice at least in recent times, had been appointed by a selection committee that was comprised of a government MP and an opposition MP. That may have been by convention rather than on a legislative or statutory basis. However, it gave an element of credibility, an element of respect and an element of reassurance regarding the appointment of that person and their capacity to iron out issues.

The appointment process for the new separate Information Commissioner and the government's conduct of that process certainly drew the appointment into disrepute. It cannot be argued otherwise because there was not a representative from the opposition present. A whole range of other issues came out subsequent to that that may have been addressed during that particular selection process. It is not good enough for the government to say that it is going to consult with the parliamentary committee about a process for selection before or after without necessarily involving a broad membership of that parliamentary committee in the selection process. That is what we are actually talking about. Otherwise it is a fait accompli. The reason that we are so opposed to this clause is that in effect—

Ms Nelson-Carr: What is the reason?

Mr SPRINGBORG: There has been a range of reasons. One of the reasons we have been so opposed to this particular clause is that it has not carried forward in statutory recognition the practice which it applied in the past for the selection of the Ombudsman/Information Commissioner. There can be no excuse, when that was segregated, by saying, 'Well, look, because it is a separate office we are not going to do this. We might look at it with a legislation review.' There would not be any problem whatsoever putting it into this bill we are debating today and providing the assurances which are necessary. Do members not find it somewhat ironic that if this person is going to be sacked then that has to be a bipartisan decision but appointing the person is not a bipartisan decision? That, in effect, is quite an ironic set of circumstances.

I note what the Attorney-General said with regard to the application of the Public Service Act. If I can paraphrase the Attorney-General, and I hope I do not misrepresent what he is saying, he is basically saying that he has taken on board issues that we had raised regarding the potential application of the Public Service Act to the Information Commissioner and had addressed in his legislative amendments to this place ways of actually overcoming those concerns if, in effect, they were concerns at all, but he does not necessarily see, because of the involvement of the Queensland Public Sector Union and others, the necessity to take that forward to staff of the Office of Information Commissioner, only the Information Commissioner herself.

I would say that is a significant concession, at least in the first instance, in relation to the Information Commissioner, because we were quite lampooned in this place only a few weeks ago when we raised issues in the debate on the disallowance motion. The government voted against our concerns with regard to that disallowance. Now we have some legislative provisions that accommodate the concerns that we raised, at least insofar as the Information Commissioner being subjected to the Public Service Act.

The other issue I mention is that if the Attorney-General is saying there are exactly the same protections for the Information Commissioner as apply to the Ombudsman, can the minister give an absolute guarantee here today that every statutory independence provision that exists for the Ombudsman, in convention and legislative recognition, applies to the Information Commissioner as we have in Queensland? To me it does not seem to. It does not seem to reflect that, and to me that is the assurance that we need. That is why we are saying we need the appointments process to be bipartisan and better nailed down.

Mr WELLINGTON: My question to the Attorney-General is very short. It is in relation to proposed new section 101H and 101I. I note 101H(2) says subsections (1)(a) and (b)(i) do not apply to the reappointment of the person as commissioner. I have heard the Attorney-General talk about how the drafting of this bill is consistent and this clause is consistent with what applies to the Ombudsman, the Electoral Commissioner and the Auditor-General. I seek clarification on that point.

In relation to proposed new section 101I, how did the Attorney-General determine the three years as the duration of the time that the commissioner would hold office? Was that again because of the consistency with the Ombudsman, the Electoral Commissioner and the Auditor-General?

Mr WELFORD: I thank the honourable member for his inquiry. In relation to 101H, that provision requires that those procedures in subsection (1) must apply at the time of initial appointment but that the renewal of a person's contract can occur without readvertising. That is all it means. The appointment process does not have to be gone through again if all that is being done is rolling over the contract for another term.

In relation to 101I the three-year term was struck on the basis that it is now standard practice across government for senior officers and senior statutory officers of the state to be appointed initially for a three-year term, renewable for two or three years. Over the years there have been varying approaches to this. Some governments have appointed SES officers or other statutory officers for five-year contracts or sometimes four-year contracts. It has varied over the years. The current practice seems to be consistently—and it is a practice that I apply for all the senior officers whose contracts need renewal in my department—that initial contracts are for three years, extendable to five or, indeed, renewable for another three-year term.

Question—That clause 51, as read, stand part of the bill—put; and the House divided—

AYES, 51—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Briskey, Choi, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lawlor, Lee, Livingstone, Lucas, Male, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Purcell, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Reeves

NOES, 21—Copeland, E Cunningham, Flegg, Foley, Horan, Johnson, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rowell, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Clauses 52 to 60, as read, agreed to.

Clause 61—

Mr WELFORD (3.28 pm): I move the following amendment—

1 Clause 61—

At page 99, lines 9 to 24—

omit, insert—

' '(2) Section 1[1] applies in relation to the application and the preliminary assessment notice must—

(a) state the agency or Minister is not satisfied the applicant is the holder of a concession card; and

(b) give the reasons the agency or Minister is not satisfied.'.

[1] Section 1 (Preliminary assessment of charges)

Mr WELFORD: I am proposing two amendments. The first relates to the proposed new schedule 4 of the Freedom of Information Act, which contains amendments to clarify and simplify some procedures for the charging regime for non-personal affairs documents. These include amendments to streamline procedures when an applicant submits a concession card at the same time as making an application for access and seeks waiver of charges on the basis of financial hardship. The proposed changes contained in sections 8 and 9 of the schedule will allow agencies and ministers to determine the claim for waiver without first issuing a preliminary assessment of charges as would normally occur. Section 9 provides for the possibility that the agency or minister may not be satisfied the applicant is the holder of a concession card and therefore not entitled to a waiver. In these cases the agency or minister will be required to issue a preliminary assessment of the charges as usual.

Inadvertently, the section as currently drafted has the effect of denying an applicant whose claim for waiver has been rejected the right to seek review of that decision. I am, therefore, proposing an amendment to correct this oversight to ensure that applicants who seek to take advantage of streamlined procedures are not disadvantaged and have the same review rights as applicants who do not make a claim for waiver until after they have received a preliminary assessment notice. I table the explanatory notes for the additional amendments I am proposing.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 to 86, as read, agreed to.

Insertion of new clause—

Mr WELFORD (3.34 pm): I move the following amendment—

2 After clause 86—

At page 112, after line 2—

insert—

'86A Amendment of s 610 (Continuation of rules of the law society)

'(1) Section 610(4), after 'under section'—

insert—

'595 or'.

'(2) Section 610(7), '1 year'—

omit, insert—

'2 years'.'.

This amendment proposes the insertion of a new clause. It relates to section 610 of the Legal Profession Act. That section of the act provides for the rules of the Queensland Law Society made under the Queensland Law Society Act 1952 to continue in force as subordinate legislation for one year. It was intended that the old rules would be redrafted and replaced by new administration, society and solicitors' rules before their expiry on 1 July this year. While the society's new administration and society rules are now in place and many of the old rules have been repealed, the society has only recently made recommendations for the solicitors' rules, which will set the professional conduct standards for solicitors.

The act provides for the solicitors' rules to be made as subordinate legislation after a public consultation process. To ensure that there is no gap in relation to conduct matters now covered by the society's 1987 rules pending the making of the solicitors' rules, the amendment will have the effect of deferring the expiry of the remaining rules for a further period of 12 months, unless they are sooner repealed.

Agreement agreed to.

Clauses 87 to 95, as read, agreed to.

Third Reading

Hon. RJ WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (3.36 pm): I move—

That the bill, as amended, be now read a third time.

Question put; and the House divided—

AYES, 50—Attwood, Barry, Barton, Bligh, Boyle, Briskey, Choi, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lawlor, Lee, Livingstone, Lucas, Male, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, Palaszczuk, Pearce, Purcell, Reeves, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Nolan,

NOES, 22—Copeland, E Cunningham, Flegg, Foley, Horan, Johnson, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, Rowell, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Malone

Resolved in the **affirmative**.

EDUCATION (ACCREDITATION OF NON-STATE SCHOOLS) AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 10 May (see p. 1211).

Mr MESSENGER (Burnett—NPA) (3.42 pm): I rise to speak to the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005. At the outset, let me state that I am aware that there is a matter currently before the Supreme Court that relates to this legislation. The opposition is going to be particularly careful this afternoon and this evening not to make any comments which may unduly affect future court hearings. However, I say to the minister that I find it very concerning the way she has pushed a retrospective bill through the House in this manner, particularly when these matters are apparently a point of legal contention for Education Queensland.

The Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005 is a 21-page document containing four parts and approximately 30 clauses and has little to do with improving the education of our children but more to do with improving the socialist credentials and the ideology of this Labor government. In a statement of intent issued by the education minister on 15 November 2004, she had the gall to justify this proposed legislation by saying—

These important changes are being made to maintain the integrity of our schooling system and the parliament's and the Queensland government's clear policy intent in relation to the establishment and ongoing operation of non-state schools. It is vital that all schools, including non-state schools, continue to operate in the best interests of students.

I love my mum, too, but this arrogant piece of legislation has nothing to do with the best interests of students. However, it has everything to do with the best interests of the left wing of the ALP. It has everything to do with the best interests of the union ideologues. It has everything to do with the best interests of the socialist elite.

Government members interjected.

Mr DEPUTY SPEAKER (Mr O'Brien): Order!

Mr MESSENGER: Mr Deputy Speaker, thank you for your protection against those left wing members. I notice that the right wing members of the ALP were not yelling. If the minister were a little more honest, she would leave children out of this altogether. Therefore, the Nationals will oppose this unnecessary and flawed piece of legislation.

This legislation did not arise out of concerns from the Non-State Schools Accreditation Board or the non-state school sector; it arose out of union anger following media reports that ABC Learning Centres and a not-for-profit company, Independent Colleges Australia, had entered into a joint arrangement to provide primary education at Springfield. This legislation came about because this Peter Beattie Labor government is paranoid about anyone making profits out of non-state education. My advice to this arrogant government is that, before it points the finger of blame at the non-state schooling sector for making profits, it should take a long, hard look at itself.

Mr Schwarten's Department of Public Works will gladly charge a government school $200,000 to install airconditioning units while the private sector can do the same job for approximately $20,000. Members should ask the Moore Park P&C committee about profits. The sad part is that the valuable time and resources of the education department and this parliament are being used to bring into being laws and regulations which all non-state school providers say are not needed. The Association of Independent Schools of Queensland does not support the legislation. The Catholic Education Commission has also expressed its reservations about this legislation.

This bill is only supposed to prevent for-profit schools from receiving government funds, but it has the potential to restrict the operations of every non-state school in Queensland. This legislation has not been thought out properly. The first draft of the bill, I might add, was so badly flawed that it potentially penalised all of the religious order schools in Queensland. In a submission to the education department, the AISQ stated that it does not accept the need for these amendments and believes that they are against the intent of the original legislation. Non-state schools which operate as incorporated entities are also subject to the Corporations Act, which already covers many of the aspects that this legislation seeks to address. The AISQ believes that this legislation overregulates the non-state school sector.

Independent and Catholic schools make a significant contribution to education in Queensland and no problems have been exhibited with the current accreditation legislation. This legislation is an overreaction to individual circumstances and assumes an adversarial role. In the three years that the Education (Accreditation of Non-State Schools) Act has been in operation to regulate Queensland's now 451 non-state schools, there have been only two show-cause notices issued. In both cases the government achieved its objective. After consulting with Catholic Education, I have been told that 25 to 30 Catholic schools will be affected—approximately 25,000 students.

There is doubt over the relationship that the church, which consists of priests and nuns who form a not-for-profit religious organisation which appoints the boards of the schools, has with the schools now. Is that relationship at arm's length? Will it contravene the legislation as it stands? The AISQ also believes that this legislation creates uncertainties for the way in which independent schools are operated. According to this legislation, schools may now have to seek an assurance from the Non-State Schools Accreditation Board every time they enter into a contract or an arrangement to ensure that it is not a prohibited arrangement.

Owing to the additional and unnecessary scrutiny this legislation places upon school board members, there are concerns that school boards in smaller rural areas will have to fight increasingly hard to attract members of the community to volunteer their time for these positions. This legislation is an arrogant attack on the volunteers in our community—the parents who freely give their time helping out on their local independent school boards.

There are two non-state schools that are affected more than most by this legislation. They are Fairholme College and Cannon Hill Anglican College. They are the only two schools that are companies limited by shares. The shareholder of Cannon Hill Anglican College is the Anglican Diocese of Brisbane and directors are appointed by Archbishop in Council. The college has provision in its constitution

prohibiting the distribution of any of the company funds to members to ensure that a company limited by shares can operate only on a not-for-profit basis.

The minister has advised the college that it will remain eligible for government funding provided its corporate structure and identity remain unchanged. In common with other members of parliament, I have been privy to correspondence from Cannon Hill Anglican College to the education minister. I think it is important that this House hear directly some of the very valid criticisms from Canon Bruce Maughan. He makes the following points—

Proposed legislation should be more thoroughly thought through;

Imposing organisational restrictions on the accredited non-state school sector is an unnecessary additional restriction;

Companies limited by shares that are not for profit have provisions in Constitutions prohibiting the distribution of any companies funds to members;

These provisions ensure that a company limited by shares can only operate on a not for profit basis;

Legislation should be redrafted to make eligible a company limited by shares if it is clearly determined to be a not for profit entity rather than defining companies limited by shares as ineligible and then providing for exception.

In other words, if a school is a not-for-profit company limited by shares, it is found guilty by Labor's legislation and it does not even have a chance to prove its innocence. Canon Maughan from the Cannon Hill Anglican College made the further point—

The draft legislation seems draconian and unnecessary and seems to be covered more than adequately by existing legislation.

It is important to note that a first draft of this bill was forwarded to the college and most other peak bodies on 10 March and comment was expected by 24 March. That is only a two-week consultation period. According to the AISQ, there was confusion as to whether or not individual school governing bodies were entitled to receive copies of the proposed legislation. It is also interesting to note that, according to the AISQ, the closing date for submissions was followed by two weeks of school holidays—a period when schools find it very difficult to respond. That is further proof that the minister and the Premier are trying to sneak this legislation through this parliament without proper consultation with the peak bodies. As I explained, there was a two-week consultation period. On 10 March a confidential copy of the legislation was sent to schools and comment was expected to be received by 24 March.

The AISQ has sought examples of regulatory provisions similar to those contained in the bill that provide for the regulation of not-for-profit organisations or the private sector generally. They could not find any examples of similar legislation in Queensland, in other states, in the territories or in Commonwealth legislation.

The education minister has decided that government support should not be available to for-profit schools, because she fears that commercial schools would use subsidies to boost profits rather than provide a good education. Many commercial businesses across all sectors receive government assistance in some form or other. The fact that they are a commercial entity does not prevent them from receiving government funding or grants.

An honourable member interjected.

Mr MESSENGER: That is right. Minister Bligh has signalled her objection to for-profit arrangements in education. What about the PPP arrangement for the Southbank TAFE? This project is a commercial operation and the companies involved are obviously making a profit from public education. Is that not also contrary to the minister's policy? Profit is not a dirty word. This is another example of offering parents choice.

There are 195,000 students enrolled at non-state schools in Queensland. Currently, the state government provides assistance to 451 Catholic and independent schools in Queensland. The non-state schools offer considerable savings to the government and our education system relies heavily on them. It is estimated that if all non-government school students in Australia went to public schools, it would cost in excess of $5 billion.

The Queensland government has preferred to let the non-state sector build and fund new schools in high-growth areas, virtually abandoning areas such as the Gold and Sunshine coasts. This legislation ignores the autonomy of non-state schools and parents' strong desire to choose schools that have a strong degree of autonomy. Government backbenchers have a lot of non-state schools in their electorates. Will they stand up for the concerns of those schools in their electorates? For example, will the member for Clayfield, the member for Indooroopilly or the member for Redlands do that?

The lawyers are rubbing their hands with glee. As we have heard, it is a legislative mess that will more than likely end up in the courts. It is going to be a lawyer fest, especially when we examine closely the concept of an ineligible company. What does a non-state school have to do to become an ineligible company and, therefore, forfeit any hope of attracting public funding? All it has to be is a company that is not a company limited by guarantee—in other words, a company limited by shares.

It seems that the word 'shares' has caused the education minister and her colleagues to shake in their boots and exhibit signs of paranoia. There is no other way of describing it. When people of the loony Labor Left play word association games every time a comrade pulls out the word 'shares' from their manifesto, the only possible answer that springs to their socialist minds is profit. Most year 9 high

school students know that that is simply not true. You can have a company limited by shares and it can also be not for profit. It just has to be annotated and agreed upon in its constitution.

Once again, I use the very successful example of Cannon Hill Anglican College, which states the following in its submission to the education minister—

Companies limited by shares, such as the college, that are not for profit organisations have provisions in their constitution prohibiting the distribution of any of the company's funds to its members.

The College has such provision in its constitution. Such a provision ensures a company limited by shares can only operate on a not for profit basis.

Why would a not-for-profit school have an organisational structure that was a company limited by shares? Once again, the year 9 high school student has his or her hand held high: because it will save them money. The school body will then be able to pass on that money to—guess who? The students. If the school body was to pass on that money to its shareholders, then that would be in breach of its constitution and its relevant corporation laws.

So why do we need this legislation? The simple answer is that we do not. It is an example of Labor's Big Brother approach to non-state school education. If the minister does not believe me when I say that a company limited by shares will save the school governing body money, then I refer her to the Cannon Hill Anglican College submission, which states—

There are other reasons why not for profit organisations may choose to operate in a company limited by share structure rather than in a company limited by guarantee structure.

Predominantly they relate to additional compliant costs incurred by a company limited by guarantee. For example a company limited by guarantee, as a public company, is required to prepare financial reports and director reports under the Corporations Act.

A company limited by shares that is a proprietary company doesn't have to comply with those requirements. The cost of these additional compliance obligations will need to be met out of school funds. These funds could otherwise be utilized towards providing better educational outcomes for its students.

So we are trying to maximise educational outcomes for the students of those non-government schools.

In closing, I thank the minister's staff for their briefing. Cynthia Kennedy, the policy adviser, and her team were very polite, very prompt and very efficient. Over a five-year period from 1999 to 2004—and these are ABS figures—the number of non-government schools in Queensland grew by 6.46 per cent, which was well above the national average which was 2.13 per cent over that same period. We all recognise the amount of growth in Queensland. Over that same five-year period, new non-government schools in New South Wales increased by zero per cent; in Victoria by 0.3 per cent; in South Australia by two per cent; in Western Australia by 5.54 per cent; in Tasmania by 1.56 per cent; in the Northern Territory by 11.43 per cent; in the ACT by 2.33 per cent; and, as I stated, the Australian national average was 2.13 per cent.

In 2004 the total number of students attending non-government schools reached approximately 190,000, which was a significant increase from 1999, when 168,708 students were enrolled in non-government schools. That is approximately an 11.28 per cent increase in non-government school enrolments. In comparison with the growth figures for Queensland government school student numbers, there is only a 5.26 per cent growth in student numbers. This disturbs me. It shows that non-government student enrolments are outstripping government student enrolments on a comparative percentage basis by approximately six per cent. The obvious question to ask is why. Why are Queensland parents voting with their feet and sending their children to non-government sector schools at a rate which is double that of the government sector schools? Why do they feel that their children are not safe from asbestos, drugs, bullies, illiteracy?

Ms Bligh: You hate state schools, don't you?

Mr MESSENGER: No. I love state schools. In fact I am a product of state schools—Kolan South State School and Bundaberg North State School. They are fine institutions. Does the government think, like the Queensland Teachers Union, that not enough resources are being spent on our government school sector? Or is the minister now saying that the Queensland Teachers Union does not like state schools because it dares to criticise the government? The Teachers Union claims that there is an underspend of around $280 million, yet we have a record surplus in our budget.

The minister takes an ideological position. Maybe she is ashamed that government school sector growth is far behind non-government school sector growth. It is worth posing the question: is this legislation before the parliament designed to put the brakes on our non-government school sector? Indeed, in reality this legislation is the education minister's job application for Premier. She is shoring up her left wing votes within the Labor Party. This legislation creates unnecessary confusion and will ultimately penalise the mums and dads of Queensland who choose to send their children to non-government schools. That is why the Nationals will oppose this legislation.

Mr JOHNSON (Gregory—NPA) (4.06 pm): I rise to speak to the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. I support the stand taken by the opposition education spokesman, the member for Burnett. At the outset I say that this is a very disturbing piece of legislation. The minister's second reading speech states—

The primary intention of the bill is to ensure that government funding does not go to non-state schools if those schools are being used as a vehicle for making and distributing profits to shareholders rather than for the benefit of schools and their students, as originally intended by the parliament. The bill meets this objective in a number of ways.

That can be analysed and evaluated in many different ways. I know that the member for Burnett made reference to this in his speech today. The statistics show that the Queensland education department is responsible for some 1,286 state schools. There are 457 accredited and operating non-state schools in Queensland. Of these, 281 are Catholic schools and 176 are non-Catholic schools. Therefore the total number of schools in Queensland is 1,743. Approximately 26.22 per cent of the total number of schools in Queensland are non-state schools and approximately 61.49 per cent of the non-state schools are Catholic schools.

The real issue is education. We live in a time of freedom of choice and freedom of speech and we should have the right to exercise that choice when it comes to educating children. Many of us who live in remote areas of the state have no choice but to send our children to private schools in order for them to get a high school education. I know that there are many people, including many members in this parliament, who have sent their children to private schools.

Mr Messenger: Many people opposite have.

Mr JOHNSON: Absolutely. The minister herself, I know, is a product of a private school education. We have talked about this on a number of occasions. I am a product of a private school education.

Ms Bligh: None of them were not for profit, were they, Vaughan?

Mr JOHNSON: I take the minister's interjection. I am a product of the Catholic education system, but I know there are a lot of students who have gone through the non-Catholic education system and through the independent education system. I know some of those kids come from very trying backgrounds. They were given an opportunity to have an education, and some of those school fees have probably still not been paid because the parents could not afford to pay. I know where the minister is coming from in relation to the board structure of some of the more elite schools, but if private school students were injected back into the public sector that would be yet another burden on the state system. The government would have to find that money. The minister can shake her head and walk away, but when we look at the 26—

Ms Bligh: You haven't read the bill.

Mr JOHNSON: I have read the bill. I have read it very closely. Saying that no money will be given to some of those people floors me.

The situation, as I see it, with this legislation is that the minister is off the mark in a lot of areas—and off the mark for obvious reasons because it is a victimisation of some of these people who want their children to receive a private education. We can talk about the board structure and the components of those boards in question. I acknowledge what the minister is trying to do, but we will not be able to get people who will want to go on those boards soon because they will say, 'What the heck, we're not going to get the money.'

I will use as an example a private boarding school in Charters Towers which a few years ago virtually went into liquidation. Then we saw the council get behind it and get it going again. They got a board going again. That was a Christian school that provided education over a long period of time to many young people from various parts of remote Queensland and probably further up in the peninsula and gulf regions.

Mr Terry Sullivan: This will not hurt them, mate.

Mr JOHNSON: I hope it will not. I take the interjection from the honourable member for Stafford.

Mr Terry Sullivan: I have a strong commitment to the non-government sector.

Mr JOHNSON: Yes, but the point I am making is how are we going to justify what is in the loop and what is out of the loop. This is the question: where is the loop? That is my concern.

I can see what is going to happen here to schools in places like Toowoomba, Charters Towers, Townsville, Rockhampton and even some schools in Brisbane which have been struggling in the past to provide quality education to students from remote areas—and no-one knows more than the minister in this regard. The ICPA, parents and citizens and parents and friends groups have made numerous representations to her in this regard. If we see a winding back in the operations there, we will see some of these institutions close down.

Mr Terry Sullivan: No, we won't.

Mr JOHNSON: Yes, we will. We are talking about nearly one-third or over one-quarter—

Ms Bligh: None of them are affected—not one.

Mr JOHNSON: The minister needs to prove that to us.

Ms Nolan: Read the bill!

Mr JOHNSON: I have read the bill.

Mr DEPUTY SPEAKER (Mr Fraser): Order! There will not be quarrels across the chamber. I ask the member to address his comments through the chair.

Ms Bligh: If you take advice from the member for Burnett, you are going to be very embarrassed.

Mr JOHNSON: I am not taking advice from anybody. I have read the bill myself. If this is a socialist idea, if this is a pointed plan—

Government members interjected.

Mr JOHNSON: Well, it is a pointed plan. Why would the government even bring the bill into the House if it does not have an agenda? The minister has an agenda all right. The health minister made a slip the other day in relation to health services in western Queensland, saying that the budget is pretty tight and they might have to close a few of those facilities down out there and those people will have to come to Brisbane, Rockhampton or Townsville to get medical services. The same will be applicable to some of these schools in question. I cannot emphasise that enough. I will be very pleased to hear the minister say in her summing-up what schools are in the loop and what schools are out of the loop. She is criticising the member for Burnett, the shadow minister, but he has identified a point and he wants clarification, too.

A government member interjected.

Mr JOHNSON: Those up the back can yell all they like, but the point is about equality of education for all Queenslanders. If their parents choose to send them to a non-government school or a government school, they should not be penalised or victimised because of it. Whether it is a board structure, a private structure or whatever, this government will rue the day if it does not get this legislation right and I do not believe it has got it right.

Mr CHOI (Capalaba—ALP) (4.14 pm): I rise this afternoon to add my support to the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. In doing so, can I first make a comment about the contribution made by the honourable member for Burnett. It never fails to amaze me that the honourable member for Burnett always gives speeches that I describe as entertaining. I am sure that other members of the House would use very different words to describe his speeches. I have been very kind to him.

The honourable member for Burnett can see conspiracy in a white sheet of paper. There was more conspiracy in his speech of 15 minutes than there is in the whole *Da Vinci Code* that I have read. My advice to the honourable member for Burnett is to read his speech, particularly his comments about drugs and unsafe state schools. Is he implying that our state schools are unsafe? I advise him to read his speech and make sure that he does not mean what he said in his contribution.

The honourable member for Burnett also mentioned that the government is paranoid about non-state schools. He is half right and half wrong. The government is not paranoid about a non-state school making profit. In fact, government members are not concerned about non-state schools if they are running a good school and making good profits. What the government is concerned about, and what government members are concerned about non-state schools making a profit for shareholders, particularly where non-state schools are asking for contributions from government, from the taxpayers of this state, to contribute to the school.

The primary aim of the bill is to ensure that government funds are not paid to any non-state school where the school intends to distribute profits to the shareholders. It is the government's intention that profit made by the school be reinjected back into the school's operation for the ultimate benefit of the students of the school. In other words, the major amendment clarified that non-state schools in receipt of government funding must operate on a not-for-profit basis.

This government does not prevent for-profit entities providing education in the non-state school sector provided that acceptable standards of education are maintained. However, it is deemed inappropriate for non-government schools to distribute profits to shareholders when contributions could be sought and made by the taxpayers of Queensland. As a consequence, the amendment in the bill further defines appropriate governance and arrangements necessary to satisfy education authorities that funds raised by a school were not to be paid to shareholders.

To qualify for public funding under the proposed rules, a school's board must be shown to operate at arm's length from any for-profit company. I am particularly supportive of this legislation given that I have two non-state schools in my electorate—St Luke's catholic school in Capalaba and St Anthony's catholic school in Alexandra Hills. They are both very good schools. This government fully supports non-state schools in our states. The independent schools and Catholic schools are wonderful schools and a very important part of our education system. I am enjoying a very good working relationship with both non-state schools in my electorate and will continue to play an active and responsible role in my capacity as their local member of parliament.

Both schools, although well staffed and well equipped, would really appreciate extra funding to improve the schools for the betterment of the students. Recently St Luke's received over $30,000 from the Gambling Community Benefit Fund to improve the school ground. This is much needed for the

school. Imagine if the profits are required to be taken away from the school to the shareholders. The impact on the school facilities would certainly be severe.

Queensland is the growth state of Australia. The number of students enrolled in Queensland schools continues to rise as Australian families relocate to the Smart State. The substantial population growth clearly displays the level of confidence that parents relocating from other parts of Australia place in the quality of education their children will receive in the Queensland education system.

Last month the Premier and the Minister for Education and the Arts announced that the state government will inject an extra $127 million into Queensland's education system. This is a key component of our Smart Queensland: Smart State Strategy and takes our education system across the state, non-state, independent and Catholic sectors to the cutting edge on an international scale.

A major factor evident through our education package is our dedication to putting teachers, students and parents in the same lane on the information superhighway. This government is putting more monies into education and cannot support in any way profits made by schools going to shareholders.

The Minister for Education and the Arts was absolutely spot on in her recent claims that Mr Howard and his government choose to pursue an antifunding agenda in relation to our Smart State's education needs. Despite any promises to the public about education funding and policy proposals, the budget released by Mr Costello remains fruitless in this most important area. While $1.6 billion for education in Queensland for the next financial year sounds like a lot of money, it is important to consider that this amount does not deliver one cent above indexation to Queensland's schools in the next financial year. There is no extra money from the federal government for that purpose.

The federal budget cannot be considered a budget of the future when the federal government blatantly undermines and ignores an obvious opportunity to invest in our children and their future. It is sad for all families in our state to clearly view how easily the Treasurer has glossed over and relinquished the chance to invest in our children's better education.

The proposed amendments highlight the priority that this government places on our commitment towards the better interests and development of our children attending non-state schools in our Smart State. This government is committed to a belief that profits from schooling should be invested in students and students alone rather than delivered to shareholders and that any surplus funds should be put back into the schools and their amenities.

Queensland's reputation as leading the way on educational reforms is expanding. There is a lot happening in education, and we are making smart changes for a Smart State. For all of these reasons I commend this bill to the House.

Mr LANGBROEK (Surfers Paradise—Lib) (4.21 pm): I am pleased to rise to speak to the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. In doing so I will immediately say that the Liberal Party will not be supporting this bill.

This is a bill that first and foremost provides a disincentive for private companies to invest in educational services. While I recognise that this bill is not designed to keep companies from opening schools and that the bill does not deny accreditation to those schools, the very fact that the government is making a move to start schools instigated by private enterprise so far behind the eight ball means that schools of this nature will find it extremely hard, if not impossible, to compete in this market.

I say to the minister at the outset that we have no problem with the concept of a school from which profits may be returned to shareholders—a school that is answerable to the same standards that are applied to any other school; a school that would have to be answerable to parents and to students, to the community, to the board of directors and, in this case, to shareholders.

If there is any inkling from members opposite that voting against this bill will inhibit a child's education they are wrong. There is no use standing up here and saying that schools that pay profits to shareholders are bad schools, because there is no evidence to support such a statement. Moreover, such an ideological attack erodes the options that are available to students and their parents when considering educational options. It would appear, to some extent at least, that these reactions reflect an underlying belief that educational services delivery is somehow tainted when there is private sector involvement. However, international experience has sufficiently demonstrated that private sector participation in the school sector can deliver real benefits for students. An article states—

In many American states companies can legally operate schools. For instance, charter school legislation allows private organisations to operate schools, and these schools can receive public funding for as long as they satisfy the educational accountabilities and other requirements of the charter agreement.

The Premier is always speaking about overseas examples of policy that we could take up here. Let us have a look at some examples of for-profit schools that exist overseas. The Edison Schools serve around 235,000 students in 20 states. In 2003 these schools ticked over $425.6 million in revenue and employed 6,348 people. More importantly, between 2002 and 2003 there was an average gain of 6.7 percentage points on test scores. This represents a gain of over twice the national average.

Mosaica Education Inc. has 45 institutions and 11,000 students. The business was one of America's fastest growing businesses in 2004. It has been recognised as an 'education innovator' by the US Department of Education. I do not think it would have been acknowledged as one of America's best new products if it was providing an inferior product. These schools have seen massive reductions in students being placed in the lowest percentage quartiles. There have also been large increases in test score results across the board.

Then there is Ombudsman Education Services Ltd with 60 schools. These schools deal specifically with children who have learning disabilities. These are schools that deal in a specific area of education. I am sure that, if the concept was allowed to grow, a similar school would be a tremendous asset in Queensland. These statistics are to be found in an article by Julie Novak, a private sector economic consultant.

I am also of the mind that including such schools into the educational fabric will enhance the pool of educational resources. This bill rules out a chance for some parents who are deliberating over taking their children from public schools to private schools to even consider that as an option. Rather, it is a move by the government that provides a disincentive for parents to make that move and places an even greater strain on the already underresourced government schools. The article states—

For states hooked on various incarnations of 'state socialism', these regulatory impositions seem nothing more than contrivances acting to shield poorly performing government schools, and the public sector teacher unions that patronise these institutions, from further competition for students by innovative non-government school education providers.

Julie Novak also states that policies like the one we are debating today further skew the playing field of funding, particularly to the advantage of the public school system. This is very enlightening with a view to finding the motivation for this bill. We see that examples of these schools work overseas. Further, there is no significant literature to say that a child's education will be disadvantaged by attending a for-profit school, unless, of course, that school has to perform without the normal assistance that a school should expect with X number of students.

I mentioned the United States examples. There are also a number of for-profit private school chains already operating in the UK. Chains of for-profit private schools are also developing in countries as diverse as Sweden, Brazil and even in the communist People's Republic of China. That group of schools is called South Ocean Schools.

It may be that Minister Bligh has given up in her mission to take Queensland's public education to an elite and competitive standard. This is evidenced by the fact that she introduces bills like this one that seek to prevent further competition to state schools so that the deficiencies in the state school system can be hidden for longer. We have many hardworking teachers and other staff in our state school institutions walking to work each day bearing the ultraheavy cross of being underresourced, looking after overcrowded classrooms and often teaching children with behavioural issues. The Queensland Teachers Union is constantly raising this issue with the government.

I am sure that those hardworking educational martyrs would love to see a system where state schools could be pitted in a competitive marketplace so that the deficiencies of those schools could surface at last and the minister could take her head out of the sand. However, in true Labor Party style, the minister and her left wing foot soldiers are blocking the path to progress. Members should make no mistake: this move hurts the progress of public schools by bringing all schools down to the lowest common denominator as opposed to trying to lift all schools up to the new heights that could be achieved through competition in the market.

The international developments reflect a growing vote of confidence in the capacity of the private sector to provide high-quality school education that boosts the long-term economic, social and cultural capacities of young people. 'Profit' is no longer a dirty word in education as the market has progressed from selling textbooks and providing the ingredients for school lunches to delivering education in the classroom. Indeed, it is important to note that in many cases education policy makers are permitting firms to turn around failing public schools. Therefore, in this sense the reactions against corporate involvement in school education at home are dramatically at odds with developments occurring across the globe.

No matter what rhetoric is espoused by members opposite and no matter how much they think they are helping the children of Queensland, they are doing the exact opposite by keeping the standard of all education down by, in practice, preventing for-profit schools from entering the education market. Why would any school of this nature enter into a market where they start with such a financial handicap? This move is a blatant ideological attack and this parliament cannot stand for it.

Another problem with this bill is that it creates a plethora of interpretational problems in relation to bodies which enter into agreements and contracts. I refer members to a letter that I have received from the chairman of the governing council, Canon Bruce Maughan of the Cannon Hill Anglican College Pty Ltd. My colleague the honourable member for Bulimba, in whose electorate the college is situated, has had representations from Canon Maughan. He stated that he was not interested in politicising the nature of this debate but that, in terms of his frustrations, the proposed legislation 'should be more thoroughly thought through'. He also states—

The organisational status of an entity does not of itself impact on its not-for-profit status. Companies limited by shares, such as this college and, we believe, one other affected college—

And that college is Djarragun College in north Queensland—

that are not-for-profit organisations have provisions in their constitutions prohibiting the distribution of any of the company's funds to members. This college has such a provision in its constitution. Such a provision ensures a company limited by shares can only operate on a not-for-profit basis.

We believe that the legislation could be redrafted to make eligible a company limited by shares if it is clearly determined to be a not-for-profit entity rather than defining companies limited by shares as ineligible and then providing for exceptions.

He considers that to be clumsy. He mentioned that on a couple of occasions. I know that representations have been made by him to the government and I ask the minister to address that.

Mr Purcell: He wasn't looking to put taxpayers' funds into private colleges. I can assure you of that.

Mr LANGBROEK: Thank you. The at arm's length definition is qualified. Rather than using the traditional and time honoured meaning of the word, the legislation contemplates a qualified version that would not prohibit arrangements only because the non-profit entity has the power to appoint or remove a person as a director of the governing body. The legislation fails to go on and state the other requirements for the arrangements to be prohibited under this test. No doubt much judicial energy will be spent discovering where a line should be drawn on this issue.

The bill also has interpretation problems with regard to for-profit schools. In a perhaps muddled way, any school that decides to have a prohibited arrangement will not be eligible for funding. That is fair enough, although I do not agree with the premise that that provision is based on, for the reasons I have outlined. At least there seem to be no interpretational issues in that respect.

However, if a school's independence is compromised because of financial decisions relating to a for-profit entity, it will not be eligible for funding. A range of financial transactions could be made, some of which would clearly indicate that a position has been compromised and others that would be borderline. It would be helpful, to say the least, for the purposes of interpretation if the minister could outline some of the situations regarding the erosion of financial independence that would be considered great enough to make a school ineligible for funding.

This bill is flawed as its outcomes will reduce the overall level of educational services in Queensland. The intention of the bill is to satisfy the left wing appetite of some members opposite and to do so even if its outcomes include a lesser level of education for Queensland children. Moreover, the bill contains some substantially vague provisions that need to be addressed.

A couple of additional points are worth noting. The state government has a policy position—albeit a poor performance in practice—which potentially allows for public-private partnerships in the government school/education sector, for example, the Southbank TAFE proposal, yet it wishes to close off the potential for the private sector to collaborate with the non-government school sector.

It is proposed that the Non-State School Accreditation Board have a greater role in the vetting of corporate governance and financial arrangements. I suggest that the board does not have sufficient experience in this regard. It does not have the financial and corporate governance acumen at the level of, say, the Australian Securities and Investments Commission, ASIC, to do the job well. I urge all members to vote against this bill.

Mr PURCELL (Bulimba—ALP) (4.34 pm): I rise for the government to support this bill. I note that a college in my electorate has been mentioned by a couple of the previous speakers. I was not present in the chamber when it was first mentioned because I had some business with some people in my office. However, I can assure members of this House that the Cannon Hill Anglican College is not seeking changes in this bill such that any company or independent college that it has would be for-profit. As I understand the previous speaker, he thinks that this government is made up of all sorts of socialist type people who do not want to put taxpayers' money into shareholders' pockets. He thinks that is the thrust of this bill—the be-all and end-all.

The concern with regard to the Cannon Hill Anglican College—and I have spoken with Canon Bruce Maughan—is that any changes made to their limited company may mean a loss of funding. Their legal advice is that this bill will take that away. I made representations to the minister on the night after I received Bruce's letter. I thank the minister for that and for making her staff and the director-general available on a couple of occasions in order to speak about that.

We still have some differences with the Cannon Hill Anglican College in relation to the interpretation of this bill. However, I can assure members that there is no difference in relation to taxpayers' money being used for educational purposes and not-for-profit and profit-making companies. That was never in question. If people are saying that either of these colleges were about that, then they are wrong and they are misleading this House.

Their concern was that if a director changed or if changes were made as required by the federal legislation relating to limited companies, then they would lose their grandfather clause. This company has been set up in the best way, as they saw it, to structure the company for that college. Nobody would disagree with that. However, I can certainly say that that college will never be looking to use taxpayers' money for profit; it would all be put into that school. I have seen that school grow. When I first became

the member for Bulimba that school was on a flood plain. They were very thoughtful when they built the school so as to preserve the trees and the environment. They have put a lot of money into preserving the environment, including the creeks, surrounding the school.

The college has grown from very small student numbers to 832 students, from years 4 to 12. All of the dollars that it has made in fees have been put back into that college. I know for a fact that the college carries a fairly heavy debt because it continues to improve the facilities for its students and for the betterment of that college.

I have been supplied with a letter from Anna Bligh which she wrote to Canon Bruce Maughan yesterday. I spoke to Bruce about that this morning. It should give Bruce some comfort that some assurances have been given by the minister with regard to the college that he represents. To save the time of the House, I would like to incorporate that letter in *Hansard*.

Leave granted.

Anna Bligh MP
Queensland Government

25 MAY 2005

Canon Bruce Maughan
Chairman of Council
Cannon Hill Anglican College Pty Ltd
PO Box 3366
TINGALPA DC OLD 4173

Dear Canon Maughan

Thank you for your letter received on 19 May 2005 in connection with the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005. I understand that you also discussed your concerns with the Director General of Education and the Arts, Ken Smith on 25 May 2005 and that he reassured you of the intent of the Bill.

The primary rationale for the Bill is to ensure that Government funding does not go to non-State schools if those schools are being used as a vehicle for making and distributing profits to shareholders rather than for the benefit of schools and their students, as originally intended by Parliament. The Government wants to ensure that public money is not paid to the governing body of non-State schools through Government funding if the school is being used as a vehicle for making and distributing profits to shareholders.

I note that your College's view is that the amendments proposed at section 17(1)(b) of the Education (Accreditation of Non-State Schools) Act 2001 meet the Government's and the Bill's stated objectives and that imposing organisational restrictions on governing bodies of non-State schools is an unnecessary additional restriction.

The Bill ensures that the new prohibition on funding ineligible companies will not impact on your College, which is one of two schools accredited under the Act whose governing bodies are companies limited by shares.

The governing bodies of these schools will continue to be eligible for government funding provided the schools do not change governing bodies to another company limited by shares.

Amendments to the constitution (to the extent that there is no change to the effect of the not-for-profit provisions), changes to the directors, or other similar changes, in respect of Cannon Hill Anglican College Pty Ltd will not jeopardise its ability to take advantage of the grandfathering provisions in the Bill.

It is, of course, open to the governing body to change to another type of corporation. Under the Act, the governing body of a school can apply to change its governing body. However, to retain government funding the new governing body would need to comply with the provisions of the Act.

The alternative option considered was to require your College and the other school to change their corporate structure to one that is not limited by shares. This option was not considered appropriate. Both of these schools are long standing schools that have been operating for a long period of time prior to the introduction of the Act, and to the best of my knowledge, have been operating their schools on a not-for-profit basis and are acting in the best interests of students.

Their members do not derive benefit from the profits generated by the school and there are sufficient controls in place to ensure members do not receive property or income (other than perhaps as bona fide reimbursement for services) either from the operations of the school, or upon winding up.

Nevertheless, the Government considers the proposed restriction is appropriate. The proposed restriction will give the Accreditation Board greater confidence that a governing body seeking Government funding will not operate the school for-profit.

Yours sincerely

(sgd)

Anna Bligh MP
Minister for Education and
Minister for the Arts

Mr PURCELL: Upon speaking with officers of the minister's department and the director-general, the concern is that a company can change very quickly from a not-for-profit company to a profit-making company without a lot of effort.

I will give a very simple example of the concern. If a college—and I am not referring to any college in particular—had to take out a loan of a couple of million dollars the interest rate for that loan could be 40 per cent. That is a normal business transaction. All colleges and schools would have debts against their college or school. The unreasonable interest rate could be taken as a profit and could be distributed to shareholders. That would be using taxpayers' funds in the wrong way. They would not be used to educate children and for the betterment of schools. I support the bill.

Mrs STUCKEY (Currumbin—Lib) (4.45 pm): As honourable members have already heard from the member for Surfers Paradise, the Liberal Party will not be supporting the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. The state government has been trying to encourage private partnerships in Queensland through its PPP scheme. While it has been embarrassingly unsuccessful with only one managing to get out of the planning stage, other organisations have surged ahead. Now the government has decided to penalise them for their initiatives.

A direct example of this has been demonstrated recently with the private sector helping to establish a new school in the outer south-west Brisbane region of Springfield. In a somewhat two-faced reaction the state government is making every effort to block moves of this type. Instead of encouraging this type of partnership, and others which may follow suit, it is throwing obstacles in their way. This legislation will prohibit schools from receiving any government funding because some of its profits go back to shareholders. Without dividends being returned to shareholders there would be no incentive for private enterprise to form a partnership with community organisations. No wonder this government's record on securing PPPs is so woeful.

If we are to believe the education minister, these amendments are being made to 'maintain the integrity of our schooling system by ensuring all schools, including non-state schools continue, to operate in the best interests of students.' This sounds commendable. However, surely if the best interests of students, in particular those in our western corridor and the Springfield region, are to be considered it would be advantageous to have a brand new school in that area—a school that is anticipated to cater for hundreds of students, one that is a part of a broader education precinct, one that will encompass new growth.

Do I spy the green-eyed monster called jealousy lurking here? Just because the government did not come up with the idea and cannot claim any Smart kudos it wants to quash it. Or perhaps it is greed. Government coffers will not gain from proposals such as this so it wants to block it.

This bill also gives the Accreditation Board the powers to not approve schools if it considers that the governing bodies are not suitable. Private enterprise has been involved in schools all over the world, including the United States and the United Kingdom, which have shown real benefits being delivered to students. I note the Premier praised the US and the UK for their progressive attitude to medical models that utilise nurse practitioners, yet this government penalises private enterprise for tapping into successful ventures in these countries and attempting to incorporate them here. These international schools I have just mentioned reflect a growing vote of confidence in the capacity of the private sector to provide high-quality education that boosts the long-term economic, social and cultural capacities of young people.

Areas such as the western corridor will be far more attractive if there are services that offer choice to enhance people's lifestyles. Pressure will be lifted off government resources and struggling P&Cs. Profit is not a dirty word, as my educated colleague from Surfers Paradise has already said. Here we have a government that does not support the notion of private enterprise investing in schools. I imagine we will hear all the usual arguments from government members who despise non-government schools and who will use wedge politics to banter on about the haves and have-nots.

Mr Terry Sullivan: You are a liar.

Mrs STUCKEY: I ask the member to withdraw.

Mr Terry Sullivan: I withdraw.

Mr DEPUTY SPEAKER (Mr Shine): Order! The honourable member will be heard.

Mrs STUCKEY: They will raise issues about a lack of profit causing school closures. Provided a transparent approach to auditing and checks and balances is in place so parents, teachers and stakeholders can ascertain the financial health of the school, this scenario should not occur.

What about choice? That is not a consideration here. Students and their families will be punished by this legislation. Blocking funding to projects like this is a disincentive for them to survive and the government knows this. It is deliberately obstructing their chances of gaining accreditation without which they are doomed to fail as parents would not wish to send their children to an education facility that was not accredited.

The Beattie government's claim that it will deliver $30 billion worth of private sector funded infrastructure projects to south-east Queensland is absurd. The reality is that the Beattie government has only signed off on one public-private partnership and even that one is yet to get off the ground. That is not a very convincing track record at all.

Queensland is being put to shame by other states such as New South Wales and Victoria which have been highly successful in attracting private sector funds to build a vast range of infrastructure such as schools, roads and even courthouses. These amendments are just another example of the Beattie government trying to control non-government schools. It is already interfering with autonomy in the curriculum, educational standards, teacher quality, school disciplinary policies and education facilities.

Now the Beattie government wants to discourage private partnership agreements which have the potential for raising the standard of education in Queensland. I do not support this bill.

Mr NEIL ROBERTS (Nudgee—ALP) (4.46 pm): I take strong offence at the suggestion from the member for Currumbin and the member for Burnett that members on this side of the House are anti non-government schools. I, like many members in this House, am a strong supporter of the non-government sector. Indeed this government has a very strong and proud record of providing that level of support.

I was interested to listen to the contributions of the members for Burnett and Gregory, in particular, who seem to be running a very spurious argument that this bill will take money away or threaten the funding that is going to not-for-profit non-government schools. As will be revealed as this debate continues tonight, that is absolute garbage. This bill is about ensuring that any public funds that are provided for not-for-profit schools benefit the facilities of those schools and the students of those schools and not, as the Liberal Party appears to be promoting, go into the pockets of shareholders.

I wanted to take this opportunity to recognise the great contributions made to educational outcomes and quality education by all non-state schools in my electorate—St Pius at Banyo, St Flannans at Zillmere, St Kevin's at Geebung, St Dympna's at Aspley and St Joseph's Nudgee College. All of those schools provide very nurturing environments for their students. They are very well supported by their communities and their parishes. These schools receive public funding from the government—funding which is to be used for the benefit of the students and not going into the pockets of individuals seeking to make a profit out of education.

The bill, as has been indicated by other speakers, amends the act which establishes the regime for accreditation funding and ongoing monitoring of non-state schools in Queensland. The amendments clarify that non-state schools in receipt of government funding must be operated on a not-for-profit basis. This is an entirely expected and reasonable outcome for public funds—which is something that we will continue to say over and over in this debate—because they are there for the benefit of the schools and the students.

The bill seeks to ensure that public funding for non-state schools is not used as a vehicle for making and distributing profits to shareholders of a private company which may have established a school. It does not prevent a private company from establishing a school. They can do that and become accredited. It simply ensures that public money is spent where it should be.

I want to seek the indulgence of the House for a couple of minutes to highlight one example in my electorate where public money and, indeed, public education is achieving great outcomes for the community and for students. I want to refer very quickly to Boondall State School and its recent success in being recognised with an award for excellence in inclusive education at the recent north Brisbane showcase awards for excellence in schools.

Boondall's Busy Elves program focuses on the early identification of literacy problems in year 1 and year 2 students, and the program has had outstanding success in its early stages. The average reading scores for at-risk students tripled over the duration of the project last year and students who were considered at risk are now achieving the class average in reading. I had the pleasure of attending the awards ceremony last week with the team that implemented the program at the school and want to place on record my congratulations to the school and all of the staff who contributed to the success of that program. I particularly give credit to Tessa Barnett and Heather Allison from the University of Queensland; year 1 teachers Kathy Beevers, Anna Andrulis, Sharon Maron and Christine Dorman; support teacher Mary Lancaster; head of curriculum Rachel Guttler; principal Chris Campanaris; and deputy principal Keith Wilkinson. The Boondall State School's Busy Elves program was based on the University of Queensland's Early Literacy Fundamentals program, and I thank and acknowledge it for its support and assistance in achieving these great outcomes for our local children. I thank you, Mr Deputy Speaker Shine, for that indulgence. With those few words, I commend the bill to the House.

Mr HORAN (Toowoomba South—NPA) (4.50 pm): The Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill is extremely important. The issue is really about providing choice of education for people while allowing for-profit organisations to be involved in education and receive state government funding as part of that process in the same way that non-government schools—be they Catholic, independent or grammar schools—receive it.

In the history of the development of education in Australia we have seen a number of changes. Probably one of the most dramatic changes was the fight by the Catholic education system to get a fair share of federal and state government taxes that it had paid itself. The argument that the Catholic education system put forward after those many decades of receiving not one dollar of federal or state funding was this: it paid its taxes to both governments and was asking for a share to go to its schools to help it provide that education. The Catholic education system covered a lot of poorer schools and also covered some richer schools where parents could afford the fees. Generally speaking, the mission of the church was that it set out to provide education for working-class families who wanted their children to have a Catholic education.

The Catholic education system's argument was that it had paid its taxes and was effectively paying double taxation, if you like, because it paid its taxes and then had to pay 100 per cent of the costs of running those schools. The reason that working-class Catholic families could afford those fees in many cases was due to the contribution of the nuns, brothers and priests who took vows of poverty and who worked for nothing other than shelter and food. Eventually that argument was won and non-government schools and Catholic schools did receive a share of federal and state government taxes, although they do not receive the full cost of running the school, as is the case with state schools. The arrangement has been well regarded by everybody and by our community. Therefore, parents now have the choice to send their children to a state school or a non-state school—be it Catholic, independent or a grammar school—where they pay fees to make up the difference between the cost of running that school and the government funds received.

Schools, whether state or non-government schools, are run at varying levels of achievement. I have an enormous amount of time for schools throughout Queensland and in my electorate in particular. Some schools cater for communities in which people are quite poor and not well off, and therefore the task is often more difficult. In other cases the schools provide for people who are well off and have a whole range of facilities. For those schools the task is somewhat easier, but they can still have their difficulties and may not necessarily achieve the same amount of educational prowess and success of the other schools. There are different systems and styles of management. Some of them are influenced by religion. Some of them are influenced by other things that the board might strive to achieve. However, all schools together have one major purpose, and that is to provide quality education to children. That is what we should be keeping foremost in our minds tonight during this debate—that is, their purpose is providing an absolute quality of education.

I do not think that because a company is a for-profit company there is anything wrong with that company. Most companies have mission statements and ideals in which they set out to provide an absolute quality of service to their customers. In the process of doing that, they get a return on the capital that is invested. People who invest in an education company that might want to run a school have to put in the sheer capital so that that school has the capital to build its buildings and provide its services. In return those people—it could be a superannuation fund or whatever it might be—would seek to get a reasonable return on that investment.

In the gamut of different sorts of schools, non-government schools have to make a surplus. It is the same in health. Non-government hospitals—that is, they are church-run—have to make a surplus or they go down the gurgler. They need to make a surplus to have something to put aside for the future for expansion, as a buffer and all of those sorts—

Mr Purcell interjected.

Mr HORAN: I understand that, and I am getting to that point. They have to have that surplus. A private hospital's surplus is called a profit. It is distributed to shareholders who invested the capital funds into that private hospital. One hospital could be better than another depending on the system of management—the quality of the board, the oversight of the board, the direction of the board and the aims of the board, whether it is a church board or a private board. One board might be better than another. I am not saying that one is better than the other, but it comes down to the quality of the board, the quality of the CEO and staff and the entity's aims and mission statement. It might be that a private organisation could make a profit and yet still deliver a better service because of its system and modus operandi.

For example, a school that is privately run by a company might be more austere in terms of its gymnastic facilities or furnishings and put that money into the academic side of the school. Parents may then wish to send their kids to that school because they feel that their kids will have a chance of attaining a higher level of academic excellence or achievement and yet the school will still, because of its management systems, be able to provide a profit or dividend to those people who invested share capital into that school.

I understand that this bill is not going to stop accreditation of any organisation and that it is not going to affect existing non-government schools. I understand all of that. What it will do is stop any company that makes a profit or gives a dividend to its investors from receiving state government funding because philosophically—and I understand where the government is at—the government does not want to see government funds used to engender some profit for those shareholders.

The point is that this is about education, quality, service and the choice of the public. I have given examples of a non-government school or a state school perhaps not performing as well as a company owned school. At the end of the day, we want to see choice and opportunity for children. Parents might send their kids to a school for reasons of location, ease of access and so forth—it may happen to be near their community—or they may send them there because they believe their kids can get a better academic achievement, a better sporting achievement or whatever it might be.

We have to be very careful of this legislation, because all of the time there are changes occurring within the school system. We are seeing more contracting within schools systems. Once, boarding schools had their own staff who did all of the catering and looking after boarding houses and so forth. Now they contract that work out to organisations that specialise in that area.

IT has become such a big part of education that some schools are contracting out the maintenance of their IT equipment. Our public hospitals use nursing agencies to get staff. Although we think that all the staff in our public hospitals are people working for the government, in many of those hospitals a large percentage of those staff are agency nurses. So a large proportion of taxpayers' money that is used to pay the wages of nurses and the running of those hospitals goes to a private company. That company's profit goes back to the owners of that company or its shareholders. I could give members a whole range of examples where such systems are in place. It is not impractical to think—maybe it happens now—that pools of specialist teachers in the fields of IT, sport or cultural studies are being used by particular schools.

Through this bill, we are limiting choice. We are saying that if a company wanted to run a school and even if they received accreditation—and to be accredited a school has to be a worthwhile organisation that meets the standards that are set down for all non-government schools—that company will not receive any government funding because its surplus will be a profit that will go to people who put capital into that school, be that capital for the construction of the school or for its ongoing costs and maintenance. I think that is a dangerous way to go.

The government puts money into many entities from which people make a profit. For example, the Department of State Development has provided $84 million to major companies to assist them to grow their profits. There is nothing wrong with that because at the end of the day those companies provide jobs and help grow the economy. The government pays a private organisation to provide security to run some of its correctional centres. There are other examples.

Ms Molloy: That is all wrong, too.

Mr HORAN: We did it. In Health, in Corrections—in a whole range of departments—the government pays private organisations for services. Why does the government do that? Because it wants the service and it wants a particular level of service. Guidelines are set down for the provision of that service.

Mr Purcell: Name one school in Queensland that works for profit.

Mr HORAN: The member asked me if I could name one school in Queensland that works for profit. I do not think there is one at the moment.

Ms Bligh: Yes, there is.

Mr HORAN: Fair enough. I not arguing about that. I am saying that the issue is people's choice. We have come a long way in education. Once we funded only our state schools. We now fund all of these other schools. State and federal governments fund some elite schools. The parents of the students of those schools pay their taxes and governments should make a contribution towards the education of their children.

As I said earlier, a school could be well run by a company and that company could make a profit. But the school is not spending money on largesse. Some schools spend money on some wonderful facilities for their students, for their parents, for their old boys—all sorts of things. That adds to the overall quality and range of education provided by those schools. I think this bill takes away choice and stifles evolution in the education system.

Ultimately, the parents will make the decision. If a company started a school and could not meet certain standards that parents wanted for their children, the parents would take their children out of that school and the school would not survive. There would not be any dividend, yield, or profit for the shareholders of that company. Parents do that all the time. They make decisions about which secondary school their children attend.

Will this bill increase the competition for the money that is available for the existing schools? To be honest, we have that already. Mr Deputy Speaker, we come from the same town and there are 15 secondary schools there. Three of those schools are Christian schools that have started in recent years. One school has in the order of 900 students. An increasing number of non-government schools are starting up and they all want to have a bite of the cherry—the funding that is provided by the federal government and the state government. As the number of those non-government schools increases, the amount of funding available also increases. So I think that if there is a concern that a school owned by a company would take away money that rightly belonged to other schools, it is unwarranted.

In fact, that increased competition has made our schools wonderful. I have two high schools in my electorate, Harristown State High School and Centenary Heights State High School. They are absolutely outstanding. In recent years, the number of students at Harristown State High School has grown to something like 1,750 students. This year that school had to put a cap on the number of year 8 students because the school could not physically take any more kids. That school marketed itself, which was something that we would never have seen in years gone by. But that is part of the evolution of education about which I spoke. There is great pride in that school. It has excelled in sport, academia, culture—a whole range things. I must mention that one of that school's great past students, Steven Price, was awarded man of the match last night. He is a man of great heart and courage. I have great admiration for him.

I have spoken to people who have said to me, 'My boy is finishing primary school. I am not sure whether I will send him to Harristown State High School or Toowoomba Grammar School.' Once upon a time people would have said, 'I am going to send my son to Toowoomba Grammar.' Our state schools are now schools of choice. They are the first choice for many, many people. Likewise, in recent years the number of students at Centenary Heights State High School has grown from 850 to 1,150. About 30 students from mainland China are attending that school and board in homes in the surrounding area. That school provides a whole range of opportunities for children. It has set down a very good discipline and academic achievement system.

I believe that all of this competition has created better schools. Despite that competition, we still have schools that truly believe in the ethos that led to their establishment. I had the opportunity of going to a Brothers school. My year 6 class had 114 kids who were taught by a 21-year-old Christian Brother.

Ms Nelson-Carr: And you were all very well behaved.

Mr HORAN: We were well behaved, because we got the strap if we were not. The dedication of the Edmund Rice system within the Christian Brothers colleges of looking after working-class people who wanted a Catholic education for their children was an important element of those schools. I see that ethos in some of the schools today. There are some little convent schools in areas of western Queensland that are represented by the member for Gregory. They were established when nuns went out to those areas, wearing their habits in the heat, to provide pastoral care. That was magnificent.

I think we are so fortunate to have the education that we have today. It has evolved, it has grown and it has diversified. It provides education for people of particular religious beliefs. Through competition and through people's willingness to make great sacrifices to send their children to the school of their choice, the quality of education—whether that is provided by government schools or non-government schools—has been enhanced. Oftentimes a family's second income is spent purely on the kids' education. My wife resumed nursing to put our kids through school. Otherwise we could not afford the fees of the secondary school that we wanted to put our kids through. I am not Robinson Crusoe. Everyone does that.

I think we are missing an opportunity here to remember the lessons of history. All people pay tax to the federal and state governments and all people in Australia expect that part of their taxes will go towards paying for the education of their children and that they will meet the cost of their special education requirements over and above that. If those requirements are religion, or tradition or sporting prowess, then they pay the extra money to send their children to a school that provides those things. If a company can achieve what parents want, why should we deny parents that option simply because we are philosophically averse to profiting from education? With all the subcontracting arrangements that go on now within schools, there are many private companies profiting from education. Whether the surplus money goes back into the school, or to the mission or to a retirement home for the religious order, or to a parish diocese for other activities or becomes profit for a company, that is the business of the particular organisation. We have to watch this situation very closely. This legislation will inhibit the growth and the vitality of education. We have a wonderful system now. Let us not stymie it with this legislation.

Ms STRUTHERS (Algester—ALP) (5.11 pm): State and federal governments provide billions of taxpayer dollars in funding for public and non-government schools. The last thing that taxpayers in Queensland want is for their hard-earned dollars to be directed to private shareholders of a private school rather than to the education of children. There have been moves by private companies to get a share of the private education action where they see a potential to make a profit for their shareholders. The minister is to be commended for her quick and decisive response to such manoeuvring.

This bill is not about stifling entrepreneurial and creative commercial efforts. These efforts are essential to the sustainability of schools. This bill is about ensuring that members of governing bodies of our non-state schools are not compromised by a conflict of interest when it comes to the disbursement of public funds. If there were to be shareholders in a company that owns a school, they may make decisions for potential commercial gain at the expense of educational outcomes. That is what this bill is about. It is not about stifling commercial activity; it is about making sure that that activity is in the best interests of the students at the school.

A number of schools including public schools enter into agreements with private operators of services, and generally there is not a lot wrong with that where it is done under tight guidelines and tight contractual arrangements. This hands-off commercial relationship is not threatened by this bill. In fact, it is very disturbing to hear the offensive things that have been said about public schools in this House by members of the Liberal Party here tonight. I want to assure residents in my area that I am very proud of what our public education system provides and I am very proud of what our non-government education system provides.

I urge all the Gold Coast members—the member for Southport and others—to make sure that everybody on the Gold Coast knows what these members have said in the House tonight. For instance, the member for Currumbin said that we need private-public partnerships to lift the standard of public education. What is wrong with the standard of public education? We have a very high standard of public

education. The member for Southport should make sure that everybody on the Gold Coast hears about that. The member for Surfers Paradise said in this House tonight that this bill is about hiding deficiencies in public schools. What does he dislike about public schools? Public schools provide an excellent standard of education, and we on this side of the House are very proud of what public schools do.

Let me commend one such effort that I witnessed today. At lunchtime I went to a diversity in education forum at Kangaroo Point. Approximately 200 teachers and principals got together from public schools to share ideas about how to best respond to the needs of refugee children. As we know, there are many African kids coming into our schools, particularly on the south and north sides of Brisbane and Toowoomba. They used their initiative and got together. Last year the minister provided a $1 million injection of new funding for support to migrant and refugee kids in schools. It was a great effort by our public educators in getting together to support these kids. In contrast, what has our federal government done? At a ministerial council meeting a couple of weeks ago federal Minister for Vocational and Technical Education, Gary Hardgrave, refused to support additional education funding to refugee and humanitarian children in Queensland. That is a disgraceful act by a minister who has one of the largest proportions of refugee children in his own electorate of Moreton.

Mr Fraser: And was the former minister for citizenship.

Ms STRUTHERS: Yes, I take that interjection. There is a lot of misconception about the efforts made in our public schools. I want to set the record straight tonight. I and my colleagues on this side of the House are very proud of our public schools. We are very proud of what our non-government education sector provides. I urge particularly the Liberal members in the House tonight to apologise to all of the public schools within their electorates.

Mrs MENKENS (Burdekin—NPA) (5.15 pm): I rise to contribute to the debate on the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. In doing so, I declare to the parliament that I am a member of the Board of Management of the Cathedral School of St Anne and St James in Townsville. This is a voluntary position with no remuneration and I also note that the comments I make tonight are my personal comments and not those of any members of the board.

The stated objectives of this legislation are to strengthen the provisions regarding eligibility for government funding and to clarify the matters the Non-State Schools Accreditation Board may consider when assessing the suitability of an entity to be the governing body of a non-state school. The underlying principle of this bill is to ensure that government funds are not squandered by non-state schools being run by private enterprise who may be running these schools for the purpose of generating profits to shareholders. Concerns have been raised that it is not appropriate for public money to be paid to bodies such as these. My very real concern—and it is a real concern—is that innocent groups that are absolutely struggling to provide an independent system of schooling in Queensland could be caught in the net of this heavy-handed legislation. Parents have a democratic right of choice to educate their children in a state system or a non-state system. I also stress that competition in any sphere hones and improves that system by the very nature of competition alone. The need for non-state schooling is necessary and accepted.

That there is money to be made from providing education in the private sector at the very high standard that I believe Education Queensland demands is something I find very hard to believe. I do wish to acknowledge the high standard of education in Queensland. Queensland has a high record of educational success and compares very favourably with other states in Australia. Every child in Australia and Queensland is entitled to support from government in his or her education. Recent increases in Commonwealth funding for non-government schools has not led to reductions in funding for government schools. Parents who invest their after-tax savings in their children's education contribute to national investment in education. Everybody benefits when there is an increased investment in education.

I will quote some figures from the Independent Schools and Parents web site. Based on Productivity Commission data, parents of students in Australian non-government schools save the taxpayer $4.2 billion per year. Governments spend four times the amount of money on government schools than they spend on non-government schools. Another interesting fact, also from the Independent Schools and Parents web site, is that there are more students from higher income families in government schools than there are in independent and Catholic schools combined. Private education is not the province of the rich. The member for Toowoomba South has certainly made reference to that, and I can certainly relate very strongly to that as well. In fact, I can cite many families whose highest priority is their children's education. Parents hold down multiple jobs, drive second-hand cars, forgo holidays and expensive entertainment for their children's sake, and I applaud those parents. That is what we have in Australia and in Queensland—the ability to choose these options. Government funding support for students enrolled in independent, Catholic and other Christian schools has been recognised by all Australian and state governments for many years.

This entitlement to government funding has some very valid reasons, and I would like to outline some of them. Because school education is compulsory unless specific exemption is granted, governments thus have an obligation to ensure that there is schooling available for all children. They do

not actually have to provide the schooling unless it is chosen by parents, and this is a wonderful system. Parents' right to choice in schooling is universally accepted. Australia is a signatory to the United Nations declaration that includes the right to choice. Education is in the public interest and it brings benefits to society; therefore, it is well worth government investment.

A fair level of public funding for a child's schooling, no matter what school they attend or their family background, is an entitlement that must be available to every parent and child in Queensland. Governments also must accept that parents have the right to choose the schools to assist them in the education of their children. Governments also have an obligation to support this choice with public funding. Parental expenditure in private funds on schooling must be encouraging. Parents must not be penalised by governments because of the school they choose.

At the end of the day, private schools are a major asset to governments, both state and federal. It actually costs taxpayers much less to educate Australian students in non-government schools. In fact, parents choosing to send their children to non-government schools increase the funds available for education overall. So what does it actually cost for education? I would like to quote again from the Independent Schools and Parents web site. Of each dollar that is spent on a student's education in a government school in the state system, parents contribute 5c, the Australian government contributes 12c and the state government contributes 83c. For non-government schools, parents contribute 61c in the dollar, the Australian government 28c and the state government 11c. That is not a huge contribution—11c per dollar. If one or two schools are making a profit out of this, at the end of the day it is still not a large government contribution, but so be it.

There are 195,000 students currently enrolled at non-state schools in Queensland. The state government currently provides assistance to 451 Catholic and independent schools in Queensland. As I have said before, independent schools certainly receive much less funding than state schools. Looking at it from another perspective, on average Australian independent schools receive 39 per cent of their income from governments. The majority of funding—61 per cent—comes from private sources across Australia, mainly parents through the payment of fees. These private or independent schools do receive their funding on an economic basis of need, and there are some so-called wealthy schools that receive next to nothing in government funds. However, these schools are very few. Providing education is not a lucrative or remunerative activity, and I am sure that the minister would privately have to agree with that statement.

Within this bill before the House tonight the Queensland government is concerned with the potential for for-profit entities to establish a non-state school and adopt corporate governance arrangements to intentionally distribute revenue generated for the operation of the school to the entity's members, to shareholders or to related entities rather than return the profits to the school for the benefit of the students. Whereas the intent of this bill may seem reasonable, I am greatly concerned about the entities that may unintentionally fall into the net that this legislation creates. It is a minefield that frightens me, and I am aware that many non-government school bodies are extremely concerned as well. I have no doubt that there are many school governing boards which have set up as their management arm a company structure, not with the intention of paying out massive dividends to anybody or to any entity but to facilitate the business management of their school in modern business terms. This legislation ensures that governing bodies of schools being operated in a manner that this bill dictates as being unreasonable are not eligible for government funding.

It is stated that this bill does not seek to prevent a governing body that is a party to such arrangements from being accredited to operate a non-state school provided the school meets the accreditation criteria under the act and the governing body is considered by the board to be suitable to be a governing body of a non-state school. That is fair enough. However, it will not receive government funds. Non-state schools which operate as incorporated entities are already subject to the Corporations Act. These obligations already cover many of the aspects that this bill seeks to address.

The AISQ believes that this legislation overregulates the non-state school sector. Independent and Catholic schools make a significant contribution to education in Queensland, and no problems have been exhibited with the current accreditation legislation. In the three years that the Education (Accreditation of Non-State Schools) Act has been in operation to regulate Queensland's 451 non-state schools, there have been only two show-cause notices issued. In both of these cases the government achieved its objective.

The bill does seem to be an overreaction to individual circumstances and creates an adversarial role between the non-state school sector, the accreditation board and the government. What guarantees do those school bodies have in the implementation of this legislation? Are schools which may have a totally innocuous company structure in place automatically deemed to be guilty unless they can prove otherwise? Are they expected, as a result of this legislation, to completely restructure their business entity to suit the whims of this government?

Imagine if all the non-government schools in this state were to close. What would the government do? Let me say that the government sector would not have a hope of providing education to all those students. It would be total chaos. So putting further impediments in the way of private educators is a very sad day. I also truly question how many of those entities in the private sector out there struggling—

and I say 'struggling'—to provide the finance to encompass those educational needs are anywhere near making a profit. Contrary to what so many people think, the non-state school area is not a wealthy area. The sector struggles for every dollar it gets and I believe that finance is put to the betterment of children's education in every case.

Because of the additional and unnecessary scrutiny this legislation places upon school board members, there are concerns also that school boards in smaller rural areas will have to fight increasingly hard to attract members of the community to volunteer their time for these positions. The AISQ is also concerned that a lot of independent schools will be unintentionally captured by this legislation. For instance, what about a for-profit building foundation which operates as a subsidiary of a school with members of the school's governing body also on the building foundation? Would this be considered a prohibited arrangement if some of the school's profits were diverted into this building foundation for the purpose of building schoolrooms and engaging students as apprentices and trainees?

There is no way that I want to get into any argument between state and non-state school systems. They are both great.

Mr Terry Sullivan: That's right. That's true.

Mrs MENKENS: I have no argument with that. I believe that the majority of both systems here in Queensland provide excellent education to our youth, and I truly applaud them both. Who are the people who have the most influence on our children? Very often it is their teachers, rightly or wrongly—even more so than their parents. This puts a huge responsibility on all teachers and on all educational institutions. This particular bill strikes me as a total overreaction and a desperate attempt to regulate the private sector. I cannot support this bill.

Hon. DM WELLS (Murrumba—ALP) (5.28 pm): When the Education (Accreditation of Non-State Schools) Bill 2001 was introduced into this parliament, the purpose was to provide quality control in the non-state sector by ensuring that a private school did not receive taxpayers' money unless the standard of education provided and the level of protection guaranteed to the students were adequate. At that time there was no organisation that was proposing to run a school as a money making business. Now that there is this amendment is necessary.

In a free society, if a business wants to make money out of educating people it ought to be allowed to do so. However, the business should not receive a government subsidy. Government support should be reserved for those organisations that are providing education as a service to the community. If the choice is between directing funds to altruists on a socially useful mission or to entrepreneurs, any sane government is going to support the altruists.

As a private member I would go much further. I would counsel parents not to use the services of education providers that are running their schools as a business for profit. An education is not a commodity; it is a priceless gift. A teacher is in loco parentis. A price cannot be put on the value of the education a teacher provides to a student any more than a price can be put on the parental love a father or mother provides to their child.

Mr Messenger interjected.

Mr WELLS: I am sorry to have interrupted the honourable member. If he would like to repeat his inane remark it can be immortalised in *Hansard*.

Mr Messenger: Why is the non-government sector growing at double the rate of the government sector?

A government member: You should think about that. You should think about it long and hard.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! Member for Murrumba.

Mr WELLS: The honourable member is asking a question that has nothing to do with what I am referring to. I would ask him to refer to the remarks that I made. If he reads them then he might be able to understand them a great deal better than his auditory comprehension is allowing him to do at the moment.

The point that I am making is that education is not a commodity. It is not something that should be bought and sold; it is something that should be delivered as a service. There are some things that cannot be bought and sold, and if somebody attempted to buy such things what would be purchased would be only the pale shadow of what they wanted. Education is one of those things. I urge parents to bear this in mind when choosing a school for their children.

Mr WELLINGTON (Nicklin—Ind) (5.31 pm): I rise to participate in the debate on the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill with a great deal of pleasure. I say it is with a great deal of pleasure because I commend the minister on what she is trying to do to remove some of the loopholes that operate and exist at the moment.

I heard one of the earlier speakers say that this bill was an overreaction and that this bill was a desperate attempt to control private schools. I say quite clearly and categorically that I disagree with that totally. In making those comments I reflect on a number of deputations and meetings where I have

brought parents to meet with the Attorney-General, with the minister for education, with senior departmental staff and with representatives from the Accreditation Board. Why did I try to facilitate these meetings? Why did concerned parents want to meet with those people in the government and with the representatives of the Accreditation Board? It was because they were concerned about people rorting the system. They were concerned about people doing the wrong thing. They were not concerned about things being rosy. They wanted to raise issues of concern with the government of Queensland that something was wrong with the level of funding delivery to some non-state schools.

I see this legislation as a deliberate attempt by the government to try to close some loopholes, and that is good. I am prepared to stand up—and I stand up proudly in this House as an Independent—and say that I believe that this is good law for Queensland. This is making sure that taxpayers' money goes where it should go.

I have two criticisms. One criticism is that in the minister's second reading speech she talked about the fact that the bill is intended to ensure that government funding continues to be used for the benefit of schools and their students rather than any other purposes. That is great, but I say to the minister that next time we should use 'taxpayers' funding'. Every time government funding is referred to in a speech it is really referring to taxpayers' funding.

That is what I found difficult to understand when I listened to the speeches of some members of the National Party. I was surprised and stunned by contributions from some Liberal members when they talked about conspiracies. I know that during this sitting I have had a go at the Premier on a number of matters. I was not intending to come in here and have a go at anyone, but after listening to some of the contributions from members of the National Party and members of the Liberal Party I say that I am jolly pleased that I am Independent. As I said in my introduction, I have personally brought parents who have had children and who still have children attending some non-state government schools to meet with ministers, senior department staff and representatives of the non-state school Accreditation Board because of genuine concerns that they have and that I certainly had. I had those concerns in the past and I still have them now. I do not intend to name the schools. There is a loophole there, and I am very pleased that the minister has moved speedily to rectify that problem.

The other concern I have is that the bill was introduced on 10 May. Now it is 26 May and we are actually debating the bill. I wrote to a number of non-state schools on the Sunshine Coast. I sent a letter to them on 17 May. I wrote to the Nambour Christian College, St John's College, St Joseph's Primary School, Sunshine Coast Christian Outreach College, Sunshine Coast Grammar School and Matthew Flinders Anglican College. I table a copy of that letter for the benefit of members. In that letter I indicated that I anticipated that the bill would be debated in the House in coming months and that I would be very interested in hearing their thoughts on the bill. I apologise to those schools because I was not expecting that the minister would bring this debate on so early bearing in mind we had so many bills on the notice paper. That was the second issue that I did have a concern with. However, I have no problem whatsoever with the intent of the bill. I believe the bill is a great step, and I certainly support it.

When we are talking about taxpayers' funding, I really cannot understand why the members of the Nationals and the Liberals want to support taxpayers' funding going to shareholders in a company. I think Queensland taxpayers would be outraged to think that the Liberals and some Nationals want to see their taxpayer dollars going to support a private company so some shareholders can make jolly profits. I thought Queensland taxpayers would want to see their taxpayer dollars ensuring that non-state schools that are receiving state government funding—taxpayers' funding—use that funding to enhance students' education. That was the very issue that the parents wanted to raise with the government, the ministers and the department staff. They were concerned that the dollars were not going to go to ensure the improved education of their students.

I see that this legislation is also trying to make sure that some of the kickbacks, some of the rorts and some of the sham consultancy arrangements that I know have been operating are stopped. That is what this bill is about. This bill is not about trying to penalise non-state schools that are doing the right thing. The only reason that ministers and Independents and members of the Liberal Party and National Party want to introduce a private members' bill is to rectify something that we believe and that government members believe is wrong and needs to be improved. It is not trying to make it harder for non-state schools. It is trying to make sure that some of the rorts—and I say that in all sincerity—that have been happening are stopped.

Mr Messenger: What rorts? Give us an example.

Mr WELLINGTON: I am happy to speak to you in a private capacity, bearing in mind that whatever we say in this House is recorded in *Hansard*. It is on the public record. I am happy to take—

Madam DEPUTY SPEAKER (Ms Jarratt): Order! Through the chair, please.

Mr WELLINGTON: Through the chair, I am happy to invite the shadow minister to meet in a private capacity with some of the parents of Queensland who have some very real concerns to share with him. I certainly do not intend to name that school in the public forum. I would like that to be recorded and I will—

Mr Messenger interjected.

Madam DEPUTY SPEAKER: Order! Member for Burnett, order!

Mr WELLINGTON: I am happy to have that recorded: for the shadow minister for education to consider my offer to meet with parents who are concerned about current kickbacks, rorts and sham consultancies.

I do not agree with the National Party member who said that this bill is an overreaction and a desperate attempt to control private schools. That, in itself, is simply an overreaction. I stand here proud to say that I support the intent of this bill. If it is established that some unintended consequences flow as a result of this bill, I would certainly raise those with the minister and I expect that she would come back into the House to introduce amendments. That will be done if it is established that there are unintended consequences which will have a detrimental effect on the operation of non-state schools.

Mr FRASER (Mount Coot-tha—ALP) (5.39 pm): This bill is fundamentally important. On a day like today, I think we can count it as a no-brainer. However, that is certainly not the attitude that has been taken by members opposite.

I begin my comments by commending to other members of the House the contribution of the member for Murrumba. I agree with him that, in the final analysis, education is not a commodity or an industry or a private good. I believe that, in the end, education is the greatest public good and an educated citizenry is the greatest public good. In fact, the abundant supply and free availability of education is one of the essential preconditions of a civil society. The public benefit that we derive from education as a society is that it provides one of the planks required for our society not only to function but also to flourish. Indeed, the advances in education over the last century underpin the period of prosperity in which we have been living—the time of plenty.

Accordingly, the public subsidising of the provision of education should not be used by some interests to appropriate to themselves a private gain. The public subsidy that is provided in our education system should not be taken advantage of by people seeking to appropriate unto themselves a private gain out of that societal effort. By definition, this bill guards against public funding being applied to, if you like, a short-cut or cut-price mode of delivery that provides an opportunity for a private interest to benefit out of the provision of public funding. That gain to private people, by definition, comes at the expense of the overall allocation of resources to the educative effort that we undertake as a society as a whole.

Members opposite have questioned why this is different from other areas of government policy, where service delivery is undertaken through private interests. I refer them to my remarks about the nature of education being the ultimate public good. In fact, this is the first precondition of what a government must do. If money is diverted from that effort into the pockets of private citizens, by definition, it takes away from that overall effort and, for that reason, it should be guarded against. This bill prevents shareholders pocketing the public money intended for education. To be sure, this is an entirely different proposition from the provision of public money to private organisations in order to provide education, where those organisations ultimately must apply those funds to the benefit of the school, the students and its educative charter.

It is of interest and of relevance—and I checked this with the minister—that the Commonwealth does not have its own separate system for accreditation of schools. In fact, it relies on the state based system. I asked the minister to confirm if that is, in fact, the Commonwealth's position. The minister told me that on Friday of the last sitting week a ministerial council, or MCEETYA, was held at which she asked the Commonwealth representatives about their position. They said that they would continue with their policy of not providing funding to schools that operated on a for-profit basis. Just when we thought there was a glimmer of unity, a moment when this state's National and Liberal parties had organised themselves into a unified force, it turns out that they do so in opposition to the Nationals and Liberals at a Commonwealth level. Members on this side of the House remain assured, after thinking there was a glimmer of unity, and take comfort from the fact that their position today is diametrically opposed to the position of the Commonwealth. After this, it might be the case that a bit more coordination and consultation will go on to ensure that the song sheet is distributed more readily.

Mr Finn interjected.

Mr FRASER: I agree with the member. John Howard might have to convene another meeting in that regard.

This bill does not actually prevent schools operating on a for-profit basis. In fact, as the debate has revealed, one school does—and good luck to that school. However, I agree with the member for Murrumba that, by definition, the education that children receive at that school is diminished by the fact that a portion of those funds goes to private interests and to shareholders who ultimately benefit from that effort.

The fact that this debate has been muddied by members opposite to suggest that there is some sort of conspiracy against non-state schools is quite heinous. Interestingly, it is our side of politics that is often accused of magic pudding economics. However, as members know, only so much money is ever available for education. In that regard, whenever a funding commitment is made to the state system, the

basket nexus function operates so that a proportion flows equally to non-state schools. By opposing this bill, members opposite are stating that out of that limited funding—and funding will always be finite—they want companies to be able to operate schools and take a portion of that funding and apply it to private shareholders. By opposing this bill, members opposite are saying that they want to sponsor the provision of public funding to schools that would operate in competition with all of the non-state schools in each and every one of their electorates—in competition—and thereby diminish the funds that are available to the non-state schools in their electorates.

If they were really fair dinkum today about supporting non-state schools, they would support this bill. The finite money in the system can only go so far. If a proportion of that money is going to private shareholders in a company that is operating for profit, that is in direct competition to the money that would otherwise be available to non-state schools. If they were really fair dinkum about supporting non-state schools, they would be voting with the government tonight.

Equally, that is the case in the provision of capital assistance, where a set amount of money goes into capital assistance for non-state schools. Members opposite want corporations to be able to operate schools in direct competition to the non-state school system and to compete for that same basket of money, thereby reducing the chances and the quantum of money available to each and every one of the non-state schools in their electorates.

The member for Burnett once again started his contribution with blustering references to socialism, which he spots on every corner. Perhaps the tide of maroon that he saw last night is clouding his eyes and he sees red when it is not really there.

Mr Messenger interjected.

Mr FRASER: The member is always keen to suggest that the dark forces of socialism are at play on this side of the House at every point in time. I happen to think, in the final analysis, that he doth protest too much. I know that he worked at the ABC—and people say many things about the ABC that I do not agree with—so perhaps at some secret or closeted level socialist tendencies do reside within the member for Burnett.

Actually, this bill is not about rabid ideology; it is about the sensible provision of public funding to the societal education effort. Once again, when it comes to accusations about where the ideologues are—tonight they are to my right, as ever.

Mr McARDLE (Caloundra—Lib) (5.48 pm): This bill, at its heart, deals with the education of our children and, for that matter, our children's children. For many years—and rightly so—education has been a critical factor, but not a linchpin, of the development of our modern society. Without education, the development we have experienced over the last 200 years, commonly referred to as the industrial revolution, and then the scientific age would not have occurred. Therefore, one must protect at all costs not simply the concept of education but the right to be educated. Certainly education could no longer be termed the right of the few. It is now an obligation imposed upon this and all governments and, in fact, the citizens of Queensland. This obligation is embraced by all of the population, and rightfully so.

Education as we know it has evolved over a lengthy period of time. Changes within our society as to what should be taught, teaching techniques, technology and other matters have an impact on why our education system is as it is today. Equally, both the public and private schooling systems have been around for a lengthy period of time. They have taken on board the various changes I referred to earlier and have adapted to our modern world and the concept of what an education system should be and do.

We all have to accept that change is inevitable. In fact, many of the members in this chamber would have completed grade 12 at a time when emails, web sites, mobile telephones and ATMs were not in existence. We have progressed to be able to utilise them on a daily basis. Yet I am uncertain as to why the education system, or at least the provision of funding by the state government to a non-government school, should be principled upon the terms as contained in this bill.

It is, of course, always important that education is based on outcomes—that is, our children are educated to a standard whereby they have an opportunity to compete in the world as we know it. Whilst we cannot control or influence what takes place once a child completes school, we have an obligation to be mindful that people have a right to expect, within reason, the educational needs of their children to be met.

Those expectations extend to the type of school a child attends. I do not intend to enter into a debate about whether public or private schools are better. Rather, it is a choice, in this instance, for parents to make after they have received sufficient background knowledge of the school, its academic record and other information they feel relevant prior to making their determination.

The object of the bill, as stated by the minister in her second reading speech, is to clarify that non-state schools, in the issue of government funding, must be operated on a not-for-profit basis. The explanatory notes to the bill state—

Public money is provided to governing bodies of non-State schools, through State Government funding, to assist with the costs of teaching and general staff salaries, professional development, curriculum development and implementation, maintenance and general operations.

Provided acceptable standards of education are maintained, the Queensland Government does not discourage for-profit entities providing education in the non-State schooling sector.

The notes go on to state—

The Queensland Government is concerned with the potential for for-profit entities to establish a non-State school and adopt corporate governance arrangements to intentionally distribute revenue generated from the operation of the school to the entity's members, shareholders or to related entities rather than returning all the profits to the school for the benefit of the students.

I expect that sums up the government's position and concern. On first consideration there is a lot to be said for this position and it is one that many in the public arena may initially endorse. However, I believe that a parliament needs to have a long-term vision when it addresses the question of education. It should, before determining to enact such a piece of legislation, look at other examples—if not here in Australia then elsewhere—of the success or otherwise of a private enterprise being involved in education on a for-profit basis.

The United States and the United Kingdom have adopted the principle that a school can work on a for-profit basis. These developments put the word 'profit' in a different light. Education, schools and the role of schools have progressed over the past 200 to 300 years. In future educational excellence will depend on the level of support for the principle of school autonomy.

All schools, both state and private, are now actively encouraged to enter partnerships with the private sector in the provision of services to benefit students. In fact, this government is actively encouraging partnerships between many industries and students so as to diversify the employment base of Queenslanders. Some 30 or 40 years ago this would not have been a possibility, but now it is in fact the norm. Schools are actively encouraged to develop relationships between business and/or enterprise so as to better provide fully for their students' needs.

There are many public and private schools on the Sunshine Coast which have very close relationships with the community. Many people throughout the community make donations to both private and public schools. That is the way it should be. The contribution by the community, whether it be to a public or private school, is accepted, and that does not taint the delivery or quality of services to the children. Provided the accreditation procedure continues to monitor the quality of services in the private sector, why then should a non-state school in receipt of government funding not be allowed to run on a for-profit basis?

I think it is worth while to always keep in mind that the principal role of a school is to provide an education for its students. No-one denies the right of the state to have a strong hand with regard to the education of our children. As time has gone by this hand has formed a partnership with businesses across Australia and indeed throughout the world.

The strings that in past years bound schools have in many cases been cut, and the proposal for organisations to run on a for-profit basis is one more move down that road. No-one is suggesting for one second the state government should lose control of our education system. In fact that would be, at this point in time, an item not even on the agenda of any right-thinking person.

Clearly this bill implies that people who wish to operate a non-state school on a for-profit basis are in some way tainted with the stigma imposed by the belief that to generate income is somehow wrong. That seriously downplays the qualities of the teachers employed by such schools and, more importantly, downplays their passion as educators. This is a gross attack on these men and women. It further denies the right of parents to have a further choice in meeting their children's educational needs.

Non-state schools are only successful as long as they continue to get enrolments. This will happen based upon the academic results of the school which, in large measure, are determined by the attitude of the parents, principal, teachers and governing board. It is ludicrous to suggest, as this bill does, that a school will obtain accreditation but will then ignore its primary function—that is, to educate children—because this would result in its closure. That is nonsensical at any level of this debate. This bill is a backwards step, driven by a necessity to protect the minister's position and not the rights of children and parents or the rights they hold to freedom of choice.

Mrs SMITH (Burleigh—ALP) (5.56 pm): I rise to speak in support of the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. As many have said before me this afternoon, this bill is designed to make sure that taxpayers' money is spent on educating Queensland children and not lining the pockets of private companies. It is the government's responsibility to spend carefully and make sure that the best value for money is provided for Queensland families.

Recent media reports highlight an intention for private enterprise to operate non-state schools in Queensland for the purpose of generating profits for their shareholders. Education is a constantly changing industry. That is why the Beattie government has devoted so much time and money to making sure that Queensland's education is the best in the world.

We are happy to focus our attention on non-state schools as well as state schools. We acknowledge that some parents feel their children are better served at a religious or independent school and that that decision is a private and personal one. Varieties of education and schools provide the community with diversity and tolerance and make Queensland a better and stronger community. The Beattie government understands the importance of this and provides funding to non-state schools in Queensland.

The intention of this bill is to ensure that taxpayer funds do not go to non-state schools if those schools are being used as a vehicle for making and distributing profits to shareholders rather than for the benefit of schools and their students as originally intended by the parliament. There are only two non-state schools in my electorate but they are great examples of why we need to support this type of education. Both are religious schools and both provide education from preschool to year 12.

Marymount College is a Catholic school and St Andrew's is a Lutheran school. Both schools provide a well-rounded education with an emphasis on students being good and productive members of the community. I have been a regular visitor at both schools over the last few years and I congratulate them on the lengths they go to to provide their students with an education for life.

Schools like Marymount and St Andrew's already meet the requirements outlined in this bill, as will the vast majority of other non-state schools in Queensland. While some Gold Coast schools have expressed concerns, these have been addressed to their satisfaction after consultation with the minister. However, this legislation is necessary to make sure that government funding continues to be used for the benefit of schools and their students rather than for any other purpose.

The bill does not prevent for-profit entities providing education in the non-state schooling sector, provided acceptable standards of education are maintained. The government is, however, concerned with the potential for for-profit entities to establish non-state schools with corporate governance arrangements designed to distribute surplus revenue generated from the operation of the school to shareholders rather than to the school for the benefit of students. The government always intended that funds should not be distributed for private profit, and this bill puts this intention beyond doubt. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.59 pm): In rising to speak to this legislation I put on record my support for both streams of education in my electorate—the state schools that do an excellent job and the private schools that also do an excellent job. Each of them in their own way contribute brilliantly to turning out young people who are well equipped for their educational and working futures.

This bill, however, is one that does generate questions in people's minds. I have spoken with the Catholic schools oversight board and it said that it is very comfortable with the legislation provided that the amendment that the minister has circulated is passed, and I have every expectation that that will occur. So it is quite comfortable with the structure. It is my understanding that there is some concern in relation to the AISQ, and I thank the minister and her advisers for their forthright comments to me in relation to this subject. I am an Independent. I know what it is like to be an independent. We do not like anyone telling us what to do in any way, shape or form. We like to say that we are free to listen to our constituency and reflect what our constituency wants. That is why we are Independents. I have no doubt that the independent schools oversight group feels much the same way.

I do, however, have a letter from a school in my electorate and I ask the minister to make some comments on its concerns. I have raised this issue with the minister's staff who did the briefing, and I thank her for that opportunity. It is my understanding that this correspondence from Trinity is based on the first draft of the legislation that was circulated to the schools. It states—

Dear Liz,

It is with some concern that we write to you to bring to your attention the proposed Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005, a draft of which was provided to The Association of Independent Schools of Queensland by the Minister for Education and the Arts, the Hon Anna Bligh.

AISQ, of which Trinity College Gladstone is a member, has advised us that some aspects of the Bill will result in extraordinary powers being given to the Accreditation Board and presents the Board with the potential to interfere in unprecedented ways in the composition and operation of School Governing Bodies.

In particular, the extra matters included by which the Accreditation Board may have regard to in determining the suitability of a Governing Body, are a concern to Trinity College i.e.

- The governing body's relationship with other entities;
- The combined business ability, knowledge and experience of the governing body's directors relevant to the operation of the school ...

I understand that that is no longer in the legislation. The letter continues—

- Any conflict of interest, or possible conflict of interest, a director of the governing body may have relating to an aspect of the operation of the school ...

I did discuss that with the principal. We discussed that in terms of the school needing—and it needs to anyway, whether it is legislated or not—to have, as I am sure it has, a mechanism by which a board member who, on a particular subject, has a conflict of interest having the ability to declare that conflict of interest and act appropriately in relation to that matter. That is what I understand that point to be, but I would appreciate the minister explaining it further if I am incorrect. The letter continues—

The conduct of the governing body, or it directors, relevant to the operation of the school.

It goes on to say—

These provisions have the ability to prevent a paid employee of the school being on a Governing Body, which in Trinity College's instance includes the Principal and a School Staff Representative. It would also compromise the Baptist Church's ability to maintain a controlling interest in the school. Other duly elected representatives on the School Board may be ruled unsuitable by the Accreditation Board on a judgment of their business ability. This seems an extraordinary level of power to give to the Accreditation Board whose level of expertise in this area could be questionable due to the lack of operational experience in non-state schools.

Finally, the letter states that according to the draft it received—

We find that we cannot support this proposed Bill and humbly ask that you give some attention to our concerns.

In the briefing I was advised that many of the issues about which it had concerns are no longer in the bill as it was tabled. Therefore, I seek the minister's clarification in relation to those matters.

Much has been said by those who oppose this legislation about the need for public-private partnerships. They are established in my electorate now—that is, in conjunction with the schools and public for-profit companies—and working very successfully, at least in one area with the minister's blessing. I cannot see that this legislation will alter that. NRG works in partnership with the schools for an NRG skills centre. NRG is a for-profit organisation, but it takes no profits out of the school. It allows for the use of its workshop. I seek the minister's confirmation that that will not be affected by this bill. Similarly, Boyne Smelters is currently establishing a partnership with Tannum for a development program using some of Boyne Smelter's facilities.

Again, it is my understanding that it will be of a similar structure to the NRG understanding and agreement with Toolooa State High School that there will not be any profit returns to the company. These companies are investing in education, because they see that as a business established in the area that will benefit from tradespeople and IT people—whatever the discipline—who are fully qualified and able to step into a work force situation without any real need for significant learning in terms of machinery, workplace health and safety, hours of work and all of those things. These kids come out with around about a two-year advancement in their apprenticeship qualifications, and this has been incorporated into the school based apprenticeship program. I am fairly confident that from what I have seen of the legislation those sorts of partnerships will not be affected, but I seek the minister's clarification.

There is also a MULTILIT school in the electorate. It was the vision of a man who has invested much of his own business finances into this area. It trains children who have a demonstrated learning ability, particularly with regard to reading. It does some intensive programming. Again, it is supported by a university—I think it is a Melbourne university—and Education Queensland. It has been receiving awards in terms of educational excellence. I would like to be confident that that will not be affected by this legislation.

I asked the minister's advisers about the impact that this legislation may have on Australian technical colleges, because one has been identified to be established in Gladstone. The minister has advised that it will not affect the ATCs because they are intended to be run on a not-for-profit basis. The minister's response stated—

An ATC must, by the start of the year in which it intends to provide education to students, also be a registered school, and be eligible for Commonwealth and State recurrent funding.

An entity wishing to establish an ATC as a separate school or as part of an existing school would need to apply for accreditation and funding to the Non-State Schools Accreditation Board.

To date the Board has not received any applications to establish an ATC as a new school or as part of an existing school.

I divert from the minister's reply and say that that is in great part because the federal government has changed the goal posts and it is becoming very difficult to meet the criteria that it has established for an ATC to commence. The original concept, as was explained to a public meeting in my electorate, was achievable and was being progressed. However, the process changed and now there is quite a bit of difficulty in being able to achieve its requirements. The minister's response continues—

As with any application for a new non-state school, the Board would need to determine if the school was to be a not-for-profit operation before the application was accredited and assessed for eligibility for State funding.

ATCs will be registered schools and, as not-for-profit operations, would be eligible to be considered to receive general recurrent State and Commonwealth funding.

Under the Commonwealth framework ATCs will be required to operate on a not-for-profit basis and no additional fees will be able to be charged over and above generally applicable fees. As registered schools, the colleges would need to meet the financial and educational accountability requirements of the Australian Government and State and Territory legislation.

I thank the minister for that information. I have listened to the National Party's concerns and to the Liberal Party's concerns, and I cannot fully understand the basis of their concerns. It is my understanding that this legislation will not affect the vast majority of private schools as they are currently operated. I did ask in the briefing what schools would be affected. The minister's officers advised that two schools would be captured because they have a company structure limited by shares, and I can only hope that if that structure was adopted as an appropriate structure, even though they were not for profit, the department would help those schools to transfer to a more appropriate model.

Two other schools in Queensland may or may not comply with the minister's requirements, but at this point they do not seek government funding and therefore the legislation will not have a detrimental impact on them. I believe that if I conducted a straw poll in my electorate in which I asked, 'Would you be happy for your taxpayers' dollars to partly contribute to the profits of a company running a school?' overwhelmingly the majority of people—and I am talking 95 per cent of people—would say, 'I would find that offensive.' They do not mind taxpayers' money going into schools—private and public—to provide an education and to buy in services such as cleaning, certain teaching streams and other services, but most people would find it very, very abhorrent if that money was hived off as profit to be returned to shareholders.

I again commend the private schools in my electorate: Trinity College, St Stephen's Lutheran College and the Gladstone Faith Baptist Christian School, which are the Protestant schools; and St Francis Catholic Primary School, Star of the Sea Primary School, St John's Primary School and Chanel College, which are the Catholic schools. They all provide excellent education.

If through the introduction of this legislation there were inadvertent negative consequences and if a case could be proven, I ask the minister whether she would be prepared to revisit the legislation. I am sure that the minister's response to that will provide a great deal of comfort to the schools in my electorate. Otherwise, I believe that the people in my community would support the legislation.

Mr FENLON (Greenslopes—ALP) (6.11 pm): I rise to speak in support of the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005. Last night, while many other members were attending or listening to the State of Origin match, I was attending mass. I do not say that to alert members of any great rush of piety on my part, but I was praying for Queensland and the archbishop was certainly there with me. I was attending the opening of Villanova College's new arts, music and drama block. It was a wonderful occasion that was attended by many people in my electorate and certainly the electorate of the education minister. Villanova College is located near the border of our electorates.

It was very clear that the Villanova College community fought hard to raise the money for this new block. It is not a rich community. It is a very middle-class community. This block will not be paid for immediately through that fundraising but over the years through the repayment of loans. I mention that because, in my view, I would rather see taxpayers' money going to those good people rather than becoming the profits of an enterprise. That building at Villanova College was constructed without a cent of government assistance—state or federal. I commend the school community for that work.

In this country funding for non-state schools has its own unique history. We have funded non-government schools through various church institutions. Some of them have been around for a long time. New church institutions are now coming on the scene. All of those institutions are doing a fine job in delivering education to their students. To introduce a profit mechanism into that system would be an anachronism, it would be an aberration and it would be abhorrent to the principles and standards that have been adopted over a long period.

As other members have mentioned in this debate, there is scope for public-private partnerships to emerge in the education sector—at least in theory and, to some degree, in practice already. Public-private partnerships can create an interface between government and private enterprise. That in itself is a difficult exercise. It presents its own set of difficult economic calculations and problems in terms of ways of trying to develop in the marketplace a fair interface that will achieve private enterprise participation. Simply providing subsidies to private enterprise schools would certainly run against the principles that have been developed in this state to deal with that interface through PPPs.

I am known in this place as a great supporter of Queensland business. I am sure that over the years a lot of ministers have experienced damaged eardrums through me advocating the cause of many businesses in Queensland. But in this instance I cannot do that. It is not appropriate. We must stay with the current system. There are plenty of mechanisms for private enterprise to participate in the education sector in the future. They should get on with the job of exploring those opportunities in a reasonable and proper manner. This is important legislation to maintain the standards and the process of government funding of schools. I commend the bill to the House.

Mr QUINN (Robina—Lib) (6.16 pm): I rise to oppose the legislation before the House. Tonight many members have said that they do not support shareholders making money out of schools. I say to those members that if the intent of this legislation is to stop anyone making a profit from schools then they are too late by about 100 years.

Over the past two decades the move to allow more private sector involvement in schools has accelerated. If we look at what is happening in schools we see that individuals—the private sector—are making money. These days it is not unusual for non-government schools to contract out the maintenance for their whole facility. It is irrelevant whether a local company, a large company or a public company is contracted to do that. People are still making a profit out of an activity of a non-government school. Many non-government schools contract out their HR functions, whether that be recruiting staff, professional development, payroll functions or finding casual and temporary staff. Many of those contracts are given to large public companies. Other administrative functions of non-government schools such as fundraising, record keeping, financial management and resourcing are being done by the private sector.

Quite frankly, I know a lot of state schools that would like to do that. They would like to move away from Education Queensland and outsource to the private sector. We only have to talk to the principals of large state schools, whether they be the principals of high schools or primary schools, to learn that many of them would like to outsource because the inefficiencies that exist within Education Queensland are not delivering them value for money. In terms of education for our kids, if we are going to get value for money then surely we should allow some sort of competitive tendering process. But that is another issue.

In terms of allowing private sector involvement in schools, already other states have moved further down the track. The New South Wales government has signed contracts with large corporations to build schools and to maintain them on a long-term contract. After 30 years, the schools are handed back. That state has gone further down the track in terms of private sector involvement in education than has the Queensland government.

In all states there is a large and thriving vocational education sector owned by the private sector that makes money out of students. In Queensland we have the South Bank TAFE PPP. Again, a range of private sector companies—many of them public ones—in a cooperative arrangement with the government are making money out of education.

It is a nonsense to say that we object as a matter of principle to the private sector making money out of schools, particularly when we see what is going on around us these days. The reality is that when parents choose a school for their children they make that choice based on a range of issues, whether it be the facilities, the curriculum being offered, the academic, sporting and cultural record, its values and so on. Parents will vote with their feet and we want them to do that. We want parents to look around and make an assessment of the schools and choose which one best suits their children. That is why we have a high-quality government school sector and high-quality non-government school sector.

Quite frankly, that sort of friendly competition drives up the standards. We all support that. That is why governments, at both a state and federal level, support the non-government school sector. Parents who send their kids to school are taxpayers. They deserve to get some money put back into education even if they do not want to send their children to a state school. Both the state and federal governments recognise that. That is why both levels of government contribute funds to the non-government school sector in Queensland and around Australia. About 70 per cent of the funding to non-government schools comes from those two sources—Commonwealth and state government funding. The other 30 per cent is from the fees that parents pay.

If those opposite want to have an argument about what portion of the budget of non-government schools goes to the private sector, that money comes from the fees that parents pay themselves. So it is not a matter of transferring government money into the private sector via a non-government school. The parents who send their children to non-government schools make contributions to schools via a fee structure. The profit that goes to the private sector from outsourcing—

Ms Bligh: You're a disgrace.

Mr QUINN: This is exactly the minister's argument. Thankfully she has finally twigged to it. Her argument is that we do not want to see state government money given to non-government schools and thereby to the private sector. The reverse of the minister's argument is that the fees that parents pay are going to the private sector. So the minister cannot mount her argument on that premise and then say that my argument is false. Both arguments are based on the same premise. All of the money goes to the school, so who knows where the money comes from—it could be a mixture of state-Commonwealth money and/or the fees paid by parents. Parents will vote with their feet. If they do not like the service or the quality of education they are getting at one school, they will send their children to another school. If they are not satisfied with a school that has an arrangement with a public or private company to provide a range of services, they will send their children to another school.

This bill does not deserve to be supported. It places onerous obligations on the non-government school sector. If those opposite talk to the non-government schools, they will say that this legislation is not needed. It is only designed for one purpose—to lock out one company that is proposing to set up schools in Queensland. When we look at what is happening around the rest of Australia, we see that no-one else is moving down this track. They all understand that there needs to be some private sector involvement in schools and it will be good for the schools at the end of the day. Parents can make up their own minds. They will vote with their feet. If they are not satisfied with one school then they will send their children to another school. That is why I am not going to support this legislation.

Mr PEARCE (Fitzroy—ALP) (6.23 pm): The Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill makes important changes to the 2001 act and is about enhancing the accountability of non-state schools in Queensland. In my contribution to the House, I will briefly speak about the amendments. I will also speak briefly about an important non-state school in the Fitzroy electorate, the Wadja Wadja High School, which is located in the Aboriginal community of Woorabinda.

The amendment bill is about strengthening eligibility for government funding. It also aims to clarify matters relevant to the assessment of the suitability of an entity to be the governing body of a non-state school. The legislation will put in place restrictions on private enterprise entering the non-state school sector for the purpose of making profits for shareholders from public moneys made available for the purpose of delivering education to our youth. The community supports legislation that ensures taxpayer dollars are used for educational purposes and not for members of a private company to squander on themselves or activities that are not in the best interest of the school or the students.

I wish to speak for a couple of minutes on the independent school in the electorate of Fitzroy, Wadja Wadja High School. Wadja Wadja High School was accredited as a non-state school in 1990 and now stands as part of the Woorabinda Aboriginal community. Woorabinda exists under a deed of grant

in trust, known as a DOGIT, and is the only DOGIT community in central Queensland. Woorabinda has existed since 1927 when Indigenous people living in the Taroom area were rounded up and relocated to where the town of Woorabinda now stands, on the banks of Mimosa Creek.

Wadja Wadja's governing board is made up of five elected members of the Wadja Wadja Corporation for Education and their primary duties are that of policy. It is an incorporated body under the Aboriginal Councils and Associations Act 1976, and the day-to-day management of the school and implementation of the policy is the responsibility of the principal. The student population of Wadja Wadja High School currently stands at 95, with 100 per cent Indigenous enrolments for grades 8 to 12. The school offers a curriculum base around the KLAs, or key learning areas, at a level appropriate to the needs of the students. Senior students have the option of vocational education and training courses and these have proved to be very popular.

The three junior school classes have cultural lessons once a week and these are run by Indigenous members of the school's staff. I am advised by the Wadja Wadja Principal, Janet Bunney, that the disengaged youth initiative, which is part of Education and Training Reforms for the Future, has been a huge success at Wadja Wadja. Ten students are back at school full time and are enrolled in certificate II in agriculture with the school and the Emerald Agricultural College as the RTO. A new group has taken their place in the DYI six-month school subject of horse care and stock work, and it is hoped that they will follow the other students through the certificate course. Ms Bunney has told me that without the money provided to the school through this government initiative the school would not be able to afford a teacher or the equipment for a program such as this. So Education Queensland is doing great things for Wadja Wadja.

DYI has changed the lives of those 10 students, who now have goals, direction, confidence and, most importantly, a desire to learn. They can now see that jobs are available for qualified people. The recurrent funding Wadja Wadja receives from both the state and Commonwealth governments is the same as that of other schools. Wadja Wadja does not charge student fees as its students could not afford them. The school is not a rich independent school as some would like to believe. The demographics of the Woorabinda and district community support that. In fact, at Wadja Wadja specialist teachers such as art, music and computer teachers are unaffordable. Therefore, classroom teachers teach the basics to the best of their ability.

This legislation is about ensuring that government funding does not go to non-state schools that are being used as a vehicle for making and distributing profits to shareholders rather than for the benefit of schools and their students. In closing, I mention that there are a couple of concerns on the part of those who manage Wadja Wadja that the legislation has the potential to overregulate the non-state school sector and that it has the potential to create a range of inconsistencies in the governance and operation of non-state schools. I think those concerns have been expressed here on a couple of occasions. In the minister's summing up of the debate, I ask her to please respond to these concerns. As well, I ask the minister to comment on how Education Queensland might monitor the impact of those amendments to ensure that Woorabinda's Wadja Wadja school is not disadvantaged in comparison to independent schools located in more affluent towns and cities. I think it is good legislation and I commend the bill to the House.

Debate, on motion of Mr Pearce, adjourned.

MINISTERIAL STATEMENT

Further Answer to Question; Health System

Hon. GR NUTTALL (Sandgate—ALP) (Minister for Health) (6.29 pm), by leave: In question time this morning the member for Cunningham asked me a question about the health system and I indicated to him that I would provide a response to him by close of business today. I table the response to that question and I seek leave to incorporate it in *Hansard*.

Leave granted.

Question Without Notice
Thursday, 26 May 2005
MR STUART COPELAND, asked the Minister for Health (MR NUTTALL)

QUESTION:

Are clinical audits being carried out in all public hospitals as a result of the surgical scandals at Bundaberg and Hervey Bay Hospitals?

Contrary to the quality directives of the Royal College of Surgeons, Royal College of Ophthalmologists and your own Department, why was there a four year gap between clinical audits and peer reviews at the Townsville Hospital's Eye Department, until recently, which revealed a complication rate of 25% by a trainee ophthalmologist resulting in patients' injury and blindness?

Can you provide Queenslanders with a guarantee that Health has not compromised the hospital accreditation process by not providing the critical data regarding complication rates and lack of clinical audits and peer reviews which was the case at Townsville Hospital's Eye Department?

ANSWER:

- Queensland Health hospitals have a system of clinical governance in place which identifies and takes action to address any issues of concern discovered during routine clinical governance activities. The extent of clinical governance activities undertaken will vary according to the size and scope of each facility. Individual hospitals are continuing their usual clinical audit regime.
- The Townsville Hospital Ophthalmology Department has conducted regular internal audit and peer review for several years.
- In late 2004, formal audit data were presented which demonstrated a relatively high complication rate in a very small sample of some forms of eye surgery.
- Prior to this time, there had been no indication of any potential problems with eye surgery complication rates at the Townsville Hospital
- A larger audit was conducted which has identified a potential concern around complication rates in one part of the Department.
- This potential concern was addressed with all staff in the Ophthalmology Department.
- All staff in the Ophthalmology Department have Australian specialist qualifications or are specialist trainees.
- All audit data presented related to surgery conducted by specialists, or a trainee under strict supervision.
- Training provided to Ophthalmology trainees was evaluated by the Royal Australian and New Zealand College of Ophthalmologists in December 2004 and continuing accreditation of the post was received from the College in April 2005. This accreditation is based on four broad criteria:
  - The adequacy of the Institution in terms of the physical facilities, and the depth and comprehensiveness of allied departments
  - An appropriate volume, variety, complexity and comprehensiveness of eye disease and surgical load
  - The quality of the eye department, reflected in the specialist and related staff, equipment and facilities, and academic and research facilities
  - Suitability of the didactic and clinical ophthalmic education program and infrastructure for trainees, and the demonstrated support for education from ophthalmic staff and hospital administration.
- The ophthalmology department is due to present its audit data again within the next month, as part of the structured audit programme of the Townsville Hospital Surgical Institute
- All Departments within the Surgical Institute present their audit data on a planned rotational basis, as is recommended by the Royal Australasian College of Surgeons and other learned Colleges.
- This potential concern is well in hand, is being actively monitored and represents an example of the system working to identify and address issues in a proactive manner.
- All hospitals participating in the accreditation program of the Australian Council on Healthcare Standards (ACHS) are required to evaluate the effectiveness and efficiency of care delivered to consumers/patients and take action to address any improvements required (Continuum of Care, 1.3.2, The EQuIP Guide, The Australian Council on Healthcare Standards, 2002).
- Townsville Health District was accredited in February 2002 and undergoes full Australian Council on Healthcare Standards (ACHS) accreditation again in February 2006. Townsville Health Service District's audit and review process meet ACHS guidelines and the Health Service provides all required ophthalmology indicator reports.

Sitting suspended from 6.29 pm to 7.30 pm.

EDUCATION (ACCREDITATION OF NON-STATE SCHOOLS) AND OTHER LEGISLATION AMENDMENT BILL

Resumed.

Mrs DESLEY SCOTT (Woodridge—ALP) (7.30 pm): I rise to speak to the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill. It is important to be mindful of the huge costs to this state of educating our children and young people, and I should add that I think our young people are worth every cent. Education presently takes one-quarter of our state budget. The move to a full-time prep year and the education and training reforms which will see many young people extending their period of education will add to this budget, and so it is right and proper that we ensure that our state government funding is limited to those schools, both state and private, which direct that funding to educating our students.

We live in a very entrepreneurial age when individuals and companies aspire to move into new areas—some into colleges such as English language schools, which are run on a very profitable basis. However, there are now moves to establish schools by companies which are run entirely for the profit of their shareholders. This legislation will ensure that these companies are excluded from applying for state funding. However, this legislation also sends out a signal to schools presently receiving government funding that they should take care not to enter into any commercial arrangement which may reduce the amount of money available for their primary intent—that is, to educate our students. This bill establishes an accreditation and ongoing monitoring of non-government schools which will ensure that these schools continue to operate on a not-for-profit basis.

I would like to briefly mention two schools in my electorate. Groves Christian College has established a school on the site formerly operated as the Kingston Preschool. It was a sad site once children no longer graced the property and had been under attack by vandals on many occasions. If people visit Groves today they will see a growing campus with many renovated buildings as well as a number of very well-designed new classrooms, an assembly hall, a home science area, a new administration block, a library and sporting facilities. It has welcomed our state government funding. Groves caters for families who wish to have their children educated in a Christian environment with additional studies in Scripture and have structured their fees according to the financial circumstances of local parents. I know many of these families, and the students really appreciate the opportunities the school offers.

Two years ago, as Groves was increasing in numbers, unfortunately the nearby small Catholic primary school, Maryfields, was struggling for student numbers. It became apparent last year that Catholic education considered the school nonviable, and a decision was made to close the school at the end of 2004. I must say that I found the final awards evening and annual Christmas concert a very moving experience. In fact, there was not a dry eye anywhere. Many of the young children sat hugging each other, and I heard little whimpers as they tried to come to terms with losing their special little school, which many had attended for all of their primary years. I presented my last Spirit of Maryfields awards, and the children joined their parents at the front of the hall to receive some tokens to remind them of this very special time and to be farewelled with a word of blessing.

Many of these children now attend St Paul's Primary School, which is also in my electorate, and were given some extra TLC to settle into their new school. Teachers are wonderful people. However, to finish this story, due to an initiative by Councillor Graham Able of Logan City Council, Groves Christian College was able to acquire the former Maryfields site and has now converted it into a primary campus. It is a growing school, and I must say that the entire community is glad to see children return to this school site, albeit under a different label.

I believe that these schools represent perhaps the majority of our private and Catholic schools. They have a low fee structure and are there to serve their community. This legislation is there to protect our taxpayers' funds, and I can assure schools such as Groves and St Paul's, as well as our nearby St Francis Catholic college in the Hon. John Mickel's electorate, that our government is committed to assisting them, where appropriate, to continue their good work. I am happy to support the bill.

Ms MALE (Glass House—ALP) (7.35 pm): I rise to support the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005. We need to be clear about this bill's objectives. This bill strengthens the provision regarding eligibility for government funding. It will ensure that government funding is not paid to non-state schools whose main intention is to make a profit for shareholders rather than provide education for students. I have been listening this afternoon and this evening to members on the opposite side who see nothing wrong with government funds earmarked for educating young people being channelled through profit-making enterprises, not to enhance education but to end up in the pockets of shareholders.

This bill is not designed to stop non-state schools from operating. It does not affect those that are currently doing so. It was interesting to hear the member for Surfers Paradise, who talked about competition in the education sector and the ability of the private sector to boost the education of children. But let us remember this: these private sector companies who want taxpayer funds to be channelled through their schools and into the pockets of their shareholders are not going to be setting up throughout the more isolated areas of the state. They are not going to set up schools in rural Queensland or in isolated communities. They are going to set up in the most profitable areas for them—metropolitan Brisbane and major regional cities. They are not interested in providing education for all; they are interested in providing education to people who can pay for it and make them a profit. Let us not get confused about this matter.

In this bill we are not talking about disadvantaging any of our non-profit schools. In my electorate I have one Catholic school, one Lutheran school, one independent school and two Christian schools. The parents who choose to send their children to these schools also work tirelessly on the governance of the school, and let me tell honourable members that all the money that comes into these schools stays in these schools. Their schools are constantly fundraising to build more classrooms, toilets and play equipment, to get access to computers and the list goes on. They constantly work on ensuring their curriculum is of a high standard and they do their best to ensure that all students who come into their care are given every opportunity to succeed. I have nothing but respect for the work that these non-state schools do.

I am sure that the parents of the students at the 18 state schools in my electorate would want to see any excess education funds channelled into their schools to improve facilities and programs, not into profit-making companies. So it is very important that we are clear about what this bill is going to do. It is about ensuring that taxpayer funds—government funds—go into non-state schools that are not there to make a profit but are there to ensure the education of students so that we have the two systems working very well. I commend the minister for bringing this legislation to the House. I commend the bill to the House.

Ms MOLLOY (Noosa—ALP) (7.37 pm): The primary objective of this bill is to amend the Education (Accreditation of Non-State Schools) Act 2001. I would like to take this opportunity to thank Minister Bligh for introducing this bill and to acknowledge my parents, who in their wisdom sent me to the beautiful schools that they did. I would also like to thank my parents, Nell and Jim Keating, for providing me with the values of social justice. I believe that all children should have equitable access to education and there should be a certain amount of caring for the poor. Having a wonderful loving family is probably the most important factor in bringing up successful happy people. My own youngsters have attended state schools, and I would like to acknowledge the role the Sunshine Beach primary and high schools have played in their lives and in the lives of hundreds of other children on the Sunshine Coast.

It is the intention of this bill to strengthen the provisions regarding eligibility for government funding and to clarify the matter of the Non-State Schools Accreditation Board. The board may consider these when assessing the suitability of the entity to be the governing body of a non-state school. The bill also makes miscellaneous amendments to the Education (General Provisions) Act 1989 and the Education (Queensland Studies Authority) Act 2002 funding to help with costs of teaching and general staff salaries, professional development, curriculum development and implementation, maintenance and general operations.

Interestingly, provided acceptable standards of education are maintained, the Queensland government does not discourage for-profit entities providing education in the non-state schooling sector. Recently the media has reported—I think it was about a week ago in the *Australian*—an intention of private enterprise to commence business operations in a non-state school area in Queensland. The idea behind this is to make lots of dollars for the shareholders with the state government funding their clever little venture. I do not think so. I do not think Queenslanders would consider this practice ethical or smart at all. Mr and Mrs Queenslander would view this very clever ruse as sheer unmitigated greed of people too clever for their own good. Public money is not to be used to feather the nests of individuals.

While the Howard regime sees fit to fund elite private schools with obscene amounts of money to the detriment of all other children in Australia, this government is committed to providing all Queensland children, regardless of parental income, fair and equitable access to education. It is alarming that for-profit organisations would set up a non-state school secure government funding, then siphon off money to shareholders and the establishing organisation. It is not acceptable for a portion of government funding to be used in this way and we, as a government, would be guilty of colluding in corrupt and unethical use of public funds. I certainly do not want my constituents' hard-earned money paid in tax ending up in a shareholder's portfolio when they have to struggle to make ends meet, living from one pay to the next, and are always shuffling cards on the *Titanic* to pay their bills.

I personally am extremely wary of this kind of business arrangement creeping into the Australian psyche and culture. Just cast our minds to our Papuan neighbours to the north, who have to pay exorbitant costs to send their children to school, or to our friends and neighbours in Indonesia, where they too find it difficult to provide an education for their children, or even to the Philippines, where an education is a thing of privilege for those who can afford to pay for it. This brings to mind the Howard agenda with regard to higher education. Howard would turn the clock back 50 years to an era when only the wealthy could send their kids to uni. I remember only too well the working-class kids who were prevented from reaching their full potential because their parents did not have the money to send them on to tertiary education. I also remember the joy of the generation who benefited from the Whitlam education reforms and the sheer exhilaration of those kids whose parents could never have afforded to send them on to uni embracing their tertiary studies in the knowledge that they had voted in a Labor government which had made that new life possible.

This bill intends preventing organisations from privatising public money. It seems to smack of an ideological premise that goes hand in hand with socialising loss and privatising gain. The bill will not prevent the non-state school from operating as long as it does not benefit from government funds to be of benefit to the shareholders. Government funds are solely for the purpose and benefit of the education of Queensland children and young people in this case. The bill will also not prevent a governing body of a school from operating a non-state school as long as that governing body meets the accreditation requirements and that the shareholders do not benefit from part of the government funds.

The bill also addresses when a mature-age student at a state school is required to have a positive notice. In effect, if a young person leaves school before turning 18 and then turns 18 within the same 12 months or the following year immediately preceding attending school, they will not be required to provide a positive notice. As a parent of teenagers I find this very reassuring. The age cohort for secondary schools is broad—from 13-years-old to 18-years-old. The entrance of mature-age students has the capacity to extend that sample further. We have a responsibility to all those young people to put in place mechanisms whereby we do not expose them to potentially dangerous situations; for example, by becoming prey to undesirable attention and potential harmful associations. I think we will continue to see mature-age students re-enter the school system, and they are most welcome. In fact, it is encouraged.

I also note that only last week I accompanied the minister on a visit to two facilities that are doing great work with young people who have entered the ETRF programs at BoysTown and at the Logan TAFE. I was so pleased to see these young people forging ahead to help create a future for themselves hand in hand with committed and caring adults who are there for these kids.

The bill clarifies the powers of the accreditation board to assess the suitability of a governing body. One of the highlights of the bill is setting out guidelines for conflict of interest. I think this will assist the school governing body which may, on occasion, find itself in the dilemma of jobs-for-the-boys types of situations. Clan groups and communities are well placed to give work to local businesses; however, they do need criteria and safeguards so that they are not in a position to unwittingly fall prey to one of these situations. All this is part of an educational process, even for the governing body.

In supporting this bill, I would like to note my support for the wonderful work being done by the non-state schools in my electorate. I recently attended a delightful ceremony at the local Catholic school headed by Brother Daniel. I was happy to present the school community with an Australian flag. I addressed the children and encouraged them to thank their mums and dads, when they went home, for sending them to such a lovely school. We raised the flag and sang the national anthem together. I literally burst with pride when I go to schools in my electorate and see the remarkable work and all the educational facilities provided in the Noosa electorate from Kin Kin down to Coolum.

I find the wedge politics being played by the Howard government and the poorly informed and ideologically misguided opposition in this House something that the general public should be wary of. I advise parents to watch what Brendan Nelson is doing to our universities because those parents will not be able to afford to send their children to those universities if he is allowed to continue to defund our universities. I advise parents that this is a wisely intentioned piece of legislation. I thank Minister Bligh and her staff for bringing this bill to the House.

Mr TERRY SULLIVAN (Stafford—ALP) (7.44 pm): I rise to support the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005, which gives protection to existing and future non-government schools that are established for the purpose and benefit of the education of children. This bill will not allow a new category of school to be established, that is, schools that are set up for profit for shareholders. We have seen a major change from the members opposite. In fact, it is a total backflip. In 2001 they supported this idea, this policy, this legislation. In 2005, for who knows what reason, they are going to allow for privatised, profit-making companies to establish schools.

If we allow the opposition view, we have to ask: where would the students for those new schools come from? They would come from the existing non-government schools. They would be established in the most populous areas—in the urban areas—where there is the greatest number of non-government schools. They would strip market share from the existing non-government and independent schools. They would make it harder for that 30 per cent of parents whose children are currently attending those schools to get the student numbers up and to get funding. It is an absolutely crazy policy position taken by the opposition. If the members opposite had their way, they would diminish the current schools and would make it harder for the existing schools to survive. Labor members have to spread the word very clearly that the opposition members are supporting less market share for the existing schools and making it more difficult for the existing schools, particularly in remote areas.

I cannot understand in any way how National Party members can support this particular policy because it will hurt their constituents more than any others. The large profit-making companies will skim the top off the boarding schools and the other large schools that are established—schools which regional and remote students attend—and it will make it more difficult for families from country areas.

The member for Burnett, and particularly the member for Currumbin, are wrong in making some of their comments. I found it grossly offensive when the member for Currumbin said that members on this side of the House hate non-government schools. I took that as an absolute personal insult. As someone who went to Catholic schools, taught for more than 20 years in non-government schools, has been involved with the independent teachers union, whose children go to non-government schools, whose wife teaches in non-government schools and who has been involved with the independent teachers union, I found her comments wrong, an absolute aberration of the truth and grossly offensive, as did many other members on this side of the House.

The member for Currumbin and others from the opposition side who criticised our lack of support should take note of the facts. More members on the government side than the opposition side went to non-government schools and send our children to non-government schools. More members on the government side are supportive of and work for non-government schools around the state than members opposite. Any inference otherwise is an absolute and utter lie.

Mrs Reilly: Because they're actually in our electorates.

Mr TERRY SULLIVAN: Yes. With fellow Labor MPs, I want to state clearly that I love and support both government and non-government schools. We support both systems, and we want to see them both survive and thrive to support their particular clientele. The shadow minister for education made a comment that I did not catch clearly. The member might be able to clarify what he said. Did he say that the Catholic education system had some problem or major problems with this legislation?

Mr Messenger: Representatives of the Catholic education system have expressed reservations.

Mr TERRY SULLIVAN: I thank the member. They expressed one reservation about one clause and suggested an amendment to the minister. We have all seen that, because it has been published. The minister has accepted that suggestion from the Catholic education system; it has been promoted. I look forward to the unanimous support of the opposition to the minister's amendment which clarifies the one, single reservation expressed by the second largest system of education in this state. Other than that, the Catholic education system is supportive.

I have not taken this information from a press release. I spoke to Joe McCorley, the head of the Queensland Catholic Education Commission, at a school function on the weekend. I asked him how he and members of the commission felt about the bill. Their position is public. I am sure that the shadow minister will totally support the minister's motion, which clarifies the one reservation the Catholic Education Commission had.

Mr MESSENGER: The member for Stafford is being presumptuous. I also spoke to Joe McCorley at length.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! We will discuss this during consideration of the clauses.

Mr TERRY SULLIVAN: Is the shadow minister suggesting—

Madam DEPUTY SPEAKER (Ms Jarratt): Order! The member for Stafford will address members through the chair, please.

Mr TERRY SULLIVAN: Madam Deputy Speaker, I am wondering whether the shadow minister is actually saying that the CEO supports these for-profit schools. The member would not be implying that, would he?

Mr Messenger: The member will have to wait until we deal with the clauses.

Mr TERRY SULLIVAN: I will have to wait for the reply, the member for Burnett said. We will see where the truth comes out. If the shadow minister were to imply in any way that the Catholic education system is supportive of for-profit schools, he would not be telling the truth. I wait with interest to hear what he will say.

The AISQ schools, or the independent sector, are sending mixed messages. Publicly they have said that they have reservations. I can understand that because they have to play to their constituency. Privately, they have said that it is good legislation because it will protect their system. The member for Robina and other members of the Liberal Party either have not read the bill or they have confused the purchasing of services with profit. Of course we will outsource to companies that make profits. However, the overall financial profitability of a school will not go to shareholders; it will go back to the school. I guarantee that if Bob Quinn, who is a former education minister, was standing in the place of the current minister this very moment, he would propose and support the legislation that she has put forward.

Some members opposite made reference to the government funding allocation per student to government and non-government schools. One cannot compare those absolute figures because that does not compare like with like. Government schools must take all students, in all areas of the state, from all socioeconomic stratas of our society. The non-government schools can determine when and where they will set up schools or when they will expand them. There is not a comparison to similar schools.

I assure order owned schools that the leadership teams of religious orders will maintain their ability to set the religious tone, the philosophy and the direction of their schools. Diocesan schools, under Anglican and other church schools, will also be able to do that. This legislation poses no threat to the philosophical or religious tenor or tone of any school under this legislation.

This is good legislation. It protects current and future non-government schools, provided that those schools are established for students' education and not for profit. What the opposition proposes is not good social or fiscal policy. The Nationals and Liberals have adopted a policy position that is just plain crazy. Their position is a recipe for diminishing the market share of church and other independent schools in favour of schools established for the profit of shareholders. Their idea should be rejected. This is good legislation and it deserves our support.

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (7.53 pm), in reply: I will start by thanking the shadow minister for his recognition in the first part of his speech that certain matters in this bill are currently before a court and that an application that might be affected by this bill is currently before the Non-State Schools Accreditation Board. I thank him for his willingness to take that into account and to keep his comments appropriate in that regard during his discussion of the bill.

That is about the only thing that I can thank the shadow minister for. It was one of the most embarrassing efforts that I have ever heard. It was a most extraordinary speech in relation to a bill. This year I will have been in this parliament for 10 years. In all that time, I cannot remember any speech where a member went looking for reds under the bed.

Let me make a couple of things clear. Firstly, if the member wants to look for a red under the bed on the issue of non-profit schools and their funding, let us start with the federal government. The Commonwealth government of Australia—John Howard and Brendan Nelson—administer legislation that prohibits Commonwealth funds going to anything other than non-profit schools. A secret socialist plot by John Howard!

The restriction of government funds to non-government schools that are set up on a non-profit basis has been the practice in Queensland since state aid was first provided to non-state schools. It was a practice of that well-known socialist, Bjelke-Petersen; it was a practice under the well-known red, Rob Borbidge; it was a practice under the socialist member for Robina, Bob Quinn, when he was the minister for education.

The practice was enshrined in legislation brought into this parliament in 2001 to regularise the funding of non-state schools. That bill restricted funding to not-for-profit schools. It was unanimously supported in this parliament by the socialist party Nationals opposite, by the Liberal Party, by the Labor Party and by the Independents. That bill enjoyed the unanimous support of the House. In fact, I have had the transcript of the 2001 debate checked and so strong was the consensus on this issue that there was no contention whatsoever that not-for-profit ought to be the fundamental basis on which public funding should be provided to schools.

It is a policy which has enjoyed political consensus in this country for almost five decades. It is the practice in all states of the country. The Commonwealth has legislated to ensure it, Queensland has legislated to ensure it, Tasmania has legislated to ensure it and Victoria has legislated to ensure it. It is hardly some kind of secret socialist plot that is being put forward by the Queensland Labor Party. It has enjoyed political consensus until, it would seem, this evening.

A number of motives have been attributed to the introduction of this bill. I make it clear that the bill was motivated firstly, primarily and solely by the need to ensure that the legislation passed by this House in 2001, and unanimously supported by all parties at that time, can be enforced. No policy changes are brought forward in this bill—none whatsoever. These are technical amendments which are needed to ensure the policy position which has existed for more than five decades continues.

The bill was motivated by the public statements of a private, for-profit company that it intends to establish a company structure that will allow it to access government funds for this purpose. One reason this issue has been so difficult to grapple with is that it has never really been tested. It has enjoyed political consensus. There has never been a suggestion of this type from any side of politics until this afternoon. Members opposite are breaking new ground. Never in this country's political history has any political party, at any level of government, ever suggested that government funds ought to go to for-profit schools. However, because company structures could be put in place to evade that policy intent and because a public statement was made by a company that that was its intention, I received a request from the Non-State Schools Accreditation Board for the government to consider amendments to ensure that that policy position could be enforced.

I cannot tell members how disappointed I am to hear members, like the member for Gregory, take the position that he has in this debate. Nobody would doubt the commitment of the member for Gregory to the schools in his electorate. In my five years as education minister he has been one of the most sensible and passionate advocates for the state and non-state schools in his electorate. I can only conclude that his position has been informed by the member for Burnett, who clearly has not read this legislation.

Nothing in this legislation prohibits profit schooling in Queensland. In fact, Queensland operates one of the only for-profit schools in the country. It remains accredited under this legislation and nothing in these amendments will affect the operation of that for-profit school. However, that for-profit school has not sought government funding; that for-profit school operates in the market; that for-profit school operates with the full blessing of this government and I have every anticipation that it will continue to do so. This legislation has nothing to do with the right of a for-profit school to establish in Queensland. It goes only to the question of whether that school would then be eligible for public subsidy.

We need to be very clear about that. I thought it was very clear until I started listening to some of the speeches from those opposite. I cannot imagine what the member for Gregory is going to say to some of the little Catholic schools in his electorate when they find out that he supported a move to throw those little Catholic schools—those schools in far-western Queensland that we know struggle—into the same funding pool as the large for-profit companies of this country. When they want to put in an application to get a new toilet block they will go into the same funding pool as a for-profit company operating nationally. I do not know what the member for Gregory is going to tell them because I do not know what to tell them. I cannot think of one single justification for it. I wonder what the member for the Burnett is going to tell Bundaberg Christian College. I wonder what the member for Burnett is going to tell St Joseph's Catholic school in his electorate. Why should those schools be thrust into that sort of arrangement?

The Queensland National Party and the Queensland Liberal Party stand for the public subsidisation of profit-making companies in the schooling sector in Queensland. They are the first

political parties in this country to do so. Tonight they will abandon their policy of the last 50 years. The Queensland Nationals and the Queensland Liberal Party will walk away from the political consensus that has operated in this country for 50 years. They will abandon the policy and legislation of their colleagues in the federal government. The Howard government has legislation that prohibits funding to for-profit schools, and the National Party and the Liberal Party tonight will walk away from that policy. But worst of all, they will abandon the interests of every Catholic and independent school in their electorates who under them would be thrown into competition with for-profit companies for the existing dollars. They should never be allowed to forget it.

Tonight those opposite will be given a choice. They can vote for children or they can vote for profit. It is that stark. I know exactly what they are going to do. I do not know how they are going to tell their children. I do not know how they are going to tell their parents.

Opposition members interjected.

Ms BLIGH: They are still calling John Howard a socialist over there. It is the best joke I have heard!

Opposition members interjected.

Ms BLIGH: The policy that we will be endorsing tonight is the policy shared by the Howard government, so they can keep calling it that. If John Howard wants to come over to our side of politics, we will take him.

All of that claptrap aside, this is actually a very interesting area of public policy. It does go to the heart of what government does subsidise and why it does subsidise it. For example, there are public subsidies that go into the child-care industry. That has enjoyed political consensus. There has not been any debate about that. Let us remember why that happened.

In the 1980s in this country there was a massive gap between the demand for child care and its supply. Governments of both political persuasions over a period of 10 years put in place a number of arrangements that provided incentives to the private sector to come in and, on a profit basis, meet that need for child-care places. The nature of family structures and the movement of women into the workplace changed dramatically in that 10 to 15 years. There were people—and members will all remember the public debates—who could not take up employment because they could not get a child-care place for their child.

That is not the case in schooling. There are no Queensland families who are prohibited from going to work because their children are sitting at home unable to get a place in a school. That does not happen. It is not the case. We do not have any supply problems in the public schooling system or in the private schooling system. There are no supply gaps in the Queensland schooling system.

It is true, I must acknowledge, that there are some families who cannot access a school near them because they live in some of the most remote parts of the planet and they access schooling through the schools of distance education which, I have to say, provide an excellent education. I do not think any of us think for one minute—even those on this side of the House—that for-profit companies are going to be rushing out to Boulia to provide those services.

Similar arrangements exist in health for very similar reasons. We also provide business incentives to profit-making companies. We do that for good reason. We do it when we are trying to persuade a company—for example, Virgin Blue—to locate in Queensland so that Queenslanders can benefit from the jobs that those companies will provide.

The minister for state development has just joined me. He would be the first to acknowledge that his department does not just hand over subsidies and incentives to every business that walks through the door. There has to be careful, vigorous thought about whether there is a public benefit. That is something that requires careful public policy. There need to be some simple questions answered. Is there a gap in service? If there is not, why would we subsidise? As I have outlined, if there is a need in the business sector then maybe we need to look at it. There is no supply problem in schooling. Given that there is no problem, I think it is a very long bow to draw to say that taxpayers' dollars should be thrown at companies that are making a profit and where there is no good public policy reason to do so. And there is no public policy reason to do so here.

I will make a comment about some of the specific issues raised by members. Firstly, I thank the member for Nicklin. He was the first non-government member to indicate that he had actually read and understood the bill. When he stood to his feet I thought, 'Thank goodness for hard work and commonsense.'

I welcome the member for Gladstone's support for the bill. She raised a number of questions in relation to Trinity College in her electorate. I can confirm that the letter she referred to was in response to the first draft of the bill that was sent out. She raised a couple of issues. The first was the inclusion in the consultation draft of the bill of a clause allowing the board to consider the business ability of a governing body and its directors. This provision was removed subsequent to consultation. The second issue concerned the inclusion of the ability of the board to look at a conflict of interest. To allay the

concerns of stakeholders like Trinity, the provision has been amended so that when considering suitability the board is able to look at the practices and procedures that the governing body has in place to identify and deal with conflicts of interest. A board must be able to demonstrate that it has those processes in place. The accreditation board would not be going in and looking at specific conflicts of interest.

The member for Gladstone also mentioned two other matters that may be considered by the board when assessing suitability. These are the relationship with other entities and the conduct of the governing board or its directors in relation to the operation of a school. Both of these matters have always been matters that the board could have regard to when assessing a governing body's suitability. Their inclusion in the bill provides extra clarity to both the board and the governing bodies. Examples of the kind of conduct that might attract the attention of the accreditation board could be the improper payment of an unsecured loan to a board member's relative or a governing body's failure to deal with an allegation of sexual abuse.

The member for Gladstone also sought some confirmation that the sorts of partnerships that schools are building with companies like NRG would remain unaffected. I am happy to provide that confirmation. As she so rightly pointed out, while they are profit-making companies their profits are not drawn from the schools and in fact all they are doing is sharing their expertise. That is something that we would actively encourage.

I am not surprised, however, that the member for Gladstone might have been a bit confused by some of the earlier references by members like the members for Surfers Paradise and Currumbin to PPPs. The confusion of some members of the Liberal Party, particularly the two I mentioned, about PPPs and the content of this bill only, in my view, confirms that they really are two of the silliest people to have ever entered this place.

I think I have confirmed and satisfied the member for Gladstone's questions about ATCs. I share her concern about the changing process in relation to ATCs and would be happy to talk to her about it at some stage. She asked also whether there would be an opportunity to revisit this bill if a problem emerged. I am happy to confirm that, as is the case with any piece of legislation, if in its implementation an unintended consequence emerges then of course the government would move as quickly as possible to amend, review or reconsider it. That is a standard part of legislating.

I have to say that the comments of the member for Robina proved the he either had not read the bill at all or that some of the people who are seeking to move into this area really have got to him. He questioned the issue about schools contracting out to organisations that make a profit. Of course schools do that. State schools do it. Private schools do it. They do it all of the time. Nothing in this bill will prohibit that. But what this bill will make sure of—and I would have thought that a leader of the Liberal Party would have no trouble in agreeing with this—is that any such contracting out arrangements must be open, they must be contestable and they must be done at arm's length. There can be no cosy deals to secure a profit. There can be no arrangements that are secured under duress or under some sort of other influence. The Liberal leader's failure to grasp this is a disgrace. Brendan Nelson can stand up for this principle. John Howard can stand up for it. So goodness knows why Bob Quinn does not have the backbone for it. As I said, there are some very powerful people associated with the companies involved with this proposal. Members will not be surprised to know that someone like Larry Anthony is the national director. If Brendan Nelson can stand up and say, 'No, principle matters here. We're not going to abandon a policy that's worked for five decades,' why is Bob Quinn bowing so quickly?

Ms Keech: He doesn't support the tourism industry, either.

Ms BLIGH: I am happy to take that interjection. When one drafts legislation, of course it is desirable that they should gain consensus from the stakeholders that will be affected by it. Unfortunately, that is not always possible. Governments have an obligation to make all reasonable efforts, but it is not always possible to please every party that may or may not be affected by a legislative move. I can confirm for the House that the Queensland Catholic Education Commission is supportive of the legislation. As outlined by the member for Stafford, it did seek one minor amendment and the government is supporting that view and the amendment has been circulated for the consideration of the House. But I should also confirm to the House that the Association of Independent Schools of Queensland does not support the amendments. I think it is important to note that its lack of support is not because it does not support the policy position—that is, that non-profit schools should be the only recipients of government funds. Rather, it believes that the amendments are not necessary to achieve that desired end. However, I have legal advice that the amendments are necessary and, as I said earlier, I also have a request from the Non-State Schools Accreditation Board and I believe that I must act on both that advice and on that request.

I can confirm for the member for Fitzroy that Wadja Wadja school is unlikely to ever be affected by any of these amendments. It is a purely not-for-profit organisation and that is unlikely in my view to ever change. Therefore, the amendments will not apply to it. I understand that some independent schools have a general concern about regulation. These amendments will not affect the operation in its current form for Wadja Wadja, so it does not need to be concerned about any increased regulation on it. In

terms of any inconsistencies in operation and governance, it is in the nature of the independent schooling sector that it is inconsistent. It is not a uniform sector. It is not part of a system. There are inconsistencies, but the government is not concerned or worried about those. That is the nature of having many independent schools—that is, they will always be different.

This has been a very difficult area to legislate in. It has been one where we have had to navigate a minefield of putting in place enough protections to ensure that the government and this parliament's policy position is protected without having inadvertent consequences on schools that are clearly not for profit and operating in a way that we would all applaud. The task has not been easy. I take this opportunity to thank the staff of my department who have done an outstanding job, especially Stuart Busby, Cathy O'Malley, Pat Parsons and Laurie Vogler. They have done a great job of battling with some very complex legal issues, but they have also done a great job of consulting with and working with non-government schools and other stakeholders to get this right.

I also thank staff of my own office, particularly Cynthia Kennedy. I thank those members who did in fact take the trouble to read and to understand the bill for their contributions. I encourage the National Party to take the time to read the bill in the future and to do a little better. I table for the information of the House the explanatory notes to the amendment that has been circulated in my name.

In conclusion, I ask members when they are considering the clauses to really focus on what this bill does. This bill has nothing to do with ideology. This does nothing more than preserve the policy position that exists in the current legislation that was supported by the Queensland National Party three years ago, that exists in all other states of the country, that underpins the Commonwealth funding regime and that has prevailed in this country for five decades. The amendments we will consider tonight in this bill are purely technical in nature. They are not a policy shift. They are technical amendments designed only to achieve the policy and the legislative provisions that were endorsed unanimously by this parliament just three short years ago. I commend the bill to the House.

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

AYES, 42—Attwood, Barry, Barton, Bligh, Briskey, Choi, E Cunningham, English, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Stone, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: T Sullivan, Lawlor

NOES, 15—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg. Tellers: Hopper, Copeland

Resolved in the **affirmative**.

Consideration in Detail

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr MESSENGER (8.22 pm): The non-state school sector has concerns about the use of the term 'arm's length' in the bill. This clause states that a prohibited arrangement is a contract or arrangement entered into by a school's governing body or proposed governing body and a for-profit entity not dealing with each other at arm's length.

The minister has assured the non-government sector that this term is already used in federal legislation. However, there is a concern that many non-state schools will have to resort to approaching the Non-State Schools Accreditation Board for assurance each time a new contract or arrangement is entered into to ensure that it meets the arm's-length criteria and does not put their accreditation at risk.

Will the minister provide a definition of the term 'arm's length' in relation to prohibited arrangements to assist schools to comply with the legislation? Alternatively, does the minister envisage that the accreditation of schools will ultimately end up in the courts for a judicial interpretation of the term 'arm's length' in relation to this legislation?

Ms BLIGH: I thank the honourable member for the question. The term 'arm's length' is well established at company law. It is used in a number of state and federal acts. It is used without definition because the principle is so well established. It does not require definition here any more than it requires definition in any other act of this state parliament, other state parliaments or the Commonwealth of Australia.

Mr MESSENGER: How does the minister and her educational assessors and inspectors interpret the term 'arm's length'? It is fundamental to this legislation. Right now a team of lawyers is hanging on the minister's every word in terms of the definition of 'arm's length'. The minister is hiding behind a wall of doublespeak and she is parrotting weasel words. I challenge the minister to present to this parliament a usable definition of 'arm's length'—a definition that the mums and dads on these non-state school boards can understand and not a definition that will have a $5,000-a-day lawyer rubbing his hands with glee.

Ms BLIGH: I think the honourable member sells short the non-government schools of Queensland. They are required to abide by many, many pieces of legislation—the antidiscrimination legislation, workplace health and safety legislation, other financial requirements, the Criminal Code—and they do so every day with ease. They interpret legislation on a regular basis. Many of them are members of organisations such as the AISQ, which assists them. I refer the member to my earlier answer.

I move the following amendment—

1 Clause 4

At page 7, lines 2 to 10—

omit, insert—

' 'A ***prohibited arrangement*** is a contract or arrangement entered into by a school's governing body or proposed governing body and a for-profit entity not dealing with each other at arm's length.'.'.

As referred to throughout the debate on a number of occasions, the Queensland Catholic Education Commission sought this amendment. It ensures that there are not unnecessary restrictions that would affect the operation of schools, particularly those Catholic schools that are run by some of the orders. I think this amendment clarifies the situation, and the government is very happy to support it. I commend it to the House.

Amendment agreed to.

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

AYES, 42—Attwood, Barry, Barton, Beattie, Bligh, Briskey, Choi, E Cunningham, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: T Sullivan, Lawlor

NOES, 15—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg. Tellers: Hopper, Copeland

Resolved in the **affirmative**.

Clause 5—

Mr MESSENGER (8.33 pm): The AISQ has raised concerns about clause 5 in that it is far too restrictive on the operation of schools and it is still uncertain as to what the words 'connection' and 'compromise' mean. Clause 5 of the bill amends section 17(1)(b) of the act. Proposed new section 17(1)(b)(iii) states—

There is no direct or indirect connection between the applicant and a for-profit entity, and there will not on the school's establishment be a direct or indirect connection between the applicant and a for-profit entity, that could reasonably be expected to compromise the independence of the applicant when making financial decisions.'.

Quite frankly, this clause is too loosely worded and could potentially be used to unfairly target certain schools at the whim of government. What definition and guidelines will the government implement to ensure that this vague wording in the clauses is going to be fairly and evenly applied? The explanatory notes state—

This criterion aims to prevent Government funding going to the governing body of a non-State school that may potentially be influenced by commercial entities in relation to financial decisions.

What about for-profit subsidiaries such as building foundations? Would not these for-profit subsidiaries potentially influence some of these schools' decisions in some form or other? How are operations of for-profit subsidiaries such as building foundations going to be affected by this clause? If members of a company limited by a guarantee are controlled by a church, arguably that church may have the ability to compromise the independence of the governing body's financial decisions, as it controls the membership of the company. Even though it is a not-for-profit organisation, this would be considered a compromise arrangement. Will the minister provide clarification as to how these types of organisations may be affected and if this could be considered a compromise arrangement?

The explanatory notes state that the legislation will not affect regional schools where the only provider of a service may also be involved with the school in some way. Would it be correct to assume that the only way schools can avoid the scrutiny of the Non-State Schools Accreditation Board is to put every contract out to tender regardless?

Ms BLIGH: I think we have just established that the Queensland Catholic community knows that it cannot rely on the Queensland National Party or the Queensland Liberal Party. I am happy to circulate to members of the House the letter that was sent to me by the Queensland Catholic Education Commission seeking the amendment that was just opposed by the Liberal and National parties. It is a very courageous party that decides to vote against the Catholic Church, and I give them 10 points for courage.

Honourable members interjected.

Ms BLIGH: I am getting there.

Mr Lucas interjected.

Mr ACTING DEPUTY SPEAKER (Mr English): Order! Minister for Transport!

Honourable members interjected.

Mr ACTING DEPUTY SPEAKER: Order!

Ms BLIGH: Those opposite do not like it, do they? Having established that the Queensland Catholic education community cannot rely on them, the AISQ must be wondering why it ever chose them as its champions. On Monday my department received a document from the AISQ. It has never been formally sent to me as minister. The document is headed 'Suggested amendments to the Accreditation of Schools Bill', the bill we are considering tonight. The AISQ, I understand, sent this to the opposition and it lists a number of clauses it would like to see amended. It names the clauses, gives a little reason about its concern and then makes suggestions such as 'definition to be provided by the drafters'. The AISQ clearly expected, not unreasonably, that the recipient of this document would take those suggestions and turn them into amendments. But of course that has not happened. That would require just a modicum of work. That would require just a little bit of application. My office has not received this document and I have not been requested—

Mr Rickuss interjected.

Mr ACTING DEPUTY SPEAKER: Order! If the member for Lockyer wishes to keep interjecting, he should resume his seat.

Ms BLIGH: I have been very honest in my summing-up. I have advised the House that the AISQ has some reservations about this legislation. The government does not share its reservations. The amendments that it was seeking and has put in this document would, in essence, water down the provisions of the bill, and obviously I do not intend to support any of those suggestions.

We are not being confronted with any amendments because, as I said, that would have meant that someone would have had to do some work, and nobody on the other side has. So when the member opposite gets up to speak we know that he is reading from the AISQ document. But that was not the document that the AISQ wanted him to read from. It actually wanted him to turn those suggestions into amendments and put them to the House and argue them. But that is not going to happen because he did not do the work. This and other proposals put by the member opposite are ill informed, not thought out and anti-Catholic. They are not amendments and I do not think they require any further response from me.

Mr MESSENGER: Let it be put on the record that the minister for education is not really being disrespectful of the opposition but being disrespectful of those independent schools in Queensland. She is not taking this process seriously. We want real answers to these questions. Proposed new section 17(1)(b)(iii) uses the phrases 'there is no direct or indirect connection' and 'to compromise the independence'. That wording is the equivalent of the government holding a loaded gun to the head of the non-government school sector. The word 'connection' is the safety catch being released and the word 'compromise' is a legislative hair-trigger. The government needs to define those terms much more clearly for this parliament.

Mrs LIZ CUNNINGHAM: I would seek from the minister confirmation that my understanding of the clause is right. The intention of this bill is that for-profit organisations cannot benefit from government funded schools. If a government funded school enters into an agreement, whether it is a service agreement or any other agreement, with a for-profit entity, the disqualifier would be if the for-profit entity had the ability to influence the decision-making processes of the independent schools to the point where they had the ability to tell the independent schools directly or indirectly to apply their funding towards the for-profit entity, therefore receiving a benefit. Would that be a reasonable interpretation?

Ms BLIGH: I thank the member for Gladstone for a very sensible contribution. I would suggest that that is a very reasonable interpretation of that clause. In fact, if we look at the clause and what it says, it specifies 'could reasonably be expected to compromise the independence'. I think they are straightforward words. I have every confidence in the Non-State Schools Accreditation Board to interpret this in a sensible, practical and workable manner, and I have no hesitation in commending it to the House.

For the benefit of the House, I would like to table both the document written by the AISQ and the letter from the Queensland Catholic Education Commission of which I am sure members would like a copy. I would note, at times like this, that the very first time the member for Burnett called a division it was on the wrong clause.

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

AYES, 41—Attwood, Barry, Barton, Beattie, Bligh, Briskey, Choi, E Cunningham, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: Lawlor, Sullivan T

NOES, 14—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson. Tellers: Copeland, Hopper

Resolved in the **affirmative**.

Clause 6—

Mr MESSENGER (8.48 pm): I refer to clause 6, insertion of new section 17A—Further information or documents. If the accreditation board was to fully comply with the legislation, it would have to analyse every single contract and arrangement that a school had entered into over the period. When each school's accreditation is up for renewal, will the accreditation board be reviewing all this lengthy documentation for each and every school, or is this legislation only being used to target certain schools?

Ms BLIGH: This legislation applies to everybody who makes an application under it.

Mr MESSENGER: The basic thrust of this clause is that, if the government thinks a person is guilty, they have to prove their innocence. It reminds me of other legislation that has come before this House—namely, vegetation management. If a person cannot prove their innocence, the government virtually brings down a guillotine in part 3, which states—

The applicant is taken to no longer be seeking Government funding for the school if, within the stated time, the applicant does not comply with the requirement.

Would the minister like to speak to that?

Clause 6, as read, agreed to.

Clause 7—

Mr MESSENGER (8.50 pm): This provision also gives the accreditation board a virtual power of veto over a governing body's dealings with other entities. Clearly, this is an example of overregulation of the schools. The governing bodies of non-state schools are already accountable to the parents of the school and the community through a range of various other legislative mechanisms. It is not necessary for the accreditation board to oversee the conduct of each school's governing body in this way. This is overregulation of the independent school sector.

All governing bodies have relationships with other entities, and it would be administratively impossible for the accreditation board to consider all such relationships in determining the suitability of the governing body. Will the minister clarify what considered analysis the accreditation board will undertake into the conduct and suitability of governing bodies and their members each time a school is due for reassessment, or is this provision just going to be used to target certain schools?

Mrs LIZ CUNNINGHAM: I seek clarification in relation to clause 7. Concern was expressed to me—and it may be that it was the first draft that spoke more strongly on this matter, but I still seek clarification on it—that paid employees of a school would not be allowed to be on a governing body. With a number of the private schools, the principal is involved and then a teacher will be on the board. Sometimes they have a member of the school body on the governing body if the school goes up to the high school grades. Would this clause preclude a teacher and/or the principal from being on the governing body, provided that there were clear processes for those people to declare pecuniary interest or conflict of interest should a matter of conflict occur during board deliberations? Will this clause in any way stop those paid employees from being represented on the school board?

Ms BLIGH: Firstly, I am happy to clarify for the member for Gladstone that there is nothing here that would prohibit a paid employee of the school or of any school being on the board. As outlined in my summing-up in relation to the member's question about conflict of interest, there would merely have to be some procedures in place for how the board would deal with conflicts of interest. I think everybody would recognise that if there was a majority of employees on the board and they were making decisions about wage rises, for example, that might be a time when they should consider exempting themselves from the decision. That is just an example. That would be a procedural matter. I would imagine that that is happening at schools at the moment. As I have said earlier, these things are dealt with by commonsense and in a practical way.

In relation to the comments from the member for Burnett, I again encourage him to read the bill. The bill outlines in this clause a number of matters that the board may have regard to. It does not impose an obligation on the board to take any action with regard to it. It does not impose an obligation on the board to take it into account in every case. It is merely a list of matters that the board may have regard to. I completely fail to understand the member's concern in that regard.

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

AYES, 41—Attwood, Barry, Barton, Beattie, Bligh, Briskey, Choi, E Cunningham, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: Lawlor, T Sullivan

NOES, 14—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson. Tellers: Copeland, Hopper

Resolved in the **affirmative**.

Clauses 8 to 11, as read, agreed to.

Clause 12—

Mr MESSENGER (9.01 pm): Clause 12 amends section 72, which deals with restrictions on application for government funding for a school. This provision in relation to ineligible companies is unnecessary and restricts the right of a school community to determine its own corporate structure. Currently, schools operate very successfully as ineligible companies and they have operated this way for many years. The minister is aware of the success of schools such as Fairholme and Cannon Hill Anglican College, so why place an unnecessary restriction on other schools to investigate this corporate structure in the future when there has been no problem for generations?

Some not-for-profit organisations may choose to operate in a company limited by share structure rather than a company limited by guarantee due to the benefit of reduced compliance costs. Additional compliance costs—for example, preparing financial reports et cetera under the Corporations Act—have to be met from school funds which would otherwise be directed to the school. If a not-for-profit non-state school wished to alter its structure and become a company limited by shares for this very reason, would it have any latitude to apply to the accreditation board for an exemption similar to that provided to existing schools? In other words, does the minister want to see any more Fairholmes or Cannon Hill Anglican Colleges?

Ms BLIGH: No.

Mr MESSENGER: Minister, do those ineligible companies then lose their exemption from this provision—and I would appreciate an expansive answer—if they seek to change their constitutional corporate structure in the future, or are they completely prevented from making any governance changes in the future?

Ms BLIGH: Any change that any school makes to its governance at any time must comply with the law.

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

AYES, 41—Attwood, Barry, Barton, Beattie, Bligh, Briskey, Choi, E Cunningham, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: Lawlor, T Sullivan

NOES, 14—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson. Tellers: Copeland, Hopper

Resolved in the **affirmative**.

Clauses 13 to 17, as read, agreed to.

Clause 18—

Mr MESSENGER (9.11 pm): Clause 18 replaces section 141, which deals with the functions of an assessor. Have there been instances in the past where the functions or powers of assessors have been found to be inadequate? If so, can the minister provide an outline of those instances? Does the minister concede that increasing the functions and powers of assessors may infringe on the autonomy of non-state schools and has the potential to create an inspectorial and adversarial regime?

Ms BLIGH: I thank the member for the question. Yes, there has been one occasion involving a school on the Sunshine Coast which did receive public attention—and I am sure the member is aware which school I am talking about—where the assessors were not able to gather all of the information needed by the board because of restrictions. Those restrictions are remedied by this clause.

Clause 18, as read, agreed to.

Clauses 19 to 21, as read, agreed to.

Clause 22—

Mr MESSENGER (9.13 pm): This clause relates to part 2, transitional provisions, and section 224, ineligible company. The grandfathering provisions in this section provide that Cannon Hill and Fairholme will remain eligible for government funding, notwithstanding that they are companies limited by shares. Cannon Hill college has proposed an amendment to this section to clarify this section further to ensure that the school remains eligible for government funding. It has circulated this amendment to the government. Can the minister address the concerns raised by Cannon Hill college regarding this section and its ongoing eligibility for government funding?

Ms BLIGH: I thank the member for the question. There has been a range of debate about the effect of the bill on Cannon Hill Anglican College. All of those issues are outlined in my response to its letter. I am happy to table that for the benefit of the member.

Clause 22, as read, agreed to.

Clauses 23 and 24, as read, agreed to.

Clause 25—

Mr MESSENGER (9.15 pm): At part 3 clause 25 relates to the amendment of section 26AC, the obligation of mature-age state educational institution's principal. The amendments relating to criminal

history checks for mature-age students were only relatively recently passed by the House. Has there been a problem with the checks of mature-age students to prompt this amendment?

Ms BLIGH: I thank the member for the question. No, there have been no problems with the checks. This is just a technical amendment that was identified after the bill was passed last year.

Clause 25, as read, agreed to.

Clauses 26 and 27, as read, agreed to.

Clause 28—

Mr MESSENGER (9.16 pm): At part 4 clause 28 relates to the insertion of a new section 69A, employment of casual staff. This section gives the Queensland Studies Authority authority to employ staff on a casual basis. When the QSA sought this amendment did it provide to the minister an indication of the number of casual staff that it is seeking to employ? Is this a backdoor casualisation of the QSA work force?

Ms BLIGH: I thank the member for the question. The QSA employs teachers generally on a casual basis to come and mark the core skills test. It is an annual event. I do not have the exact number of casuals with me. A large number of people come in during the holidays on a one-off basis and mark the core skills test. It is generally something they do every year. There is no award. There has been no solid employment basis. This provision clarifies that.

Clause 28, as read, agreed to.

Clauses 29 and 30, as read, agreed to.

Third Reading

Hon. AM BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (9.18 pm): I move—

That the bill, as amended, be read a third time.

Question—That the bill, as amended, be read a third time—put; and the House divided—

AYES, 41—Attwood, Barry, Barton, Beattie, Bligh, Briskey, Choi, E Cunningham, English, Fenlon, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lee, Lucas, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nuttall, Pearce, Reilly, Reynolds, E Roberts, Robertson, Scott, Smith, Struthers, C Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: Lawlor, T Sullivan

NOES, 14—Horan, Johnson, Langbroek, Lingard, McArdle, Menkens, Messenger, Quinn, Rickuss, Rowell, Seeney, Simpson. Tellers: Copeland, Hopper

Resolved in the **affirmative**.

SPECIAL ADJOURNMENT

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (9.23 pm): I move—

That the House, at its rising, do adjourn until 9.30 am on Tuesday, 7 June 2005.

Motion agreed to.

ADJOURNMENT

Hon. AM BLIGH (South Brisbane—ALP) (Leader of the House) (9.24 pm): I move—

That the House do now adjourn.

Racing Industry

Mr HOPPER (Darling Downs—NPA) (9.24 pm): This morning I outlined to this House yet another example of what is arguably corruption in the thoroughbred racing industry and called on Minister Schwarten to give the Daubney-Rafter inquiry appropriate terms of reference to investigate the matter and the involvement of his mates at Queensland Racing. The minister as usual says that it is up to Daubney and Rafter to approach him to seek a widening of the terms of inquiry and that he would then consider such application. What a cop-out by a minister who never wants to know what the level of corruption is in racing and has to be dragged kicking and screaming to establish the limited inquiries that the Nationals have, through their pressure, forced him to hold.

Thoroughbred racing is not the only area of racing in which real concerns exist about corruption and improper behaviour. Tonight I table a 32-page submission that was made to the Shanahan inquiry that was never investigated as it was outside the Shanahan inquiry's terms of reference, which did not permit an investigation of allegations of corruption and malpractice in any area of racing. This submission outlines a series of allegations about behaviour in the harness racing industry which, if there is any substance to them, raise grave questions about potential criminal behaviour and other breaches

of the law by senior persons involved in harness racing. Matters raised include issues concerning expenditure of over $660,000 at the Rocklea trotting grounds, the takeover and distribution of the assets of the Redcliffe Harness Racing Club Ltd to the benefit of certain individuals, the licensing of persons who engage in harness racing, integrity issues in relation to implants in horses and the role of harness racing stewards in investigating complaints, conflicts of interest by members of the harness racing control body, the role and actions of the Racing Science Centre controlled at the time by the then racing department under Bob Mason, the appointment of senior staff et cetera.

This litany of issues demands that there must be an independent, arm's-length investigation by a body with real powers to probe beneath the surface and establish the truth about matters. It is only in this way that genuine concerns about integrity can be answered. No amount of provocation and spin by this minister and this government can disguise the fact that there is something rotten in both thoroughbred and harness racing that needs to be cut out and exposed to public gaze.

Tonight I refer to one other issue of grave concern. From evidence led at the Daubney-Rafter inquiry, it is clear that the then chief executive of Queensland Racing, Jeremy Turner, left the employment of Queensland Racing following pressure put on him by Chairman Bob Bentley and Bob Bentley's wife to employ Bentley's son-in-law at Queensland Racing. It is for the Daubney-Rafter inquiry to deliver its report on all of the circumstances surrounding this action by Bentley and his wife and its impact on the issue of the continued employment of Turner. However, it is clear that, whatever Daubney-Rafter may ultimately report, Bentley is clearly guilty of a breach of the standards which this government itself has laid down in the official government publication governing Queensland that sets out the standards of behaviour expected of all persons appointed to government boards, committees and statutory authorities. Because Bentley is Minister Schwarten's little mate, I am under no illusion that he will be called upon to comply with the standards the Beattie government says its appointees are supposed to display. As per usual, media spin and bullying from this minister will allow the stench of corruption to continue to pervade all elements of Queensland racing.

Time expired.

Nurses; Australian Medical Association Queensland

Ms BARRY (Aspley—ALP) (9.27 pm): It was with a measure of real outrage that I read Wednesday's article written by Dr David Molloy representing the AMAQ in the *Courier-Mail*. After reading the article's headline, 'Doctors, nurses are teams not substitutes', I felt some hope that the AMAQ had embraced the view of most doctors and nurses—that good health care is best delivered by a multidisciplinary team delivering patient-driven health care and where professional egos are discarded in return for mutual respect and understanding of each team member's skills, knowledge and experience. Well, I was wrong—very wrong. What I read was vitriol from the President of the AMAQ that resurrects an attitude that I and many others would have thought was long since discarded—an arrogant attitude that doctors understand the practice of nursing despite having never been nurses, practised nursing or even been educated in nursing.

Far from understanding nursing, people like Dr Molloy mouth platitudes about teamwork whilst actually believing that doctors know best and a nurse's job is to do what they are told. If they question or challenge the supreme right of such doctors, they are labelled disobedient, of inferior skill or lazy. His outrageous claims that nurse education is about reading the procedure manual and not based on science is breathtaking in its ignorance and arrogance of the profession of nursing. It is so outrageous that it will be condemned by nurses nationally and internationally, and deserves to be. I also refute his view on the research on nurse practitioners as being soft. I refer him to a 2004 OECD commissioned report that examined the body of evidence available on the role change and delegation from physicians to nurse practitioners. That report concluded that the evidence base does support the view that nurses can provide care that is at least equivalent to that provided by doctors in defined care environments.

Nurse practitioners are well educated. They undergo a minimum of five years of university training and, more importantly, years of specialty practice. They are registered and answerable to statutory authorities that derive their mandate from the foundation of protecting patients first. The AMAQ president fears what he does not understand. His shroud waving is a cover for a refusal to accept that the world no longer agrees to the supremacy of a doctor-driven health care system where doctors are unquestioned by patients, nurses or the community on matters of either care or costs.

The AMAQ must put aside its old-world paradigm of nurses as doctors' handmaidens and embrace true teamwork. If Dr Molloy starts a war with nurses it will be because he is driven by a political and protectionist agenda that will be seen for what it is: nothing to do with better patient outcomes and all about protection—a system that promotes the primacy of a discredited code of doctors protecting doctors, even bad ones, and promotes a system of limiting patients' access to appropriate care as a way of maximising control by a small number of medicos who cannot truly be part of the team.

Minister for Education and the Arts

Mr LANGBROEK (Surfers Paradise—Lib) (9.30 pm): Before I begin my speech I would like to thank the minister for education, her staff and departmental staff for the briefing given on the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005. I neglected to do that in my contribution to the second reading debate.

On Tuesday I said that I want to join MAP—the Make Anna Premier—working group. Since I said that, the list of reasons for my membership has grown. At the start of the week when I gave my speech I was still a little wary as to whether the honourable member for South Brisbane had the attributes of her esteemed leader, Premier Peter Beattie, and thus the ability to do the job. But this week I have seen that the education minister—or premier in waiting—has taken a leaf out of the book of the current Premier in her ability to change her stance on an issue within a short period.

On Tuesday, in answering a question about capital grants funding, the minister described the Investing in Our Schools program as a good opportunity for Queensland schools and also encouraged principals to take full advantage of the benefits of this program. The member for South Brisbane went on to say that the Queensland government has consistently supported this program and that the head office of Queensland Education was issuing a reminder to schools across the state about the deadline for this program.

These all seem like glowing endorsements of the Investing in Our Schools program, do they not? In fact, one of the premises of the member for South Brisbane in denying that Education Queensland was bullying principals into not taking advantage of these grants was basically that these grants are so good that they cannot be passed up and that the education department would never pass up an opportunity to have schools supplement their state contributions. For once I agree with the honourable member for South Brisbane. This is a fantastic program and I commend all of the positive comments she made about the program in her answer on Tuesday, albeit that those elements of her answer were some of the few non-misleading statements in her response.

That is why I was more than surprised to hear the member for South Brisbane stand up this place this morning and say, with reference to the Investing in Our Schools program, that the program was 'ill conceived'. I could understand that that may have been said in the heat of the moment. After all, the minister was trying to defend herself against my claims that she misled the House and was trying to do so using specious reasoning broken up with a Cliff Notes interpretation of section 51 of the Constitution. However, such a large change—to flip then flop in such a convincing manner—shows clearly that the member for South Brisbane has been taking her notes carefully from the master of such a manoeuvre, the current Premier.

As much as I enjoy the unwarranted patronising lectures that come with little authority or substance from the honourable member's mouth, I can give her one piece of advice and that is the advice of Franklin D Roosevelt when he said in a radio address on 26 October 1939—

Repetition does not transform a lie into a truth.

I ask the minister for education and all of her colleagues who believe they are well renowned to heed those words and respect democracy by giving truthful, correct and consistent answers to questions and to be truthful in statements to this House.

Acacia Ridge Rail Crossing

Ms STRUTHERS (Algester—ALP) (9.33 pm): The federal government is holding residents in Brisbane's outer southern suburbs to ransom over plans to build a grade separation at the Acacia Ridge rail crossing. The Beattie government has committed $25 million to a grade separation of Beaudesert Road and the national freight line. But this project depends on the Commonwealth coming to the party with its share of the funding. This is a national rail line crossing a state road. The funding responsibility must be shared fairly.

Initially, the Howard government said that it would not put the money towards this project. The local federal Liberal member, Gary Hardgrave, is saying that he agrees with funding it under AusLink, but it must be on the condition that there be an unlimited lease on 130 kilometres of freight line from Acacia Ridge to the New South Wales border.

There are strings attached to all sorts of funding that the federal government is offering the states. There is no surprise in the fact that the Howard government wants this lease provided to—guess who? Patrick Corporation's Pacific National. Our government needs to retain ownership of this corridor if it wants to ensure the effective operation of passenger services on this interstate line. Currently, we are studying the use of this line to address the growing transport needs in the south of Brisbane. The Commonwealth can achieve its objectives without leasing Queensland's track. It could establish a wholesale access agreement between the Australian Rail Track Corporation and Queensland Rail similar to an agreement that exists in Western Australia.

I have collected 700 signatures on a petition that has now been presented to the Commonwealth government. During the last election campaign my federal Labor colleagues committed $25 million to

this important project, but we are only hearing about strings-attached funding agreements from the federal Liberal member, Gary Hardgrave. I urge Gary Hardgrave to stick up for local residents. Let me tell him, they are not happy with him.

State of Origin

Mr WALLACE (Thuringowa—ALP) (9.35 pm): Last night we were all treated to a magnificent game of Rugby League. Again our mighty Maroons triumphed over those dreaded cockroaches. Despite the protestations of Channel 9 commentators and the predictions of so-called experts, Queenslanders again showed that they are the best Rugby League players in the world.

But when we look closely at last night's magnificent performance, that concentration of footballing ability becomes even more apparent. One needs to look no further than the performance of the Cowboys members of the Queensland team to see where that talent dwells. Yes, in my electorate at Dairy Farmers Stadium.

Who will ever forget Matt Bowen's try that sealed the Maroons' win, or Jonathan Thurston's wonderful 78th minute field goal that took the game into extra time! Paul Bowman, Matt Sing and the first try scorer, Ty Williams, also contributed wonderfully to our victory. Good on you, boys, you have done the north proud. All I can say is: go Cowboys.

Health System

Miss SIMPSON (Maroochydore—NPA) (9.36 pm): When Martin Bryant shot and killed 35 people at Port Arthur in 1996, horror and grief overwhelmed the nation. Today, Queenslanders are hearing heartbreaking stories about how 87 people may have died due to the actions of one doctor and the inaction of a public health system that did nothing about serious complaints from families, doctors and nurses.

How could this have happened? Hopefully, the Morris royal commission will reveal the truth. This inquiry is even more significant than the Fitzgerald inquiry as people have lost their lives due to a corrupt health system. One thing is already evident: the nasty bullying culture of some sections of the health department has punished truth tellers and driven out a lot of good people.

During my time as shadow health minister, I warned about this bullying culture. It never ceased to amaze me how good people working in Queensland Health were scared to speak out because of fear of retribution. I also warned about the dangers of moves by the previous health minister, Wendy Edmond, to downgrade the role of Queensland's Chief Health Officer, who is the principal monitor of quality issues in Queensland's health department. She removed statutory powers from this position under 18 acts of parliament to make it subservient to the chief bean counter of Queensland Health. The draconian gutting of this role resulted in its then office-bearer quitting. Thus I believe the culture to suppress dissent has occurred at the highest levels of the health department and the Beattie Labor government. If patient care was truly to be put first, an independent monitor of quality issues in Queensland Health needed to be strengthened, not weakened.

The National Party opposition will still call for government guarantees that whistleblowers will not be victimised for coming forward to the Morris inquiry. Unfortunately, until the culture in Queensland Health is changed and whistleblowers are protected for speaking out on such important issues, there will continue to be concerns that others will not come forward. I urge people who are interested in making a submission or learning more about the process to read Tony Morris QC's web site on http://www.bhci.qld.gov.au.

The culture of fear must stop. The culture of fear has gone on for too long. People have paid with their lives because of the culture of fear within Queensland Health. That is an indictment upon this government. The truth must come out and the system will be fixed only when that culture itself is dead.

CareFlight

Mrs SMITH (Burleigh—ALP) (9.38 pm): Tonight I would like to highlight the activities of an organisation that is based on the Gold Coast and provides an outstanding service to south-east Queensland. Since starting operations in 1981, CareFlight has assisted more than 12,000 people. The medical and rescue helicopter service operates throughout southern Queensland and northern New South Wales, typically flying as far north as Gympie, as far west as Goondiwindi and as far south as Lismore and Grafton, as well as up to 100 nautical miles out to sea. In times of an emergency the service has flown even further afield—as far north as Bundaberg and as far south as Taree.

CareFlight is based at the Gold Coast Airport and can reach most places in its flight region within one hour. It is a completely free service to the community. Although each mission costs an estimated $7,000, it is at absolutely no cost to patients. The patients range from tiny newborn babies to the elderly, from those suffering threatening medical illnesses to those seriously injured in terrible accidents. One in four patients is under the age of 12. From the time CareFlight receives a call for assistance to the time it is in the air is just six minutes. On board are a pilot, a crewman, a paramedic and a doctor. CareFlight is

the only helicopter service in Queensland—and one of only two in Australia—to have its own full-time doctors and paramedics as part of its permanent crew. The service is accredited as a teaching facility by both the Australasian College for Emergency Medicine and the Australian and New Zealand College of Anaesthetists.

CareFlight is a registered Australian charity. The service has an annual operating budget of around $6 million. Twenty per cent is provided by the state government through an annual grant from the Department of Emergency Services and local councils in the flight region, including the Gold Coast City Council. A further 20 per cent is from sponsors such as RACQ, Channel 9, Holden Australia, the Queensland Master Builders Association and the Builders Labourers Federation of Queensland. Yes, the BLF. Everybody knows the BLF. It is a union of employees that only represents construction workers.

The BLFQ has a proud history of fighting for workers' rights for nearly 100 years. However, not everyone knows of the generosity of these unionists towards the community. Last Christmas it was instrumental in raising thousands of dollars, in cash and kind, to be distributed to smaller organisations on the Gold Coast that do not attract government funding. This ensured many families had a much happier Christmas. As a major sponsor of CareFlight, they are again recognising an invaluable service, and making a contribution, without seeking to gain publicity. I congratulate all members of the BLFQ for their generosity.

Last week, with my friend and colleague, the member for Southport, I visited the facilities at the Gold Coast Airport to see for myself just how this wonderful service is provided. I would like to thank the RACQ CareFlight team for their warm welcome. They are hardworking and dedicated people who perform an outstanding and vital service for the people of south-east Queensland.

Kramer, Mr H

Miss ELISA ROBERTS (Gympie—Ind) (9.42 pm): I wish to bring to the attention of this House a scenario or comedy of errors which has befallen a constituent in my electorate. Mr Herman Kramer wanted to renew his marine drivers licence. Mr Kramer had allowed his drivers licence to lapse, so he went to the DMT in Gympie to renew it. He was not allowed to renew it because he did not have certain documentation. He was advised to apply for a passport so that he would have enough proof of identity to get his drivers licence back. However, in applying for a passport, he required the same information he needed to get his drivers licence. Mr Kramer had held an Australian passport in the name of Kramer previously, but it expired in 1985. So he proceeded to produce a letter from 2002 from the Queensland department of transport providing details of his previous marine drivers licence, a letter from his employer which stated his length of employment and a copy of his 2004 tax return, as well as proof that he was on the electoral roll. None of this proved his identity.

Mr Kramer sorted through some family documents, looking for his birth certificate. He was born in Germany in 1944 and with his twin sister, mother and stepfather, came to Australia in 1951. He could not find his birth certificate but found his mother's naturalisation papers, which had been left to him when she died some years ago. All his life Mr Kramer has been known as Herman Kramer and was stunned to find that, when his mother naturalised him and his sister in 1959, she had changed their names to Tracuns, the name of their stepfather, without ever having told the children. Now Mr Kramer has the additional problem of not being who he thought he was.

He contacted the Queensland Registry of Births, Deaths and Marriages to tell them that he was always known as Kramer and wishes to continue to be known as Kramer. Mr Kramer, on advice from a staffer from the Attorney-General's office, advised him to sign a statutory declaration declaring that he was Herman Kramer and that he had used the name Tracuns for such and such a period of time. My office then wrote to this staffer saying that, if he was to do this, he would be lying because he had never used the name Tracuns. In this public servant's wisdom, she officially changed this man's name to Tracuns, citing she did not understand what it was she was supposed to do.

So not only does Mr Kramer have a new name he does not want but also he has no drivers licence, no marine drivers licence, no passport and has been told that because he has changed his name he is not able to change it back for another 12 months! Whilst this sounds like a scene from a Monty Python movie, it is reality and is affecting one innocent man's life. I urge the departments responsible for this debacle to fix this situation and give back this man's identity and the marine licence, which was all he was after in the first place.

Indooroopilly Electorate, Jet Skis; Whale Hunting; Mandatory Detention

Mr LEE (Indooroopilly—ALP) (9.45 pm): I take this opportunity to bring to the attention of the House a number of concerns that are held by residents in my electorate. Many of my residents who live in close proximity to the Brisbane River in suburbs like St Lucia, Indooroopilly and Chelmer have serious concerns about proposals to operate jet boat joy-rides on the Brisbane River and that these will have a devastating affect on their lifestyles. Particular concerns include fears of excessive noise from these boats; problems caused by wash, including bank erosion; as well as many serious fears for the safety of

residents and other river users. I am determined that this ridiculous plan will never get off the ground. I do not want my community invaded by commercial jet boat operators. That is why, together with some concerned local residents, I am organising an e-petition to make clear to the House just how strongly my local community objects to these silly proposals.

My residents are also seriously concerned that Japan has again placed whale meat on the menu of its schools. Whales are majestic creatures. They are intelligent and peaceful. They do not deserve to be killed and especially not in the brutal manner that Japan's whalers behave. Like many residents, I believe that whaling needs to end immediately. I will be working with local residents, wonderful groups like the Australian Marine Conservation Society, Humane Society International, the Environmental Defenders Office and MPs in this place to make sure that this year's proposed slaughter does not go ahead. The Australian government needs to take immediate action to bring the Japanese government to account for its shameful actions in promoting this horrible practice. We need immediate action in the International Court of Justice.

I want to put on record my objections, once again, to another terrible injustice in this country. Right now we have an opportunity, I believe, with a private member's bill proposed before the federal parliament to end once and for all mandatory detention in this country. There is a private member's bill that will end the mandatory detention of women and children. We heard over the last few days some of the members opposite talk about fundamental legislative principles and the fundamentals of democracy, one of which is freedom of information and another is that people are treated with justice. Detaining women and children in detention centres is a terrible, terrible injustice and, I believe, a fundamental abrogation of their human rights. This is an opportunity that members opposite should take to lobby their federal counterparts to do something about this terrible, terrible practice. I will certainly be lobbying federal Labor MPs in Queensland to make sure that they vote the right way on this legislation and end mandatory detention in this country.

Fishing Industry

Mr HORAN (Toowoomba South—NPA) (9.47 pm): Earlier this year the Minister for Primary Industries and Fisheries was quoted in the fisheries magazine as saying, 'The fishing industry has been screwed enough and it's time we took a step back.' That was in the *Queensland Fisherman*, January 2005. Yet just three or four months after that he put forward a proposal where the fees and licences for fishermen and their families in Queensland will be increased by up to 1,000 per cent. That is almost unbelievable. This is from a minister who supposedly said that they had been hammered enough and it was about time they were left alone.

I will give the House some indications of what has happened recently to the fishing industry in Queensland, and this is on top of the RAP zones imposed in the Barrier Reef by the federal government where it zoned some 30 per cent of the reef but actually took about 70 per cent of the fishing from the fishing fleet that was operating in that area. The catch quota of coral reef fin fish has been slashed by 35 per cent at a cost of tens of millions of dollars to the industry. There has been a forced reduction of fishing time by east coast trawlers. There has been almost 1,000 kilometres of coastal fishing grounds closed down, particularly some 600 kilometres or more by a plan to mirror the RAP zones on the Barrier Reef. Spanner crab catches have been cut by some 40 per cent and there have been political fishing bans imposed in several locations. All of this has happened. One can imagine how families in the fishing industry feel when time after time they are faced with these cutbacks and restrictions.

Some of the increases in the licence fees that are proposed are just amazing. For example, licences for some fishermen restricted by inshore fishing closures are set to soar from $850 to $3,500. Some crab licences will rise from $65 to $850, while fees for some fishermen in the coral reef fishery could rise from $2,500 to $15,000. Tragically and sadly, I have heard of fishers who have said that they are going to cancel the insurance on their boat because they simply cannot afford this.

It is time for the government to have a bit of compassion. There would not be an industry in Queensland that has been hammered, slashed and cut back like this industry. It is a hardworking industry—mostly a family industry. It is about time that the industry was left alone for a while so that it can settle down, so that people can restructure their businesses and try to make a living with rising costs of fuel and all the other restrictions they have on them. But the government should not hit them with these massive, immoral increases in fishing fees. It simply shows a minister who is out of touch and a minister who is dishonest in saying to them that they have been hammered enough.

Redlands Lawn Tennis Association, Clubhouse

Mr BRISKEY (Cleveland—ALP) (9.51 pm): I recently had the pleasure of opening the Redlands Lawn Tennis Association's new clubhouse. The total cost of this project was approximately $450,000, to which the state government contributed $205,000 through Sport and Recreation Queensland's Major Facilities Program. The Redland Shire Council provided an interest-free loan of $75,000, and the balance of approximately $170,000 was funded by the club.

The new clubhouse includes a club activity room, canteen, pro shop, toilets, showers, change rooms and two magnificent verandahs, which will undoubtedly get plenty of use, particularly during the warmer months of the year. The money spent on this new facility was clearly money well spent. The new facilities will enable the Redlands Lawn Tennis Association to host regional tournaments and are also expected to boost membership. In fact, the club has already reported a marked increase in tennis activity to the highest level in years. Part of that increase is probably attributable to the success of Lleyton Hewitt and Alicia Molik at the Australian Open in January, but the new clubhouse has also played a significant role in generating fresh interest in tennis in our community.

Depending on whom you prefer to believe, the origins of tennis can be traced back a thousand years to French monks playing handball over a rope slung across their monastery courtyard. By the 13th century, there were up to 1,800 courts in France alone and the then pope was so alarmed by this insidious, decadent new sport that he tried to ban it. Well, we all know what happens when you try to ban something, particularly something as morally decadent as tennis! That early attempt at social engineering probably explains why tennis is now one of the truly great sports, played by millions around the world. In fact, if it had not been for that early decree the Redlands Lawn Tennis Association's new clubhouse might not have been built. The new clubhouse is an excellent example of how state government funding is being put to good use in local communities across the state.

Getting involved in sport is one of the best ways to improve our quality of life, both physically and socially. That is why the United Nations has declared 2005 the International Year of Sport and Physical Education. Sport improves not only the lives of individuals but also the lives of whole communities. It brings people together, bridges cultural divides and teaches core values such as tolerance, cooperation and respect. The Redlands Lawn Tennis Association has been doing that and contributing to the quality of life in our community since 1926. There are many people who have helped make the new clubhouse a reality and it is a credit to everyone concerned. I wish to thank the president, Ian Somers, and his committee for all their efforts, and I want to especially mention the life members of the association who have contributed so much over so many years. They are Ted Eden, Jack Cartwright, Nancy Benfer, Jack Finney, Edna Finney, Barbara Morris, Col Mander, Merna Bach, Rita Alsengeest, Lena Bandiera, Betty McCoy and Brian Chenoweth.

Motion agreed to.

The House adjourned at 9.53 pm.

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